

587-2314-07

Proposed Committee Substitute by the Committee on Health Policy

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A bill to be entitled

An act relating to cigarette taxes; amending s. 210.20, F.S.; providing for a portion of the revenues from the cigarette tax to be paid monthly to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute, to finance cancer research, treatment, and related facilities; amending s. 210.201, F.S.; providing for the use of the transferred moneys; providing an effective date.

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

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

210.20 Employees and assistants; distribution of funds.--

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

(b)1. Beginning January 1, 1999, and continuing for 10 years thereafter, the division shall from month to month certify to the Chief Financial Officer the amount derived from the cigarette tax imposed by s. 210.02, less the service charges provided for in s. 215.20 and less 0.9 percent of the amount derived from the cigarette tax imposed by s. 210.02, which shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund, specifying an amount equal to 2.59 percent of the net collections, and that amount shall be paid to the Board of Directors of the H. Lee Moffitt Cancer Center and

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1 Research Institute, established under s. 1004.43, by warrant  
 2 drawn by the Chief Financial Officer upon the State Treasury.  
 3 These funds are hereby appropriated monthly out of the  
 4 Cigarette Tax Collection Trust Fund, to be used for the  
 5 purpose of constructing, furnishing, and equipping a cancer  
 6 research facility at the University of South Florida adjacent  
 7 to the H. Lee Moffitt Cancer Center and Research Institute. In  
 8 fiscal years 1999-2000 and thereafter with the exception of  
 9 fiscal year 2008-2009, the appropriation to the H. Lee Moffitt  
 10 Cancer Center and Research Institute authorized by this  
 11 subparagraph ~~may shall~~ not be less than the amount that would  
 12 have been paid to the H. Lee Moffitt Cancer Center and  
 13 Research Institute for fiscal year 1998-1999 had payments been  
 14 made for the entire fiscal year rather than for a 6-month  
 15 period thereof.

16           2. Beginning July 1, 2002, and continuing through June  
 17 30, 2004, the division shall, in addition to the distribution  
 18 authorized in subparagraph 1., from month to month certify to  
 19 the Chief Financial Officer the amount derived from the  
 20 cigarette tax imposed by s. 210.02, less the service charges  
 21 provided for in s. 215.20 and less 0.9 percent of the amount  
 22 derived from the cigarette tax imposed by s. 210.02, which  
 23 shall be deposited into the Alcoholic Beverage and Tobacco  
 24 Trust Fund, specifying an amount equal to 0.2632 percent of  
 25 the net collections, and that amount shall be paid to the  
 26 Board of Directors of the H. Lee Moffitt Cancer Center and  
 27 Research Institute, established under s. 1004.43, by warrant  
 28 drawn by the Chief Financial Officer. Beginning July 1, 2004,  
 29 and continuing through June 30, 2016, the division shall, in  
 30 addition to the distribution authorized in subparagraph 1.,  
 31 from month to month certify to the Chief Financial Officer the

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1 amount derived from the cigarette tax imposed by s. 210.02,  
 2 less the service charges provided for in s. 215.20 and less  
 3 0.9 percent of the amount derived from the cigarette tax  
 4 imposed by s. 210.02, which shall be deposited into the  
 5 Alcoholic Beverage and Tobacco Trust Fund, specifying an  
 6 amount equal to 1.47 percent of the net collections, and that  
 7 amount shall be paid to the Board of Directors of the H. Lee  
 8 Moffitt Cancer Center and Research Institute, established  
 9 under s. 1004.43, by warrant drawn by the Chief Financial  
 10 Officer. These funds are appropriated monthly out of the  
 11 Cigarette Tax Collection Trust Fund, to be used for the  
 12 purpose of constructing, furnishing, and equipping a cancer  
 13 research facility at the University of South Florida adjacent  
 14 to the H. Lee Moffitt Cancer Center and Research Institute. In  
 15 fiscal years 2004-2005 and thereafter, the appropriation to  
 16 the H. Lee Moffitt Cancer Center and Research Institute  
 17 authorized by this subparagraph may ~~shall~~ not be less than the  
 18 amount that would have been paid to the H. Lee Moffitt Cancer  
 19 Center and Research Institute in fiscal year 2001-2002, had  
 20 this subparagraph been in effect.

