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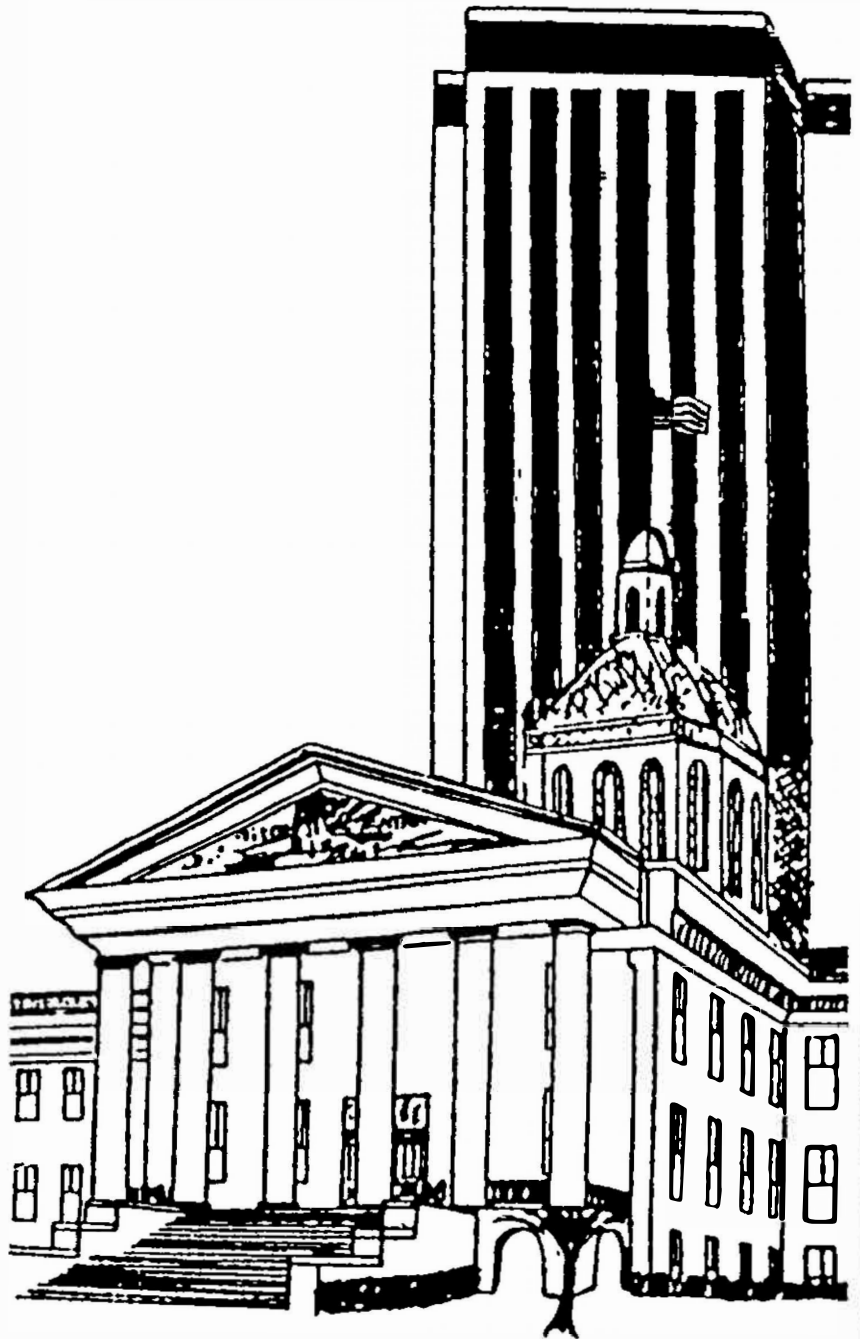
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FLORIDA LEGISLATURE

FINAL LEGISLATIVE BILL INFORMATION “CITATOR”

*1998 Regular Session
1997 Special Session A*



prepared by:

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HISTORY OF HOUSE BILLS

H 3777 (CONTINUED)

03/19/98 HOUSE Comm Action -Unanimously Favorable with 1 amendment(s) by Election Reform (GRC) -HJ 00311
 03/23/98 HOUSE Pending Consent Calendar -HJ 00311
 03/27/98 HOUSE Available for Consent Calendar
 03/31/98 HOUSE Placed on Consent Calendar
 04/16/98 HOUSE Read second time -HJ 00638, Amendment(s) adopted -HJ 00638, Read third time -HJ 00638, Passed as amended, YEAS 115 NAYS 0 -HJ 00638, Immediately certified -HJ 00677
 04/16/98 SENATE In Messages
 04/21/98 SENATE Received, referred to Executive Business, Ethics and Elections, Judiciary -SJ 00754
 05/01/98 SENATE Died in Committee on Executive Business, Ethics and Elections

H 3779 GENERAL BILL/CS/1ST ENG by Water & Resource Management (GRC); Kelly, (CO-SPONSORS) Carlton; Brown; Silver; Alexander (Similar CS/2ND ENG/S 1506, Compare CS/3RD ENG/H 3673, H 3811, H 3813, CS/1ST ENG/S 1440, CS/S 1924)

Saltwater Fisheries, prohibits shellfish harvesting in certain areas adjacent to aquaculture lease boundaries or within certain aquaculture lease areas or use zones, adds black drum & jack crevella to list of food fish, provides restrictions on issuance of marine life fishing endorsements & renewal & transfer thereof during specified period, repeals provision which provides for regulation of mullet west of Ochlocknee River, etc Amends 253 72, Ch 370, repeals 370 1127 Effective Date Upon becoming law
 02/25/98 HOUSE Prefiled
 03/03/98 HOUSE Introduced -HJ 00056
 03/10/98 HOUSE Referred to Water & Resource Management (GRC), Crime & Punishment (JC), Governmental Rules & Regulations (GRC) -HJ 00160
 03/18/98 HOUSE On Committee agenda—Water & Resource Management (GRC), 03/24/98, 3 45 pm, 102-HOB
 03/24/98 HOUSE Comm Action Unanimously CS by Water & Resource Management (GRC) -HJ 00436
 04/01/98 HOUSE CS read first time on 04/01/98 -HJ 00434, Now in Crime & Punishment (JC) -HJ 00436
 04/13/98 HOUSE Withdrawn from Crime & Punishment (JC) -HJ 00525, Now in Governmental Rules & Regulations (GRC)
 04/16/98 HOUSE Withdrawn from Governmental Rules & Regulations (GRC) -HJ 00619, Pending Consent Calendar, Placed on Governmental Responsibility Council Calendar -HJ 00688
 04/20/98 HOUSE Temporarily postponed, on Second Reading—Retained on Governmental Responsibility Council Calendar -HJ 00731
 04/21/98 HOUSE Read second time -HJ 00958, Amendment(s) adopted -HJ 00958, Amendment pending--Temporarily postponed, retained position on Governmental Responsibility Council Calendar -HJ 00959
 04/22/98 HOUSE Temporarily postponed, retained position on Governmental Responsibility Council Calendar -HJ 00992
 04/24/98 HOUSE Placed on General Calendar, Pending amendment adopted -HJ 01347
 04/28/98 HOUSE Temporarily postponed, on Third Reading -HJ 01543
 04/29/98 HOUSE Senate Bill substituted, Laid on Table, Iden /Sim / Compare Bill(s) passed, refer to CS/SB 1506 (Ch 98-203), See also CS/HB 3673 (Ch 98-333), CS/SB 1440 (Ch 98-200) -HJ 01591

H 3781 GENERAL BILL by Fischer (Identical S 1912)

Teach Tuition Reimbursement Program, provides for funding of Project Teach Tuition Reimbursement Program from Educational Enhancement TF, creates said program, provides eligibility requirements, provides for funding & distribution of funds Amends 24 121, creates 231 63 Effective Date Contingent
 02/25/98 HOUSE Prefiled
 03/03/98 HOUSE Introduced -HJ 00057
 04/17/98 HOUSE Referred to Education/K-12 (AEC), Regulated Services (EIC), Education Appropriations -HJ 00739
 05/01/98 HOUSE Died in Committee on Education/K-12 (AEC)

H 3783 GENERAL BILL/2ND ENG by Tamargo; Bradley; (CO-SPONSORS) Murman, Culp; Bloom; Jacobs; Jones; Ogles; Crust; Littlefield (Similar CS/S 1636)

Cigarette Tax/Revenues, provides for portion of revenues from cigarette tax to be paid monthly to Board of Directors of H Lee Moffitt Cancer & Research Institute, for purpose of financing cancer-research facility at University of South Florida, requires said directors to administer funds, manage project, provide assistance during construction, & operate facility when complete, provides for replacement of certain tax dollars annually, etc Amends 210 20 Effective Date 07/01/1998
 02/25/98 HOUSE Prefiled
 03/03/98 HOUSE Introduced -HJ 00057

H 3783 (CONTINUED)

03/26/98 HOUSE Referred to Health Care Services (GSC), Regulated Services (EIC), Finance & Taxation (FRC), Health & Human Services Appropriations -HJ 00380
 04/02/98 HOUSE On Committee agenda—Health Care Services (GSC), 04/08/98, 10 00 am, Morris Hall—Meeting cancelled
 04/08/98 HOUSE On Committee agenda—Health Care Services (GSC), 04/15/98, 1 30 pm, Morris Hall
 04/15/98 HOUSE Comm Action Unanimously Favorable with 1 amendment(s) by Health Care Services (GSC) -HJ 00690
 04/16/98 HOUSE Now in Regulated Services (EIC) -HJ 00690
 04/20/98 HOUSE Withdrawn from Regulated Services (EIC) -HJ 00698, Now in Finance & Taxation (FRC)
 04/22/98 HOUSE On Committee agenda—Finance & Taxation (FRC), 04/23/98, 12 00 pm, Morris Hall
 04/23/98 HOUSE Comm Action Unanimously Favorable by Finance & Taxation (FRC) -HJ 01091, Now in Health & Human Services Appropriations -HJ 01091
 04/24/98 HOUSE Withdrawn from Health & Human Services Appropriations -HJ 01094, Placed on General Calendar, Read second time -HJ 01236, Amendment(s) adopted -HJ 01236
 04/28/98 HOUSE Read third time -HJ 01526, Amendment(s) adopted -HJ 01527, Passed as amended, YEAS 118 NAYS 0 -HJ 01527
 04/28/98 SENATE In Messages
 05/01/98 SENATE Received, referred to Health Care, Ways and Means -SJ 01818, Immediately withdrawn from Health Care, Ways and Means -SJ 01743, Substituted for CS/SB 1636 -SJ 01744, Read second and third times -SJ 01744, Passed, YEAS 38 NAYS 0 -SJ 01744
 05/01/98 HOUSE Ordered enrolled
 05/13/98 Signed by Officers and presented to Governor
 05/28/98 Approved by Governor, Chapter No 98-286

H 3785 GENERAL BILL/1ST ENG by Business Regulation & Consumer Affairs (EIC); Ogles; (CO-SPONSORS) Lynn (Similar CS/S 1620)

Consumer Protection, authorizes DOR to provide certain information to Agric & Consumer Services Dept, revises registration fee schedule for charitable organizations, deletes specific annual registration date for certain dance studios, authorizes deposit of moneys received by enforcing authority for attorney's fees & certain costs into Legal Affairs Revolving TF, clarifies registration requirements for M V repair shop operators, etc Amends FS Effective Date 10/01/1998
 02/25/98 HOUSE Prefiled
 03/03/98 HOUSE Introduced -HJ 00057
 03/10/98 HOUSE Referred to General Government Appropriations -HJ 00160
 03/27/98 HOUSE On Committee agenda—General Government Appropriations, 04/02/98, 10 00 am, 214C
 04/02/98 HOUSE Comm Action -Favorable with 4 amendment(s) by General Government Appropriations -HJ 00468
 04/06/98 HOUSE In Economic Impact Council, pending ranking -HJ 00468
 04/08/98 HOUSE Placed on Economic Impact Council Calendar -HJ 00500
 04/13/98 HOUSE Read second time -HJ 00527, Amendment(s) adopted -HJ 00527
 04/14/98 HOUSE Read third time -HJ 00574, Passed as amended, YEAS 114 NAYS 0 -HJ 00575
 04/15/98 SENATE In Messages
 04/17/98 SENATE Received, referred to Governmental Reform and Oversight, Ways and Means -SJ 00536
 05/01/98 SENATE Withdrawn from Governmental Reform and Oversight, Ways and Means -SJ 01636, Substituted for CS/SB 1620 -SJ 01636, Read second and third times -SJ 01636, Passed, YEAS 40 NAYS 0 -SJ 01636
 05/01/98 HOUSE Ordered enrolled -HJ 02400
 05/13/98 Signed by Officers and presented to Governor
 05/29/98 Became Law without Governor's Signature, Chapter No 98-299

H 3787 GENERAL BILL/CS by Regulated Services (EIC); Morroni; (CO-SPONSORS) Heyman; Tobin; Saunders; Lippman; Fasano, Culp; Harrington (Similar CS/S 1680, Compare CS/2ND ENG/S 0720)

Alcohol & Tobacco Sales, authorizes law enforcement officers to utilize persons under certain age to test vendor compliance with provisions restricting sale of alcoholic beverages to certain minors, provides restrictions on locations for on-premises consumption of alcoholic beverages, provides for local option election for sole purpose of determining whether intoxicating liquors, wines, or beer may be sold by drink for consumption on premises, etc Amends FS Effective Date Upon becoming law
 02/25/98 HOUSE Prefiled
 03/03/98 HOUSE Introduced -HJ 00057
 03/10/98 HOUSE Referred to Regulated Services (EIC), Crime & Punishment (JC), Finance & Taxation (FRC), General Government Appropriations -HJ 00160
 03/17/98 HOUSE On Committee agenda—Regulated Services (EIC), 03/23/98, 1 30 pm, 16-HOB

HISTORY OF SENATE BILLS

S 1622 (CONTINUED)

Water Resource Development & Supply, expresses legislative intent to revise laws re water resource development & supply in Hillsborough, Pasco, & Pinellas counties

03/03/98 SENATE Filed
03/09/98 SENATE Introduced, referred to Natural Resources—SJ 00139
05/01/98 SENATE Died in Committee on Natural Resources, Iden/Sim/Compare Bill(s) passed, refer to CS/HB 4027 (Ch 98-402)

S 1624 GENERAL BILL/CS by Regulated Industries; Dudley (Similar CS/CS/1ST ENG/H 3321, Compare CS/S 1452)

Condominiums & Cooperatives, provides for operation of certain condominiums created prior to 1977 as single associations, provides for unit owners & developer to be assessed in accordance with their ownership interest in losses resulting from natural disaster or act of God, provides requirements re association meetings, provides conditions precedent to closing on contract for sale or specified contracts for lease, etc Amends Chs 718, 719, 721 05 Effective Date Upon becoming law

03/03/98 SENATE Filed
03/09/98 SENATE Introduced, referred to Regulated Industries—SJ 00139
03/16/98 SENATE On Committee agenda—Regulated Industries, 03/19/98, 10 30 am, Room—EL
03/19/98 SENATE Comm Action—CS by Regulated Industries—SJ 00304, CS read first time on 03/25/98—SJ 00316
03/23/98 SENATE Placed on Calendar—SJ 00304
04/22/98 SENATE Placed on Special Order Calendar—SJ 00813
04/23/98 SENATE Placed on Special Order Calendar—SJ 00813
04/24/98 SENATE Placed on Special Order Calendar—SJ 00868
04/27/98 SENATE Placed on Special Order Calendar—SJ 00927, Read second time—SJ 00942, Amendment(s) adopted—SJ 00943, House Bill substituted—SJ 00943, Laid on Table, Iden/Sim/Compare Bill(s) passed, refer to CS/CS/HB 3321 (Ch 98-322)

S 1626 GENERAL BILL/CS/1ST ENG by Commerce and Economic Opportunities; Harris (Similar 1ST ENG/H 3907, Compare S 1956)

Occupational Safety & Health, limits investigations & penalties to public-sector employers, limits division authority to said employers, provides for safety consultations, repeals provision re legislative intent, repeals provision re right of entry by division representatives, repeals provision re employers whose employees have high frequency of work-related injuries, etc Amends 442 006, 008, 013, 019, creates 442 0085, repeals 442 003, 009, 0105, 015, 017 Effective Date 07/01/1998

03/03/98 SENATE Filed
03/09/98 SENATE Introduced, referred to Commerce and Economic Opportunities—SJ 00139
04/08/98 SENATE On Committee agenda—Commerce and Economic Opportunities, 04/13/98, 2 00 pm, Room—EL
04/13/98 SENATE Comm Action—CS by Commerce and Economic Opportunities—SJ 00479, CS read first time on 04/15/98—SJ 00481
04/15/98 SENATE Placed on Calendar—SJ 00479
04/22/98 SENATE Placed on Special Order Calendar—SJ 00813
04/23/98 SENATE Placed on Special Order Calendar—SJ 00813
04/24/98 SENATE Placed on Special Order Calendar—SJ 00868, Read second time—SJ 00909, Amendment(s) adopted—SJ 00909, Ordered engrossed—SJ 00909
04/27/98 SENATE Read third time—SJ 00971, CS passed as amended, YEAS 35 NAYS 1—SJ 00972
04/27/98 HOUSE In Messages, Received—HJ 01405, Substituted for HB 3907—HJ 01405, Read second and third times—HJ 01405, CS passed, YEAS 67 NAYS 47—HJ 01405
04/27/98 SENATE Ordered enrolled—SJ 00983
05/06/98 Signed by Officers and presented to Governor
05/21/98 Vetoed by Governor

