

Bill No. SB 356  
Amendment No. \_\_\_\_

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator King moved the following amendment:		
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13	<b>Senate Amendment (with title amendment)</b>		
14	Delete everything after the enacting clause		
15			
16	and insert:		
17	Section 1. Subsections (3) and (4) of section		
18	215.5601, Florida Statutes, are amended, and subsections (8)		
19	and (9) are added to said section, to read:		
20	215.5601 Lawton Chiles Endowment Fund.--		
21	(3) LEGISLATIVE INTENT.--It is the intent of the		
22	Legislature to:		
23	(a) Provide a perpetual source of funding for the		
24	future of state children's health programs, child welfare		
25	programs, <u>children's</u> community-based health and human services		
26	initiatives, <u>elder programs</u> ,and biomedical research		
27	activities.		
28	(b) Ensure that enhancement revenues will be available		
29	to finance these important <u>programs and</u> initiatives.		
30	(c) Use tobacco settlement moneys to ensure the		
31	financial security of vital health and human services programs		

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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

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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

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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

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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

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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

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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

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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



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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

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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 section  
6 215.5602, 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 Delete everything before the enacting clause

13  
14 and insert:

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

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1 Department of Health; providing for the purpose  
2 of and funding for the program; providing an  
3 appropriation; providing an effective date.  
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