

By Senator Haridopolos

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1 A bill to be entitled

2 An act relating to cigarette tax revenues; amending s.  
3 210.20, F.S.; providing for extending the period for  
4 transfer of the portion of the revenues from the cigarette  
5 tax to be paid monthly to the Board of Directors of the H.  
6 Lee Moffitt Cancer Center and Research Institute for  
7 certain purposes; authorizing use of funds to pay bonds or  
8 related financial products; providing legislative intent  
9 relating to debt service; amending s. 210.201, F.S.;  
10 revising provisions providing for the use of transferred  
11 moneys to include cancer research, treatment, and related  
12 facilities; providing for retroactive application;  
13 providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17 Section 1. Paragraph (b) of subsection (2) of section  
18 210.20, Florida Statutes, is amended to read:

19 210.20 Employees and assistants; distribution of funds.--

20 (2) As collections are received by the division from such  
21 cigarette taxes, it shall pay the same into a trust fund in the  
22 State Treasury designated "Cigarette Tax Collection Trust Fund"  
23 which shall be paid and distributed as follows:

24 (b)1. Beginning January 1, 2008 ~~1999~~, and continuing  
25 through June 30, 2038 ~~for 10 years thereafter~~, the division shall  
26 from month to month certify to the Chief Financial Officer the  
27 amount derived from the cigarette tax imposed by s. 210.02, less  
28 the service charges provided for in s. 215.20 and less 0.9  
29 percent of the amount derived from the cigarette tax imposed by

26-03400-08

20081964\_\_

30 | s. 210.02, which shall be deposited into the Alcoholic Beverage  
31 | and Tobacco Trust Fund, specifying an amount equal to 2.59  
32 | percent of the net collections, and that amount shall be paid to  
33 | the Board of Directors of the H. Lee Moffitt Cancer Center and  
34 | Research Institute, established under s. 1004.43, by warrant  
35 | drawn by the Chief Financial Officer upon the State Treasury.  
36 | These funds are hereby appropriated monthly out of the Cigarette  
37 | Tax Collection Trust Fund, to be used for the purpose of  
38 | constructing, furnishing, and equipping a cancer research,  
39 | treatment, and related facilities. ~~facility at the University of~~  
40 | ~~South Florida adjacent to the H. Lee Moffitt Cancer Center and~~  
41 | ~~Research Institute. In fiscal years 1999-2000 and thereafter with~~  
42 | ~~the exception of fiscal year 2008-2009,~~ The appropriation to the  
43 | H. Lee Moffitt Cancer Center and Research Institute authorized by  
44 | this subparagraph shall not be less than the amount that would  
45 | have been paid to the H. Lee Moffitt Cancer Center and Research  
46 | Institute for fiscal year 1998-1999 had payments been made for  
47 | the entire fiscal year rather than for a 6-month period thereof.

48 |       2. ~~Beginning July 1, 2002, and continuing through June 30,~~  
49 | ~~2004, the division shall, in addition to the distribution~~  
50 | ~~authorized in subparagraph 1., from month to month certify to the~~  
51 | ~~Chief Financial Officer the amount derived from the cigarette tax~~  
52 | ~~imposed by s. 210.02, less the service charges provided for in s.~~  
53 | ~~215.20 and less 0.9 percent of the amount derived from the~~  
54 | ~~cigarette tax imposed by s. 210.02, which shall be deposited into~~  
55 | ~~the Alcoholic Beverage and Tobacco Trust Fund, specifying an~~  
56 | ~~amount equal to 0.2632 percent of the net collections, and that~~  
57 | ~~amount shall be paid to the Board of Directors of the H. Lee~~  
58 | ~~Moffitt Cancer Center and Research Institute, established under~~