S 1628 GENERAL BILL by Campbell (Similar H 1553, S 1094, Compare S 0134)

Motor Veh. Financial Responsibility, increases financial responsibility requirements, establishes mandatory financial responsibility requirements, increases financial responsibility requirements for certain commercial vehicles for hire, increases surety bond or deposit requirements, specifies percentage of medical benefits payable, repeals provision re tort exemption for damages due to bodily injury, etc Amends Ch 324, 316 646, 627 733, 736, creates 324 023, repeals 627 737 Effective Date Upon becoming law

03/03/98 SENATE Filed
03/11/98 SENATE Introduced, referred to Banking and Insurance—SJ 00148
04/17/98 SENATE Withdrawn from Banking and Insurance—SJ 00506, Withdrawn from further consideration—SJ 00506

S 1630 GENERAL BILL by Horne

Transient Rentals Tax, provides exemption for persons who rent dwelling that they have contracted to buy Amends 212 03 Effective Date 07/01/1998

03/03/98 SENATE Filed
03/11/98 SENATE Introduced, referred to Ways and Means Subcommittee E (Finance and Tax), Ways and Means, Commerce and Economic Opportunities—SJ 00148
05/01/98 SENATE Died in Committee on Ways and Means Subcommittee E (Finance and Tax)

S 1632 GENERAL BILL by Horne (Similar H 3745, Compare H 2035)

Local Government Finance, authorizes charter counties & counties as defined in provisions re County Government, to use proceeds of local government infrastructure surtax revenues & interest thereon to retire or service indebtedness incurred for certain bonds & to refund bonds issued after specified date, etc Amends 212 055 Effective Date: 07/01/1998

03/03/98 SENATE Filed
03/11/98 SENATE Introduced, referred to Community Affairs, Governmental Reform and Oversight, Ways and Means—SJ 00149
03/18/98 SENATE On Committee agenda—Community Affairs, 03/23/98, 3 00 pm, Room—309C
03/23/98 SENATE Comm Action Favorable with 1 amendment(s) by Community Affairs—SJ 00303
03/24/98 SENATE Now in Governmental Reform and Oversight—SJ 00303
04/02/98 SENATE On Committee agenda—Governmental Reform and Oversight, 04/07/98, 2 00 pm, Room—309C—Not considered
04/09/98 SENATE On Committee agenda—Governmental Reform and Oversight, 04/14/98, 12 30 pm, Room—309C
04/14/98 SENATE Comm Action Favorable by Governmental Reform and Oversight—SJ 00478
04/15/98 SENATE Now in Ways and Means—SJ 00479
04/27/98 SENATE Withdrawn from Ways and Means—SJ 00940, Placed on Calendar
05/01/98 SENATE Died on Calendar

S 1634 GENERAL BILL by Horne

Pyramid Promotional Schemes, prohibits persons from promoting pyramid promotional schemes, provides definitions, provides penalty Effective Date 07/01/1998

03/03/98 SENATE Filed
03/11/98 SENATE Introduced, referred to Commerce and Economic Opportunities, Governmental Reform and Oversight—SJ 00149
05/01/98 SENATE Died in Committee on Commerce and Economic Opportunities

S 1636 GENERAL BILL/CS by Ways and Means; Brown-Waite; (CO-SPONSORS) Grant; Hargrett; Latvala (Similar 2ND ENG/H 3783)

Cigarette Tax/Revenues, provides for portion of revenues from cigarette tax to be paid monthly to Board of Directors of H Lee Moffitt Cancer & Research Institute, for purpose of financing cancer-research facility at University of South Florida, provides duties of institute's board of directors, provides for uses of transferred moneys, including issuance of tax-exempt bonds, to be used as specified, etc Amends 210 20 Effective Date: 07/01/1998

03/03/98 SENATE Filed
03/11/98 SENATE Introduced, referred to Health Care, Education, Ways and Means—SJ 00149
03/12/98 SENATE On Committee agenda—Health Care, 03/17/98, 3 00 pm, Room—EL—Not considered
03/19/98 SENATE On Committee agenda—Health Care, 03/24/98, 9 00 am, Room—EL
03/24/98 SENATE Comm Action Favorable with 1 amendment(s) by Health Care—SJ 00303
03/25/98 SENATE Now in Education—SJ 00303
04/02/98 SENATE Withdrawn from Education—SJ 00357, Now in Ways and Means
04/03/98 SENATE On Committee agenda—Ways and Means, 04/08/98, 3 00 pm, Room—EL—Not considered
04/10/98 SENATE On Committee agenda—Ways and Means, 04/15/98, 2 00 pm, Room—EL—Not considered
04/16/98 SENATE On Committee agenda—Ways and Means, 04/21/98, 12 30 pm, Room—EL
04/21/98 SENATE Comm Action—CS by Ways and Means—SJ 00868, CS read first time on 04/23/98—SJ 00871
04/23/98 SENATE Placed on Calendar—SJ 00868
04/28/98 SENATE Placed on Special Order Calendar—SJ 01092
04/29/98 SENATE Placed on Special Order Calendar—SJ 01092
04/30/98 SENATE Placed on Special Order Calendar—SJ 01222, —SJ 01522

HISTORY OF SENATE BILLS

S 1636 (CONTINUED)

05/01/98 SENATE Placed on Special Order Calendar -SJ 01522, -SJ 01808, Read second time -SJ 01743, Amendment(s) adopted -SJ 01743 House Bill substituted -SJ 01744, Laid on Table, Iden./Sim./Compare Bill(s) passed, refer to HB 3783 (Ch 98-286)

S 1638 GENERAL BILL by Campbell

Health Care, deletes provisions governing recruitment & retention of health care providers in community health purchasing alliance district, provides free choice to subscribers to certain health care plans, & to persons covered under certain health insurance policies or contracts, in selection of specified health care providers, provides for freedom of choice for dental patients, creates "Access to Emergency Medical Services Act", etc Amends FS Effective Date 10/01/1998

03/03/98 SENATE Filed

03/11/98 SENATE Introduced, referred to Banking and Insurance, Health Care, Ways and Means -SJ 00149

04/17/98 SENATE Withdrawn from Banking and Insurance, Health Care, Ways and Means -SJ 00506, Withdrawn from further consideration -SJ 00506

S 1640 GENERAL BILL/CS by Banking and Insurance; Kurth (Similar CS/H 3561)

Insurance Fraud, applies requirements of specified section to HMOs, which requirements relate to insurance fraud & Insurance Fraud Division of Insurance Dept, specifies designated employees who are immune from civil liability for certain actions, requires insurers to provide for investigation of fraudulent claims, requires insurers to adopt anti-fraud plan, establishes Anti-Fraud Reward Program in said dept, etc Amends 626 989, 9891, 817 234, creates 626 9892, 641 3915 Appropriation \$250,000 Effective Date Upon becoming law

03/03/98 SENATE Filed

03/11/98 SENATE Introduced, referred to Banking and Insurance, Criminal Justice, Ways and Means -SJ 00149

04/09/98 SENATE On Committee agenda—Banking and Insurance, 04/14/98, 9 00 am, Room-EL—Not considered

04/15/98 SENATE On Committee agenda—Banking and Insurance, 04/20/98, 9 00 am, Room-EL

04/20/98 SENATE Comm Action CS by Banking and Insurance -SJ 00742, CS read first time on 04/21/98 -SJ 00744

04/21/98 SENATE Now in Criminal Justice -SJ 00742

05/01/98 SENATE Died in Committee on Criminal Justice

S 1642 GENERAL BILL/CS by Regulated Industries; Silver (Similar H 4037)

Beverage Law/Underage Students, provides exemption for giving or serving to certain underage students alcoholic beverages that are delivered as part of required curriculum at accredited college, provides exemption for possession of alcoholic beverages by underage students in specified circumstances Amends 562 11, 111 Effective Date 07/01/1998

03/03/98 SENATE Filed

03/11/98 SENATE Introduced, referred to Regulated Industries -SJ 00149

04/09/98 SENATE On Committee agenda—Regulated Industries, 04/14/98, 3 00 pm, Room-EL

04/14/98 SENATE Comm Action -CS by Regulated Industries -SJ 00499, CS read first time on 04/16/98 -SJ 00502

04/16/98 SENATE Placed on Calendar -SJ 00499

05/01/98 SENATE Died on Calendar

S 1644 GENERAL BILL/CS by Children, Families and Seniors; Rossin (Similar H 4481, Compare CS/H 3765, CS/1ST ENG/S 2092)

Child Care Facilities, deletes obsolete provisions re licensure of child care facilities, authorizes CFS to adopt different standards for child care facilities that serve children of different ages, provides for dept to adopt state public school building code for any child care program operated in public school facility, regardless of operator of program, provides criteria for notification of transfer of ownership Amends 402 305 Effective Date 07/01/1998

03/03/98 SENATE Filed

03/11/98 SENATE Introduced, referred to Children, Families and Seniors, Community Affairs -SJ 00149

03/25/98 SENATE On Committee agenda—Children, Families and Seniors, 03/30/98, 2 00 pm, Room-309C—Not considered

04/01/98 SENATE On Committee agenda—Children, Families and Seniors, 04/06/98, 10 15 am, Room-A(LL-37)

04/06/98 SENATE Comm Action CS by Children, Families and Seniors -SJ 00407, CS read first time on 04/08/98 -SJ 00413

04/08/98 SENATE Now in Community Affairs -SJ 00408

04/15/98 SENATE Withdrawn from Community Affairs -SJ 00462, Placed on Calendar

04/24/98 SENATE Placed on Special Order Calendar -SJ 00927

04/27/98 SENATE Placed on Special Order Calendar -SJ 00927, Read second time -SJ 00968

S 1644 (CONTINUED)

04/28/98 SENATE Read third time -SJ 00991, CS passed, YEAS 38 NAYS 0 -SJ 00991

04/28/98 HOUSE In Messages

05/01/98 HOUSE Died in Messages, Iden./Sim./Compare Bill(s) passed, refer to CS/ SB 2092 (Ch 98-165)

S 1646 GENERAL BILL/CS/1ST ENG by Health Care; Myers, (CO-SPONSORS) Grant; Bronson; Latvala; Meadows; Horne, Gutman; Turner, Cowin; Dudiey (Similar CS/1ST ENG/H 1929, Compare H 1805)

Protection of Children/Teams/Program, deletes reference to child protection & sexual abuse treatment teams from responsibilities of Children & Families Program Office of CFS Dept, provides responsibility of Health Dept to provide services to abused & neglected children through teams & program, provides confidentiality under existing public records exemptions for records of child protection teams & personnel, requires memo of agreement between CFS Dept & Health Dept, etc Amends FS Effective Date 01/01/1999

03/03/98 SENATE Filed

03/11/98 SENATE Introduced, referred to Children, Families and Seniors, Health Care, Ways and Means -SJ 00150

03/18/98 SENATE On Committee agenda—Children, Families and Seniors, 03/23/98, 10 00 am, Room-A(LL-37)—Not considered

03/25/98 SENATE On Committee agenda—Children, Families and Seniors, 03/30/98, 2 00 pm, Room-309C—Not considered

04/01/98 SENATE On Committee agenda—Children, Families and Seniors, 04/06/98, 10 15 am, Room-A(LL-37)

04/06/98 SENATE Comm Action Favorable with 3 amendment(s) by Children, Families and Seniors -SJ 00407

04/07/98 SENATE Now in Health Care -SJ 00407

04/09/98 SENATE On Committee agenda—Health Care, 04/14/98, 12 30 pm, Room-EL

04/14/98 SENATE Comm Action CS by Health Care -SJ 00499, CS read first time on 04/16/98 -SJ 00502

04/16/98 SENATE Now in Ways and Means -SJ 00499

04/22/98 SENATE Withdrawn from Ways and Means -SJ 00758, Placed on Calendar

04/24/98 SENATE Placed on Special Order Calendar -SJ 00927

04/27/98 SENATE Placed on Special Order Calendar -SJ 00927, Read second time -SJ 00966, Amendment(s) adopted -SJ 00966, Ordered engrossed -SJ 00966

04/28/98 SENATE Read third time -SJ 00990, CS passed as amended, YEAS 38 NAYS 0 -SJ 00990

04/28/98 HOUSE In Messages, Received -HJ 01444, In Government Services Council, pending ranking -HJ 01444, Substituted for CS/HB 1929 -HJ 01476, Read second and third times -HJ 01476, CS passed, YEAS 118 NAYS 0 -HJ 01476

04/28/98 SENATE Ordered enrolled -SJ 01098

05/06/98 Signed by Officers and presented to Governor

05/22/98 Became Law without Governor's Signature, Chapter No 98-137

S 1648 GENERAL BILL by Latvala (Similar H 3993)

Clean Indoor Air Act, modifies calculation of square footage limitation for designation of smoking areas in bowling establishments, restricts location of such designated areas, requires, rather than authorizes, posting of certain signs in public places Amends 386 205, 206 Effective Date Contingent

03/03/98 SENATE Filed

03/11/98 SENATE Introduced, referred to Commerce and Economic Opportunities -SJ 00150

05/01/98 SENATE Died in Committee on Commerce and Economic Opportunities

S 1650 GENERAL BILL by Diaz-Balart (Similar H 4757)

Boat Docks/Transient Rentals Tax, exempts certain leases for boat docking space from tax Amends 212 03 Effective Date 07/01/1998

03/03/98 SENATE Filed

03/11/98 SENATE Introduced, referred to Ways and Means Subcommittee E (Finance and Tax), Ways and Means, Commerce and Economic Opportunities -SJ 00150

04/02/98 SENATE On Subcommittee agenda—Ways and Means Subcommittee E (Finance and Tax), 04/07/98, 12 15 pm, Room-B(LL-42)

04/07/98 SENATE Subcommittee Recommendation Favorable with 1 amendment(s) by Ways and Means Subcommittee E (Finance and Tax) -SJ 00408, Now in Ways and Means -SJ 00408

05/01/98 SENATE Died in Committee on Ways and Means

S 1652 GENERAL BILL by Hargrett (Identical H 3951)

Bright Futures Scholarship Program, requires Education Department to establish standards based on student financial need, provides requirements Amends 240 40201 Effective Date Contingent

1 A bill to be entitled
2 An act relating to the Cigarette Tax Collection
3 Trust Fund; amending s. 210.20, F.S.; providing
4 for a portion of the revenues from the
5 cigarette tax to be paid monthly to the Board
6 of Directors of the H. Lee Moffitt Cancer and
7 Research Institute, for the purpose of
8 financing a cancer-research facility at the
9 University of South Florida; providing duties
10 of the institute's board of directors;
11 providing for uses of the transferred moneys,
12 including the issuance of tax-exempt bonds, to
13 be used as specified; providing that proceeds
14 of the cigarette tax which are transferred
15 under this act are pledged to cover the costs
16 of constructing, furnishing, and equipping the
17 cancer-research facility; providing an
18 effective date.

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

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

24 210.20 Employees and assistants; distribution of
25 funds.--

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

30 (c) Beginning January 1, 1999, and continuing for 10
31 years thereafter, the division shall from month to month

1 certify to the Comptroller an amount equal to 2.59 percent of
2 the revenues derived from the cigarette tax imposed under s.
3 210.22, and that amount shall be paid to the Board of
4 Directors of the H. Lee Moffitt Cancer Center and Research
5 Institute, established under s. 240.512, by warrant drawn by
6 the Comptroller upon the State Treasury. These funds are
7 hereby appropriated monthly out of the Cigarette Tax
8 Collection Trust Fund, to be used for the purpose of
9 constructing, furnishing, and equipping a cancer-research
10 facility at the University of South Florida adjacent to the H.
11 Lee Moffitt Cancer Center and Research Institute. The Board of
12 Directors of the H. Lee Moffitt Cancer Center and Research
13 Institute shall construct, furnish, and equip, and shall
14 covenant to complete, the cancer-research facility. Moneys
15 transferred under this paragraph may be used to secure
16 financing, by means including the issuance of tax-exempt
17 bonds, to pay costs related to constructing, furnishing, and
18 equipping the cancer-research facility. The costs of
19 constructing, furnishing, and equipping the cancer-research
20 facility, including financing costs, and the covenant to
21 complete construction are guaranteed by the pledge of the
22 proceeds from revenues deposited into the Cigarette Tax
23 Collection Trust Fund and paid to the Board of Directors of
24 the H. Lee Moffitt Cancer Center and Research Institute as
25 provided in this paragraph. The Board of Directors of the H.
26 Lee Moffitt Cancer and Research Institute shall administer the
27 funds, manage the project, and provide technical or managerial
28 assistance during the construction of the project and shall
29 operate the facility when construction has been completed.

30 Section 2. This act shall take effect July 1, 1998.

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SENATE SUMMARY

Provides for a portion of the revenues from the cigarette tax to be transferred from the Cigarette Tax Collection Trust Fund to the Board of Directors of the H. Lee Moffitt Cancer and Research Institute, to be used for the purpose of financing the construction of a cancer-research facility at the University of South Florida. Provides duties of the institute's board of directors. Provides for uses of the transferred moneys, including the issuance of tax-exempt bonds, to be used in paying costs related to constructing, furnishing, and equipping the cancer-research facility. Provides for the specified proceeds of cigarette tax revenues to be pledged to cover the cost of constructing, furnishing, and equipping the cancer-research facility. Provides for the institute's board of directors to manage the construction project and to operate the facility after construction has been completed.

