

By the Committee on Finance and Taxation; and Commissioner Nuñez

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1 A proposal to amend
2 Section 27 of Article X of the State Constitution to
3 require that cancer research be included in the
4 comprehensive statewide tobacco education and
5 prevention program.

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

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

12 ARTICLE X
13 MISCELLANEOUS

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

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

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33 are effective at accomplishing the purpose of this section, and
34 that do not undermine the effectiveness of these required
35 minimum components:

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

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

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

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

59 (5) Publicly-reported annual evaluations to ensure that
60 moneys appropriated pursuant to this section are spent properly,
61 which shall include evaluation of the program's effectiveness in

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

67 (6) Research of Cancer. Funds appropriated shall be
68 distributed evenly between competitive cancer research projects
69 that are administered by the biomedical research advisory
70 council. After consultation with the biomedical research
71 advisory council, the state surgeon general shall award the
72 grants.

73 (b) FUNDING.

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

83 (c) DEFINITIONS. "Tobacco" includes, without limitation,
84 tobacco itself and tobacco products that include tobacco and are
85 intended or expected for human use or consumption, including,
86 but not limited to, cigarettes, cigars, pipe tobacco, and
87 smokeless tobacco. The "Tobacco Settlement" means that certain
88 Settlement Agreement dated August 25, 1997, entered into in
89 settlement of the case styled as *State of Florida, et al. v.*
90 *American Tobacco Company, et al.*, Case No. 95-1466 AH (Fla. 15th

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91 Cir. Ct.), as amended by Stipulation of Amendment dated
92 September 11, 1998; and includes any subsequent amendments and
93 successor agreements. "Youth" includes minors and young adults.

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