

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

The Committee on General Appropriations offered the following:

Amendment (with title amendment)

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

Section 1. Subsections (3) and (4) of section
215.5601, Florida Statutes, are amended, and subsections (8)
and (9) are added to said section, to read:

215.5601 Lawton Chiles Endowment Fund.--

(3) LEGISLATIVE INTENT.--It is the intent of the
Legislature to:

(a) Provide a perpetual source of funding for the
future of state children's health programs, child welfare
programs, children's community-based health and human services
initiatives, elder programs, and biomedical research
activities.

(b) Ensure that enhancement revenues will be available
to finance these important programs and initiatives.

(c) Use tobacco settlement moneys to ensure the
financial security of vital health and human services programs

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

1 for children and elders.

2 (d) Encourage the development of community-based
3 solutions to strengthen and improve the quality of life of
4 Florida's most vulnerable citizens, its children and elders.

5 (e) Provide funds for cancer research and
6 public-health research for diseases linked to tobacco use.

7 (4) LAWTON CHILES ENDOWMENT FUND; CREATION; PURPOSES
8 AND USES.--

9 (a) There is created the Lawton Chiles Endowment Fund,
10 to be administered by the State Board of Administration. The
11 endowment shall serve as a clearing trust fund not subject to
12 termination pursuant to s. 19(f), Art. III of the State
13 Constitution and shall be funded by settlement moneys received
14 from the tobacco industry. The endowment fund shall be exempt
15 from the service charges imposed by s. 215.20.

16 (b) Funds from the endowment that are available for
17 legislative appropriation pursuant to subsection (6) shall be
18 distributed by the board to trust funds of the state agencies
19 in the amounts provided for in this paragraph indicated by
20 ~~reference to the legislative appropriations for the state~~
21 ~~agencies, except as otherwise provided in this section.~~

22 1. For fiscal year 2000-2001, funds shall be
23 distributed based on legislative appropriations.

24 2. For fiscal year 2001-2002 and beyond, funds shall
25 be distributed annually as follows:

26 a. Fifty percent shall be deposited into a separate
27 account in the Department of Children and Family Services
28 Tobacco Settlement Trust Fund to be appropriated pursuant to
29 paragraph (8)(a);

30 b. Thirty-three and one-half percent shall be
31 deposited into the Biomedical Research Trust Fund in the

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

1 Department of Health to be appropriated pursuant to paragraph
2 (8)(b), if such a trust fund is created by law; otherwise, the
3 funds shall be deposited into the Department of Health Tobacco
4 Settlement Trust Fund; and

5 c. The remaining funds shall be deposited into a
6 separate account in the Department of Elderly Affairs Tobacco
7 Settlement Trust Fund to be appropriated pursuant to paragraph
8 (8)(a).

9 (c) Subject to legislative appropriations,~~The state~~
10 agencies shall use distributions ~~the funds~~ from the endowment
11 fund to enhance services for children and elders or to support
12 biomedical research initiatives pursuant to s. 215.5602
13 ~~increases in clients served or in program costs in health and~~
14 ~~human services program areas.~~

15 (d) No later than October 1 of each year,~~the~~
16 Secretary of Health, the Secretary of Children and Family
17 Services, the Secretary of Elderly Affairs,~~and the Director~~
18 of Health Care Administration shall develop a list of the top
19 five funding priorities for children's services eligible for
20 funding from the endowment funds, and the Secretary of Health,
21 the Secretary of Elderly Affairs, and the Director of Health
22 Care Administration shall develop a list of the top five
23 funding priorities for elder services eligible for funding
24 from the endowment funds. No later than November 15 of each
25 year, the list for children's services must be submitted to
26 the advisory council for children's services created in
27 paragraph (9)(a), and the list for elder services must be
28 submitted to the advisory council for elder services created
29 in paragraph (9)(b)~~conduct meetings to discuss program~~
30 ~~priorities for endowment funding prior to submitting their~~
31 ~~budget requests to the Executive Office of the Governor and~~

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

1 ~~the Legislature. The purposes~~ purpose of using the advisory
2 councils are to evaluate the funding priorities of the
3 agencies, to evaluate the request against the mission and
4 goals of the agencies, to allow for public input and advocacy,
5 and the meetings shall be to gain consensus for priority
6 requests and recommended endowment funding levels for those
7 priority requests. An agency head may not designate a proxy
8 for these meetings.

9 (e) Funds distributed from the endowment fund may not
10 be used to supplant existing revenues.