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STORAGE NAME: h3783.hcs

DATE: April 3, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
HEALTH CARE SERVICES
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 3783

RELATING TO: Cigarette Tax Collection Trust Fund

SPONSOR(S): Reps. Tamargo, Bradley and others

COMPANION BILL(S): SB 1636 (Identical)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) HEALTH CARE SERVICES
 - (2) REGULATED SERVICES
 - (3) FINANCE & TAXATION
 - (4) HEALTH & HUMAN SERVICES APPROPRIATIONS
 - (5)
-

I. SUMMARY:

This bill requires the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation (division) to certify to the Comptroller an amount equal to 2.59 percent of the revenues derived from the cigarette tax imposed under s. 210.02, F S., to be paid to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute (Moffitt Cancer Center) for a period of 10 years beginning January 1, 1999. The Moffitt Cancer Center is to use these funds for constructing, furnishing, and equipping a cancer-research facility. These funds may be used to secure financing, by means including the issuance of tax-exempt bonds. Costs of constructing, furnishing, and equipping the cancer-research facility, including financing costs, and the covenant to complete construction are guaranteed by the pledge of the proceeds from cigarette tax revenues. The Board of Directors of the Moffitt Cancer Center is required to administer the funds, manage the project, and provide technical or managerial assistance during the construction of the project. In addition, the board is required to operate the facility when complete.

It is estimated that this bill will reduce the amount of cigarette tax revenue deposited into General Revenue by \$ 10.6 million annually, or by a total of \$106 million over the ten year period specified in the bill.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Cigarette Tax Revenue

Florida began taxing cigarettes in 1943. Taxes must be paid by the wholesale dealer at the time of the first sale within the state. Under s. 210.02, F.S., cigarettes of common size are taxed at a rate of \$.339 per pack, with rates varying proportionately for cigarettes and packs of non-standard size. As to disposition of this tax revenue, s. 210.20, F.S., specifies that: 7.3 percent of total collections be used for the General Revenue service charge under s. 215.20, F.S.; and an additional 0.9 percent of total collections be used to fund the Division of Alcoholic Beverages and Tobacco within the Department of Business and Professional Regulation. Of the remaining cigarette tax revenue, distributions are made as follows:

<u>Distribution Entity</u>	<u>Percent</u>
Municipal Financial Assistance Trust Fund	5.8
Municipal Revenue Sharing	32.4
County Revenue Sharing	2.9
Public Medical Assistance Trust Fund	29.3
General Revenue - Balance of available funds	29.6

Cigarette tax collections for fiscal years 1997-98 and 1998-99 are estimated to be \$451,300,000 and \$447,900,000, respectively. Based on the above distribution, General Revenue allocations (excluding the service charge) for fiscal years 1997-98 and 1998-99 are estimated to be \$122,630,846 and \$121,706,971, respectively.

University-Based Cancer Research in Florida

There are three university-based comprehensive cancer centers in Florida that conduct basic and clinical cancer-related research. These are: the University of Florida Shands Cancer Center in Gainesville, the H Lee Moffitt Cancer Center and Research Institute at the University of South Florida in Tampa, and the Sylvester Comprehensive Cancer Center at the University of Miami in Miami. However, the Moffitt Cancer Center is Florida's only National Cancer Institute-designated cancer center.

Section 240.512, F.S., establishes the H. Lee Moffitt Cancer Center and Research Institute at the University of South Florida. The section requires the Board of Regents to enter into an agreement for the utilization of the facilities on the campus of the University of South Florida to be known as the H. Lee Moffitt Cancer Center and Research Institute, including all furnishings, equipment, and other chattels used in the operation of said facilities, with a Florida not-for-profit corporation organized solely for the purpose of governing and operating the H. Lee Moffitt Cancer Center and Research Institute. This not-for-profit corporation, acting as an instrumentality of the State of Florida, must govern and operate the H. Lee Moffitt Cancer Center and Research Institute in accordance with the terms of the agreement between the Board of Regents and the not-for-profit corporation. The not-for-profit corporation may, with the prior approval of

the Board of Regents, create not-for-profit corporate subsidiaries to fulfill its mission. The not-for-profit corporation and its subsidiaries are authorized to receive, hold, invest, and administer property and any moneys received from private, state, and federal sources, as well as technical and professional income generated or derived from practice activities of the institute, for the benefit of the institute and the fulfillment of its mission. The affairs of the corporation are managed by a board of directors who serve without compensation. The President of the University of South Florida and the chair of the Board of Regents, or his or her designee, are the directors of the not-for-profit corporation, together with 5 representatives of the State University System and no more than 14 nor fewer than 10 directors who are not medical doctors or state employees. Each director has only one vote, serves a term of 3 years, and may be reelected to the board. Other than the President of the University of South Florida and the chair of the Board of Regents, directors are elected by a majority vote of the board. The chair of the board of directors is selected by majority vote of the directors.

B. EFFECT OF PROPOSED CHANGES:

Over the next 10 years a 5 story, 329,000 square foot research facility will be constructed at and operated by the Moffitt Cancer Center. Cancer patients will have improved access to state-of-the-art cancer treatment

General revenue will be reduced by just over \$100 million over the next 10 years, which may result in a reduction of programs or services in that amount.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Obligations are placed on the Moffitt Cancer Center to comply with funding requirements.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Yes, to the extent that smokers are more likely to require cancer treatment.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

No.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

s. 210.20, F.S.

E. SECTION-BY-SECTION RESEARCH:

Section 1. Amends s. 210 20, F.S., relating to the Cigarette Tax Collection Trust Fund, to requires the division to certify to the Comptroller an amount equal to 2.59 percent of the revenues derived from the cigarette tax imposed under s. 210.02, F.S., to be paid to the Board of Directors of the Moffitt Cancer Center for a period of 10 years beginning January 1, 1999. The Moffitt Cancer Center is to use these funds for constructing, furnishing, and equipping a cancer-research facility. These funds may be used to secure financing, by means including the issuance of tax-exempt bonds. Costs of constructing, furnishing, and equipping the cancer-research facility, including financing costs, and the covenant to complete construction are guaranteed by the pledge of the proceeds from cigarette tax revenues. The Board of Directors of the Moffitt Cancer Center is required to administer the funds, manage the project, and provide technical or managerial assistance during the construction of the project. In addition, the board is required to operate the facility when complete.

Section 2. Provides an effective date of July 1, 1998.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

General Revenue will be decreased by an estimated \$10.6 million annually for 10 years.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

See 2. above.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

Floridians will have access to higher quality cancer treatment and research.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

Given the pending federal tobacco settlement and the possible federal increase in the cigarette tax which may significantly decrease cigarette sales in Florida, the future revenues generated by Florida's cigarette tax are uncertain.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

There are three provisions in this bill which may conflict with the Florida Constitution. First, the language which specifies that 2.59 percent of cigarette collections be certified to the Comptroller to be paid the Moffitt Cancer Center is unclear with regard to whether these funds are to be taken out of the fund prior to meeting other obligations on the fund. If this is the case, then the amount of revenues shared with local governments could be reduced, which could conflict with s. 18, Art. VII, of the Florida Constitution. Second, the bill authorizes the use of these funds to issue tax exempt bonds which are guaranteed by the pledge of proceeds of the Cigarette Tax Collection Trust Fund. This may be a violation of s. 11, Art. VII, of the Florida Constitution. Finally, by pledging credit for a 10 year period, this bill may be construed as binding future Legislatures through limiting their ability to appropriate future cigarette tax proceeds.

VI AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

A delete all after the enacting clause amendment has been prepared to address the issues raised in the comments section. Specifically, this amendment does the following:

- Clarifies that the 2.59 percent of funds taken from the Cigarette Tax Collection Trust Fund are to be taken from the General Revenue portion, and not from revenues to be shared with local governments.
- Clarifies that the issuance of any tax exempt bonds must be done pursuant to the provisions of Part II and III of Chapter 159, F.S., and do not constitute state bonds for the purposes of s. 11, Art. VII of the Florida Constitution.

STORAGE NAME: h3783.hcs

DATE: April 3, 1998

PAGE 9

In addition, this amendment places a floor on the amount of funds to be paid to the Moffitt Cancer Center at the annualized amount received in FY 1998-99.

VII. SIGNATURES:

COMMITTEE ON HEALTH CARE SERVICES:

Prepared by:

Legislative Research Director:

Michael P. Hansen

Michael P. Hansen



Amendment No. ____ (for drafter's use only)

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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ORIGINAL STAMP BELOW

The Committee on Health Care Services offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Paragraph (c) is added to subsection (2) of section 210.20, Florida Statutes, 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:

(c) Beginning January 1, 1999, and continuing for 10 years thereafter, the division shall from month to month certify to the Comptroller 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



Amendment No. ____ (for drafter's use only)

1 Trust Fund, specifying an amount equal to 2.59 percent of the
2 net collections and that amount shall be paid to the Board of
3 Directors of the H. Lee Moffitt Cancer Center and Research
4 Institute, established under s. 240.512, by warrant drawn by
5 the Comptroller upon the State Treasury. These funds are
6 hereby appropriated monthly out of the Cigarette Tax
7 Collection Trust Fund, to be used for the purpose of
8 constructing, furnishing, and equipping a cancer-research
9 facility at the University of South Florida adjacent to the H.
10 Lee Moffitt Cancer Center and Research Institute. In fiscal
11 years 1999-2000 and thereafter with the exception of fiscal
12 year 2008-2009, the appropriation to the H. Lee Moffitt Cancer
13 Center and Research Institute authorized by this paragraph
14 shall not be less than the amount which would have been paid
15 to the H. Lee Moffitt Cancer Center and Research Institute for
16 fiscal year 1998-1999 had payments been made for the entire
17 fiscal year rather than for a six-month period thereof.

18 Section 2. The Board of Directors of the H. Lee
19 Moffitt Cancer Center and Research Institute shall construct,
20 furnish, and equip, and shall covenant to complete, the
21 cancer-research facility at the University of South Florida
22 adjacent to the H. Lee Moffitt Cancer Center and Research
23 Institute. Moneys transferred to the Board of Directors of
24 the H. Lee Moffitt Cancer Center and Research Institute shall
25 be used to secure financing to pay costs related to
26 constructing, furnishing, and equipping the cancer-research
27 facility. Such financing may include the issuance of tax
28 exempt bonds by a local authority, municipality or county
29 pursuant to parts II and III of chapter 159. Such bonds shall
30 not constitute state bonds for purposes of s. 11, Art. VII, of
31 the Florida Constitution, but shall constitute bonds of a



Amendment No. ____ (for drafter's use only)

1 "local agency," as defined in s. 159.27(4).

2 Section 3. This act shall take effect July 1, 1998.

3

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5 ===== T I T L E A M E N D M E N T =====

6 And the title is amended as follows:

7 On page 1, lines 13-17,

8 remove from the title of the bill: all of said lines

9

10 and insert in lieu thereof:

11 requiring the Board of Directors of the H. Lee
12 Moffitt Cancer Center and Research Institute to
13 administer funds, manage the project, provide
14 assistance during construction, and operate the
15 facility when complete; providing an

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STORAGE NAME: h3783a.hcs

DATE: April 15, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
HEALTH CARE SERVICES
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 3783

RELATING TO: Cigarette Tax Collection Trust Fund

SPONSOR(S): Reps. Tamargo, Bradley and others

COMPANION BILL(S): SB 1636 (Identical)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) HEALTH CARE SERVICES YEAS 11 NAYS 0
 - (2) REGULATED SERVICES
 - (3) FINANCE & TAXATION
 - (4) HEALTH & HUMAN SERVICES APPROPRIATIONS
 - (5)
-

I. SUMMARY:

This bill requires the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation (division) to certify to the Comptroller an amount equal to 2.59 percent of the revenues derived from the cigarette tax imposed under s. 210.02, F.S., to be paid to the Board of Directors of the H Lee Moffitt Cancer Center and Research Institute (Moffitt Cancer Center) for a period of 10 years beginning January 1, 1999. The Moffitt Cancer Center is to use these funds for constructing, furnishing, and equipping a cancer-research facility. These funds may be used to secure financing, by means including the issuance of tax-exempt bonds. Costs of constructing, furnishing, and equipping the cancer-research facility, including financing costs, and the covenant to complete construction are guaranteed by the pledge of the proceeds from cigarette tax revenues. The Board of Directors of the Moffitt Cancer Center is required to administer the funds, manage the project, and provide technical or managerial assistance during the construction of the project. In addition, the board is required to operate the facility when complete.

It is estimated that this bill will reduce the amount of cigarette tax revenue deposited into General Revenue by \$ 10.6 million annually, or by a total of \$106 million over the ten year period specified in the bill.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Cigarette Tax Revenue

Florida began taxing cigarettes in 1943. Taxes must be paid by the wholesale dealer at the time of the first sale within the state. Under s. 210.02, F.S., cigarettes of common size are taxed at a rate of \$.339 per pack, with rates varying proportionately for cigarettes and packs of non-standard size. As to disposition of this tax revenue, s. 210.20, F.S., specifies that: 7.3 percent of total collections be used for the General Revenue service charge under s. 215.20, F.S.; and an additional 0.9 percent of total collections be used to fund the Division of Alcoholic Beverages and Tobacco within the Department of Business and Professional Regulation. Of the remaining cigarette tax revenue, distributions are made as follows:

<u>Distribution Entity</u>	<u>Percent</u>
Municipal Financial Assistance Trust Fund	5.8
Municipal Revenue Sharing	32.4
County Revenue Sharing	2.9
Public Medical Assistance Trust Fund	29.3
General Revenue - Balance of available funds	29.6

Cigarette tax collections for fiscal years 1997-98 and 1998-99 are estimated to be \$451,300,000 and \$447,900,000, respectively. Based on the above distribution, General Revenue allocations (excluding the service charge) for fiscal years 1997-98 and 1998-99 are estimated to be \$122,630,846 and \$121,706,971, respectively.

University-Based Cancer Research in Florida

There are three university-based comprehensive cancer centers in Florida that conduct basic and clinical cancer-related research. These are: the University of Florida Shands Cancer Center in Gainesville, the H. Lee Moffitt Cancer Center and Research Institute at the University of South Florida in Tampa, and the Sylvester Comprehensive Cancer Center at the University of Miami in Miami. However, the Moffitt Cancer Center is Florida's only National Cancer Institute-designated cancer center.

Section 240.512, F.S., establishes the H. Lee Moffitt Cancer Center and Research Institute at the University of South Florida. The section requires the Board of Regents to enter into an agreement for the utilization of the facilities on the campus of the University of South Florida to be known as the H. Lee Moffitt Cancer Center and Research Institute, including all furnishings, equipment, and other chattels used in the operation of said facilities, with a Florida not-for-profit corporation organized solely for the purpose of governing and operating the H. Lee Moffitt Cancer Center and Research Institute. This not-for-profit corporation, acting as an instrumentality of the State of Florida, must govern and operate the H. Lee Moffitt Cancer Center and Research Institute in accordance with the terms of the agreement between the Board of Regents and the not-for-profit corporation. The not-for-profit corporation may, with the prior approval of

the Board of Regents, create not-for-profit corporate subsidiaries to fulfill its mission. The not-for-profit corporation and its subsidiaries are authorized to receive, hold, invest, and administer property and any moneys received from private, state, and federal sources, as well as technical and professional income generated or derived from practice activities of the institute, for the benefit of the institute and the fulfillment of its mission. The affairs of the corporation are managed by a board of directors who serve without compensation. The President of the University of South Florida and the chair of the Board of Regents, or his or her designee, are the directors of the not-for-profit corporation, together with 5 representatives of the State University System and no more than 14 nor fewer than 10 directors who are not medical doctors or state employees. Each director has only one vote, serves a term of 3 years, and may be reelected to the board. Other than the President of the University of South Florida and the chair of the Board of Regents, directors are elected by a majority vote of the board. The chair of the board of directors is selected by majority vote of the directors.

B. EFFECT OF PROPOSED CHANGES:

Over the next 10 years a 5 story, 329,000 square foot research facility will be constructed at and operated by the Moffitt Cancer Center. Cancer patients will have improved access to state-of-the-art cancer treatment.

General revenue will be reduced by just over \$100 million over the next 10 years, which may result in a reduction of programs or services in that amount.

C. APPLICATION OF PRINCIPLES:

1 Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Obligations are placed on the Moffitt Cancer Center to comply with funding requirements.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Yes, to the extent that smokers are more likely to require cancer treatment

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

No

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

s. 210.20, F.S.

E. SECTION-BY-SECTION RESEARCH:

Section 1. Amends s. 210.20, F.S., relating to the Cigarette Tax Collection Trust Fund, to requires the division to certify to the Comptroller an amount equal to 2.59 percent of the revenues derived from the cigarette tax imposed under s. 210.02, F.S., to be paid to the Board of Directors of the Moffitt Cancer Center for a period of 10 years beginning January 1, 1999. The Moffitt Cancer Center is to use these funds for constructing, furnishing, and equipping a cancer-research facility. These funds may be used to secure financing, by means including the issuance of tax-exempt bonds. Costs of constructing, furnishing, and equipping the cancer-research facility, including financing costs, and the covenant to complete construction are guaranteed by the pledge of the proceeds from cigarette tax revenues. The Board of Directors of the Moffitt Cancer Center is required to administer the funds, manage the project, and provide technical or managerial assistance during the construction of the project. In addition, the board is required to operate the facility when complete.