26-03400-08

20081964\_\_

59 ~~s. 1004.43, by warrant drawn by the Chief Financial Officer.~~  
60 Beginning January 1, 2008 ~~July 1, 2004~~, and continuing through  
61 June 30, 2038 ~~2016~~, the division shall, in addition to the  
62 distribution authorized in subparagraph 1., from month to month  
63 certify to the Chief Financial Officer the amount derived from  
64 the cigarette tax imposed by s. 210.02, less the service charges  
65 provided for in s. 215.20 and less 0.9 percent of the amount  
66 derived from the cigarette tax imposed by s. 210.02, which shall  
67 be deposited into the Alcoholic Beverage and Tobacco Trust Fund,  
68 specifying an amount equal to 1.47 percent of the net  
69 collections, and that amount shall be paid to the Board of  
70 Directors of the H. Lee Moffitt Cancer Center and Research  
71 Institute, established under s. 1004.43, by warrant drawn by the  
72 Chief Financial Officer. These funds are appropriated monthly out  
73 of the Cigarette Tax Collection Trust Fund, to be used for the  
74 purpose of constructing, furnishing, and equipping a cancer  
75 research, treatment, and related facilities ~~facility at the~~  
76 ~~University of South Florida adjacent to the H. Lee Moffitt Cancer~~  
77 ~~Center and Research Institute~~. In fiscal years 2004-2005 and  
78 thereafter, the appropriation to the H. Lee Moffitt Cancer Center  
79 and Research Institute authorized by this subparagraph shall not  
80 be less than the amount that would have been paid to the H. Lee  
81 Moffitt Cancer Center and Research Institute in fiscal year 2001-  
82 2002, had this subparagraph been in effect.

83 3. The funds to be paid to the H. Lee Moffitt Cancer Center  
84 and Research Institute under this paragraph may be pledged to pay  
85 bonds and related financial products issued or incurred in  
86 connection with the financing of cancer research, treatment, and  
87 related facilities described in this paragraph. It is the intent

26-03400-08

20081964\_\_

88 of the Legislature that to the extent the cigarette tax is  
89 amended or repealed or the provisions of this paragraph are  
90 modified in a manner that would adversely affect bonds issued for  
91 such purpose, the Legislature shall provide alternative funding  
92 sources in an amount sufficient to pay any deficit in the amount  
93 required for such debt service.

94 Section 2. Section 210.201, Florida Statutes, is amended to  
95 read:

96 210.201 Cancer facilities ~~research facility at the~~  
97 ~~University of South Florida; establishment; funding.--The Board~~  
98 ~~of Directors of the H. Lee Moffitt Cancer Center and Research~~  
99 ~~Institute shall construct, furnish, and equip, and shall covenant~~  
100 ~~to complete, the cancer research facility at the University of~~  
101 ~~South Florida adjacent to the H. Lee Moffitt Cancer Center and~~  
102 ~~Research Institute. Moneys transferred to the Board of Directors~~  
103 ~~of the H. Lee Moffitt Cancer Center and Research Institute~~  
104 ~~pursuant to s. 210.20 shall be used to secure financing to pay,~~  
105 or secure bonds or financial products issued or incurred in  
106 connection with the financing of, costs related to constructing,  
107 furnishing, and equipping ~~the cancer research,~~ treatment, and  
108 related facilities ~~facility~~. Such financing may include the  
109 issuance of tax-exempt bonds or other forms of indebtedness by a  
110 local authority, municipality, or county pursuant to parts II and  
111 III of chapter 159. Such bonds shall not constitute state bonds  
112 for purposes of s. 11, Art. VII of the State Constitution, but  
113 shall constitute bonds of a "local agency," as defined in s.  
114 159.27(4). The cigarette tax dollars pledged to the facilities  
115 ~~this facility~~ pursuant to s. 210.20 may be replaced annually by  
116 the Legislature from tobacco litigation settlement proceeds.

26-03400-08

20081964\_\_

117 |           Section 3. This act shall take effect upon becoming a law  
118 | and shall operate retroactively to January 1, 2008.