21 3. Beginning January 1, 2009, and continuing through  
 22 June 30, 2016, the division shall, in addition to the  
 23 distribution authorized in subparagraph 2., from month to  
 24 month certify to the Chief Financial Officer the amount  
 25 derived from the cigarette tax imposed by s. 210.02 less the  
 26 service charges provided in s. 215.20 and less 0.9 percent of  
 27 the amount derived from the cigarette tax imposed by s.  
 28 210.02, which shall be deposited into the Alcoholic Beverage  
 29 and Tobacco Trust Fund, specifying an amount equal to 2.53  
 30 percent of the net collections, and that amount shall be paid  
 31 to the Board of Directors of the H. Lee Moffitt Cancer Center

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1 and Research Institute by warrant drawn by the Chief Financial  
2 Officer. Beginning on July 1, 2016, and continuing through  
3 June 30, 2037, the division shall from month to month certify  
4 to the Chief Financial Officer the amount derived from the  
5 cigarette tax imposed by s. 210.02 less the service charges  
6 provided in s. 215.20 and less 0.9 percent of the amount  
7 derived from the cigarette tax imposed by s. 210.02, which  
8 shall be deposited into the Alcoholic Beverage and Tobacco  
9 Trust Fund, specifying an amount equal to 4 percent of the net  
10 collections, and that amount shall be paid to the Board of  
11 Directors of the H. Lee Moffitt Cancer Center and Research  
12 Institute by warrant drawn by the Chief Financial Officer.  
13 These funds are appropriated monthly out of the Cigarette Tax  
14 Collection Trust Fund, to be used for the purpose of  
15 constructing, furnishing, and equipping cancer research,  
16 treatment, and related facilities. In the 2007-2008 fiscal  
17 year and thereafter, the appropriation authorized by this  
18 subparagraph may not be less than the amount that would have  
19 been paid to the H. Lee Moffitt Cancer Center and Research  
20 Institute in the 2005-2006 fiscal year had this subparagraph  
21 been in effect. The funds to be paid to the H. Lee Moffitt  
22 Cancer Center and Research Institute under this section may be  
23 pledged to pay bonds issued to fund the cost of the cancer  
24 research and treatment facilities described above. It is the  
25 intent of the Legislature that to the extent the cigarette tax  
26 is amended or repealed in a manner that would adversely affect  
27 bonds issued for such purpose, the Legislature will provide  
28 alternative funding sources in an amount sufficient to pay any  
29 deficit in the amount required for such debt service.

30           Section 2. Section 210.201, Florida Statutes, is  
31 amended to read:

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1           210.201 Cancer research facility at the University of  
2 South Florida; establishment; funding.--The Board of Directors  
3 of the H. Lee Moffitt Cancer Center and Research Institute  
4 shall construct, furnish, and equip, and shall covenant to  
5 complete, the cancer research facility at the University of  
6 South Florida adjacent to the H. Lee Moffitt Cancer Center and  
7 Research Institute described in s. 210.20(2)(b)1. and 2. and  
8 the research, treatment and related facilities described in s.  
9 210.20(2)(b)3. Moneys transferred to the Board of Directors of  
10 the H. Lee Moffitt Cancer Center and Research Institute  
11 pursuant to s. 210.20 shall be used to secure financing to pay  
12 costs related to constructing, furnishing, and equipping the  
13 cancer research facility and related facilities. Such  
14 financing may include the issuance of tax exempt bonds by a  
15 local authority, municipality, or county pursuant to parts II  
16 and III of chapter 159. Such bonds shall not constitute state  
17 bonds for purposes of s. 11, Art. VII of the State  
18 Constitution, but shall constitute bonds of a "local agency,"  
19 as defined in s. 159.27(4). The cigarette tax dollars pledged  
20 to the facilities ~~this facility~~ pursuant to s. 210.20 may be  
21 replaced annually by the Legislature from tobacco litigation  
22 settlement proceeds.

23           Section 3. This act shall take effect upon becoming a  
24 law.

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