Section 2. Provides an effective date of July 1, 1998.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

General Revenue will be decreased by an estimated \$10.6 million annually for 10 years.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

See 2. above.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

Floridians will have access to higher quality cancer treatment and research.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

Given the pending federal tobacco settlement and the possible federal increase in the cigarette tax which may significantly decrease cigarette sales in Florida, the future revenues generated by Florida's cigarette tax are uncertain.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY.

This bill does not reduce the authority that municipalities or counties have to raise revenues.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

There are three provisions in this bill which may conflict with the Florida Constitution. First, the language which specifies that 2.59 percent of cigarette collections be certified to the Comptroller to be paid the Moffitt Cancer Center is unclear with regard to whether these funds are to be taken out of the fund prior to meeting other obligations on the fund. If this is the case, then the amount of revenues shared with local governments could be reduced, which could conflict with s. 18, Art. VII, of the Florida Constitution. Second, the bill authorizes the use of these funds to issue tax exempt bonds which are guaranteed by the pledge of proceeds of the Cigarette Tax Collection Trust Fund. This may be a violation of s. 11, Art. VII, of the Florida Constitution. Finally, by pledging credit for a 10 year period, this bill may be construed as binding future Legislatures through limiting their ability to appropriate future cigarette tax proceeds.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

A "delete all after the enacting clause" amendment was adopted at the April 15, 1998 meeting of the Health Care Services Committee to address the issues raised in the comments section. Specifically, this amendment does the following:

- Clarifies that the 2.59 percent of funds taken from the Cigarette Tax Collection Trust Fund are to be taken from the General Revenue portion, and not from revenues to be shared with local governments.

STORAGE NAME: h3783a.hcs

DATE: April 15, 1998

PAGE 9

- Clarifies that the issuance of any tax exempt bonds must be done pursuant to the provisions of Part II and III of Chapter 159, F.S., and do not constitute state bonds for the purposes of s. 11, Art. VII of the Florida Constitution.

In addition, this amendment places a floor on the amount of funds to be paid to the Moffitt Cancer Center at the annualized amount received in FY 1998-99.

VII. SIGNATURES:

COMMITTEE ON HEALTH CARE SERVICES:

Prepared by:

Legislative Research Director:

Michael P. Hansen

Michael P. Hansen

STORAGE NAME: h3783b.ft
DATE: April 22, 1998

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
FINANCE AND TAXATION
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 3783
RELATING TO: Cigarette Tax Collection Trust Fund
SPONSOR(S): Reps. Tamargo, Bradley and others
COMPANION BILL(S): SB 1636 (Identical)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) HEALTH CARE SERVICES YEAS 11 NAYS 0
 - (2) REGULATED SERVICES (W/D)
 - (3) FINANCE AND TAXATION YEAS 15 NAYS 0
 - (4) HEALTH & HUMAN SERVICES APPROPRIATIONS
 - (5)
-

I. SUMMARY:

This bill requires the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation (division) to certify to the Comptroller an amount equal to 2.59 percent of the revenues derived from the cigarette tax imposed under s 210.02, F.S., to be paid to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute (Moffitt Cancer Center) for a period of 10 years beginning January 1, 1999. The Moffitt Cancer Center is to use these funds for constructing, furnishing, and equipping a cancer-research facility. These funds may be used to secure financing, by means including the issuance of tax-exempt bonds. Costs of constructing, furnishing, and equipping the cancer-research facility, including financing costs, and the covenant to complete construction are guaranteed by the pledge of the proceeds from cigarette tax revenues. The Board of Directors of the Moffitt Cancer Center is required to administer the funds, manage the project, and provide technical or managerial assistance during the construction of the project. In addition, the board is required to operate the facility when complete.

It is estimated that this bill will reduce the amount of cigarette tax revenue deposited into General Revenue by \$ 10.6 million annually, or by a total of \$106 million over the ten year period specified in the bill.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION.

Cigarette Tax Revenue

Florida began taxing cigarettes in 1943. Taxes must be paid by the wholesale dealer at the time of the first sale within the state. Under s. 210.02, F.S., cigarettes of common size are taxed at a rate of \$.339 per pack, with rates varying proportionately for cigarettes and packs of non-standard size. As to disposition of this tax revenue, s. 210.20, F.S., specifies that: 7.3 percent of total collections be used for the General Revenue service charge under s. 215.20, F.S.; and an additional 0.9 percent of total collections be used to fund the Division of Alcoholic Beverages and Tobacco within the Department of Business and Professional Regulation. Of the remaining cigarette tax revenue, distributions are made as follows:

<u>Distribution Entity</u>	<u>Percent</u>
Municipal Financial Assistance Trust Fund	5.8
Municipal Revenue Sharing	32.4
County Revenue Sharing	2.9
Public Medical Assistance Trust Fund	29.3
General Revenue - Balance of available funds	29.6

Cigarette tax collections for fiscal years 1997-98 and 1998-99 are estimated to be \$451,300,000 and \$447,900,000, respectively. Based on the above distribution, General Revenue allocations (excluding the service charge) for fiscal years 1997-98 and 1998-99 are estimated to be \$122,630,846 and \$121,706,971, respectively.

University-Based Cancer Research in Florida

There are three university-based comprehensive cancer centers in Florida that conduct basic and clinical cancer-related research. These are: the University of Florida Shands Cancer Center in Gainesville, the H. Lee Moffitt Cancer Center and Research Institute at the University of South Florida in Tampa, and the Sylvester Comprehensive Cancer Center at the University of Miami in Miami. However, the Moffitt Cancer Center is Florida's only National Cancer Institute-designated cancer center.

Section 240.512, F.S., establishes the H. Lee Moffitt Cancer Center and Research Institute at the University of South Florida. The section requires the Board of Regents to enter into an agreement for the utilization of the facilities on the campus of the University of South Florida to be known as the H. Lee Moffitt Cancer Center and Research Institute, including all furnishings, equipment, and other chattels used in the operation of said facilities, with a Florida not-for-profit corporation organized solely for the purpose of governing and operating the H. Lee Moffitt Cancer Center and Research Institute. This not-for-profit corporation, acting as an instrumentality of the State of Florida, must govern and operate the H. Lee Moffitt Cancer Center and Research Institute in accordance with the terms of the agreement between the Board of Regents and the not-for-profit corporation. The not-for-profit corporation may, with the prior approval of

the Board of Regents, create not-for-profit corporate subsidiaries to fulfill its mission. The not-for-profit corporation and its subsidiaries are authorized to receive, hold, invest, and administer property and any moneys received from private, state, and federal sources, as well as technical and professional income generated or derived from practice activities of the institute, for the benefit of the institute and the fulfillment of its mission. The affairs of the corporation are managed by a board of directors who serve without compensation. The President of the University of South Florida and the chair of the Board of Regents, or his or her designee, are the directors of the not-for-profit corporation, together with 5 representatives of the State University System and no more than 14 nor fewer than 10 directors who are not medical doctors or state employees. Each director has only one vote, serves a term of 3 years, and may be reelected to the board. Other than the President of the University of South Florida and the chair of the Board of Regents, directors are elected by a majority vote of the board. The chair of the board of directors is selected by majority vote of the directors.

B. EFFECT OF PROPOSED CHANGES:

Over the next 10 years a 5 story, 329,000 square foot research facility will be constructed at and operated by the Moffitt Cancer Center. Cancer patients will have improved access to state-of-the-art cancer treatment.

General revenue will be reduced by just over \$106 million over 10 years, which may result in a reduction of programs or services in that amount.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Obligations are placed on the Moffitt Cancer Center to comply with funding requirements.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Yes, to the extent that smokers are more likely to require cancer treatment.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

No.

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- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

s. 210.20, F.S.

E. SECTION-BY-SECTION RESEARCH:

Section 1. Amends s. 210.20, F.S., relating to the Cigarette Tax Collection Trust Fund, to requires the division to certify to the Comptroller an amount equal to 2.59 percent of the revenues derived from the cigarette tax imposed under s. 210.02, F.S., to be paid to the Board of Directors of the Moffitt Cancer Center for a period of 10 years beginning January 1, 1999. The Moffitt Cancer Center is to use these funds for constructing, furnishing, and equipping a cancer-research facility. These funds may be used to secure financing, by means including the issuance of tax-exempt bonds. Costs of constructing, furnishing, and equipping the cancer-research facility, including financing costs, and the covenant to complete construction are guaranteed by the pledge of the proceeds from cigarette tax revenues. The Board of Directors of the Moffitt Cancer Center is required to administer the funds, manage the project, and provide technical or managerial assistance during the construction of the project. In addition, the board is required to operate the facility when complete.

Section 2. Provides an effective date of July 1, 1998.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

General Revenue will be decreased by an estimated \$10.6 million annually for 10 years.

3. Long Run Effects Other Than Normal Growth:

None

4. Total Revenues and Expenditures:

See 2. above.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects.

None

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits.

The H. Lee Moffitt Cancer Center and Research Institute will receive approximately \$10 million dollars a year in funding for construction, furnishing, and equipping a cancer research facility. It is estimated by the Division of Bond Finance, if cigarette revenues remain stable, that approximately \$36 to \$60 million, as a rough order of magnitude, could be raised through bonding.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

Given the pending federal tobacco settlement and the possible federal increase in the cigarette tax which may significantly decrease cigarette sales in Florida, the future revenues generated by Florida's cigarette tax are uncertain.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

There are three provisions in this bill which may conflict with the Florida Constitution. First, the language which specifies that 2.59 percent of cigarette collections be certified to the Comptroller to be paid the Moffitt Cancer Center is unclear with regard to whether these funds are to be taken out of the fund prior to meeting other obligations on the fund. If this is the case, then the amount of revenues shared with local governments could be reduced, which could conflict with s. 18, Art. VII, of the Florida Constitution. Second, the bill authorizes the use of these funds to issue tax exempt bonds which are guaranteed by the pledge of proceeds of the Cigarette Tax Collection Trust Fund. This may be a violation of s. 11, Art. VII, of the Florida Constitution. Finally, by pledging credit for a 10 year period, this bill may be construed as binding future Legislatures through limiting their ability to appropriate future cigarette tax proceeds.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

A "delete all after the enacting clause" amendment was adopted at the April 15, 1998 meeting of the Health Care Services Committee to address the issues raised in the comments section. Specifically, this amendment does the following:

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DATE: April 22, 1998

PAGE 9

- Clarifies that the 2.59 percent of funds taken from the Cigarette Tax Collection Trust Fund are to be taken from the General Revenue portion, and not from revenues to be shared with local governments.
- Clarifies that the issuance of any tax exempt bonds must be done pursuant to the provisions of Part II and III of Chapter 159, F.S., and do not constitute state bonds for the purposes of s. 11, Art. VII of the Florida Constitution.

In addition, this amendment places a floor on the amount of funds to be paid to the Moffitt Cancer Center at the annualized amount received in FY 1998-99.

VII. SIGNATURES:

COMMITTEE ON HEALTH CARE SERVICES:

Prepared by:

Legislative Research Director:

Michael P. Hansen

Michael P. Hansen

AS FURTHER REVISED BY THE COMMITTEE ON FINANCE AND TAXATION:

Prepared by:

Legislative Research Director:

George T. Levesque

Keith G. Baker, Ph.D.

and in accord with the final order consistent with any appellate court decision. The county shall comply with the requirements of the final order, consistent with any appellate decision, in implementing its public school facilities element and in adopting any necessary amendment to its comprehensive plan.

Rep Mackenzie moved the adoption of the amendment, which was adopted.

Further consideration of CS/HB 4377, with pending amendment, was temporarily postponed under Rule 147.

HB 3783—A bill to be entitled An act relating to the Cigarette Tax Collection Trust Fund, 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 and Research Institute, for the purpose of financing a cancer-research facility at the University of South Florida, providing duties of the institute's board of directors, providing for uses of the transferred moneys, including the issuance of tax-exempt bonds, to be used as specified, providing that proceeds of the cigarette tax which are transferred under this act are pledged to cover the costs of constructing, furnishing, and equipping the cancer-research facility, providing an effective date.

—was read the second time by title

The Committee on Health Care Services offered the following

Amendment 1 (with title amendment)—

Remove from the bill Everything after the enacting clause

and insert in lieu thereof

Section 1 Paragraph (c) is added to subsection (2) of section 210 20, Florida Statutes, 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

(c) Beginning January 1, 1999, and continuing for 10 years thereafter, the division shall from month to month certify to the Comptroller 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 Research Institute, established under s 240 512, by warrant drawn by the Comptroller upon the State Treasury. These funds are hereby appropriated monthly out of the Cigarette Tax Collection Trust Fund, to be used for the purpose of constructing, furnishing, and equipping a cancer-research facility at the University of South Florida adjacent to the H Lee Moffitt Cancer Center and Research Institute. In fiscal years 1999-2000 and thereafter with the exception of fiscal year 2008-2009, the appropriation to the H Lee Moffitt Cancer Center and Research Institute authorized by this paragraph shall not be less than the amount which would have been paid to the H Lee Moffitt Cancer Center and Research Institute for fiscal year 1998-1999 had payments been made for the entire fiscal year rather than for a six-month period thereof.

Section 2 The Board of Directors of the H Lee Moffitt Cancer Center and Research Institute shall construct, furnish, and equip, and shall covenant to complete, the cancer-research facility at the University of South Florida adjacent to the H Lee Moffitt Cancer Center and Research Institute. Moneys transferred to the Board of Directors of the H Lee Moffitt Cancer Center and Research Institute shall be used to secure financing to pay costs related to constructing, furnishing, and equipping the cancer-research facility. Such financing may include the issuance of tax exempt bonds by a local authority, municipality or county pursuant to parts II and III of chapter 159. Such bonds shall not constitute state

bonds for purposes of s 11, Art VII, of the Florida Constitution, but shall constitute bonds of a "local agency" as defined in s 159 27(4).

Section 3 This act shall take effect July 1, 1998.

And the title is amended as follows

On page 1, lines 13-17,
remove from the title of the bill all of said lines

and insert in lieu thereof requiring the Board of Directors of the H Lee Moffitt Cancer Center and Research Institute to administer funds, manage the project, provide assistance during construction, and operate the facility when complete, providing an

Rep Tamargo moved the adoption of the amendment, which was adopted.

Under Rule 127, the bill was referred to the Engrossing Clerk.

CS/HB 1795—A bill to be entitled An act relating to the tax on sales, use, and other transactions, amending s 212 08, F S, defining the term "advertising agency", exempting certain items sold to, produced by, or sold by advertising agencies and related services from the tax, providing for retroactive applicability in certain circumstances, providing an effective date.

—was read the second time by title

The Committee on General Government Appropriations offered the following

Amendment 1 (with title amendment)—

Remove from the bill Everything after the enacting clause

and insert in lieu thereof

Section 1 Paragraph (qq) is added to subsection (7) of section 212 08, Florida Statutes, to read

212 08 Sales, rental, use, consumption, distribution, and storage tax, specified exemptions—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter

(7) MISCELLANEOUS EXEMPTIONS —

(qq) Advertising agencies —

1 As used in this paragraph, "advertising agency" means any firm that is regularly engaged in the business of providing advertising materials and services to its clients.

2 The sale of advertising services by an advertising agency to a client is exempt from the tax imposed by this chapter. Also exempt from the tax imposed by this chapter are items of tangible personal property such as photographic negatives and positives, videos, films, galleys, mechanicals, veloxes, illustrations, digital audiotapes, analog tapes, printed advertisement copies, compact discs for the purpose of recording, digital equipment, digital photographic discs, floppy discs, analog tape equipment, and artwork and the services used to produce those items if the items are

a Sold to an advertising agency that is acting as an agent for its clients pursuant to contract, and are created for the performance of advertising services for the clients,

b Produced, fabricated, manufactured, or otherwise created by an advertising agency for its clients, and are used in the performance of advertising services for the clients, or

c Sold by an advertising agency to its clients in the performance of advertising services for the clients whether or not the charges for these items are marked up or separately stated.

The exemption provided by this subparagraph does not apply to tangible personal property such as film, paper, and videotapes purchased to create items such as photographic negatives and positives.

1 A bill to be entitled
2 An act relating to the Cigarette Tax Collection
3 Trust Fund; amending s. 210.20, F.S.; providing
4 for a portion of the revenues from the
5 cigarette tax to be paid monthly to the Board
6 of Directors of the H. Lee Moffitt Cancer and
7 Research Institute, for the purpose of
8 financing a cancer-research facility at the
9 University of South Florida; providing duties
10 of the institute's board of directors;
11 providing for uses of the transferred moneys,
12 including the issuance of tax-exempt bonds, to
13 requiring the Board of Directors of the H. Lee
14 Moffitt Cancer Center and Research Institute to
15 administer funds, manage the project, provide
16 assistance during construction, and operate the
17 facility when complete; providing an effective
18 date.

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

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

24 210.20 Employees and assistants; distribution of
25 funds.--

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

30 (c) Beginning January 1, 1999, and continuing for 10
31 years thereafter, the division shall from month to month

1 certify to the Comptroller the amount derived from the
 2 cigarette tax imposed by s. 210.02, less the service charges
 3 provided for in s. 215.20 and less 0.9 percent of the amount
 4 derived from the cigarette tax imposed by s. 210.02 which
 5 shall be deposited into the Alcoholic Beverage and Tobacco
 6 Trust Fund, specifying an amount equal to 2.59 percent of the
 7 net collections and that amount shall be paid to the Board of
 8 Directors of the H. Lee Moffitt Cancer Center and Research
 9 Institute, established under s. 240.512, by warrant drawn by
 10 the Comptroller upon the State Treasury. These funds are
 11 hereby appropriated monthly out of the Cigarette Tax
 12 Collection Trust Fund, to be used for the purpose of
 13 constructing, furnishing, and equipping a cancer-research
 14 facility at the University of South Florida adjacent to the H.
 15 Lee Moffitt Cancer Center and Research Institute. In fiscal
 16 years 1999-2000 and thereafter with the exception of fiscal
 17 year 2008-2009, the appropriation to the H. Lee Moffitt Cancer
 18 Center and Research Institute authorized by this paragraph
 19 shall not be less than the amount which would have been paid
 20 to the H. Lee Moffitt Cancer Center and Research Institute for
 21 fiscal year 1998-1999 had payments been made for the entire
 22 fiscal year rather than for a six-month period thereof.

