

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 an effective date.

13

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

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

18 210.20 Employees and assistants; distribution of funds.--

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

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

29 s. 210.02, which shall be deposited into the Alcoholic Beverage
 30 and Tobacco Trust Fund, specifying an amount equal to 2.59
 31 percent of the net collections, and that amount shall be paid to
 32 the Board of Directors of the H. Lee Moffitt Cancer Center and
 33 Research Institute, established under s. 1004.43, by warrant
 34 drawn by the Chief Financial Officer upon the State Treasury.
 35 These funds are hereby appropriated monthly out of the Cigarette
 36 Tax Collection Trust Fund, to be used for the purpose of
 37 constructing, furnishing, and equipping a cancer research,
 38 treatment, and related facilities. ~~facility at the University of~~
 39 ~~South Florida adjacent to the H. Lee Moffitt Cancer Center and~~
 40 ~~Research Institute. In fiscal years 1999-2000 and thereafter~~
 41 ~~with the exception of fiscal year 2008-2009,~~ The appropriation
 42 to the H. Lee Moffitt Cancer Center and Research Institute
 43 authorized by this subparagraph shall not be less than the
 44 amount that would have been paid to the H. Lee Moffitt Cancer
 45 Center and Research Institute for fiscal year 1998-1999 had
 46 payments been made for the entire fiscal year rather than for a
 47 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~~
 51 ~~the Chief Financial Officer the amount derived from the~~
 52 ~~cigarette tax imposed by s. 210.02, less the service charges~~
 53 ~~provided for in s. 215.20 and less 0.9 percent of the amount~~
 54 ~~derived from the cigarette tax imposed by s. 210.02, which shall~~
 55 ~~be deposited into the Alcoholic Beverage and Tobacco Trust Fund,~~
 56 ~~specifying an amount equal to 0.2632 percent of the net~~

HB 847

2008

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

84 3. The funds to be paid to the H. Lee Moffitt Cancer
 85 Center and Research Institute under this paragraph may be
 86 pledged to pay bonds and related financial products issued or
 87 incurred in connection with the financing of cancer research,
 88 treatment, and related facilities described in this paragraph.
 89 It is the intent of the Legislature that to the extent the
 90 cigarette tax is amended or repealed or the provisions of this
 91 paragraph are modified in a manner that would adversely affect
 92 bonds issued for such purpose, the Legislature shall provide
 93 alternative funding sources in an amount sufficient to pay any
 94 deficit in the amount required for such debt service.

95 Section 2. Section 210.201, Florida Statutes, is amended
 96 to 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~~
 101 ~~covenant to complete, the cancer research facility at the~~
 102 ~~University of South Florida adjacent to the H. Lee Moffitt~~
 103 ~~Cancer Center and Research Institute. Moneys transferred to the~~
 104 ~~Board of Directors of the H. Lee Moffitt Cancer Center and~~
 105 ~~Research Institute pursuant to s. 210.20 shall be used to secure~~
 106 ~~financing to pay, or secure bonds or financial products issued~~
 107 ~~or incurred in connection with the financing of, costs related~~
 108 ~~to constructing, furnishing, and equipping the cancer research,~~
 109 ~~treatment, and related facilities 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~~

HB 847

2008

112 | pursuant to parts II and III of chapter 159. Such bonds shall
113 | not constitute state bonds for purposes of s. 11, Art. VII of
114 | the 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
117 | may be replaced annually by the Legislature from tobacco
118 | litigation settlement proceeds.

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