

By Commissioner Nuñez

nuezj-00101-17

201794__

1 A proposal to amend
2 Section 27 of Article X of the State Constitution to
3 require that a certain percentage of funds from the
4 proceeds of the tobacco settlement entered into with
5 the state be dedicated to the research and treatment
6 of cancer.

7
8 Be It Proposed by the Constitution Revision Commission of
9 Florida:

10
11 Section 27 of Article X of the State Constitution is
12 amended to read:

13 ARTICLE X

14 MISCELLANEOUS

15 SECTION 27. Comprehensive Statewide Tobacco Education And
16 Prevention Program.—In order to protect people, especially
17 youth, from health hazards of using tobacco, including addictive
18 disorders, cancer, cardiovascular diseases, and lung diseases;
19 and to discourage use of tobacco, particularly among youth, a
20 portion of the money that tobacco companies pay to the State of
21 Florida under the Tobacco Settlement each year shall be used to
22 fund a comprehensive statewide tobacco education and prevention
23 program consistent with recommendations of the U.S. Centers for
24 Disease Control and Prevention (CDC), as follows:

25 (a) PROGRAM. The money appropriated pursuant to this
26 section shall be used to fund a comprehensive statewide tobacco
27 education and prevention program consistent with the
28 recommendations for effective program components in the 1999
29 *Best Practices for Comprehensive Tobacco Control Programs* of the
30 CDC, as such *Best Practices* may be amended by the CDC. This
31 program shall include, at a minimum, the following components,
32 and may include additional components that are also contained

nuezj-00101-17

201794__

33 within the CDC *Best Practices*, as periodically amended, and that
34 are effective at accomplishing the purpose of this section, and
35 that do not undermine the effectiveness of these required
36 minimum components:

37 (1) An advertising campaign to discourage the use of
38 tobacco and to educate people, especially youth, about the
39 health hazards of tobacco, which shall be designed to be
40 effective at achieving these goals and shall include, but need
41 not be limited to, television, radio, and print advertising,
42 with no limitations on any individual advertising medium
43 utilized; and which shall be funded at a level equivalent to
44 one-third of each total annual appropriation required by this
45 section;

46 (2) Evidence-based curricula and programs to educate youth
47 about tobacco and to discourage their use of it, including, but
48 not limited to, programs that involve youth, educate youth about
49 the health hazards of tobacco, help youth develop skills to
50 refuse tobacco, and demonstrate to youth how to stop using
51 tobacco;

52 (3) Programs of local community-based partnerships that
53 discourage the use of tobacco and work to educate people,
54 especially youth, about the health hazards of tobacco, with an
55 emphasis on programs that involve youth and emphasize the
56 prevention and cessation of tobacco use;

57 (4) Enforcement of laws, regulations, and policies against
58 the sale or other provision of tobacco to minors, and the
59 possession of tobacco by minors; and

60 (5) Publicly-reported annual evaluations to ensure that
61 moneys appropriated pursuant to this section are spent properly,

nuezj-00101-17

201794__

62 which shall include evaluation of the program's effectiveness in
63 reducing and preventing tobacco use, and annual recommendations
64 for improvements to enhance the program's effectiveness, which
65 are to include comparisons to similar programs proven to be
66 effective in other states, as well as comparisons to CDC *Best*
67 *Practices*, including amendments thereto.

68 (b) FUNDING.

69 (1) Each fiscal year ~~In every year beginning with the~~
70 ~~calendar year after voters approve this amendment,~~ the Florida
71 legislature shall appropriate, for the purpose expressed herein,
72 from the total gross funds that tobacco companies pay to the
73 State of Florida under the Tobacco Settlement, an amount equal
74 to fifteen percent of such funds paid to the State in 2005; and
75 the appropriation required by this section shall be adjusted
76 annually for inflation, using the Consumer Price Index as
77 published by the United States Department of Labor.

78 (2) Beginning with the 2019-2020 fiscal year, twenty
79 percent of the funding provided pursuant to paragraph (1) must
80 be used for purposes related to the research and treatment of
81 cancer. Funds shall be distributed evenly between competitive
82 cancer research projects that are administered by the biomedical
83 research advisory council. After consultation with the
84 biomedical research advisory council, the state surgeon general
85 shall award the grants.

86 (c) DEFINITIONS. "Tobacco" includes, without limitation,
87 tobacco itself and tobacco products that include tobacco and are
88 intended or expected for human use or consumption, including,
89 but not limited to, cigarettes, cigars, pipe tobacco, and
90 smokeless tobacco. The "Tobacco Settlement" means that certain

nuezj-00101-17

201794__

91 Settlement Agreement dated August 25, 1997, entered into in
92 settlement of the case styled as *State of Florida, et al. v.*
93 *American Tobacco Company, et al.*, Case No. 95-1466 AH (Fla. 15th
94 Cir. Ct.), as amended by Stipulation of Amendment dated
95 September 11, 1998; and includes any subsequent amendments and
96 successor agreements. "Youth" includes minors and young adults.

97 ~~(d) EFFECTIVE DATE. This amendment shall become effective~~
98 ~~immediately upon approval by the voters.~~