

By Senator Casas

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A bill to be entitled

An act relating to tobacco settlement funds;  
amending s. 569.21, F.S., specifying guidelines  
to be applied by the Legislature in expending  
funds paid to the state as a result of the  
settlement of litigation involving the tobacco  
industry; providing an effective date.

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

Section 1. Section 569.21, Florida Statutes, is  
amended to read:

569.21 Expenditure of tobacco settlement  
proceeds.--The following guidelines shall be applied to the  
expenditure of all funds paid to the State of Florida as a  
result of litigation entitled The State of Florida et al. v.  
American Tobacco Company et al., Case #95-1466AH, in the  
Circuit Court of the Fifteenth Judicial Circuit, in and for  
Palm Beach County:

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

(2) Some portion of settlement funds received each  
year should be reserved to create a long-term funding stream.

~~(3)~~(2) A trust fund should be created solely for the  
purpose of receiving and managing settlement funds, and a full  
and complete record of all budget and expenditure actions  
should be maintained.

~~(4)~~(3) Administrative costs associated with programs  
and providers that receive funds from the tobacco settlement

1 should be set at a reasonable level, consistent with  
2 best-management practices.

3 (5) Funds should be spent on children's health  
4 services, as provided for in the settlement, and settlement  
5 funds may be used to match federal funds available under Title  
6 XXI.

7 (6) Funds should be spent on the provision of health  
8 care for the elderly and disabled adults, including health  
9 care for illnesses that are related to tobacco use.

10 (7)(4) Local law enforcement agencies, businesses, and  
11 school districts should be involved in enforcement efforts as  
12 appropriate to the mission of each organization.

13 (8)(5) Funds received from the tobacco settlement may  
14 not be used for advertising that includes the name, voice, or  
15 likeness of any elected or appointed public official.

16 (9)(6) Greater emphasis should be placed on funding  
17 education, training, and enforcement programs, such as  
18 classroom programs, "tobacco-free" sports programs,  
19 peer-mentoring programs, and museum science, and discovery  
20 programs, than is placed on the funding of advertising.

21 (10) Reimbursement in the form of a nonrecurring  
22 appropriation not to exceed \$30 million should be provided to  
23 local governments that have borne costs of tobacco-related  
24 Medicaid patient care. The Agency for Health Care  
25 Administration shall adopt rules for the reimbursement to  
26 counties that include standards and times and ensure that  
27 previously instituted indigent health care programs shall be  
28 given equal consideration in the distribution of tobacco  
29 settlement funds.

30 (11) Tobacco use should be treated as substance abuse  
31 for purposes of providing cessation and counseling programs.

1 Youth and adult tobacco-use cessation programs, with proven  
2 effectiveness and appropriate incentives, should be supported  
3 by tobacco funds.

4 (12)~~(7)~~ County health departments must administer  
5 funds provided to each local coalition that is not  
6 specifically granted an exemption by the Legislature.  
7 Exemptions from requirements to administer coalition programs  
8 by county health departments shall be limited to established  
9 administrative entities that meet a test of several criteria  
10 established by the Department of Health and may not include  
11 provider agencies that could receive funding from the  
12 settlement.

13 (13) Consideration should be given to providing  
14 additional funding for public and not-for-profit hospitals,  
15 clinics, and medical schools that treat patients with  
16 tobacco-related illnesses, and to investing in the Med  
17 Access/Medical Buy-In Program for uninsured or underinsured  
18 employees of small businesses.

19 (14)~~(8)~~ Programs which raise matching funds should be  
20 maximized in order to get the greatest leverage of state  
21 funds.

22 (15)~~(9)~~ Grant and contract processes should be  
23 competitive and objective.

24 (16)~~(10)~~ Requests for information or for proposals  
25 should emphasize that performance measures will be required  
26 for all contracts and grants.

27 (17)~~(11)~~ A substantial portion of the program should  
28 be character-based and focused on rewarding appropriate values  
29 and behavior in youth.

30 (18)~~(12)~~ Needs of the minority youth community in this  
31 state should be addressed.

1           Section 2. This act shall take effect upon becoming a  
2 law.

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5                               SENATE SUMMARY

6 Revises guidelines to be applied by the Legislature in  
7 expending funds paid to the state as a result of the  
8 settlement of the lawsuit against the tobacco industry.

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