

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 providing legislative intent; amending s. 210.201,
 8 F.S.; authorizing moneys transferred to the Board of
 9 Directors of the H. Lee Moffitt Cancer Center and
 10 Research Institute to be used to secure financing to
 11 pay costs for specified purposes at certain facilities
 12 and other properties; providing an effective date.

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

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

47 | 2. Beginning July 1, 2002, and continuing through June 30,
48 | 2004, the division shall, in addition to the distribution
49 | authorized in subparagraph 1., from month to month certify to
50 | the Chief Financial Officer the amount derived from the
51 | cigarette tax imposed by s. 210.02, less the service charges
52 | provided for in s. 215.20 and less 0.9 percent of the amount
53 | derived from the cigarette tax imposed by s. 210.02, which shall
54 | be deposited into the Alcoholic Beverage and Tobacco Trust Fund,
55 | specifying an amount equal to 0.2632 percent of the net
56 | collections, and that amount shall be paid to the Board of

57 Directors of the H. Lee Moffitt Cancer Center and Research
 58 Institute, established under s. 1004.43, by warrant drawn by the
 59 Chief Financial Officer. Beginning July 1, 2004, and continuing
 60 through June 30, 2013 ~~2020~~, the division shall, in addition to
 61 the distribution authorized in subparagraph 1., from month to
 62 month certify to the Chief Financial Officer the amount derived
 63 from the cigarette tax imposed by s. 210.02, less the service
 64 charges provided for in s. 215.20 and less 0.9 percent of the
 65 amount derived from the cigarette tax imposed by s. 210.02,
 66 which shall be deposited into the Alcoholic Beverage and Tobacco
 67 Trust Fund, specifying an amount equal to 1.47 percent of the
 68 net collections, and that amount shall be paid to the Board of
 69 Directors of the H. Lee Moffitt Cancer Center and Research
 70 Institute, established under s. 1004.43, by warrant drawn by the
 71 Chief Financial Officer. Beginning July 1, 2013, and continuing
 72 through June 30, 2045, the division shall, in addition to the
 73 distribution authorized in subparagraph 1., from month to month
 74 certify to the Chief Financial Officer the amount derived from
 75 the cigarette tax imposed by s. 210.02, less the service charges
 76 provided for in s. 215.20 and less 0.9 percent of the amount
 77 derived from the cigarette tax imposed by s. 210.02, which shall
 78 be deposited into the Alcoholic Beverage and Tobacco Trust Fund,
 79 specifying an amount equal to 4.88 percent of the net
 80 collections, and that amount shall be paid to the Board of
 81 Directors of the H. Lee Moffitt Cancer Center and Research
 82 Institute, established under s. 1004.43, by warrant drawn by the
 83 Chief Financial Officer. These funds are appropriated monthly
 84 out of the Cigarette Tax Collection Trust Fund, to be used for

85 lawful purposes, including the purpose of constructing,
 86 furnishing, and equipping, financing, operating, and maintaining
 87 a cancer research and clinical and related facilities;
 88 furnishing, equipping, operating, and maintaining other
 89 properties owned or leased by facility at the University of
 90 South Florida adjacent to the H. Lee Moffitt Cancer Center and
 91 Research Institute; and paying costs incurred in connection with
 92 purchasing, financing, operating, and maintaining such
 93 equipment, facilities, and 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 3. If the cigarette tax is amended or repealed or this
 100 paragraph is modified in a manner that would adversely affect
 101 bonds issued for the purposes enumerated in subparagraph 2., the
 102 Legislature intends to provide alternative funding sources in an
 103 amount sufficient to pay any deficit in the amount required for
 104 debt service on such bonds.

105 Section 2. Section 210.201, Florida Statutes, is amended
 106 to read:

107 210.201 H. Lee Moffitt Cancer Center and Research
 108 Institute facilities ~~Cancer research facility at the University~~
 109 ~~of South Florida;~~ establishment; funding.—The Board of Directors
 110 of the H. Lee Moffitt Cancer Center and Research Institute shall
 111 construct, furnish, and equip, and shall covenant to complete,
 112 the cancer research and clinical and related facilities of

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113 ~~facility at the University of South Florida adjacent to the H.~~
114 Lee Moffitt Cancer Center and Research Institute funded with
115 proceeds from the Cigarette Tax Collection Trust Fund pursuant
116 to s. 210.20. Moneys transferred to the Board of Directors of
117 the H. Lee Moffitt Cancer Center and Research Institute pursuant
118 to s. 210.20 may ~~shall~~ be used to secure financing to pay costs
119 related to constructing, furnishing, ~~and~~ equipping, operating,
120 and maintaining the cancer research and clinical and related
121 facilities; furnishing, equipping, operating, and maintaining
122 other leased or owned properties; and paying costs incurred in
123 connection with purchasing, financing, operating, and
124 maintaining such equipment, facilities, and properties as
125 provided in s. 210.20 ~~facility~~. Such financing may include the
126 issuance of tax-exempt bonds or other forms of indebtedness by a
127 local authority, municipality, or county pursuant to parts II
128 and III of chapter 159. Such bonds shall not constitute state
129 bonds for purposes of s. 11, Art. VII of the State Constitution,
130 but shall constitute bonds of a "local agency," as defined in s.
131 159.27(4). The cigarette tax dollars pledged to facilities ~~this~~
132 ~~facility~~ pursuant to s. 210.20 may be replaced annually by the
133 Legislature from tobacco litigation settlement proceeds.

134 Section 3. This act shall take effect July 1, 2012.