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Tobacco Control in Florida 1999-2011: The Good, The Bad, and The Ugly

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## EXECUTIVE SUMMARY

- From the 1970s through 2011, tobacco control advocacy in Florida was led by the local divisions of the American Cancer Society, American Lung Association, and American Heart Association (tri-agencies), with the American Cancer Society as the dominant player.
- The tobacco industry used an extensive group of allies, campaign contributions and lobbying to try to block tobacco strong control policy in Florida through 2011. Between the 1987 and 2008 election cycles the tobacco industry spent \$5.9 million in campaign contributions.
- From 2006 - 2010, the tobacco industry spent \$6.3 - \$11.7 million on legislative branch lobbying and \$1.8 - \$4.6 million on executive branch lobbying in Florida. In-state cigarette manufacturer Dosal was a significant political force, outspending its national counterparts.
- Florida was a tobacco control leader in the U.S. in the 1970s, with passage of local clean indoor air laws in 50 cities and 11 counties. The tobacco industry stifled local progress in 1985 through passage – with support of the tri-agencies – of a weak statewide clean indoor air law with preemption of stronger local laws, and subsequently blocked any attempts to repeal preemption.
- In 2002, the tri-agencies ran a successful ballot initiative campaign (Amendment 6) to strengthen the 1985 law, making workplaces and restaurants (not bars) smokefree, overcoming significant tobacco industry opposition and winning 71% of the vote.
- Tobacco control advocates used their voter mandate to fight legislative opposition to strong implementation of Amendment 6, emphasizing to legislative leadership that they would not accept any significant exemptions in the law.
- Despite preemption, during the 2000s, grassroots advocates demonstrated continued desire to create more smokefree space in Florida through clean outdoor air restrictions at beaches, parks, hospitals, colleges, and universities.
- Florida is home to the Engle Case (1994), the first smokers’ class action lawsuit to reach a jury verdict in the U.S. Findings of liability in the case have enabled Florida’s smokers to file individual (“Engle Progeny”) suits. Between February 2009 and April 2011, 38 Engle Progeny verdicts were reached, including 26 for plaintiffs, with damages of \$359 million.
- The existence of over 9,500 Engle Progeny cases makes Florida a crucial state for the tobacco industry and an effective state tobacco control program which draws attention to the nefarious deeds of the industry especially threatening.
- In 1998, Florida launched its Tobacco Pilot Program (TPP), including the “truth” industry-denormalization media campaign. TPP reduced high school smoking 30 day prevalence from 27.4% to 17.8% and middle school smoking from 18.5% to 9.2% between 1998 and 2002, becoming a worldwide model for effective youth tobacco use prevention.
- Despite its success, funding for TPP was incrementally cut by a hostile Legislature under Governor Jeb Bush (R, 1999-2006) from \$70.5 million in FY1999 to \$1 million in FY2004, likely due to influence from the tobacco industry.
- Although the tri-agencies fought the cuts with direct lobbying and a well-organized “insider” grassroots lobbying campaign, their unwillingness to use “outsider” lobbying techniques to challenge TPP cuts, including holding responsible policymakers directly and publicly accountable, signaled to policymakers that they could eliminate the TPP’s funds without any significant repercussions.
- After 7 years of reduced TPP funding, Florida’s tri-agencies ran the constitutional Amendment 4 campaign to restore a state tobacco control program, to be designed according

to CDC *Best Practices for Comprehensive Tobacco Control Programs* and funded by 15% of the state's 2005 tobacco settlement payments (\$60 million annually).

