

By Senator Fasano

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

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Paragraph (b) of subsection (2) of section
22 210.20, Florida Statutes, is amended to read:

23 210.20 Employees and assistants; distribution of funds.—

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

28 (b)1. Beginning January 1, 1999, and continuing for 10
29 years thereafter, the division shall from month to month certify

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

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

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

87 3. The funds to be paid to the H. Lee Moffitt Cancer Center

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

98 Section 2. Section 210.201, Florida Statutes, is amended to
99 read:

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

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117 the State Constitution, but shall constitute bonds of a "local
118 agency," as defined in s. 159.27(4). The cigarette tax dollars
119 pledged to the facilities ~~this facility~~ pursuant to s. 210.20
120 may be replaced annually by the Legislature from tobacco
121 litigation settlement proceeds.

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