11 (f) When advised by the Revenue Estimating Conference
12 that a deficit will occur with respect to the appropriations
13 from a the Tobacco Settlement Trust Fund in any fiscal year,
14 the Governor shall develop a plan of action to eliminate the
15 deficit. Before implementing the plan of action, the Governor
16 must comply with the provisions of s. 216.177(2). In
17 developing the plan of action, the Governor shall, to the
18 extent possible, preserve legislative policy and intent, and,
19 absent any specific directions to the contrary in the General
20 Appropriations Act, any reductions in appropriations from a
21 the Tobacco Settlement Trust Fund for a fiscal year shall be
22 prorated among the purposes for which funds were appropriated
23 from that the Tobacco Settlement Trust Fund for that year.

24 (8) APPROPRIATIONS OF THE ENDOWMENT

25 EARNINGS.--Beginning with fiscal year 2001-2002:

26 (a) Appropriations by the Legislature to the
27 Department of Children and Family Services or the Department
28 of Elderly Affairs from the endowment earnings distributed to
29 those departments shall be from a category called Lawton
30 Chiles Endowment Fund Programs. The departments shall
31 distribute such appropriations pursuant to any directions or

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

1 limitations provided for in the General Appropriations Act and
2 consistent with this section.

3 (b) Appropriations by the Legislature to the
4 Department of Health from the endowment earnings distributed
5 to the department shall be from a category called Florida
6 Biomedical Research Program. The department shall spend such
7 funds in accordance with s. 215.5602.

8 (9) LAWTON CHILES ENDOWMENT FUND ADVISORY
9 COUNCILS.--There are established the Lawton Chiles Endowment
10 Fund Advisory Councils, the purpose of which is to evaluate
11 and rank for legislative consideration recommendations
12 submitted to the councils by the agencies for evaluation under
13 paragraph (4)(d).

14 (a) There is created within the Department of Children
15 and Family Services the Lawton Chiles Endowment Fund Advisory
16 Council for Children.

17 1. The council shall consist of 13 members, including
18 the director of the United Way of Florida, Inc., or a
19 designee, the director of the Florida Federation of Community
20 Foundations or a designee, the director of the Florida Foster
21 Parents Association or a designee, and the director of the
22 Florida Pediatric Association or a designee. The Governor
23 shall appoint the remaining council members, including:

24 a. An academic expert in child health policy.
25 b. A representative of a children's services council.
26 c. A representative of the Guardian Ad Litem Program.
27 d. A representative of a child welfare lead agency for
28 community-based care.

29 e. A representative of a statewide child advocacy
30 organization.

31 f. A youth representing a statewide youth

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

1 organization.

2 g. A professional who has expertise in the area of
3 child development.

4 h. Two consumer caregivers of children.

5 2. The council shall adopt internal organizational
6 procedures, including procedures for the appointment of a
7 chair, as necessary for its efficient organization.

8 3. The department shall provide such staff,
9 information, and other assistance as is reasonably necessary
10 to assist the council in carrying out its responsibilities.

11 4. Members of the council shall serve without
12 compensation, but may receive reimbursement as provided in s.
13 112.061 for travel and other necessary expenses incurred in
14 the performance of their official duties.

15 5. Before February 1 of each year, the council shall
16 advise the Legislature as to its ranking of the children's
17 programs submitted by the agencies for evaluation under
18 paragraph (4)(d). The responsibilities of the council may
19 include, but are not limited to:

20 a. Developing criteria and guiding principles for the
21 ranking of programs to be recommended to the Legislature.

22 b. Evaluating the value of programs or services
23 submitted by the agencies as they relate to overall
24 enhancement for children.

25 c. Providing recommendations on the funding levels to
26 be allocated for the ranked programs.

27 d. Participating in periodic program evaluation to
28 determine the need for continued funding.

29 e. Soliciting appropriate input from children's
30 advocates and community stakeholders, such as voluntary
31 organizations, community-based care lead agencies, health care

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

1 delivery systems, business and industry, government agencies,
2 and children's service providers.

3 (b) There is created within the Department of Elderly
4 Affairs the Lawton Chiles Endowment Fund Advisory Council for
5 Elders.

6 1. The council shall consist of 13 members, including
7 the director of the United Way of Florida, Inc., or a
8 designee, the director of the Florida Federation of Community
9 Foundations or a designee, the director of the Florida branch
10 of the American Association of Retired Persons or a designee,
11 the director of the Florida Council on Aging or a designee,
12 and the State Long-Term Care Ombudsman or a designee. The
13 Governor shall appoint the remaining council members,
14 including:

15 a. An academic expert in elder health policy.

16 b. A professional who has experience with the delivery
17 of home care services.

18 c. A physician who is certified in geriatric medical
19 care.

20 d. A professional who has experience with the delivery
21 of services in adult congregate care facilities.

22 e. A professional who has experience with the delivery
23 of services in a nursing home.

