

By the Committee on Higher Education; and Senators Haridopolos, Ring, Oelrich, Joyner, Dean, Fasano, Justice, Gaetz, Storms, Dockery, Geller and Deutch

589-04919-08

20081964c1

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

589-04919-08

20081964c1

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 in Florida. ~~facility at the~~
40 ~~University of South Florida adjacent to the H. Lee Moffitt Cancer~~
41 ~~Center and Research Institute. In fiscal years 1999-2000 and~~
42 ~~thereafter with the exception of fiscal year 2008-2009, The~~
43 appropriation to the H. Lee Moffitt Cancer Center and Research
44 Institute authorized by this subparagraph shall not be less than
45 the amount that would have been paid to the H. Lee Moffitt Cancer
46 Center and Research Institute for fiscal year 1998-1999 had
47 payments been made for the entire fiscal year rather than for a
48 6-month period thereof.

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

589-04919-08

20081964c1

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

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

589-04919-08

20081964c1

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

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

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

589-04919-08

20081964c1

117 | be replaced annually by the Legislature from tobacco litigation
118 | settlement proceeds.

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