

1 A bill to be entitled
 2 An act relating to cigarette tax revenues; amending s.
 3 210.20, F.S.; increasing the percentage of net collections
 4 deposited into the Alcoholic Beverage and Tobacco Trust
 5 Fund from the cigarette tax to be paid monthly to the
 6 Board of Directors of the H. Lee Moffitt Cancer Center and
 7 Research Institute for certain purposes; authorizing use
 8 of funds to pay bonds or related financial products;
 9 providing legislative intent relating to debt service;
 10 amending s. 210.201, F.S.; deleting an obsolete provision;
 11 revising provisions providing for the use of transferred
 12 moneys to include cancer research, treatment, and related
 13 facilities; expanding authorized forms of indebtedness
 14 used to finance such facilities; providing for retroactive
 15 operation; providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

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 19 Section 1. Paragraph (b) of subsection (2) of section
 20 210.20, Florida Statutes, is amended to read:

21 210.20 Employees and assistants; distribution of funds.--

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

26 (b)1. Beginning January 1, 1999, and continuing for 10
 27 years thereafter, the division shall from month to month certify
 28 to the Chief Financial Officer the amount derived from the

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29 cigarette tax imposed by s. 210.02, less the service charges
30 provided for in s. 215.20 and less 0.9 percent of the amount
31 derived from the cigarette tax imposed by s. 210.02, which shall
32 be deposited into the Alcoholic Beverage and Tobacco Trust Fund,
33 specifying an amount equal to 2.59 percent of the net
34 collections, and that amount shall be paid to the Board of
35 Directors of the H. Lee Moffitt Cancer Center and Research
36 Institute, established under s. 1004.43, by warrant drawn by the
37 Chief Financial Officer upon the State Treasury. These funds are
38 hereby appropriated monthly out of the Cigarette Tax Collection
39 Trust Fund, to be used for the purpose of constructing,
40 furnishing, and equipping a cancer research facility at the
41 University of South Florida adjacent to the H. Lee Moffitt
42 Cancer Center and Research Institute. In fiscal years 1999-2000
43 and thereafter with the exception of fiscal year 2008-2009, The
44 appropriation to the H. Lee Moffitt Cancer Center and Research
45 Institute authorized by this subparagraph shall not be less than
46 the amount that would have been paid to the H. Lee Moffitt
47 Cancer Center and Research Institute for fiscal year 1998-1999
48 had payments been made for the entire fiscal year rather than
49 for a 6-month period thereof.

50 2. Beginning July 1, 2002, and continuing through June 30,
51 2004, the division shall, in addition to the distribution
52 authorized in subparagraph 1., from month to month certify to
53 the Chief Financial Officer the amount derived from the
54 cigarette tax imposed by s. 210.02, less the service charges
55 provided for in s. 215.20 and less 0.9 percent of the amount
56 derived from the cigarette tax imposed by s. 210.02, which shall

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57 | be deposited into the Alcoholic Beverage and Tobacco Trust Fund,
 58 | specifying an amount equal to 0.2632 percent of the net
 59 | collections, and that amount shall be paid to the Board of
 60 | Directors of the H. Lee Moffitt Cancer Center and Research
 61 | Institute, established under s. 1004.43, by warrant drawn by the
 62 | Chief Financial Officer. Beginning July 1, 2004, and continuing
 63 | through June 30, 2016, the division shall, in addition to the
 64 | distribution authorized in subparagraph 1., from month to month
 65 | certify to the Chief Financial Officer the amount derived from
 66 | the cigarette tax imposed by s. 210.02, less the service charges
 67 | provided for in s. 215.20 and less 0.9 percent of the amount
 68 | derived from the cigarette tax imposed by s. 210.02, which shall
 69 | be deposited into the Alcoholic Beverage and Tobacco Trust Fund,
 70 | specifying an amount equal to 4.06 ~~1.47~~ percent of the net
 71 | collections, and that amount shall be paid to the Board of
 72 | Directors of the H. Lee Moffitt Cancer Center and Research
 73 | Institute, established under s. 1004.43, by warrant drawn by the
 74 | Chief Financial Officer. These funds are appropriated monthly
 75 | out of the Cigarette Tax Collection Trust Fund, to be used for
 76 | the purpose of constructing, furnishing, and equipping a cancer
 77 | research, treatment, and related facilities ~~facility at the~~
 78 | ~~University of South Florida adjacent to the H. Lee Moffitt~~
 79 | ~~Cancer Center and Research Institute~~. In fiscal years 2004-2005
 80 | and thereafter, the appropriation to the H. Lee Moffitt Cancer
 81 | Center and Research Institute authorized by this subparagraph
 82 | shall not be less than the amount that would have been paid to
 83 | the H. Lee Moffitt Cancer Center and Research Institute in
 84 | fiscal year 2001-2002, had this subparagraph been in effect.

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

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

98 210.201 Cancer facilities ~~research facility at the~~
 99 ~~University of South Florida; establishment; funding.--The Board~~
 100 ~~of Directors of the H. Lee Moffitt Cancer Center and Research~~
 101 ~~Institute shall construct, furnish, and equip, and shall~~
 102 ~~covenant to complete, the cancer research facility at the~~
 103 ~~University of South Florida adjacent to the H. Lee Moffitt~~
 104 ~~Cancer Center and Research Institute. Moneys transferred to the~~
 105 ~~Board of Directors of the H. Lee Moffitt Cancer Center and~~
 106 ~~Research Institute pursuant to s. 210.20 shall be used to secure~~
 107 ~~financing to pay, or secure bonds or financial products issued~~
 108 or incurred in connection with the financing of, costs related
 109 to constructing, furnishing, and equipping ~~the cancer research,~~
 110 treatment, and related facilities ~~facility~~. Such financing may
 111 include the issuance of tax-exempt bonds or other forms of
 112 indebtedness by a local authority, municipality, or county

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113 | pursuant to parts II and III of chapter 159. Such bonds shall
114 | not constitute state bonds for purposes of s. 11, Art. VII of
115 | the State Constitution, but shall constitute bonds of a "local
116 | agency," as defined in s. 159.27(4). The cigarette tax dollars
117 | pledged to the facilities ~~this facility~~ pursuant to s. 210.20
118 | may be replaced annually by the Legislature from tobacco
119 | litigation settlement proceeds.

120 | Section 3. This act shall take effect upon becoming a law
121 | and shall operate retroactively to January 1, 2009.