

1                                   A bill to be entitled  
2           An act relating to the Lawton Chiles Endowment  
3           Fund; amending s. 215.5601, F.S.; revising  
4           legislative intent; providing for the  
5           allocation of moneys in the fund for health and  
6           human services programs for children and elders  
7           and for biomedical research programs; creating  
8           the Lawton Chiles Endowment Fund Advisory  
9           Council for Children and the Lawton Chiles  
10          Endowment Fund Advisory Council for Elders;  
11          providing for council members; authorizing  
12          reimbursement for travel and other necessary  
13          expenses incurred in the performance of  
14          official council duties; providing for staff,  
15          information, and other assistance; providing  
16          duties; amending s. 215.5602, F.S.; placing the  
17          Florida Biomedical Research Program under the  
18          Department of Health; providing for the purpose  
19          of and funding for the program; providing an  
20          appropriation; providing an effective date.

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

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24           Section 1. Subsections (3) and (4) of section  
25   215.5601, Florida Statutes, are amended, and subsections (8)  
26   and (9) are added to said section, to read:

27           215.5601 Lawton Chiles Endowment Fund.--

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

30           (a) Provide a perpetual source of funding for the  
31   future of state children's health programs, child welfare

1 programs, children's community-based health and human services  
2 initiatives, elder programs, and biomedical research  
3 activities.

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

6 (c) Use tobacco settlement moneys to ensure the  
7 financial security of vital health and human services programs  
8 for children and elders.

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

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

14 (4) LAWTON CHILES ENDOWMENT FUND; CREATION; PURPOSES  
15 AND USES.--

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

23 (b) Funds from the endowment that are available for  
24 legislative appropriation pursuant to subsection (6) shall be  
25 distributed by the board to trust funds of the state agencies  
26 in the amounts provided for in this paragraph ~~indicated by~~  
27 ~~reference to the legislative appropriations for the state~~  
28 ~~agencies, except as otherwise provided in this section.~~

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

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

3           a. Fifty percent shall be deposited into a separate  
4 account in the Department of Children and Family Services  
5 Tobacco Settlement Trust Fund to be appropriated pursuant to  
6 paragraph (8)(a);

7           b. Thirty-three and one-half percent shall be  
8 deposited into the Biomedical Research Trust Fund in the  
9 Department of Health to be appropriated pursuant to paragraph  
10 (8)(b), if such a trust fund is created by law; otherwise, the  
11 funds shall be deposited into the Department of Health Tobacco  
12 Settlement Trust Fund; and

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

17           (c) Subject to legislative appropriations,~~The state~~  
18 agencies shall use distributions ~~the funds~~ from the endowment  
19 fund to enhance services for children and elders or to support  
20 biomedical research initiatives pursuant to s. 215.5602  
21 ~~increases in clients served or in program costs in health and~~  
22 ~~human services program areas.~~

23           (d) No later than October 1 of each year,~~the~~  
24 Secretary of Health, the Secretary of Children and Family  
25 Services, ~~the Secretary of Elderly Affairs,~~and the Director  
26 of Health Care Administration shall develop a list of the top  
27 five funding priorities for children's services eligible for  
28 funding from the endowment funds, and the Secretary of Health,  
29 the Secretary of Elderly Affairs, and the Director of Health  
30 Care Administration shall develop a list of the top five  
31 funding priorities for elder services eligible for funding

1 from the endowment funds. No later than November 15 of each  
 2 year, the list for children's services must be submitted to  
 3 the advisory council for children's services created in  
 4 paragraph (9)(a), and the list for elder services must be  
 5 submitted to the advisory council for elder services created  
 6 in paragraph (9)(b)~~conduct meetings to discuss program~~  
 7 ~~priorities for endowment funding prior to submitting their~~  
 8 ~~budget requests to the Executive Office of the Governor and~~  
 9 ~~the Legislature.~~ The purposes ~~purpose~~ of using the advisory  
 10 councils are to evaluate the funding priorities of the  
 11 agencies, to evaluate the request against the mission and  
 12 goals of the agencies, to allow for public input and advocacy,  
 13 and the meetings shall be to gain consensus for priority  
 14 requests and recommended endowment funding levels for those  
 15 priority requests. An agency head may not designate a proxy  
 16 for these meetings.

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

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

1           (8) APPROPRIATIONS OF THE ENDOWMENT

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

3           (a) Appropriations by the Legislature to the  
4 Department of Children and Family Services or the Department  
5 of Elderly Affairs from the endowment earnings distributed to  
6 those departments shall be from a category called Lawton  
7 Chiles Endowment Fund Programs. The departments shall  
8 distribute such appropriations pursuant to any directions or  
9 limitations provided for in the General Appropriations Act and  
10 consistent with this section.

11           (b) Appropriations by the Legislature to the  
12 Department of Health from the endowment earnings distributed  
13 to the department shall be from a category called Florida  
14 Biomedical Research Program. The department shall spend such  
15 funds in accordance with s. 215.5602.

16           (9) LAWTON CHILES ENDOWMENT FUND ADVISORY

17 COUNCILS.--There are established the Lawton Chiles Endowment  
18 Fund Advisory Councils, the purpose of which is to evaluate  
19 and rank for legislative consideration recommendations  
20 submitted to the councils by the agencies for evaluation under  
21 paragraph (4)(d).

