

By the Committee on Ways and Means; and Senator Thomas

301-2241-98

1                                   A bill to be entitled  
2           An act relating to public funds; providing for  
3           the appropriation of revenues obtained as a  
4           result of the settlement of litigation  
5           involving the tobacco industry; providing for  
6           specified amounts to be appropriated to the  
7           Department of Health to continue implementing  
8           the Florida Kids Campaign Against Tobacco Pilot  
9           Program; providing for additional  
10          appropriations of revenues to be used for  
11          marketing, education and training, youth  
12          programs, and community partnerships; providing  
13          an appropriation to the Department of Business  
14          and Professional Regulation; requiring that  
15          such funds be used to enforce laws governing  
16          access to and possession of tobacco products by  
17          underage persons; providing for an evaluation  
18          of the pilot program; providing for program  
19          coordination and administrative support;  
20          providing an appropriation to the Working  
21          Capital Fund; providing an effective date.  
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23          WHEREAS, the use of tobacco products has been  
24          demonstrated to have serious and adverse effects on personal  
25          health, and  
26          WHEREAS, it has further been demonstrated that when  
27          tobacco use begins prior to adulthood, the potential for  
28          adverse health effects is increased, and  
29          WHEREAS, the children and youth of Florida have been  
30          subjected to extensive advertising and marketing efforts by  
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1 the tobacco industry to encourage their use of tobacco  
2 products, and

3 WHEREAS, the state of Florida was successful through  
4 settlement of litigation in requiring the tobacco industry to  
5 accept financial responsibility for costs to the state of  
6 Florida associated with remediating the adverse health effects  
7 of its products and preventing future generations of  
8 Floridians from suffering such adverse effects, and

9 WHEREAS, a portion of the proceeds from the settlement  
10 agreement has been designated for a pilot project to reduce  
11 tobacco use among Florida's children and youth, and

12 WHEREAS, the Florida Kids Campaign Against Tobacco  
13 Pilot Program was initiated during fiscal year 1997-1998 to  
14 address youth tobacco acceptability and accessibility through  
15 implementation of a comprehensive and coordinated tobacco  
16 education and enforcement program, and

17 WHEREAS, funds designated in the settlement agreement  
18 for implementation of the Florida Kids Campaign Against  
19 Tobacco Pilot Program are not available for application to any  
20 other public purpose, and

21 WHEREAS, the amount of \$70 million to support  
22 implementation in fiscal year 1998-1999 of the Florida Kids  
23 Campaign Against Tobacco Pilot Program may be paid only  
24 pursuant to the passage of this act, NOW THEREFORE,

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

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28 Section 1. The lump sum of \$70 million is appropriated  
29 from tobacco settlement revenues to the Department of Health  
30 to continue implementation of the Florida Kids Campaign  
31 Against Tobacco Pilot Program in fiscal year 1998-1999.

1           Section 2. Funds provided in section 1 of this act  
2 shall be distributed in the following manner:

3           (1) Twenty-six million dollars shall be provided to  
4 the Department of Health for marketing and communications.  
5 These funds are to be used for a media campaign to create and  
6 promote messages urging youth to live tobacco free; for  
7 advertising, production, research, advertising compensation,  
8 public relations, and promotion of the campaign; for entering  
9 into cooperative agreements with the private sector for joint  
10 marketing arrangements; for youth media training; and for  
11 Internet support.

12           (2) Thirteen million dollars shall be provided to the  
13 Department of Health for education and training. These funds  
14 are to be used for a comprehensive tobacco education and  
15 training initiative directed toward Florida's children and  
16 youth, from prekindergarten through grade 12. The initiative  
17 is to be created through collaborative efforts between state  
18 agencies, local communities, voluntary agencies, school  
19 districts, professional organizations, and the State  
20 University System, and should emphasize intensive,  
21 interactive, and coordinated anti-tobacco curricula. These  
22 funds are to be used for leadership seminars, statewide  
23 voluntary organization education projects, science museums,  
24 prevention grants, leadership institutes, youth sports  
25 activities, and visual and performing arts programs.

26           (3) Ten million dollars shall be provided to the  
27 Department of Health for youth programs and community  
28 partnerships. In order to receive funding from this  
29 appropriation, each program must demonstrate that the funds  
30 will be used for purposes directly associated with the Florida  
31 Kids Campaign Against Tobacco Pilot Program and that funds

1 will be used primarily for services and not for administrative  
2 activities. Oversight of all funds provided under this  
3 subsection will be the responsibility of the Department of  
4 Health. The department must approve all partnership and  
5 program plans, must oversee all contract activities, and may  
6 only release funds to each program or partnership after a  
7 determination has been made that all requirements have been  
8 met. The department, in consultation with the Office of  
9 Planning and Budgeting of the Executive Office of the  
10 Governor, must develop procedures for releasing and monitoring  
11 the use of funds provided under this subsection, including, at  
12 a minimum, an application process and an evaluation protocol  
13 to determine the effectiveness of community partnerships in  
14 reducing tobacco use among teens.

