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Bill No. CS for SB 1270, 1st Eng.

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

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

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Representative(s) Garcia offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. There is hereby appropriated a lump sum of \$70 million from the tobacco settlement revenues that were received for the pilot program to the Department of Health to continue implementation of the Florida Kids Campaign Against Tobacco Pilot Program in fiscal year 1998-1999. Funds in the lump sum shall be distributed to the following agencies for the following programs, subject to the notice, review, and objection provisions of s. 216.177, Florida Statutes:

(1) To the Department of Health for marketing and communications. Such funds shall be used for a media campaign to create and promote messages urging youth to live tobacco free.

(2) To the Department of Health for a comprehensive tobacco education and training initiative, directed toward Florida youth in pre-K through grade 12. The initiative should

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1 be created through collaborative efforts between the state,
2 local communities, voluntary agencies, school districts,
3 professional organizations, and the State University System
4 and should emphasize intensive, interactive, and coordinated
5 anti-tobacco curricula.

6 (3) To the Department of Health for youth programs and
7 community partnerships. Such funds shall be used to develop
8 community partnerships through the county health departments
9 for implementing community-based tobacco prevention programs,
10 including the needs of the minority youth populations of the
11 state.

12 (4) To the Department of Business and Professional
13 Regulation for enforcement of laws against underage tobacco
14 access and possession through a combination of program
15 development, research, and contracts with local law
16 enforcement agencies. Funding provided to the department shall
17 be used for the purposes of placing enforcement agents in
18 retail locations to deter youth purchasing of tobacco,
19 providing training of store employees, and providing for
20 enforcement efforts near schools.

21 (5) To the Department of Health for evaluation of each
22 aspect of the pilot program. Funding provided shall be used to
23 obtain baseline data on the prevalence of tobacco use among
24 youth and for monitoring changes in tobacco utilization within
25 this group.

26 (6) To the Department of Health or the Department of
27 Business and Professional Regulation, as applicable, for
28 coordination and program administration, not to exceed 5
29 percent of the total funds appropriated in this section. The
30 Executive Office of the Governor may request Administration
31 Commission approval of positions in excess of the number of

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1 positions fixed by the Legislature if necessary to implement
2 the approved distribution of funds provided in this section.
3 Positions established or redirected pursuant to this
4 subsection are to be vacated and held in reserve by the
5 Executive Office of the Governor upon completion of the
6 Florida Kids Campaign Against Tobacco Pilot Program.

7 Section 2. The following guidelines shall be applied
8 to the expenditure of all funds paid to the State of Florida
9 as a result of litigation entitled The State of Florida et al.
10 v. American Tobacco Company et al., Case #95-1466AH, in the
11 Circuit Court of the Fifteenth Judicial Circuit, in and for
12 Palm Beach County:

13 (1) The Legislature asserts its rights to appropriate
14 all funds paid or payable to the state through the tobacco
15 settlement. Before any funds are released, the Legislature
16 must approve all program and funding proposals.

17 (2) A trust fund should be created solely for the
18 purpose of receiving and managing settlement funds, and a full
19 and complete record of all budget and expenditure actions
20 should be maintained.

21 (3) Administrative costs associated with programs and
22 providers that receive funds from the tobacco settlement
23 should be set at a reasonable level, consistent with
24 best-management practices.

25 (4) Local law enforcement agencies, businesses, and
26 school districts should be involved in enforcement efforts as
27 appropriate to the mission of each organization.

28 (5) Funds received from the tobacco settlement may not
29 be used for advertising that includes the name, voice, or
30 likeness of any elected or appointed public official.

31 (6) Greater emphasis should be placed on funding

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1 education, training, and enforcement programs than is placed
2 on the funding of advertising.

3 (7) County health departments must administer funds
4 provided to each local coalition that is not specifically
5 granted an exemption by the Legislature. Exemptions from
6 requirements to administer coalition programs by county health
7 departments shall be limited to established administrative
8 entities that meet a test of several criteria established by
9 the Department of Health and may not include provider agencies
10 that could receive funding from the settlement.