23 Section 2. The Board of Directors of the H. Lee
 24 Moffitt Cancer Center and Research Institute shall construct,
 25 furnish, and equip, and shall covenant to complete, the
 26 cancer-research facility at the University of South Florida
 27 adjacent to the H. Lee Moffitt Cancer Center and Research
 28 Institute. Moneys transferred to the Board of Directors of
 29 the H. Lee Moffitt Cancer Center and Research Institute shall
 30 be used to secure financing to pay costs related to
 31 constructing, furnishing, and equipping the cancer-research

1 facility. Such financing may include the issuance of tax
2 exempt bonds by a local authority, municipality or county
3 pursuant to parts II and III of chapter 159. Such bonds shall
4 not constitute state bonds for purposes of s. 11, Art. VII, of
5 the Florida Constitution, but shall constitute bonds of a
6 "local agency," as defined in s. 159.27(4).

7 Section 3. This act shall take effect July 1, 1998.

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hbd3783-02

Bill No. HB 3783, 1st Eng.

Amendment No. ____ (for drafter's use only)

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Rules, Resolutions, & Ethics offered the following amendment:

Amendment

On page 1, line 12,
remove from the bill: bonds, to
and insert in lieu thereof: bonds;

Excused from time to time for Conference Committee—Bitner, Bradley, Byrd, Clemons, Lippman, Safley, Thrasher, Warner

Votes after roll call

Nays—Clemons

Yeas to Nays—Greene, Reddick, Warner

So the bill passed, as amended, and was immediately certified to the Senate

CS/HB 1575—A bill to be entitled An act relating to certified capital companies, amending s 14 2015, F S, requiring the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor to administer tax credits, creating s 288 99, F S, creating the "Certified Capital Company Act", providing a short title, providing a purpose, providing definitions, providing certification procedures, providing deadlines, requiring an application fee, providing grounds for application denial or decertification, requiring the Department of Banking and Finance to enforce certification and decertification procedures, requiring certification reports filed with the Office of Tourism, Trade, and Economic Development, requiring an annual renewal fee, specifying investment benchmarks, specifying depositories for funds not invested in qualified businesses, providing a credit against premium tax liability, specifying effect of credit on retaliatory tax, providing an aggregate premium tax credit cap, providing a tax credit allocation formula, requiring forfeiture of tax credits under certain circumstances, providing for an annual report by each certified capital company, requiring the Office of Tourism, Trade, and Economic Development to review and verify annual reports, authorizing the Department of Revenue to audit and examine books of certified capital companies and investors providing for distributions to debt holders, requiring the Department of Banking and Finance to conduct annual reviews of certified capital companies, providing requirements for distributions, providing decertification procedures, providing a cure period, providing recapture of tax credits under certain circumstances, providing a schedule for tax credit recapture and penalties, providing for transfer of tax credits, requiring the Office of Tourism, Trade, and Economic Development to annually report to the Governor and the Legislature, providing for application and renewal fees, providing rule-making authority, providing appropriations, providing effective dates

—was read the third time by title On passage, the vote was

Yeas—118

The Chair	Constantine	Harrington	Morse
Albright	Cosgrove	Healey	Murman
Alexander	Crady	Heyman	Ogles
Andrews	Crist	Hill	Peaden
Argenziano	Crow	Horan	Posey
Arnall	Culp	Jacobs	Prewitt, D
Arnold	Dawson-White	Jones	Pruitt, K
Bainter	Dennis	Kelly	Putnam
Ball	Diaz de la Portilla	King	Rayson
Barreiro	Dockery	Kosmas	Reddick
Betancourt	Edwards	Lacasa	Ritchie
Bitner	Effman	Lawson	Ritter
Bloom	Eggelletion	Lippman	Roberts-Burke
Boyd	Fasano	Littlefield	Rodriguez-Chomat
Brennan	Feeney	Livingston	Rojas
Bronson	Fischer	Logan	Safley
Brooks	Flanagan	Lynn	Sanderson
Brown	Frankel	Mackenzie	Saunders
Bullard	Fuller	Mackey	Sembler
Burroughs	Futch	Maygarden	Silver
Bush	Garcia	Meek	Sindler
Byrd	Gay	Melvin	Smith
Carlton	Goode	Merchant	Spratt
Casey	Gottlieb	Miller	Stabins
Chestnut	Greene	Minton	Stafford
Clemons	Hafner	Morrone	Starks

Sublette	Trovilhon	Warner	Wise
Tamargo	Turnbull	Wasserman	Schultz Ziebarth
Thrasher	Valdes	Westbrook	
Tobin	Villalobos	Wiles	

Nays—1

Wallace

Excused from time to time for Conference Committee—Bitner Bradley, Byrd, Clemons, Lippman, Safley, Thrasher, Warner

So the bill passed, as amended, and was immediately certified to the Senate

HB 3113—A bill to be entitled An act relating to community contribution tax credits, amending ss 220 183 and 624 5105, F S, increasing the annual limitation on the amount of such credits that may be granted against the corporate income tax and insurance premium taxes, providing an effective date

—was read the third time by title On passage, the vote was

Yeas—120

The Chair	Crist	Kelly	Ritter
Albright	Crow	King	Roberts-Burke
Alexander	Culp	Kosmas	Rodriguez-Chomat
Andrews	Dawson-White	Lacasa	Rojas
Argenziano	Dennis	Lawson	Safley
Arnall	Diaz de la Portilla	Lippman	Sanderson
Arnold	Dockery	Littlefield	Saunders
Bainter	Edwards	Livingston	Sembler
Ball	Effman	Logan	Silver
Barreiro	Eggelletion	Lynn	Sindler
Betancourt	Fasano	Mackenzie	Smith
Bitner	Feeney	Mackey	Spratt
Bloom	Fischer	Maygarden	Stabins
Boyd	Flanagan	Meek	Stafford
Bradley	Frankel	Melvin	Starks
Brennan	Fuller	Merchant	Sublette
Bronson	Futch	Miller	Tamargo
Brooks	Garcia	Minton	Thrasher
Brown	Gay	Morrone	Tobin
Bullard	Goode	Morse	Trovilhon
Burroughs	Gottlieb	Murman	Turnbull
Bush	Greene	Ogles	Valdes
Byrd	Hafner	Peaden	Villalobos
Carlton	Harrington	Posey	Wallace
Casey	Healey	Prewitt, D	Warner
Chestnut	Heyman	Pruitt, K	Wasserman Schultz
Clemons	Hill	Putnam	Westbrook
Constantine	Horan	Rayson	Wiles
Cosgrove	Jacobs	Reddick	Wise
Crady	Jones	Ritchie	Ziebarth

Nays—None

Excused from time to time for Conference Committee—Bitner Bradley, Byrd, Clemons, Lippman, Safley, Thrasher, Warner

So the bill passed, as amended, and was immediately certified to the Senate

HB 3783—A bill to be entitled An act relating to the Cigarette Tax Collection Trust Fund 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 and Research Institute, for the purpose of financing a cancer-research facility at the University of South Florida, providing duties of the institute's board of directors, providing for uses of the transferred moneys, including the issuance of tax-exempt bonds, to requiring the Board of Directors of the H Lee Moffitt Cancer Center and Research Institute to administer funds, manage the project, provide assistance during construction, and operate the facility when complete, providing an effective date

—was read the third time by title

The Committee on Rules, Resolutions, & Ethics offered the following

Amendment 2—On page 1, line 12, remove from the bill bonds, to

and insert in lieu thereof bonds,

Reps Thrasher and Crady moved the adoption of the amendment, which was adopted

Representative(s) Tamargo offered the following

Amendment 3 (with title amendment)—On page 3, line 6, after the period

insert *The cigarette tax dollars pledged to this facility shall be replaced annually by the Legislature from tobacco litigation settlement proceeds*

And the title is amended as follows

On page 1, line 17, after the semicolon

insert providing for the replacement of certain tax dollars annually;

Rep Tamargo moved the adoption of the amendment, which was adopted by the required two-thirds vote

The question recurred on the passage of HB 3783 The vote was

Yeas—118

The Chair	Crow	King	Rodriguez-Chomat
Albright	Culp	Kosmas	Rojas
Alexander	Dawson-White	Lacasa	Safley
Andrews	Dennis	Lawson	Sanderson
Argenziano	Diaz de la Portilla	Lippman	Saunders
Arnall	Dockery	Littlefield	Sembler
Arnold	Edwards	Livingston	Silver
Baunter	Effman	Logan	Sindler
Ball	Eggelletion	Mackenzie	Smith
Barreiro	Fasano	Mackey	Spratt
Bitner	Feeney	Maygarden	Stabins
Bloom	Fischer	Meek	Stafford
Boyd	Flanagan	Melvin	Starks
Bradley	Frankel	Merchant	Sublette
Brennan	Fuller	Miller	Tamargo
Bronson	Futch	Minton	Thrasher
Brooks	Garcia	Morrone	Tobin
Brown	Gay	Morse	Trovillion
Bullard	Goode	Murman	Turnbull
Burroughs	Gottlieb	Ogles	Valdes
Bush	Greene	Peaden	Villalobos
Byrd	Hafner	Posey	Wallace
Carlton	Harrington	Prewitt, D	Warner
Casey	Healey	Pruitt, K	Wasserman Schultz
Chestnut	Heyman	Putnam	Westbrook
Clemons	Hill	Rayson	Wiles
Constantine	Horan	Reddick	Wise
Cosgrove	Jacobs	Ritchie	Ziebarth
Crady	Jones	Ritter	
Crist	Kelly	Roberts-Burke	

Nays—None

Excused from time to time for Conference Committee—Bitner, Bradley, Byrd, Clemons, Lippman, Safley, Thrasher, Warner

Votes after roll call
Yeas—Betancourt

So the bill passed, as amended, by the required constitutional three-fifths vote of the membership and was immediately certified to the Senate after engrossment

CS/HB 1795—A bill to be entitled An act relating to the tax on sales, use, and other transactions, amending s 212 08, F S, defining

“advertising agency”, exempting the sale of advertising services by an advertising agency and certain items sold to, produced by, or sold by advertising agencies and related services from the tax, providing for administration, providing for retroactive applicability in certain circumstances, providing an effective date

—was read the third time by title On passage, the vote was

Yeas—119

The Chair	Crist	King	Roberts-Burke
Albright	Crow	Kosmas	Rodriguez-Chomat
Alexander	Culp	Lacasa	Rojas
Andrews	Dawson-White	Lawson	Safley
Argenziano	Dennis	Lippman	Sanderson
Arnall	Diaz de la Portilla	Littlefield	Saunders
Arnold	Dockery	Livingston	Sembler
Baunter	Edwards	Logan	Silver
Ball	Effman	Lynn	Sindler
Barreiro	Eggelletion	Mackenzie	Smith
Betancourt	Fasano	Mackey	Spratt
Bitner	Feeney	Maygarden	Stabins
Bloom	Fischer	Meek	Stafford
Boyd	Flanagan	Melvin	Starks
Bradley	Frankel	Merchant	Sublette
Brennan	Fuller	Miller	Tamargo
Bronson	Futch	Minton	Thrasher
Brooks	Garcia	Morrone	Tobin
Brown	Gay	Morse	Trovillion
Bullard	Goode	Murman	Turnbull
Burroughs	Gottlieb	Ogles	Valdes
Bush	Greene	Peaden	Villalobos
Byrd	Hafner	Posey	Wallace
Carlton	Harrington	Prewitt, D	Warner
Casey	Heyman	Pruitt, K	Wasserman Schultz
Chestnut	Hill	Putnam	Westbrook
Clemons	Horan	Rayson	Wiles
Constantine	Jacobs	Reddick	Wise
Cosgrove	Jones	Ritchie	Ziebarth
Crady	Kelly	Ritter	

Nays—1

Healey

Excused from time to time for Conference Committee—Bitner, Bradley, Byrd, Clemons, Lippman, Safley, Thrasher, Warner

So the bill passed, as amended, and was immediately certified to the Senate

HB 4195—A bill to be entitled An act relating to the State University System, amending s 240 207, F S, providing terms of office for members of the Board of Regents, amending s 240 209, F S, revising provisions relating to the selection of the Chancellor, deleting a restriction on the faculty appointment of former university presidents, creating s 240 136, F S; requiring state universities and community colleges to establish a process for removal of certain student government officials, providing requirements, providing for a referendum, providing an effective date

—was read the third time by title

Representative(s) Ziebarth, Wasserman Schultz, and Casey offered the following

Amendment 4 (with title amendment)—On page 6, line 29, through page 7, line 10, remove from the bill all of said lines

and insert in lieu thereof

240 136 Suspension and removal from office of elected student government officials, referendum—Each state university and community college student government association shall establish a

1 A bill to be entitled
2 An act relating to the Cigarette Tax Collection
3 Trust Fund; amending s. 210.20, F.S.; providing
4 for a portion of the revenues from the
5 cigarette tax to be paid monthly to the Board
6 of Directors of the H. Lee Moffitt Cancer and
7 Research Institute, for the purpose of
8 financing a cancer-research facility at the
9 University of South Florida; providing duties
10 of the institute's board of directors;
11 providing for uses of the transferred moneys,
12 including the issuance of tax-exempt bonds;
13 requiring the Board of Directors of the H. Lee
14 Moffitt Cancer Center and Research Institute to
15 administer funds, manage the project, provide
16 assistance during construction, and operate the
17 facility when complete; providing for the
18 replacement of certain tax dollars annually;
19 providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Paragraph (c) is added to subsection (2) of
24 section 210.20, Florida Statutes, to read:

25 210.20 Employees and assistants; distribution of
26 funds.--

27 (2) As collections are received by the division from
28 such cigarette taxes, it shall pay the same into a trust fund
29 in the State Treasury designated "Cigarette Tax Collection
30 Trust Fund" which shall be paid and distributed as follows:
31

1 (c) Beginning January 1, 1999, and continuing for 10
 2 years thereafter, the division shall from month to month
 3 certify to the Comptroller the amount derived from the
 4 cigarette tax imposed by s. 210.02, less the service charges
 5 provided for in s. 215.20 and less 0.9 percent of the amount
 6 derived from the cigarette tax imposed by s. 210.02 which
 7 shall be deposited into the Alcoholic Beverage and Tobacco
 8 Trust Fund, specifying an amount equal to 2.59 percent of the
 9 net collections and that amount shall be paid to the Board of
 10 Directors of the H. Lee Moffitt Cancer Center and Research
 11 Institute, established under s. 240.512, by warrant drawn by
 12 the Comptroller upon the State Treasury. These funds are
 13 hereby appropriated monthly out of the Cigarette Tax
 14 Collection Trust Fund, to be used for the purpose of
 15 constructing, furnishing, and equipping a cancer-research
 16 facility at the University of South Florida adjacent to the H.
 17 Lee Moffitt Cancer Center and Research Institute. In fiscal
 18 years 1999-2000 and thereafter with the exception of fiscal
 19 year 2008-2009, the appropriation to the H. Lee Moffitt Cancer
 20 Center and Research Institute authorized by this paragraph
 21 shall not be less than the amount which would have been paid
 22 to the H. Lee Moffitt Cancer Center and Research Institute for
 23 fiscal year 1998-1999 had payments been made for the entire
 24 fiscal year rather than for a six-month period thereof.

25 Section 2. The Board of Directors of the H. Lee
 26 Moffitt Cancer Center and Research Institute shall construct,
 27 furnish, and equip, and shall covenant to complete, the
 28 cancer-research facility at the University of South Florida
 29 adjacent to the H. Lee Moffitt Cancer Center and Research
 30 Institute. Moneys transferred to the Board of Directors of
 31 the H. Lee Moffitt Cancer Center and Research Institute shall

1 be used to secure financing to pay costs related to
2 constructing, furnishing, and equipping the cancer-research
3 facility. Such financing may include the issuance of tax
4 exempt bonds by a local authority, municipality or county
5 pursuant to parts II and III of chapter 159. Such bonds shall
6 not constitute state bonds for purposes of s. 11, Art. VII, of
7 the Florida Constitution, but shall constitute bonds of a
8 "local agency." as defined in s. 159.27(4). The cigarette tax
9 dollars pledged to this facility shall be replaced annually by
10 the Legislature from tobacco litigation settlement proceeds.

