

By Senator Storms

10-00969-11

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1                   A bill to be entitled  
2       An act relating to the use of cigarette tax proceeds;  
3       amending s. 210.20, F.S.; revising the payment and  
4       distribution of funds in the Cigarette Tax Collection  
5       Trust Fund; providing specified purposes for the use  
6       of funds that are appropriated out of the trust fund;  
7       amending s. 210.201, F.S.; authorizing moneys  
8       transferred to the Board of Directors of the H. Lee  
9       Moffitt Cancer Center and Research Institute to be  
10      used to secure financing to pay costs related to  
11      constructing, furnishing, equipping, and maintaining  
12      clinical facilities for cancer research; providing an  
13      effective date.

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

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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, 1999, and continuing for 10  
25       years thereafter, the division shall from month to month certify  
26       to the Chief Financial Officer the amount derived from the  
27       cigarette tax imposed by s. 210.02, less the service charges  
28       provided for in s. 215.20 and less 0.9 percent of the amount  
29       derived from the cigarette tax imposed by s. 210.02, which shall

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

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59 Institute, established under s. 1004.43, by warrant drawn by the  
60 Chief Financial Officer. Beginning July 1, 2004, and continuing  
61 through June 30, 2013 ~~2020~~, the division shall, in addition to  
62 the distribution authorized in subparagraph 1., from month to  
63 month certify to the Chief Financial Officer the amount derived  
64 from the cigarette tax imposed by s. 210.02, less the service  
65 charges provided for in s. 215.20 and less 0.9 percent of the  
66 amount derived from the cigarette tax imposed by s. 210.02,  
67 which shall be deposited into the Alcoholic Beverage and Tobacco  
68 Trust Fund, specifying an amount equal to 1.47 percent of the  
69 net 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. Beginning July 1, 2013, and continuing  
73 through June 30, 2045, the division shall, in addition to the  
74 distribution authorized in subparagraph 1., from month to month  
75 certify to the Chief Financial Officer the amount derived from  
76 the cigarette tax imposed by s. 210.02, less the service charges  
77 provided for in s. 215.20 and less 0.9 percent of the amount  
78 derived from the cigarette tax imposed by s. 210.02, which shall  
79 be deposited into the Alcoholic Beverage and Tobacco Trust Fund,  
80 specifying an amount equal to 5 percent of the net collections,  
81 and that amount shall be paid to the Board of Directors of the  
82 H. Lee Moffitt Cancer Center and Research Institute, established  
83 under s. 1004.43, by warrant drawn by the Chief Financial  
84 Officer. These funds are appropriated monthly out of the  
85 Cigarette Tax Collection Trust Fund, to be used for lawful  
86 purposes, including the purpose of constructing, furnishing, and  
87 equipping, operating, and maintaining a cancer research and

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88 clinical facilities; furnishing, equipping, operating, and  
89 maintaining other properties owned or leased by facility at the  
90 University of South Florida adjacent to the H. Lee Moffitt  
91 Cancer Center and Research Institute; and paying costs incurred  
92 for purchasing, operating, and maintaining equipment in or on  
93 any of those facilities or properties. In fiscal years 2004-2005  
94 and thereafter, the appropriation to the H. Lee Moffitt Cancer  
95 Center and Research Institute authorized by this subparagraph  
96 shall not be less than the amount that would have been paid to  
97 the H. Lee Moffitt Cancer Center and Research Institute in  
98 fiscal year 2001-2002, had this subparagraph been in effect.

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

101 210.201 Cancer research facility at the University of South  
102 Florida; establishment; funding.—The Board of Directors of the  
103 H. Lee Moffitt Cancer Center and Research Institute shall  
104 construct, furnish, and equip, and shall covenant to complete,  
105 the cancer research facility at the University of South Florida  
106 adjacent to the H. Lee Moffitt Cancer Center and Research  
107 Institute. Moneys transferred to the Board of Directors of the  
108 H. Lee Moffitt Cancer Center and Research Institute pursuant to  
109 s. 210.20 may shall be used to secure financing to pay costs  
110 related to constructing, furnishing, ~~and~~ equipping, operating,  
111 and maintaining the cancer research and clinical facilities;  
112 furnishing, equipping, operating, and maintaining other leased  
113 or owned properties; and paying costs incurred for purchasing,  
114 operating, and maintaining equipment in or on any of those  
115 facilities and properties as provided in s. 210.20 facility.  
116 Such financing may include the issuance of tax-exempt bonds by a

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117 local authority, municipality, or county pursuant to parts II  
118 and III of chapter 159. Such bonds shall not constitute state  
119 bonds for purposes of s. 11, Art. VII of the State Constitution,  
120 but shall constitute bonds of a "local agency," as defined in s.  
121 159.27(4). The cigarette tax dollars pledged to this facility  
122 pursuant to s. 210.20 may be replaced annually by the  
123 Legislature from tobacco litigation settlement proceeds.

124 Section 3. This act shall take effect July 1, 2011.