

By Senator Storms

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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 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.

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, 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,

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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 may ~~shall~~ not be less
43 than 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

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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;

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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 to
106 read:

107 210.201 H. Lee Moffitt Cancer Center and Research Institute
108 facilities ~~Cancer research facility at the University of South~~
109 ~~Florida~~; establishment; funding.—The Board of Directors of the
110 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
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

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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.