11 Section 3. This act shall take effect July 1, 1998.
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1 A bill to be entitled
2 An act relating to the Cigarette Tax Collection
3 Trust Fund; amending s. 210.20, F.S.; providing
4 for a portion of the revenues from the
5 cigarette tax to be paid monthly to the Board
6 of Directors of the H. Lee Moffitt Cancer and
7 Research Institute, for the purpose of
8 financing a cancer-research facility at the
9 University of South Florida; providing duties
10 of the institute's board of directors;
11 providing for uses of the transferred moneys,
12 including the issuance of tax-exempt bonds;
13 requiring the Board of Directors of the H. Lee
14 Moffitt Cancer Center and Research Institute to
15 administer funds, manage the project, provide
16 assistance during construction, and operate the
17 facility when complete; providing for the
18 replacement of certain tax dollars annually;
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31

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 2 years thereafter, the division shall from month to month
 3 certify to the Comptroller the amount derived from the
 4 cigarette tax imposed by s. 210.02, less the service charges
 5 provided for in s. 215.20 and less 0.9 percent of the amount
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 7 shall be deposited into the Alcoholic Beverage and Tobacco
 8 Trust Fund, specifying an amount equal to 2.59 percent of the
 9 net collections and that amount shall be paid to the Board of
 10 Directors of the H. Lee Moffitt Cancer Center and Research
 11 Institute, established under s. 240.512, by warrant drawn by
 12 the Comptroller upon the State Treasury. These funds are
 13 hereby appropriated monthly out of the Cigarette Tax
 14 Collection Trust Fund, to be used for the purpose of
 15 constructing, furnishing, and equipping a cancer-research
 16 facility at the University of South Florida adjacent to the H.
 17 Lee Moffitt Cancer Center and Research Institute. In fiscal
 18 years 1999-2000 and thereafter with the exception of fiscal
 19 year 2008-2009, the appropriation to the H. Lee Moffitt Cancer
 20 Center and Research Institute authorized by this paragraph
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 24 fiscal year rather than for a six-month period thereof.

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 28 cancer-research facility at the University of South Florida
 29 adjacent to the H. Lee Moffitt Cancer Center and Research
 30 Institute. Moneys transferred to the Board of Directors of
 31 the H. Lee Moffitt Cancer Center and Research Institute shall

1 be used to secure financing to pay costs related to
2 constructing, furnishing, and equipping the cancer-research
3 facility. Such financing may include the issuance of tax
4 exempt bonds by a local authority, municipality or county
5 pursuant to parts II and III of chapter 159. Such bonds shall
6 not constitute state bonds for purposes of s. 11, Art. VII, of
7 the Florida Constitution, but shall constitute bonds of a
8 "local agency." as defined in s. 159.27(4). The cigarette tax
9 dollars pledged to this facility shall be replaced annually by
10 the Legislature from tobacco litigation settlement proceeds.

11 Section 3. This act shall take effect July 1, 1998.
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make loans to beginning farmers for agricultural land and improvements and depreciable agricultural property; authorizing the authority to make loans to mortgage lenders and other lenders; authorizing the authority to purchase mortgage loans and secured loans from mortgage lenders, providing powers of the authority relating to loans, providing for the issuance of bonds and notes by the authority; authorizing the authority to establish bond reserve funds, providing remedies of bondholders and holders of notes; providing for the pledging of bonds by the state, providing that bonds and notes shall be considered legal investments, providing requirements with respect to funds of the authority, authorizing examination of accounts by the Auditor General, requiring a report, providing limitation of liability for members of the authority, requiring the assistance of state officers, agencies, and departments, providing for construction of the act, requiring disclosure of specified conflicts of interest, prohibiting certain participation in the event of a conflict of interest; specifying conflicts of interest with respect to the executive director of the authority; providing exemption from competitive bid laws; providing for receipt of specified trust assets by the authority, authorizing the authority to enter into specified agreements; providing for liability; providing for additional beginning farmer and loan assistance programs, authorizing additional beginning farmer loan program, requiring the authority to establish and develop an agricultural loan assistance program; providing program criteria, requiring the authority to create and develop alternative agriculture assistance programs, providing for the adoption of rules with respect to enforcement of provisions relative to such programs, authorizing the authority to bring action for enforcement, creating s 159 8082, F.S.; establishing the agricultural development bond pool; amending s 159 804, F.S.; providing for specific allocations of state volume limitations to the agricultural development bond pool, amending s 159 809, F.S., including the agricultural development bond pool within provisions relating to recapture of unused amounts for addition to the state allocation pool, providing an effective date

—a companion measure, was substituted for CS for CS for SB 1994 and read the second time by title. On motion by Senator Cowin, by two-thirds vote CS for HB 4051 was read the third time by title, passed and certified to the House. The vote on passage was

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

SB 612—A bill to be entitled An act relating to admissions to sporting events, amending s 212 04, F.S., exempting from taxation admissions to certain collegiate tournament games and baseball all-star games; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform SB 612 to CS for HB 73

Pending further consideration of SB 612 as amended, on motion by Senator Crist, by two-thirds vote CS for HB 73 was withdrawn from the Committees on Ways and Means, Subcommittee E, Ways and Means, Commerce and Economic Opportunities, and Community Affairs

On motion by Senator Crist—

CS for HB 73—A bill to be entitled An act relating to tax on sales, use, and other transactions, amending s 212.04, F.S., exempting admissions to certain collegiate tournament games, baseball all-star games, and postseason collegiate football games from the tax on admissions, providing an effective date

—a companion measure, was substituted for SB 612 as amended and read the second time by title. On motion by Senator Crist, by two-thirds vote CS for HB 73 was read the third time by title, passed and certified to the House. The vote on passage was

Yeas—36

Madam President	Cowin	Horne	Meadows
Bankhead	Crist	Jones	Myers
Bronson	Diaz-Balart	Kirkpatrick	Rossin
Brown-Waite	Dudley	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Gutman	Laurent	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams

Nays—1

Ostalkiewicz

On motion by Senator Brown-Waite, by two-thirds vote HB 3783 was withdrawn from the Committees on Health Care, and Ways and Means

On motion by Senator Brown-Waite, by two-thirds vote—

HB 3783—A bill to be entitled An act relating to the Cigarette Tax Collection Trust Fund; 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 and Research Institute, for the purpose of financing a cancer-research facility at the University of South Florida, providing duties of the institute's board of directors; providing for uses of the transferred moneys, including the issuance of tax-exempt bonds; requiring the Board of Directors of the H Lee Moffitt Cancer Center and Research Institute to administer funds, manage the project, provide assistance during construction, and operate the facility when complete; providing for the replacement of certain tax dollars annually; providing an effective date

—a companion measure, was substituted for CS for SB 1636 and by two-thirds vote read the second time by title. On motion by Senator Brown-Waite, by two-thirds vote HB 3783 was read the third time by title, passed the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	

Nays—None

CS for SB 1572—A bill to be entitled An act relating to funeral and cemetery services; providing a short title, amending s 497 005, F.S., defining "care and maintenance"; creating s 497 0255, F.S., providing a duty of care and maintenance of licensed cemeteries in this state, providing rulemaking authority to the Board of Funeral and Cemetery Services for such purpose, amending s 497 229, F.S., providing circumstances under which a cemetery or component thereof may be deemed a public nuisance and providing for abatement thereof, amending s 497 253, F.S., providing additional requirements with respect to the conveyance of cemetery property to noncemetery uses, including certain notice; creating s 497 255, F.S., providing standards for construction and significant alteration or renovation of mausoleums and columbaria, providing rulemaking authority with respect to such standards to the board, in conjunction with the Board of Building Codes and Standards, and providing for incorporation of a portion thereof in the State Minimum Building Codes, requiring all newly constructed and significantly altered or

STORAGE NAME: h3783z.hcs
DATE: May 11, 1998

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
HEALTH CARE SERVICES
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 3783
RELATING TO: Cigarette Tax Collection Trust Fund
SPONSOR(S): Reps. Tamargo, Bradley and others
COMPANION BILL(S): SB 1636 (Identical)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) HEALTH CARE SERVICES YEAS 11 NAYS 0
- (2) REGULATED SERVICES (W/D)
- (3) FINANCE AND TAXATION YEAS 15 NAYS 0
- (4) HEALTH & HUMAN SERVICES APPROPRIATIONS (W/D)
- (5)

I. FINAL ACTION STATUS:

05/28/98 Approved by Governor; Chapter No. 98-286

II. SUMMARY:

This bill requires the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation (division) to certify to the Comptroller an amount equal to 2.59 percent of the revenues derived from the cigarette tax imposed under s. 210.02, F.S., to be paid to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute (Moffitt Cancer Center) for a period of 10 years beginning January 1, 1999. The Moffitt Cancer Center is to use these funds for constructing, furnishing, and equipping a cancer-research facility. A floor is placed on the amount of funds to be appropriated under the act at the annualized amount appropriated in fy 1999-2000.

The Board of Directors at the Cancer Center must use these funds to secure financing to pay costs related to constructing, furnishing, and equipping the cancer-research facility. Financing may include the use of tax-exempt bonds by a local authority, municipality or county pursuant to parts II and III of chapter 159, F.S. In addition, the bill specifies that the cigarette dollars pledged to the Moffitt Cancer Center shall be replaced annually by the Legislature from tobacco litigation settlement proceeds.

It is estimated that this bill will reduce the amount of cigarette tax revenue deposited into General Revenue by \$ 10.6 million annually, or by a total of \$106 million over the ten year period specified in the bill. However, this money is to be replaced by tobacco litigation settlement proceeds.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Cigarette Tax Revenue

Florida began taxing cigarettes in 1943. Taxes must be paid by the wholesale dealer at the time of the first sale within the state. Under s. 210.02, F.S., cigarettes of common size are taxed at a rate of \$.339 per pack, with rates varying proportionately for cigarettes and packs of non-standard size. As to disposition of this tax revenue, s. 210.20, F.S., specifies that: 7.3 percent of total collections be used for the General Revenue service charge under s. 215.20, F.S.; and an additional 0.9 percent of total collections be used to fund the Division of Alcoholic Beverages and Tobacco within the Department of Business and Professional Regulation. Of the remaining cigarette tax revenue, distributions are made as follows:

<u>Distribution Entity</u>	<u>Percent</u>
Municipal Financial Assistance Trust Fund	5.8
Municipal Revenue Sharing	32.4
County Revenue Sharing	2.9
Public Medical Assistance Trust Fund	29.3
General Revenue - Balance of available funds	29.6

Cigarette tax collections for fiscal years 1997-98 and 1998-99 are estimated to be \$451,300,000 and \$447,900,000, respectively. Based on the above distribution, General Revenue allocations (excluding the service charge) for fiscal years 1997-98 and 1998-99 are estimated to be \$122,630,846 and \$121,706,971, respectively.

University-Based Cancer Research in Florida

There are three university-based comprehensive cancer centers in Florida that conduct basic and clinical cancer-related research. These are: the University of Florida Shands Cancer Center in Gainesville, the H. Lee Moffitt Cancer Center and Research Institute at the University of South Florida in Tampa, and the Sylvester Comprehensive Cancer Center at the University of Miami in Miami. However, the Moffitt Cancer Center is Florida's only National Cancer Institute-designated cancer center.

Section 240.512, F.S., establishes the H. Lee Moffitt Cancer Center and Research Institute at the University of South Florida. The section requires the Board of Regents to enter into an agreement for the utilization of the facilities on the campus of the University of South Florida to be known as the H. Lee Moffitt Cancer Center and Research Institute, including all furnishings, equipment, and other chattels used in the operation of said facilities, with a Florida not-for-profit corporation organized solely for the purpose of governing and operating the H. Lee Moffitt Cancer Center and Research Institute. This not-for-profit corporation, acting as an instrumentality of the State of Florida, must govern and operate the H. Lee Moffitt Cancer Center and Research Institute in accordance with the terms of the agreement between the Board of Regents and the not-for-profit corporation. The not-for-profit corporation may, with the prior approval of the Board of Regents, create not-for-profit corporate subsidiaries to fulfill its mission. The not-for-profit corporation and its subsidiaries are authorized to receive, hold, invest, and administer

property and any moneys received from private, state, and federal sources, as well as technical and professional income generated or derived from practice activities of the institute, for the benefit of the institute and the fulfillment of its mission. The affairs of the corporation are managed by a board of directors who serve without compensation. The President of the University of South Florida and the chair of the Board of Regents, or his or her designee, are the directors of the not-for-profit corporation, together with 5 representatives of the State University System and no more than 14 nor fewer than 10 directors who are not medical doctors or state employees. Each director has only one vote, serves a term of 3 years, and may be reelected to the board. Other than the President of the University of South Florida and the chair of the Board of Regents, directors are elected by a majority vote of the board. The chair of the board of directors is selected by majority vote of the directors.

B. EFFECT OF PROPOSED CHANGES:

Over the next 10 years a 5 story, 329,000 square foot research facility will be constructed at and operated by the Moffitt Cancer Center. Cancer patients will have improved access to state-of-the-art cancer treatment.

Funds available from the tobacco litigation settlement proceeds will be reduced by just over \$106 million over 10 years, which may result in a reduction of other programs or services in that amount.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Obligations are placed on the Moffitt Cancer Center to comply with funding requirements.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Yes, to the extent that smokers are more likely to require cancer treatment.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

No.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

s. 210.20, F.S.

E. SECTION-BY-SECTION RESEARCH:

Section 1. Amends s. 210.20, F.S., relating to the Cigarette Tax Collection Trust Fund, to requires the division to certify to the Comptroller an amount equal to 2.59 percent of the revenues derived from the cigarette tax imposed under s. 210.02, F.S., to be paid to the Board of Directors of the Moffitt Cancer Center for a period of 10 years beginning January 1, 1999. The Moffitt Cancer Center is to use these funds for constructing, furnishing, and equipping a cancer-research facility at the University of South Florida adjacent to the Moffitt Cancer Center. The amount of funds paid to the board of directors for each of the ten years is to be no less than the amount paid from January 1 through June 30, 1999, multiplied by two to reflect an entire year's payment.

Section 2. Specifies that the Board of Directors of the Moffitt Cancer Center shall construct, furnish, and equip, and shall covenant to complete, the cancer-research facility at the USF adjacent to the Moffitt Cancer Center. Funds allocated pursuant to the act must be used to secure financing, by means including the issuance of tax-exempt bonds by a local authority, municipality, or county pursuant to parts II or III of chapter 159, F.S. Cigarette tax dollars pledged to the Moffitt Cancer Center are to be replaced annually by the Legislature from tobacco litigation settlement proceeds.

Section 2. Provides an effective date of July 1, 1998.

IV. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

General Revenue will be decreased by an estimated \$10.6 million annually for 10 years. However, these funds will be replaced by funds from tobacco settlement proceeds.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

See 2. above.

B FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

The H. Lee Moffitt Cancer Center and Research Institute will receive approximately \$10 million dollars a year in funding for construction, furnishing, and equipping a cancer research facility. It is estimated by the Division of Bond Finance, if cigarette revenues remain stable, that approximately \$36 to \$60 million, as a rough order of magnitude, could be raised through bonding.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

Given the pending federal tobacco settlement and the possible federal increase in the cigarette tax which may significantly decrease cigarette sales in Florida, the future

revenues generated by Florida's cigarette tax are uncertain. However, the bill places a floor in the annual payment level at the six months payments annualized.

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

VI. COMMENTS:

There are three provisions in this bill as filed which may conflict with the Florida Constitution. First, the language which specifies that 2.59 percent of cigarette collections be certified to the Comptroller to be paid the Moffitt Cancer Center is unclear with regard to whether these funds are to be taken out of the fund prior to meeting other obligations on the fund. If this is the case, then the amount of revenues shared with local governments could be reduced, which could conflict with s. 18, Art. VII, of the Florida Constitution. Second, the bill authorizes the use of these funds to issue tax exempt bonds which are guaranteed by the pledge of proceeds of the Cigarette Tax Collection Trust Fund. This may be a violation of s. 11, Art. VII, of the Florida Constitution. Finally, by pledging credit for a 10 year period, this bill may be construed as binding future Legislatures through limiting their ability to appropriate future cigarette tax proceeds.

History

02/25/98 H Prefiled
03/03/98 H Introduced -HJ 00057
03/26/98 H Referred to Health Care Services (GSC); Regulated Services (EIC);
Finance & Taxation (FRC); Health & Human Services Appropriations
-HJ 00380
04/02/98 H On Committee agenda-- Health Care Services (GSC), 04/08/98, 10:00
am, Morris Hall --Meeting cancelled
04/08/98 H On Committee agenda-- Health Care Services (GSC), 04/15/98, 1:30
pm, Morris Hall
04/15/98 H Comm. Action: Unanimously Favorable with 1 amendment(s) by Health
Care Services (GSC) -HJ 00690
04/16/98 H Now in Regulated Services (EIC) -HJ 00690
04/20/98 H Withdrawn from Regulated Services (EIC) -HJ 00698; Now in Finance &
Taxation (FRC)

04/22/98 H On Committee agenda-- Finance & Taxation (FRC), 04/23/98, 12:00 pm,
Morris Hall
04/23/98 H Comm. Action: Unanimously Favorable by Finance & Taxation (FRC)
-HJ 01091; Now in Health & Human Services Appropriations -HJ 01091
04/24/98 H Withdrawn from Health & Human Services Appropriations -HJ 01094,
Placed on General Calendar; Read second time -HJ 01236;
Amendment(s) adopted -HJ 01236
04/28/98 H Read third time -HJ 01526; Amendment(s) adopted -HJ 01527; Passed
as amended, YEAS 118 NAYS 0 -HJ 01527
04/28/98 S In Messages
05/01/98 S Received, referred to Health Care; Ways and Means -SJ 01817;
Immediately withdrawn from Health Care; Ways and Means -SJ 01743;
Substituted for CS/SB 1636 -SJ 01743; Read second and third times
-SJ 01743, Passed; YEAS 38 NAYS 0 -SJ 01743
05/01/98 H Ordered enrolled
05/13/98 Signed by Officers and presented to Governor
05/28/98 Approved by Governor; Chapter No. 98-286

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

A "delete all after the enacting clause" amendment was adopted at the April 15, 1998 meeting of the Health Care Services Committee to address the issues raised in the comments section. Specifically, this amendment does the following:

- Clarifies that the 2.59 percent of funds taken from the Cigarette Tax Collection Trust Fund are to be taken from the General Revenue portion, and not from revenues to be shared with local governments.
- Clarifies that the issuance of any tax exempt bonds must be done pursuant to the provisions of Part II and III of Chapter 159, F.S., and do not constitute state bonds for the purposes of s. 11, Art. VII of the Florida Constitution.

