

House Bill No. 253

An act relating to the Lawton Chiles Endowment Fund; amending s. 215.5601, F.S.; revising legislative intent; providing for the allocation of moneys in the fund for health and human services programs for children and elders and for biomedical research programs; creating the Lawton Chiles Endowment Fund Advisory Council for Children and the Lawton Chiles Endowment Fund Advisory Council for Elders; providing for council members; authorizing reimbursement for travel and other necessary expenses incurred in the performance of official council duties; providing for staff, information, and other assistance; providing duties; amending s. 215.5602, F.S.; placing the 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.

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

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 for children and elders.

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

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

(4) LAWTON CHILES ENDOWMENT FUND; CREATION; PURPOSES AND USES.—

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

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

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

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

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

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

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

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

(d) No later than October 1 of each year, the Secretary of Health, the Secretary of Children and Family Services, the Secretary of Elderly Affairs, and the Director of Health Care Administration shall develop a list of the top five funding priorities for children's services eligible for funding from the endowment funds, and the Secretary of Health, the Secretary of Elderly Affairs, and the Director of Health Care Administration shall develop a list of the top five funding priorities for elder services eligible for funding from the endowment funds. No later than November 15 of each year, the list for children's services must be submitted to the advisory council for children's services created in paragraph (9)(a), and the list for elder services must be submitted to the advisory council for elder services created in paragraph (9)(b) conduct meetings to discuss program priorities for endowment funding prior to submitting their budget requests to the Executive Office of the Governor and the Legislature. The purposes purpose of using the advisory councils are to evaluate the funding priorities of the agencies, to evaluate the request against the mission and goals of the agencies, to allow for public input and advocacy, and the meetings shall be to gain consensus for priority requests and recommended endowment funding levels for those priority requests. An agency head may not designate a proxy for these meetings.

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

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

(8) APPROPRIATIONS OF THE ENDOWMENT EARNINGS.—Beginning with fiscal year 2001-2002:

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

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

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

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

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

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

- e. A representative of a statewide child advocacy organization.
 - f. A youth representing a statewide youth organization.
 - g. A professional who has expertise in the area of child development.
 - h. Two consumer caregivers of children.
2. The council shall adopt internal organizational procedures, including procedures for the appointment of a chair, as necessary for its efficient organization.
3. The department shall provide such staff, information, and other assistance as is reasonably necessary to assist the council in carrying out its responsibilities.
4. Members of the council shall serve without compensation, but may receive reimbursement as provided in s. 112.061 for travel and other necessary expenses incurred in the performance of their official duties.
5. Before February 1 of each year, the council shall advise the Legislature as to its ranking of the children's programs submitted by the agencies for evaluation under paragraph (4)(d). The responsibilities of the council may include, but are not limited to:
- a. Developing criteria and guiding principles for the ranking of programs to be recommended to the Legislature.
 - b. Evaluating the value of programs or services submitted by the agencies as they relate to overall enhancement for children.
 - c. Providing recommendations on the funding levels to be allocated for the ranked programs.
 - d. Participating in periodic program evaluation to determine the need for continued funding.
 - e. Soliciting appropriate input from children's advocates and community stakeholders, such as voluntary organizations, community-based care lead agencies, health care delivery systems, business and industry, government agencies, and children's service providers.
- (b) There is created within the Department of Elderly Affairs the Lawton Chiles Endowment Fund Advisory Council for Elders.
1. The council shall consist of 13 members, including the director of the United Way of Florida, Inc., or a designee, the director of the Florida Federation of Community Foundations or a designee, the director of the Florida branch of the American Association of Retired Persons or a designee, the director of the Florida Council on Aging or a designee, and the State Long-Term Care Ombudsman or a designee. The Governor shall appoint the remaining council members, including:
- a. An academic expert in elder health policy.

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

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

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

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

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

g. One consumer caregiver for an elder person.

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

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

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

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

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

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

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

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

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

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

215.5602 Florida Biomedical Research Program.—

(1) There is established within the Department of Health Lawton Chiles Endowment Fund the Florida Biomedical Research Program funded by the

proceeds of the Lawton Chiles Endowment Fund pursuant to s. 215.5601(4). The purpose of the Florida Biomedical Research Program is to support research initiatives that address the health care problems of Floridians in the areas of cancer, cardiovascular disease, stroke, and pulmonary disease. The long-term goals of the program are to:

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

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

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

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

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

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

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

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

Approved by the Governor June 8, 2000.

Filed in Office Secretary of State June 8, 2000.