24 f. Two persons who are over the age of 60 years to
25 represent elders.

26 g. One consumer caregiver for an elder person.

27 2. The council shall adopt internal organizational
28 procedures, including the appointment of a chair, as necessary
29 for its efficient organization.

30 3. The department shall provide such staff,
31 information, and other assistance as is reasonably necessary

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

1 to assist the council in carrying out its responsibilities.

2 4. Members of the council shall serve without
3 compensation, but may receive reimbursement as provided in s.
4 112.061 for travel and other necessary expenses incurred in
5 the performance of their official duties.

6 5. Before February 1 of each year, the council shall
7 advise the Legislature as to its ranking of the elder programs
8 submitted by the agencies for evaluation under paragraph
9 (4)(d). The responsibilities of the council may include, but
10 are not limited to:

11 a. Developing criteria and guiding principles for the
12 ranking of programs to be recommended to the Legislature.

13 b. Evaluating the value of programs or services
14 submitted by the agencies as they relate to overall
15 enhancement for elders.

16 c. Providing recommendations on the funding levels to
17 be allocated for the ranked programs.

18 d. Participating in periodic program evaluation to
19 determine the need for continued funding.

20 e. Soliciting appropriate input from elder advocates
21 and community stakeholders, such as voluntary organizations,
22 community-based care lead agencies, health care delivery
23 systems, business and industry, government agencies, and
24 elder-service providers.

25 Section 2. Subsections (1) and (2) of section
26 215.5602, Florida Statutes, are amended to read:

27 215.5602 Florida Biomedical Research Program.--

28 (1) There is established within the Department of
29 Health ~~Lawton Chiles Endowment Fund~~ the Florida Biomedical
30 Research Program funded by the proceeds of the Lawton Chiles
31 Endowment Fund pursuant to s. 215.5601(4). The purpose of the

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

1 Florida Biomedical Research Program is to support research
2 initiatives that address the health care problems of
3 Floridians in the areas of cancer, cardiovascular disease,
4 stroke, and pulmonary disease. The long-term goals of the
5 program are to:

6 (a) Improve the health of Floridians by researching
7 better treatments for cancer, cardiovascular disease, stroke,
8 and pulmonary disease.

9 (b) Expand the foundation of biomedical knowledge
10 relating to the diagnosis and treatment of diseases related to
11 tobacco use, including cancer, cardiovascular disease, stroke,
12 and pulmonary disease.

13 (c) Improve the quality of the state's academic health
14 centers by bringing the advances of biomedical research into
15 the training of physicians and other health care providers.

16 (d) Increase the state's per capita funding for
17 biomedical research by undertaking new initiatives in
18 biomedical research that will attract additional funding from
19 outside the state.

20 (e) Stimulate economic activity in the state in areas
21 related to biomedical research, such as the research and
22 production of pharmaceuticals, biotechnology, and medical
23 devices.

24 (2) Funds appropriated for the Florida Biomedical
25 Research Program ~~from the Lawton Chiles Endowment Fund to the~~
26 ~~Department of Health for the purposes of this section~~ shall be
27 used exclusively for the award of grants and fellowships as
28 ~~under the program~~ established in this section; for research
29 relating to the diagnosis and treatment of diseases related to
30 tobacco use, including cancer, cardiovascular disease, stroke,
31 and pulmonary disease; and for expenses incurred in the

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

1 administration of this section.

2 Section 3. The sum of \$2 million in nonrecurring funds
3 is appropriated from the Department of Health Tobacco
4 Settlement Trust Fund to the Department of Health for the
5 Florida Biomedical Research Program created in s. 215.5602,
6 Florida Statutes.

7 Section 4. This act shall take effect July 1, 2000.

8
9

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

11 And the title is amended as follows:

12 remove from the title of the bill: everything before the
13 enacting clause

14

15 and insert in lieu thereof:

16 A bill to be entitled
17 An act relating to the Lawton Chiles Endowment
18 Fund; amending s. 215.5601, F.S.; revising
19 legislative intent; providing for the
20 allocation of moneys in the fund for health and
21 human services programs for children and elders
22 and for biomedical research programs; creating
23 the Lawton Chiles Endowment Fund Advisory
24 Council for Children and the Lawton Chiles
25 Endowment Fund Advisory Council for Elders;
26 providing for council members; authorizing
27 reimbursement for travel and other necessary
28 expenses incurred in the performance of
29 official council duties; providing for staff,
30 information, and other assistance; providing
31 duties; amending s. 215.5602, F.S.; placing the

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Florida Biomedical Research Program under the Department of Health; providing for the purpose of and funding for the program; providing an appropriation; providing an effective date.