

By Senator Storms

10-1475-07

1                                   A bill to be entitled

2           An act relating to cigarette taxes; amending s.

3           210.20, F.S.; providing for a portion of the

4           revenues from the cigarette tax to be paid

5           monthly to the Board of Directors of the H. Lee

6           Moffitt Cancer Center and Research Institute,

7           to finance cancer research, treatment, and

8           related facilities; amending s. 210.201, F.S.;

9           providing for the use of the transferred

10          moneys; providing an effective date.

11

12 Be It Enacted by the Legislature of the State of Florida:

13

14           Section 1. Paragraph (b) of subsection (2) of section

15 210.20, Florida Statutes, is amended to read:

16           210.20 Employees and assistants; distribution of

17 funds.--

18           (2) As collections are received by the division from

19 such cigarette taxes, it shall pay the same into a trust fund

20 in the State Treasury designated "Cigarette Tax Collection

21 Trust Fund" which shall be paid and distributed as follows:

22           (b)1. Beginning January 1, 1999, and continuing for 10

23 years thereafter, the division shall from month to month

24 certify to the Chief Financial Officer the amount derived from

25 the cigarette tax imposed by s. 210.02, less the service

26 charges provided for in s. 215.20 and less 0.9 percent of the

27 amount derived from the cigarette tax imposed by s. 210.02,

28 which shall be deposited into the Alcoholic Beverage and

29 Tobacco Trust Fund, specifying an amount equal to 2.59 percent

30 of the net collections, and that amount shall be paid to the

31 Board of Directors of the H. Lee Moffitt Cancer Center and

1 | Research Institute, established under s. 1004.43, by warrant  
2 | drawn by the Chief Financial Officer upon the State Treasury.  
3 | These funds are hereby appropriated monthly out of the  
4 | Cigarette Tax Collection Trust Fund, to be used for the  
5 | purpose of constructing, furnishing, and equipping a cancer  
6 | research facility at the University of South Florida adjacent  
7 | to the H. Lee Moffitt Cancer Center and Research Institute. In  
8 | fiscal years 1999-2000 and thereafter with the exception of  
9 | fiscal year 2008-2009, the appropriation to the H. Lee Moffitt  
10 | Cancer Center and Research Institute authorized by this  
11 | subparagraph shall not be less than the amount that would have  
12 | been paid to the H. Lee Moffitt Cancer Center and Research  
13 | Institute for fiscal year 1998-1999 had payments been made for  
14 | the entire fiscal year rather than for a 6-month period  
15 | thereof.

16 |         2. Beginning July 1, 2002, and continuing through June  
17 | 30, 2004, the division shall, in addition to the distribution  
18 | authorized in subparagraph 1., from month to month certify to  
19 | the Chief Financial Officer the amount derived from the  
20 | cigarette tax imposed by s. 210.02, less the service charges  
21 | provided for in s. 215.20 and less 0.9 percent of the amount  
22 | derived from the cigarette tax imposed by s. 210.02, which  
23 | shall be deposited into the Alcoholic Beverage and Tobacco  
24 | Trust Fund, specifying an amount equal to 0.2632 percent of  
25 | the net collections, and that amount shall be paid to the  
26 | Board of Directors of the H. Lee Moffitt Cancer Center and  
27 | Research Institute, established under s. 1004.43, by warrant  
28 | drawn by the Chief Financial Officer. Beginning July 1, 2004,  
29 | and continuing through June 30, 2016, the division shall, in  
30 | addition to the distribution authorized in subparagraph 1.,  
31 | from month to month certify to the Chief Financial Officer the

1 amount derived from the cigarette tax imposed by s. 210.02,  
2 less the service charges provided for in s. 215.20 and less  
3 0.9 percent of the amount derived from the cigarette tax  
4 imposed by s. 210.02, which shall be deposited into the  
5 Alcoholic Beverage and Tobacco Trust Fund, specifying an  
6 amount equal to 1.47 percent of the net collections, and that  
7 amount shall be paid to the Board of Directors of the H. Lee  
8 Moffitt Cancer Center and Research Institute, established  
9 under s. 1004.43, by warrant drawn by the Chief Financial  
10 Officer. These funds are appropriated monthly out of the  
11 Cigarette Tax Collection Trust Fund, to be used for the  
12 purpose of constructing, furnishing, and equipping a cancer  
13 research facility at the University of South Florida adjacent  
14 to the H. Lee Moffitt Cancer Center and Research Institute. In  
15 fiscal years 2004-2005 and thereafter, the appropriation to  
16 the H. Lee Moffitt Cancer Center and Research Institute  
17 authorized by this subparagraph shall not be less than the  
18 amount that would have been paid to the H. Lee Moffitt Cancer  
19 Center and Research Institute in fiscal year 2001-2002, had  
20 this subparagraph been in effect.