In addition, this amendment places a floor on the amount of funds to be paid to the Moffitt Cancer Center at the annualized amount received in FY 1998-99.

VIII. SIGNATURES:

COMMITTEE ON HEALTH CARE SERVICES:

Prepared by:

Legislative Research Director:

Michael P. Hansen

Michael P. Hansen

STORAGE NAME: h3783z.hcs
DATE: May 11, 1998
PAGE 10

AS FURTHER REVISED BY THE COMMITTEE ON FINANCE AND TAXATION:
Prepared by: Legislative Research Director:

George T. Levesque

Keith G. Baker, Ph.D.

FINAL RESEARCH PREPARED BY COMMITTEE ON HEALTH CARE SERVICES.
Prepared by: Legislative Research Director:

Michael P. Hansen
Michael P. Hansen

Michael P. Hansen
Michael P. Hansen

By Senators Brown-Waite, Grant, Hargrett and Latvala

10-1084-98

1 A bill to be entitled
2 An act relating to the Cigarette Tax Collection
3 Trust Fund; amending s. 210.20, F.S.; providing
4 for a portion of the revenues from the
5 cigarette tax to be paid monthly to the Board
6 of Directors of the H. Lee Moffitt Cancer and
7 Research Institute, for the purpose of
8 financing a cancer-research facility at the
9 University of South Florida; providing duties
10 of the institute's board of directors;
11 providing for uses of the transferred moneys,
12 including the issuance of tax-exempt bonds, to
13 be used as specified; providing that proceeds
14 of the cigarette tax which are transferred
15 under this act are pledged to cover the costs
16 of constructing, furnishing, and equipping the
17 cancer-research facility; providing an
18 effective date.
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20 Be It Enacted by the Legislature of the State of Florida:
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22 Section 1. Paragraph (c) is added to subsection (2) of
23 section 210.20, Florida Statutes, to read:
24 210.20 Employees and assistants; distribution of
25 funds.--
26 (2) As collections are received by the division from
27 such cigarette taxes, it shall pay the same into a trust fund
28 in the State Treasury designated "Cigarette Tax Collection
29 Trust Fund" which shall be paid and distributed as follows:
30 (c) Beginning January 1, 1999, and continuing for 10
31 years thereafter, the division shall from month to month

1 certify to the Comptroller an amount equal to 2.59 percent of
2 the revenues derived from the cigarette tax imposed under s.
3 210.22, and that amount shall be paid to the Board of
4 Directors of the H. Lee Moffitt Cancer Center and Research
5 Institute, established under s. 240.512, by warrant drawn by
6 the Comptroller upon the State Treasury. These funds are
7 hereby appropriated monthly out of the Cigarette Tax
8 Collection Trust Fund, to be used for the purpose of
9 constructing, furnishing, and equipping a cancer-research
10 facility at the University of South Florida adjacent to the H.
11 Lee Moffitt Cancer Center and Research Institute. The Board of
12 Directors of the H. Lee Moffitt Cancer Center and Research
13 Institute shall construct, furnish, and equip, and shall
14 covenant to complete, the cancer-research facility. Moneys
15 transferred under this paragraph may be used to secure
16 financing, by means including the issuance of tax-exempt
17 bonds, to pay costs related to constructing, furnishing, and
18 equipping the cancer-research facility. The costs of
19 constructing, furnishing, and equipping the cancer-research
20 facility, including financing costs, and the covenant to
21 complete construction are guaranteed by the pledge of the
22 proceeds from revenues deposited into the Cigarette Tax
23 Collection Trust Fund and paid to the Board of Directors of
24 the H. Lee Moffitt Cancer Center and Research Institute as
25 provided in this paragraph. The Board of Directors of the H.
26 Lee Moffitt Cancer and Research Institute shall administer the
27 funds, manage the project, and provide technical or managerial
28 assistance during the construction of the project and shall
29 operate the facility when construction has been completed.

30 Section 2. This act shall take effect July 1, 1998.

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SENATE SUMMARY

Provides for a portion of the revenues from the cigarette tax to be transferred from the Cigarette Tax Collection Trust Fund to the Board of Directors of the H. Lee Moffitt Cancer and Research Institute, to be used for the purpose of financing the construction of a cancer-research facility at the University of South Florida. Provides duties of the institute's board of directors. Provides for uses of the transferred moneys, including the issuance of tax-exempt bonds, to be used in paying costs related to constructing, furnishing, and equipping the cancer-research facility. Provides for the specified proceeds of cigarette tax revenues to be pledged to cover the cost of constructing, furnishing, and equipping the cancer-research facility. Provides for the institute's board of directors to manage the construction project and to operate the facility after construction has been completed.

CODING: Words stricken are deletions; words underlined are additions.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below)

Date: March 12, 1998 Revised: 03/24/98

Subject: Cigarette Tax Collection Trust Fund/Moffitt Cancer and Research Institute

Table with 4 columns: Analyst, Staff Director, Reference, Action. Row 1: Williams, Wilson, HC, Fav/1 amendment. Row 2: ED. Row 3: WM.

I. Summary:

Senate Bill 1636 specifies that, beginning January 1, 1999, and continuing for 10 years thereafter, 2.59 percent of cigarette tax revenues be transferred from the Cigarette Tax Collection Trust Fund to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute, for use in financing the construction, furnishing, and equipping of a cancer research facility at the University of South Florida. The bill provides for the uses of the transferred funds, including the issuance of tax-exempt bonds and the pledging of such tax revenue to cover related costs. The bill specifies that the Moffitt Center's Board of Directors is to manage the construction and operate the facility upon completion of construction.

The bill creates an undesignated section of law.

II. Present Situation:

Cigarette Tax Revenue

Florida began taxing cigarettes in 1943. Taxes must be paid by the wholesale dealer at the time of the first sale within the state. Under s. 210.02, F.S., cigarettes of common size are taxed at a rate of \$.339 per pack, with rates varying proportionately for cigarettes and packs of non-standard size. As to disposition of this tax revenue, s. 210.20, F.S., specifies that 7.3 percent of total collections be used for the General Revenue service charge under s. 215.20, F.S ; and an additional 0.9 percent of total collections be used to fund the Division of Alcoholic Beverages and Tobacco within the Department of Business and Professional Regulation. Of the remaining cigarette tax revenue, distributions are made as follows:

<u>Distribution Entity</u>	<u>Percent</u>
Municipal Financial Assistance Trust Fund	5.8
Municipal Revenue Sharing	32.4
County Revenue Sharing	2.9
Public Medical Assistance Trust Fund	29.3
General Revenue - Balance of available funds	29.6

Cigarette tax collections for fiscal years 1997-98 and 1998-99 are estimated to be \$451,300,000 and \$447,900,000, respectively. Based on the above distribution, General Revenue allocations (excluding the service charge) for fiscal years 1997-98 and 1998-99 are estimated to be \$122,630,846 and \$121,706,971, respectively.

University-Based Cancer Research in Florida

There are three university-based comprehensive cancer centers in Florida that conduct basic and clinical cancer-related research. These are: the University of Florida Shands Cancer Center in Gainesville, the H. Lee Moffitt Cancer Center and Research Institute at the University of South Florida in Tampa, and the Sylvester Comprehensive Cancer Center at the University of Miami in Miami.

Chapter 240, F.S., relates to postsecondary education. Part V of chapter 240, F.S., consisting of ss. 240.501-240.705, F.S., provides for specific programs and institutions. Section 240.512, F.S., provides the statutory basis for the H. Lee Moffitt Cancer Center and Research Institute at the University of South Florida. In pertinent part, this section reads:

240.512 H. Lee Moffitt Cancer Center and Research Institute.--There is established the H. Lee Moffitt Cancer Center and Research Institute at the University of South Florida.

(1) The Board of Regents shall enter into an agreement for the utilization of the facilities on the campus of the University of South Florida to be known as the H. Lee Moffitt Cancer Center and Research Institute, including all furnishings, equipment, and other chattels used in the operation of said facilities, with a Florida not-for-profit corporation organized solely for the purpose of governing and operating the H. Lee Moffitt Cancer Center and Research Institute. This not-for-profit corporation, acting as an instrumentality of the State of Florida, shall govern and operate the H. Lee Moffitt Cancer Center and Research Institute in accordance with the terms of the agreement between the Board of Regents and the not-for-profit corporation. The not-for-profit corporation may, with the prior approval of the Board of Regents, create not-for-profit corporate subsidiaries to fulfill its mission. The not-for-profit corporation and its subsidiaries are authorized to receive, hold, invest, and administer property and any moneys received from private, state, and federal sources, as well as technical and professional income generated or derived from practice activities of the institute, for the benefit of the institute and the fulfillment of its mission. The affairs of the corporation shall be managed by a board of directors

who shall serve without compensation. The President of the University of South Florida and the chair of the Board of Regents, or his or her designee, shall be directors of the not-for-profit corporation, together with 5 representatives of the State University System and no more than 14 nor fewer than 10 directors who are not medical doctors or state employees. Each director shall have only one vote, shall serve a term of 3 years, and may be reelected to the board. Other than the President of the University of South Florida and the chair of the Board of Regents, directors shall be elected by a majority vote of the board. The chair of the board of directors shall be selected by majority vote of the directors.

(5) The institute shall be administered by a center director who shall serve at the pleasure of the board of directors of the not-for-profit corporation and who shall have the following powers and duties subject to the approval of the board of directors:

(d) The center director shall have control over the use and assignment of space and equipment within the facilities.

(7) In carrying out the provisions of this section, the not-for-profit corporation and its subsidiaries are not "agencies" within the meaning of s. 20.03(11).

(8)(a) Records of the not-for-profit corporation and of its subsidiaries are public records unless made confidential or exempt by law.

(b) Proprietary confidential business information is confidential and exempt from the provisions of s. 119.07(1), F.S., and s. 24(a), Art. I, State Constitution. However, the Auditor General and Board of Regents, pursuant to their oversight and auditing functions, must be given access to all proprietary confidential business information upon request and without subpoena and must maintain the confidentiality of information so received. As used in this paragraph, the term "proprietary confidential business information" means information, regardless of its form or characteristics, which is owned or controlled by the not-for-profit corporation or its subsidiaries; is intended to be and is treated by the not-for-profit corporation or its subsidiaries as private and the disclosure of which would harm the business operations of the not-for-profit corporation or its subsidiaries; has not been intentionally disclosed by the corporation or its subsidiaries unless pursuant to law, an order of a court or administrative body, a legislative proceeding pursuant to s. 5, Art. III, State Constitution, or a private agreement that provides that the information may be released to the public; and which is information concerning:

1. Internal auditing controls and reports of internal auditors;

4. Bids or other contractual data, banking records, and credit agreements the disclosure of which would impair the efforts of the not-for-profit corporation or its subsidiaries to contract for goods or services on favorable terms;

8. Minutes of meetings of the governing board of the not-for-profit corporation and its subsidiaries, except minutes of meetings open to the public pursuant to subsection (9);

11. The identity of donors or prospective donors of property who wish to remain anonymous or any information identifying such donors or prospective donors. The anonymity of these donors or prospective donors must be maintained in the auditor's report.

(9) Meetings of the governing board of the not-for-profit corporation and meetings of the subsidiaries of the not-for-profit corporation at which the expenditure of dollars appropriated to the not-for-profit corporation by the state are discussed or reported must remain open to the public in accordance with s. 286.011, F.S., and s. 24(b), Art. I, State Constitution, unless made confidential or exempt by law. Other meetings of the governing board of the not-for-profit corporation and of the subsidiaries of the not-for-profit corporation are exempt from s. 286.011, F.S., and s. 24(b), Art. I, State Constitution.

III. Effect of Proposed Changes:

Senate Bill 1636 specifies that, beginning January 1, 1999, and continuing for 10 years thereafter, 2.59 percent of monthly cigarette tax revenues be transferred from the Cigarette Tax Collection Trust Fund to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute, for use in financing the construction, furnishing, and equipping of a cancer research facility at the University of South Florida. The bill provides for the uses of the transferred funds, including the issuance of tax-exempt bonds and the pledging of such tax revenue to cover related costs. The bill specifies that the Moffitt Center's Board of Directors is to manage the construction and operate the facility upon completion of construction.

The bill's effective date is July 1, 1998.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Subsections 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution

V. Economic Impact and Fiscal Note:

A Tax/Fee Issues:

The bill, by redistributing the revenue collections from the cigarette tax, impacts the amount of General Revenue funds available by an estimated \$10,649,360 for fiscal year 1998-99.

B. Private Sector Impact

Unless the General Revenue reduction is somehow made up for the redistribution of funds provided under the bill, the public could see a decrease in funding for public programs.

This General Revenue decrease will theoretically be ultimately offset by any public good that might come out of enhanced cancer research capability within the state.

C. Government Sector Impact.

As previously indicated, cigarette tax revenue is distributed as follows under s. 210.20, F.S., using the estimated collections for fiscal year 1998-99 of \$447,900,000 as an illustration:

<u>Distribution Entity</u>	<u>Percent</u>	<u>Amount</u>
General Revenue Service Charge	7.3	\$32,696,700
Division of Alcoholic Beverages and Tobacco	0.9	4,031,100
Remainder		\$411,172,200
Municipal Financial Assistance Trust Fund	5.8	\$23,847,988
Municipal Revenue Sharing	32.4	133,219,793
County Revenue Sharing	2.9	11,923,994
Public Medical Assistance Trust Fund	29.3	120,473,454
General Revenue - current	29.6	121,706,971
Moffitt revenue - proposed	2.59	\$10,649,360
General Revenue - proposed	27.01	111,057,611

Based on the above analysis and assuming that cigarette tax revenues remain fairly constant over the course of the next 10 years, which is a definite uncertainty, this bill has the potential to generate in excess of \$106 million over the 10-year period.

No information has been provided to indicate how these revenues will be used in terms of authorization for construction, furnishing, equipping, and operating the proposed cancer-research facility.

VI. Technical Deficiencies:

The bill, on page 2, line 3, improperly cross-references s. 210.22, F.S., as the tax source from which revenue is to be derived for purposes of the bill. Section 210.22, F.S., provides legislative intent relating to severability of cigarette tax provisions. It is assumed that the appropriate cross-reference would be s. 210.02, F.S., which provides for the imposition of the cigarette tax.

VII. Related Issues:

The staff of the Board of Regents offered the following comments regarding the bill:

- This legislation has not been filed at the request of the Board of Regents, nor has the Board of Regents taken any position on it
- If the Legislature determines that a portion of cigarette tax revenues should be paid directly to an institution to conduct cancer research, there is no substantive or programmatic reason that any one of the three university-based comprehensive cancer centers should be given higher priority for receipt of these revenues than the other two institutions.

This bill requires a monthly appropriation of a portion of the revenue collected from the tax on cigarettes for payment of construction of the H. Lee Moffitt cancer research center for a period of 10 years. The State Supreme Court has repeatedly held that a present Legislature may not bind a future Legislature by the former Legislature's enactments. For example, in *Kirklands v. Town of Bradley*, 139 So. 144 (Fla. 1932), the Court was asked to determine whether or not the language in ch. 6804, Sp. Acts of 1913, that established the municipal corporation (municipality) of Bradley, Florida, stating: 'That the territorial boundaries of the town of Bradley hereby created shall not be changed and shall be as follows' excludes property outside the established boundaries from the applicability of a subsequently enacted law. Specifically, the Court ruled on whether the phrase *shall not be changed* excluded property from the effects of the later enacted statute. The Court held that the phrase ". . . can have no preventive force or effect. The Legislature cannot prohibit a future Legislature by proper enactment changing boundaries which it established." Additionally, the Court held in *Tamiami Trail Tours, Inc v. Lee*, 194 So. 305 (Fla. 1940),

The legislative power to deal with new situations as they arise cannot thus be limited, even though their action expressly or impliedly repeals former legislative acts. . . .

Furthermore, the legislature can by statute prescribe a new rule, which, if the statute shows an intention so to do, will completely govern the subject dealt with, even though this amounts to an implied repeal of all prior acts in conflict therewith.

More recently, in 1997, the Florida Supreme Court in *Advisory Opinion to the Attorney General RE Requirement for Adequate Public Education Funding*, No. 89962, (Fla. 1997) issued an advisory opinion relating to a proposed constitutional amendment that would require the state to allocate a minimum of 40 percent of appropriations of state funds, not including lottery proceeds

or federal funds, to make *adequate provision for funding public education*. The Court reasoned, in agreement with opponents of the proposed amendment, that

. . . setting a minimum percentage of forty percent of appropriations for education *arbitrarily* relegates the percentage of appropriations for all other functions of government to the remaining sixty percent of appropriations . . . It is obvious that this amendment would substantially alter the legislature's present discretion in making value choices as to appropriations among the various vital functions of State government, including not only education but also civil and criminal justice; public health, safety, and welfare; transportation; disaster relief; agricultural and environmental regulation; and the remaining array of State governmental services.