15 (4) Five million dollars shall be provided to the  
16 Department of Health for implementing a statewide minority  
17 network to implement initiatives that specifically address the  
18 needs of African Americans, Hispanics, Native Americans, and  
19 other minority populations.

20 (5) Six and one-half million dollars shall be provided  
21 to the Department of Business and Professional Regulation for  
22 enforcement of laws against underage tobacco access and  
23 possession through a combination of program development,  
24 research, and contracts with local law enforcement agencies.  
25 These funds are to be used for placing enforcement agents in  
26 retail locations, especially those located near schools and  
27 other areas where youth gather, to deter youth from purchasing  
28 tobacco and to train retail employees. Funds are also to be  
29 used for law enforcement training and equipment to provide a  
30 toll-free number for reporting retailers who provide tobacco

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1 to youth and to create a program to address the problem of  
2 false identification.

3 (6) Two million dollars shall be provided to the  
4 Department of Business and Professional Regulation for  
5 education, training, marketing, and communication. These funds  
6 are to be used to develop a model retailer compliance  
7 education and training program, provide law enforcement  
8 school-based education programs in all school districts,  
9 develop a model education curriculum for possession-law  
10 education, provide communication materials designed to inform  
11 the public about youth tobacco laws, and develop retail  
12 compliance materials that encourage voluntary compliance.

13 (7) Four million dollars shall be provided to the  
14 Department of Health for evaluation of each aspect of the  
15 pilot program. The statewide evaluation protocol must include  
16 instruments and procedures for data collection to document  
17 changes in attitudes, beliefs, and behaviors related to  
18 tobacco use in relation to the activities of each community  
19 partnership. The protocol must also include assessments of all  
20 programs prior to their inception, at the midpoint of their  
21 implementation, and after they are completed. Based on results  
22 from the midpoint evaluation, the statewide evaluator will  
23 make recommendations to the department as to whether the  
24 program should be continued, changed, or eliminated.

25 (8) Three and one-half million dollars shall be  
26 provided to the Department of Health for program coordination  
27 and administrative support. Pursuant to section 216.262(1)(a),  
28 Florida Statutes, the Executive Office of the Governor may  
29 create up to 24 positions in the Department of Business and  
30 Professional Regulation and the Department of Health may use  
31 up to 31 positions that are currently authorized to ensure

1 financial integrity, program accountability, and coordinated  
2 management of all activities associated with the Florida Kids  
3 Campaign Against Tobacco Pilot Program in fiscal year  
4 1998-1999. Positions established or redirected pursuant to  
5 this subsection are to be vacated and held in reserve by the  
6 Executive Office of the Governor upon completion of the  
7 Florida Kids Campaign Against Tobacco Pilot Program. Funds  
8 shall be transferred to the appropriate categories within the  
9 named departments by budget amendment subject to section  
10 216.177, Florida Statutes.

11           Section 3. The sum of \$330.5 million, plus interest,  
12 placed on deposit in accounts numbered 3660512058 and  
13 3660510843 at NationsBank, N. A., pursuant to Escrow Agreement  
14 dated September 15, 1997, and raised as a result of litigation  
15 entitled The State of Florida et. al. vs American Tobacco  
16 Company, et. al., Case #95-1466 AH, in the Circuit Court of  
17 the Fifteenth Judicial Circuit in and for Palm Beach County,  
18 are funds of the State of Florida and are appropriated to the  
19 Working Capital Fund.

20           Section 4. This act shall take effect July 1, 1998.  
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2 COMMITTEE SUBSTITUTE FOR  
3 SB 1270

4 This committee substitute strikes everything after the  
5 enacting clause and provides:

- 6 1. Appropriates \$70.0 million from tobacco settlement  
7 revenues to the Department of Health to continue the  
8 implementation of the Florida Kids Campaign Against  
9 Tobacco Pilot Program in fiscal year 1998-99.
- 10 2. Distributes these funds into the following program areas  
11 in the specified amounts:
  - 12 (a) Marketing and Communications, \$26 million.
  - 13 (b) Education and Training, \$13 million.
  - 14 (c) Youth Programs/Community Partnerships, \$10 million.
  - 15 (d) Enforcement, \$6.5 million.
  - 16 (e) Education, Training, Marketing and Communication Programs  
17 for Retailers and School Districts, \$2 million.
  - 18 (f) Evaluation of Pilot Program, \$2 million.
  - 19 (g) Initiatives to Meet need of African Americans, Hispanics,  
20 Native Americans, and other Minority Populations, \$5  
21 million.
  - 22 (h) Program Coordination and Administrative Support for  
23 Department of Health, \$3.5 million.
- 24 3. Also appropriates the sum of \$330.5 million, plus  
25 interest currently on deposit with the NationsBank, N.A.,  
26 pursuant to Escrow Agreement dated September 15, 1997,  
27 raised as a result of tobacco litigation, to the Working  
28 Capital Fund.  
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