- Amendment 4's implementing legislation created a strong legal foundation for the program, but earmarked \$10 million annually for Area Health Education Centers. The tri-agencies were unwilling to fight the earmark, because its champion, Senator Durrell Peadar (R, Crestview), was the powerful chair of the Senate Health and Human Services Appropriations Committee.
- In 2007, the Bureau of Tobacco Prevention Program (BTPP) was created in Governor Charlie Crist's (R, 2006-2010) Department of Health to administer Amendment 4. Despite the program's strong legal structure, poor staffing and low-impact programming, including an ineffective media campaign and heavy emphasis on cessation, restricted its success.
- The tri-agencies did not use their strong voter mandate to demand a high quality, high impact tobacco control program in its first three years. As of 2010, the program had no measurable impact on youth smoking rates, in sharp contrast to the earlier TPP. The program appeared to be making improvements in 2010 and early 2011.
- In 2009, Florida's tri-agencies capitalized on a budget deficit to raise Florida's historically low cigarette tax by \$1 to \$1.339. Passing the tax through the Legislature represented a significant victory over Florida's traditionally anti-tax ideology, and appears to have reduced per capita cigarette consumption by 20.6 packs per capita per year (29%) by 2010.
- Major U.S. tobacco companies made several attempts to pass a "non-participating manufacturers" fee in Florida in the 2000s, to be assessed on companies not party to the 1997 Medicaid fraud settlement, including Dosal. Dosal effectively fought the fee through highlighting differences between it and the large U.S. manufacturers.
- The Amendment 6 campaign was a model clean indoor air ballot initiative campaign. Grassroots interest in expanding smokefree space must be harnessed by advocates to secure a repeal of preemption and eliminate exemptions in the state clean indoor air law. Repealing preemption will provide the BTPP with increased local policy change opportunities.
- Advocates should continue to look for opportunities to raise the state's cigarette tax, and should support a non-participating manufacturers' fee. Emphasizing the 29.4% decrease in per capita cigarette tax consumption which appears to have resulted from Florida's 2009 \$1 cigarette tax increase, along with revenue generating power, will help them build support for the tax and fee.
- Aggressive advocacy, including public criticism of pro-tobacco politicians, is sometimes necessary to protect effective tobacco control programs, as evidenced by destruction of the TPP. Florida's tri-agencies must aggressively fight against the \$10 million BTPP earmark for AHECs, which have implemented low-impact cost-ineffective cessation programming.
- Inadequate implementation and the poor results of the BTPP demonstrate that strong structure is not sufficient to ensure that a tobacco control program is effective. Advocates must demand a high quality, effective tobacco control program from the Department of Health, including a strong media campaign and community-based policy change.
- Florida's tobacco control advocates achieved remarkable tobacco control policy change between 1999 and 2011, but the full potential of their accomplishments was limited by an unwillingness to exert the political pressure necessary to strongly implement and protect the tobacco control policy that they secured.

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## LIST OF ABBREVIATIONS

ACS	American Cancer Society
AHA	American Heart Association
AHECs	Area Health Education Centers
AIF	Associated Industries of Florida
ALA	American Lung Association
ASSIST	American Stop Smoking Intervention Study
ATF	Americans for Tax Reform
BAT	British American Tobacco
BRFSS	Behavioral Risk Factor Surveillance System
BTPP	Bureau of Tobacco Prevention Program
B&W	Brown and Williamson
CAWG	Constitutional Amendment Work Group
CBO	Community Based Organization
CDC	Centers for Disease Control and Prevention
CHD	County Health Department
CRS	Committee for Responsible Solutions
CS / CS / HB	Second Committee Substitute for a House Bill
CS / CS / SB	Second Committee Substitute for a Senate Bill
CS / HB	Committee Substitute for a House Bill
CS / SB	Committee Substitute for a Senate Bill
CTFK	Campaign for Tobacco Free Kids
DBPR	Department of Business and Professional Regulation
DHAT	Division of Health Awareness and Tobacco / Division of Health Access and Tobacco
DOH	Department of Health
FAMRI	Flight Attendant Medical Research Institute
FCIAA	Florida Clean Indoor Air Act



FRA	Florida Restaurant Association
FSU	Florida State University
FTPCP	Florida Tobacco Prevention and Control Program
FY	Fiscal Year (July 1 - June 30, labeled with the last year)
FYTS	Florida Youth Tobacco Survey
FYTS	Floridians for Youth Tobacco Education
GASP	Group Against Smoking Pollution
HB	House Bill
HCHQ	House Committee on Health Quality
HHSAC	Senate Health and Human Services Appropriations Committee
HVAC	Heating, Ventilation, and Air Conditioning
IAQA	Indoor Air Quality Alliance
IMPACT	Initiatives to Mobilize for the Prevention and Control of Tobacco Use
IRB	Institutional Review Board
JAMA	Journal of the American Medical Association
Leadership Council	Florida Leadership Council for Tobacco Control
MSA	Master Settlement Agreement
NAACP	National Association for the Advancement of Colored People
NAQC	North American Quitline Consortium
NCI	National Cancer Institute
NPM	Non-Participating Manufacturers
NRT	Nicotine Replacement Therapy
NTCP	National Tobacco Control Program
OSH	Office on Smoking and Health
PDA	Professional Data Analysts