21 3. Beginning on July 1, 2007, and continuing through  
22 January 1, 2009, the division shall, in addition to the  
23 distribution authorized in subparagraphs 1. and 2., from month  
24 to month certify to the Chief Financial Officer the amount  
25 derived from the cigarette tax imposed by s. 210.02, less the  
26 service charges provided in s. 215.20 and less 0.9 percent of  
27 the amount derived from the cigarette tax imposed by s.  
28 210.02, which shall be deposited into the Alcoholic Beverage  
29 and Tobacco Trust Fund, specifying an amount equal to 0.94  
30 percent of the net collections, and that amount shall be paid  
31 to the Board of Directors of the H. Lee Moffitt Cancer Center

1 and Research Institute, established under s. 240.512, by  
2 warrant drawn by the Chief Financial Officer. Beginning  
3 January 1, 2009, and continuing through June 30, 2016, the  
4 division shall, in addition to the distribution authorized in  
5 subparagraph 2., from month to month certify to the Chief  
6 Financial Officer the amount derived from the cigarette tax  
7 imposed by s. 210.02, less the service charges provided in s.  
8 215.20 and less 0.9 percent of the amount derived from the  
9 cigarette tax imposed by s. 210.02, which shall be deposited  
10 into the Alcoholic Beverage and Tobacco Trust Fund, specifying  
11 an amount equal to 3.53 percent of the net collections, and  
12 that amount shall be paid to the Board of Directors of the H.  
13 Lee Moffitt Cancer Center and Research Institute by warrant  
14 drawn by the Chief Financial Officer. Beginning on July 1,  
15 2016, and continuing through June 30, 2037, the division shall  
16 from month to month certify to the Chief Financial Officer the  
17 amount derived from the cigarette tax imposed by s. 210.02,  
18 less the service charges provided in s. 215.20 and less 0.9  
19 percent of the amount derived from the cigarette tax imposed  
20 by s. 210.02, which shall be deposited into the Alcoholic  
21 Beverage and Tobacco Trust Fund, specifying an amount equal to  
22 5 percent of the net collections, and that amount shall be  
23 paid to the Board of Directors of the H. Lee Moffitt Cancer  
24 Center and Research Institute by warrant drawn by the Chief  
25 Financial Officer. These funds are appropriated monthly out of  
26 the Cigarette Tax Collection Trust Fund, to be used for the  
27 purpose of constructing, furnishing, and equipping cancer  
28 research, treatment, and related facilities. In the 2007-2008  
29 fiscal year and thereafter, the appropriation authorized by  
30 this subparagraph may not be less than the amount that would  
31 have been paid to the H. Lee Moffitt Cancer Center and

1 Research Institute in the 2005-2006 fiscal year had this  
2 subparagraph been in effect. The funds to be paid to the H.  
3 Lee Moffitt Cancer Center and Research Institute under this  
4 section may be pledged to pay bonds issued to fund the cost of  
5 the cancer research and treatment facilities described above.  
6 It is the intent of the Legislature that to the extent the  
7 cigarette tax is amended or repealed in a manner that would  
8 adversely affect bonds issued for such purpose, the  
9 Legislature will provide alternative funding sources in an  
10 amount sufficient to pay any deficit in the amount required  
11 for such debt service.

12 Section 2. Section 210.201, Florida Statutes, is  
13 amended to read:

14 210.201 Cancer research facility at the University of  
15 South Florida; establishment; funding.--The Board of Directors  
16 of the H. Lee Moffitt Cancer Center and Research Institute  
17 shall construct, furnish, and equip, and shall covenant to  
18 complete, the cancer research facility at the University of  
19 South Florida adjacent to the H. Lee Moffitt Cancer Center and  
20 Research Institute described in s. 210.20(2)(b)1. and 2. and  
21 the research, treatment, and related facilities described in  
22 s. 210.20(2)(b)3. Moneys transferred to the Board of  
23 Directors of the H. Lee Moffitt Cancer Center and Research  
24 Institute pursuant to s. 210.20 shall be used to secure  
25 financing to pay costs related to constructing, furnishing,  
26 and equipping the cancer research facility and related  
27 facilities. Such financing may include the issuance of tax  
28 exempt bonds by a local authority, municipality, or county  
29 pursuant to parts II and III of chapter 159. Such bonds shall  
30 not constitute state bonds for purposes of s. 11, Art. VII of  
31 the State Constitution, but shall constitute bonds of a "local

1 agency," as defined in s. 159.27(4). The cigarette tax dollars  
2 pledged to the facilities ~~this facility~~ pursuant to s. 210.20  
3 may be replaced annually by the Legislature from tobacco  
4 litigation settlement proceeds.

5 Section 3. This act shall take effect July 1, 2007.

6  
7 \*\*\*\*\*

8 SENATE SUMMARY

9 Provides for a portion of cigarette tax revenues to be  
10 paid monthly to the H. Lee Moffitt Cancer Center and  
11 Research Institute. Specifies the use of such funds by  
12 the institute.  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31