11 (8) Programs which raise matching funds should be
12 maximized in order to get the greatest leverage of state
13 funds.

14 (9) Grant and contract processes should be competitive
15 and objective.

16 (10) Requests for information or for proposals should
17 emphasize that performance measures will be required for all
18 contracts and grants.

19 (11) A substantial portion of the program should be
20 character-based and focused on rewarding appropriate values
21 and behavior in youth.

22 (12) Needs of the minority youth community in this
23 state should be addressed.

24 Section 3. (1) The \$330,500,000, plus accrued
25 interest and any other funds on deposit in accounts 3660512058
26 and 3660510843 at NationsBank, N.A., pursuant to Escrow
27 Agreement dated September 15, 1997, and raised as a result of
28 litigation entitled The State of Florida et al. vs. American
29 Tobacco Company, et al., Case #95-1466AH, in the Circuit Court
30 of the Fifteenth Judicial Circuit in and for Palm Beach
31 County, are funds of the State of Florida and are hereby

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1 appropriated to the General Revenue Fund, and shall be
2 transferred to the Tobacco Settlement Trust Fund, if such fund
3 is created by law. Further, all subsequent payments made by
4 the settling defendants in said litigation are funds of the
5 State of Florida and are hereby appropriated to said trust
6 fund, or if such trust fund is not created by law, to the
7 General Revenue Fund.

8 (2) This section shall take effect upon becoming a law
9 and shall supersede Section 16 of the 1998-1999 General
10 Appropriations Act.

11 Section 4. (1) The Comptroller shall enforce the
12 appropriation in Section 3 of this act by demanding payment
13 from the depository institution within 2 business days of such
14 section becoming law. If payment is not made within 2 business
15 days of such demand, the Comptroller shall forthwith bring an
16 action for a writ of mandamus or an action at law or such
17 other action as may be necessary to ensure that the state's
18 title to these funds is affirmed. Such action shall be filed
19 in the circuit court of the Second Judicial Circuit, in and
20 for Leon County, which circuit shall have exclusive
21 jurisdiction thereof. Notice of such action shall be served
22 upon any officer of the financial institution, or any other
23 authorized service agent thereof, at any branch office thereof
24 in Leon County. From and after the time this section becomes
25 law, the depository institution is hereby and shall be
26 prohibited from paying any of the respective funds to any
27 person or entity other than the Comptroller of the State of
28 Florida until the final resolution of the action and any
29 appeal therefrom. No person who is not a party to the escrow
30 agreement under which the respective funds were deposited
31 shall be permitted to intervene in such action.

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1 (2) This section shall take effect upon becoming a
2 law.

3 Section 5. Except as otherwise provided herein, this
4 act shall take effect July 1 of the year in which enacted.

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

8 And the title is amended as follows:

9 remove from the title of the bill: everything before the
10 enacting clause

12 and insert in lieu thereof:

13 A bill to be entitled

14 An act relating to tobacco settlement funds;
15 providing for the use of revenues obtained as a
16 result of the settlement of litigation
17 involving the tobacco industry; providing for a
18 lump sum from certain of such funds to be
19 appropriated to the Department of Health to
20 continue implementation of the Florida Kids
21 Campaign Against Tobacco Pilot Program;
22 providing for distribution of funds in such
23 lump sum to specified agencies for specified
24 purposes; specifying guidelines to be applied
25 by the Legislature in expending funds paid to
26 the state as a result of the settlement of
27 litigation involving the tobacco industry;
28 appropriating funds received as a result of the
29 settlement of litigation by the State of
30 Florida against certain tobacco companies;
31 providing for the deposit of the funds;

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requiring the Comptroller to enforce
appropriations made herein; providing exclusive
jurisdiction of such enforcement actions;
limiting intervention in such actions;
providing effective dates.