22           (a) There is created within the Department of Children  
23 and Family Services the Lawton Chiles Endowment Fund Advisory  
24 Council for Children.

25           1. The council shall consist of 13 members, including  
26 the director of the United Way of Florida, Inc., or a  
27 designee, the director of the Florida Federation of Community  
28 Foundations or a designee, the director of the Florida Foster  
29 Parents Association or a designee, and the director of the  
30 Florida Pediatric Association or a designee. The Governor  
31 shall appoint the remaining council members, including:

- 1           a. An academic expert in child health policy.  
2           b. A representative of a children's services council.  
3           c. A representative of the Guardian Ad Litem Program.  
4           d. A representative of a child welfare lead agency for  
5 community-based care.  
6           e. A representative of a statewide child advocacy  
7 organization.  
8           f. A youth representing a statewide youth  
9 organization.  
10          g. A professional who has expertise in the area of  
11 child development.  
12          h. Two consumer caregivers of children.  
13          2. The council shall adopt internal organizational  
14 procedures, including procedures for the appointment of a  
15 chair, as necessary for its efficient organization.  
16          3. The department shall provide such staff,  
17 information, and other assistance as is reasonably necessary  
18 to assist the council in carrying out its responsibilities.  
19          4. Members of the council shall serve without  
20 compensation, but may receive reimbursement as provided in s.  
21 112.061 for travel and other necessary expenses incurred in  
22 the performance of their official duties.  
23          5. Before February 1 of each year, the council shall  
24 advise the Legislature as to its ranking of the children's  
25 programs submitted by the agencies for evaluation under  
26 paragraph (4)(d). The responsibilities of the council may  
27 include, but are not limited to:  
28           a. Developing criteria and guiding principles for the  
29 ranking of programs to be recommended to the Legislature.  
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1           b. Evaluating the value of programs or services  
2 submitted by the agencies as they relate to overall  
3 enhancement for children.

4           c. Providing recommendations on the funding levels to  
5 be allocated for the ranked programs.

6           d. Participating in periodic program evaluation to  
7 determine the need for continued funding.

8           e. Soliciting appropriate input from children's  
9 advocates and community stakeholders, such as voluntary  
10 organizations, community-based care lead agencies, health care  
11 delivery systems, business and industry, government agencies,  
12 and children's service providers.

13           (b) There is created within the Department of Elderly  
14 Affairs the Lawton Chiles Endowment Fund Advisory Council for  
15 Elders.

16           1. The council shall consist of 13 members, including  
17 the director of the United Way of Florida, Inc., or a  
18 designee, the director of the Florida Federation of Community  
19 Foundations or a designee, the director of the Florida branch  
20 of the American Association of Retired Persons or a designee,  
21 the director of the Florida Council on Aging or a designee,  
22 and the State Long-Term Care Ombudsman or a designee. The  
23 Governor shall appoint the remaining council members,  
24 including:

25           a. An academic expert in elder health policy.

26           b. A professional who has experience with the delivery  
27 of home care services.

28           c. A physician who is certified in geriatric medical  
29 care.

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

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

3 f. Two persons who are over the age of 60 years to  
4 represent elders.

5 g. One consumer caregiver for an elder person.

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

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

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

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

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

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

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

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

30 e. Soliciting appropriate input from elder advocates  
31 and community stakeholders, such as voluntary organizations,



1 community-based care lead agencies, health care delivery  
2 systems, business and industry, government agencies, and  
3 elder-service providers.

4 Section 2. Subsections (1) and (2) of section  
5 215.5602, Florida Statutes, are amended to read:

6 215.5602 Florida Biomedical Research Program.--

7 (1) There is established within the Department of  
8 Health ~~Lawton Chiles Endowment Fund~~ the Florida Biomedical  
9 Research Program funded by the proceeds of the Lawton Chiles  
10 Endowment Fund pursuant to s. 215.5601(4). The purpose of the  
11 Florida Biomedical Research Program is to support research  
12 initiatives that address the health care problems of  
13 Floridians in the areas of cancer, cardiovascular disease,  
14 stroke, and pulmonary disease. The long-term goals of the  
15 program are to:

16 (a) Improve the health of Floridians by researching  
17 better treatments for cancer, cardiovascular disease, stroke,  
18 and pulmonary disease.

19 (b) Expand the foundation of biomedical knowledge  
20 relating to the diagnosis and treatment of diseases related to  
21 tobacco use, including cancer, cardiovascular disease, stroke,  
22 and pulmonary disease.

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

26 (d) Increase the state's per capita funding for  
27 biomedical research by undertaking new initiatives in  
28 biomedical research that will attract additional funding from  
29 outside the state.

30 (e) Stimulate economic activity in the state in areas  
31 related to biomedical research, such as the research and

1 production of pharmaceuticals, biotechnology, and medical  
2 devices.

3 (2) Funds appropriated for the Florida Biomedical  
4 Research Program ~~from the Lawton Chiles Endowment Fund to the~~  
5 ~~Department of Health for the purposes of this section~~ shall be  
6 used exclusively for the award of grants and fellowships as  
7 ~~under the program~~ established in this section; for research  
8 relating to the diagnosis and treatment of diseases related to  
9 tobacco use, including cancer, cardiovascular disease, stroke,  
10 and pulmonary disease; and for expenses incurred in the  
11 administration of this section.

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

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