VIII. Amendments:

#1 by Health Care

Technical, corrects a cross-reference.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate

By the Committee on Ways and Means; and Senators Brown-Waite, Grant, Hargrett and Latvala

301-2221-98

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A bill to be entitled
 An act relating to the Cigarette Tax Collection Trust Fund; 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 and Research Institute, for the purpose of financing a cancer-research facility at the University of South Florida; providing duties of the institute's board of directors; providing for uses of the transferred moneys, including the issuance of tax-exempt bonds, to be used as specified; providing that proceeds of the cigarette tax which are transferred under this act are pledged to cover the costs of constructing, furnishing, and equipping the cancer-research facility; providing an effective date.

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

Section 1. Paragraph (c) is added to subsection (2) of section 210.20, Florida Statutes, 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:

(c) Beginning January 1, 1999, and continuing for 10 years thereafter, the division shall from month to month

1 certify to the Comptroller the amount derived from the
2 cigarette tax imposed by s. 210.02, less the service charges
3 provided for in s. 215.20 and less 0.9 percent of the amount
4 derived from the cigarette tax imposed by s. 210.02, which
5 shall be deposited into the Alcoholic Beverage and Tobacco
6 Trust Fund, specifying an amount equal to 2.59 percent of the
7 net collections, and that amount shall be paid to the Board of
8 Directors of the H. Lee Moffitt Cancer Center and Research
9 Institute, established under s. 240.512, by warrant drawn by
10 the Comptroller upon the State Treasury. These funds are
11 hereby appropriated monthly out of the Cigarette Tax
12 Collection Trust Fund, to be used for the purpose of
13 constructing, furnishing, and equipping a cancer-research
14 facility at the University of South Florida adjacent to the H.
15 Lee Moffitt Center and Research Institute. In fiscal years
16 1999-2000 and thereafter, with the exception of fiscal year
17 2008-2009, the cigarette tax distribution and appropriation to
18 the H. Lee Moffitt Center and Research Institute authorized by
19 this paragraph shall not be less than the amount that would
20 have been paid to the H. Lee Moffitt Cancer Center and
21 Research Institute for fiscal years 1998-1999 had payments
22 been made for the entire fiscal year rather than for a 6-month
23 period thereof.

24 Section 2. The Board of Directors of the H. Lee
25 Moffitt Cancer Center and Research Institute shall construct,
26 furnish, and equip, and shall covenant to complete, the
27 cancer-research facility at the University of South Florida
28 adjacent to the H. Lee Moffitt Cancer Center and Research
29 Institute. Moneys transferred to the Board of Directors of the
30 H. Lee Moffitt Cancer Center and Research Institute shall be
31 used to secure financing to pay costs related to constructing,

1 furnishing, and equipping the cancer-research facility. Such
2 financing may include the issuance of tax-exempt bonds by a
3 local authority, municipality, or county pursuant to parts II
4 and III, chapter 159, Florida Statutes. Such bonds shall not
5 constitute state bonds for purposes of Section 11, Article VII
6 of the State Constitution, but shall constitute bonds of a
7 "local agency," as defined in section 159.27(4), Florida
8 Statutes. The Board of Directors of the H. Lee Moffitt Cancer
9 Center and Research Institute shall administer the funds,
10 manage the project, and provide technical or managerial
11 assistance during the construction of the project and shall
12 operate the facility when construction has been completed.

13 Section 3. This act shall take effect July 1, 1998.

14
15 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
16 COMMITTEE SUBSTITUTE FOR
17 SB 1636

18 The bill clarifies that the 2.59 percent of cigarette tax
19 revenues transferred to the Board of Directors of the H. Lee
20 Moffitt Cancer and Research Institute shall be calculated
based on net cigarette tax collections.

21 The bill also guarantees that the annual cigarette tax
22 distribution and appropriation can not be less than the
annualized 1998-99 cigarette tax distribution and
23 appropriation.
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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below)

Date: April 21, 1998 Revised: _____

Subject: Cigarette Tax Collection Trust Fund/Moffitt Cancer and Research Institute

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Williams</u>	<u>Wilson</u>	<u>HC</u>	<u>Fav/1 amendment</u>
2.	_____	_____	<u>ED</u>	<u>Withdrawn</u>
3.	<u>Keating</u>	<u>Smith</u>	<u>WM</u>	<u>Favorable/CS</u>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

The bill specifies that, beginning January 1, 1999, and continuing for 10 years thereafter, 2.59 percent of net cigarette tax revenues be transferred from the Cigarette Tax Collection Trust Fund to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute, for use in financing the construction, furnishing, and equipping of a cancer research facility at the University of South Florida. The bill provides for the uses of the transferred funds, including the issuance of tax-exempt bonds and the pledging of such tax revenue to cover related costs. The bill specifies that the Moffitt Center's Board of Directors is to manage the construction and operate the facility upon completion of construction. The bill guarantees that the annual cigarette tax distribution and appropriation can not be less than the annualized 1998-99 cigarette tax distribution and appropriation.

The bill creates an undesignated section of law.

II. Present Situation:

Cigarette Tax Revenue

Florida began taxing cigarettes in 1943. Taxes must be paid by the wholesale dealer at the time of the first sale within the state. Under s. 210.02, F.S., cigarettes of common size are taxed at a rate of \$.339 per pack, with rates varying proportionately for cigarettes and packs of non-standard size. As to disposition of this tax revenue, s. 210.20, F.S., specifies that: 7.3 percent of total collections be used for the General Revenue service charge under s. 215.20, F.S.; and an additional 0.9 percent of total collections be used to fund the Division of Alcoholic Beverages and Tobacco within the Department of Business and Professional Regulation. Of the remaining cigarette tax revenue, distributions are made as follows: 5.8 percent to the Municipal Financial

Assistance Trust Fund, 32.4 percent to Municipal Revenue Sharing; 2.9 percent to County Revenue Sharing; 29.3 percent to the Public Medical Assistance Trust Fund; and the remainder to the General Revenue Fund.

Cigarette tax collections are estimated to be \$450.2 million in fiscal year 1998-99 and \$452.5 million in fiscal year 1999-00. Based on the above distribution, General Revenue allocations (excluding the service charge) for fiscal years 1998-99 and 1999-00 are estimated to be \$121.5 million and \$122.4 million respectively.

Chapter 82-240, Laws of Florida, diverted first proceeds of the General Revenue receipts from the cigarette tax to the Cancer and Chronic Research and Treatment Center Trust Fund in the amount of \$8,730,000 in 1982-83, \$25,020,000 in 1983-84 and \$11,250,000 in 1984-85 for a total of \$45 million. The funds in the trust fund were allocated to complete a Cancer and Chronic Disease Research and Treatment Center at the University of South Florida College of Medicine, which became the H. Lee Moffitt Cancer Center and Research Institute.

University-Based Cancer Research in Florida

There are three university-based comprehensive cancer centers in Florida that conduct basic and clinical cancer-related research. These are: the University of Florida Shands Cancer Center in Gainesville, the H. Lee Moffitt Cancer Center and Research Institute at the University of South Florida in Tampa, and the Sylvester Comprehensive Cancer Center at the University of Miami in Miami.

Chapter 240, F.S., relates to postsecondary education. Part V of chapter 240, F.S., consisting of ss. 240.501-240.705, F.S., provides for specific programs and institutions. Section 240.512, F.S., provides the statutory basis for the H. Lee Moffitt Cancer Center and Research Institute at the University of South Florida. In pertinent part, this section reads:

240.512 H. Lee Moffitt Cancer Center and Research Institute --There is established the H. Lee Moffitt Cancer Center and Research Institute at the University of South Florida.

(1) The Board of Regents shall enter into an agreement for the utilization of the facilities on the campus of the University of South Florida to be known as the H. Lee Moffitt Cancer Center and Research Institute, including all furnishings, equipment, and other chattels used in the operation of said facilities, with a Florida not-for-profit corporation organized solely for the purpose of governing and operating the H. Lee Moffitt Cancer Center and Research Institute. This not-for-profit corporation, acting as an instrumentality of the State of Florida, shall govern and operate the H. Lee Moffitt Cancer Center and Research Institute in accordance with the terms of the agreement between the Board of Regents and the not-for-profit corporation. The not-for-profit corporation may, with the prior approval of the Board of Regents, create not-for-profit corporate subsidiaries to fulfill its mission. The not-for-profit corporation and its subsidiaries are authorized to receive, hold, invest, and administer property and any moneys

received from private, state, and federal sources, as well as technical and professional income generated or derived from practice activities of the institute, for the benefit of the institute and the fulfillment of its mission. The affairs of the corporation shall be managed by a board of directors who shall serve without compensation. The President of the University of South Florida and the chair of the Board of Regents, or his or her designee, shall be directors of the not-for-profit corporation, together with 5 representatives of the State University System and no more than 14 nor fewer than 10 directors who are not medical doctors or state employees. Each director shall have only one vote, shall serve a term of 3 years, and may be reelected to the board. Other than the President of the University of South Florida and the chair of the Board of Regents, directors shall be elected by a majority vote of the board. The chair of the board of directors shall be selected by majority vote of the directors.

(5) The institute shall be administered by a center director who shall serve at the pleasure of the board of directors of the not-for-profit corporation and who shall have the following powers and duties subject to the approval of the board of directors:

(d) The center director shall have control over the use and assignment of space and equipment within the facilities.

(7) In carrying out the provisions of this section, the not-for-profit corporation and its subsidiaries are not "agencies" within the meaning of s. 20.03(11)

(8)(a) Records of the not-for-profit corporation and of its subsidiaries are public records unless made confidential or exempt by law.

(b) Proprietary confidential business information is confidential and exempt from the provisions of s. 119.07(1), F.S., and s. 24(a), Art. I, State Constitution. However, the Auditor General and Board of Regents, pursuant to their oversight and auditing functions, must be given access to all proprietary confidential business information upon request and without subpoena and must maintain the confidentiality of information so received. As used in this paragraph, the term "proprietary confidential business information" means information, regardless of its form or characteristics, which is owned or controlled by the not-for-profit corporation or its subsidiaries; is intended to be and is treated by the not-for-profit corporation or its subsidiaries as private and the disclosure of which would harm the business operations of the not-for-profit corporation or its subsidiaries; has not been intentionally disclosed by the corporation or its subsidiaries unless pursuant to law, an order of a court or administrative body, a legislative proceeding pursuant to s. 5, Art. III, State Constitution, or a private agreement that provides that the information may be released to the public; and which is information concerning some of the following:

- Internal auditing controls and reports of internal auditors;
- Bids or other contractual data, banking records, and credit agreements the disclosure of which would impair the efforts of the not-for-profit corporation or its subsidiaries to contract for goods or services on favorable terms;

- Minutes of meetings of the governing board of the not-for-profit corporation and its subsidiaries, except minutes of meetings open to the public pursuant to subsection (9);
- The identity of donors or prospective donors of property who wish to remain anonymous or any information identifying such donors or prospective donors. The anonymity of these donors or prospective donors must be maintained in the auditor's report

(9) Meetings of the governing board of the not-for-profit corporation and meetings of the subsidiaries of the not-for-profit corporation at which the expenditure of dollars appropriated to the not-for-profit corporation by the state are discussed or reported must remain open to the public in accordance with s. 286.011, F.S., and s. 24(b), Art. I, State Constitution, unless made confidential or exempt by law. Other meetings of the governing board of the not-for-profit corporation and of the subsidiaries of the not-for-profit corporation are exempt from s. 286.011, F.S., and s. 24(b), Art. I, State Constitution.

III. Effect of Proposed Changes:

The bill specifies that, beginning January 1, 1999, and continuing for 10 years thereafter, 2.59 percent of cigarette tax collections, less the general revenue service charge provided 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, be transferred from the Cigarette Tax Collection Trust Fund to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute, for use in financing the construction, furnishing, and equipping of a cancer research facility at the University of South Florida. The bill provides for the uses of the transferred funds, including the issuance of tax-exempt bonds and the pledging of those funds to cover related costs. The bill specifies that the Moffitt Center's Board of Directors is to manage the construction and operate the facility upon completion of construction.

The bill provides that in fiscal years 1999-2000 and thereafter, with the exception of fiscal year 2008-2009, the cigarette tax distribution and appropriation to the Institute shall not be less than the amount that would have been paid to the Institute for fiscal year 1998-1999 had payments been made for the entire fiscal year rather than for a 6-month period.

The bill's effective date is July 1, 1998.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, section 18 of the Florida Constitution.

B Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, subsections 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, subsection 19(f) of the Florida Constitution.

D. Other Constitutional Issues:

Article VII, section 11 of the Florida Constitution prohibits state bonds pledging of the full faith and credit of the state without a referendum and allows revenue bonds to be issued by the state or its agencies only from funds derived directly from sources other than state tax revenues. The provisions of this act allow the Board of Directors of the Moffit Cancer Center to pledge the proceeds from the cigarette tax appropriated to them annually by statute. It is unclear how the Constitutional provision would impact this pledge.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues.

The bill, by redistributing the revenue collections from the cigarette tax, impacts the amount of General Revenue funds available by an estimated \$4.5 million in 1998-99 and \$10.8 million in fiscal year 1999-00. The bill guarantees that the annual cigarette tax distribution and appropriation can not be less than the annualized 1998-99 cigarette tax distribution and appropriation.

Issue/Fund	General Revenue		Trust		Local		Total	
	1st Year	Recurring	1st Year	Recurring	1st Year	Recurring	1st Year	Recurring
	\$	\$	\$	\$	\$	\$	\$	\$
Cigarette Tax Revenue Redistribution	\$ (4.5)	\$ (10.8)	\$ 4.5	\$ 10.8	0.0	0.0	0.0	0.0

* Insignificant
 ** Indeterminate

B Private Sector Impact.

Unless the General Revenue reduction is somehow made up for the redistribution of funds provided under the bill, the public could see a decrease in funding for public programs.

This General Revenue decrease will theoretically be ultimately offset by any public good that might come out of enhanced cancer research capability within the state.

C. Government Sector Impact

Based on the above analysis and assuming that cigarette tax revenues remain fairly constant over the course of the next 10 years, this bill has the potential to generate in excess of \$108 million over the 10-year period to be paid to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute.

No information has been provided to indicate how these revenues will be used in terms of authorization for construction, furnishing, equipping, and operating the proposed cancer-research facility.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The staff of the Board of Regents offered the following comments regarding the bill:

- This legislation has not been filed at the request of the Board of Regents, nor has the Board of Regents taken any position on it.
- If the Legislature determines that a portion of cigarette tax revenues should be paid directly to an institution to conduct cancer research, there is no substantive or programmatic reason that any one of the three university-based comprehensive cancer centers should be given higher priority for receipt of these revenues than the other two institutions.

This bill requires a monthly appropriation of a portion of the revenue collected from the tax on cigarettes for payment of construction of the H. Lee Moffitt cancer research center for a period of 10 years. The State Supreme Court has repeatedly held that a present Legislature may not bind a future Legislature by the former Legislature's enactments. For example, in *Kirklands v. Town of Bradley*, 139 So. 144 (Fla. 1932), the Court was asked to determine whether or not the language in ch. 6804, Sp. Acts of 1913, that established the municipal corporation (municipality) of Bradley, Florida, stating: 'That the territorial boundaries of the town of Bradley hereby created shall not be changed and shall be as follows' excludes property outside the established boundaries from the applicability of a subsequently enacted law. Specifically, the Court ruled on whether the phrase *shall not be changed* excluded property from the effects of the later enacted statute. The Court held that the phrase ". . . can have no preventive force or effect. The Legislature cannot prohibit a future Legislature by proper enactment changing boundaries which it established." Additionally, the Court held in *Tamiami Trail Tours, Inc. v Lee*, 194 So. 305 (Fla. 1940),

The legislative power to deal with new situations as they arise cannot thus be limited, even though their action expressly or impliedly repeals former legislative acts. . . .

Furthermore, the legislature can by statute prescribe a new rule, which, if the statute shows an intention so to do, will completely govern the subject dealt with, even though this amounts to an implied repeal of all prior acts in conflict therewith.

More recently, in 1997, the Florida Supreme Court in *Advisory Opinion to the Attorney General RE Requirement for Adequate Public Education Funding*, No. 89962, (Fla. 1997) issued an advisory opinion relating to a proposed constitutional amendment that would require the state to allocate a minimum of 40 percent of appropriations of state funds, not including lottery proceeds or federal funds, to make *adequate provision for funding public education*. The Court reasoned, in agreement with opponents of the proposed amendment, that

. . . setting a minimum percentage of forty percent of appropriations for education *arbitrarily* relegates the percentage of appropriations for all other functions of government to the remaining sixty percent of appropriations . . . It is obvious that this amendment would substantially alter the legislature's present discretion in making value choices as to appropriations among the various vital functions of State government, including not only education but also civil and criminal justice; public health, safety, and welfare; transportation; disaster relief; agricultural and environmental regulation; and the remaining array of State governmental services.

VIII. Amendments:

None.

Bill No. CS for SB 1636

Amendment No. ____

Senate

CHAMBER ACTION

House

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Senator Sullivan moved the following amendment:

Senate Amendment

On page 2, line 23, after the period

insert: The cigarette tax dollars pledged to this facility shall be replaced annually by the legislature from tobacco litigation settlement proceeds.

Bill No. CS for SB 1636

Amendment No.

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Sullivan moved the following amendment:

Senate Amendment

On page 2, line 23, after the period

insert: The Cigarette Tax dollars pledged to this facility shall be replaced annually by the Legislature from tobacco litigation settlement proceeds.