PIPSA	Partners in Prevention of Substance Abuse
PM	Philip Morris / Altria
RJR	R.J. Reynolds / Reynolds American
SB	Senate Bill
SFFH	Smoke-Free for Health
SW	Statewide
SWAT	Students Working Against Tobacco
TAC/Tobacco Advisory Council	Tobacco Education and Use Prevention Advisory Council
TAN	Tobacco Action Network
TCWG	Tobacco Control Work Group
TFFC	Tobacco Free Florida Coalition
TIA	Tampa International Airport
TRP	Target Rating Point
TPP	Tobacco Pilot Program
QSN	Quit Smoking Now



## CHAPTER I: INTRODUCTION

- *Tobacco use kills 31,260 Floridians annually and costs the state \$6.32 billion each year in smoking-related medical expenses. Compared to the national prevalence from 1998 – 2009, adult smoking in Florida was average but youth smoking was low. Youth smoking declined significantly as a result of Florida’s Tobacco Pilot Program and its “truth” media campaign (1998-2003).*

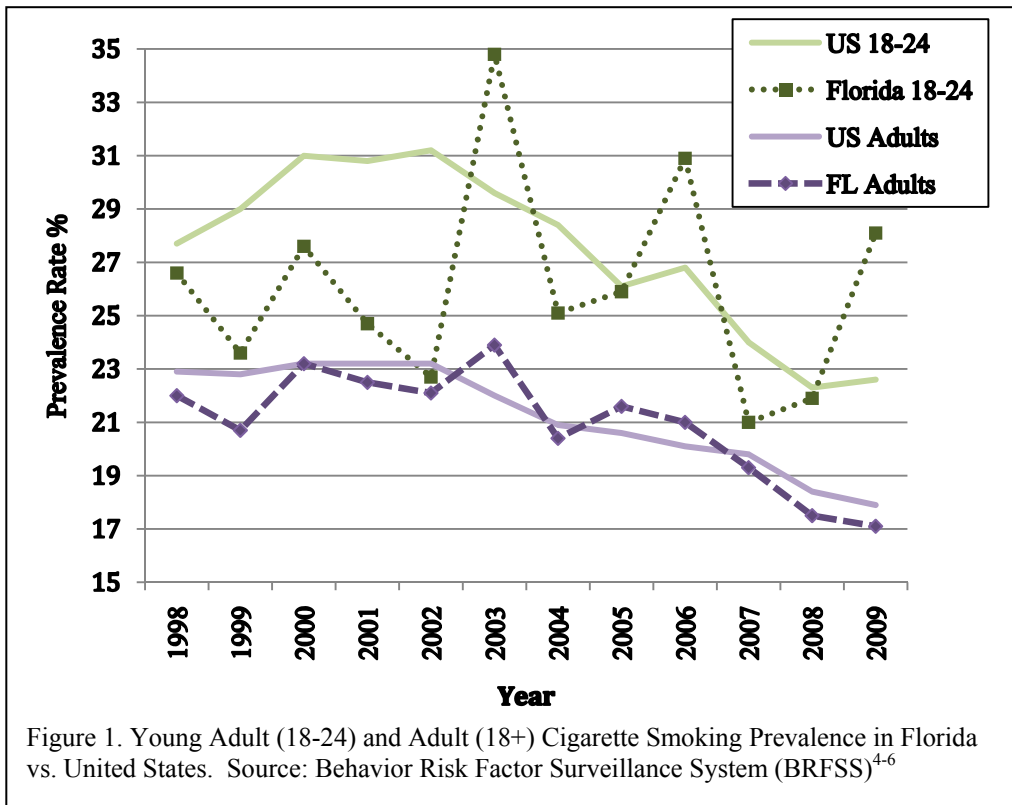
This report is an update of the 1999 report: “Tobacco Industry Political Power and Influence in Florida from 1979 to 1999,” by the same research group.<sup>1</sup> Florida was an early tobacco control leader with the birth of its grassroots clean indoor air movement in the 1970s. Unfortunately, clean indoor air progress was stifled with the passage in 1985 of a weak clean indoor air law – with the support of the major voluntary health agencies -- that preempted further local restrictions on indoor smoking. Florida regained its momentum during the end of the 1990s and continued to make a mark on tobacco control through the first decade of the 21<sup>st</sup> Century. In 1998, Florida began its successful Tobacco Pilot Program (TPP, 1998-2003), with the edgy “truth” anti-industry media campaign, which became a national model for youth tobacco use prevention programming. In both 2002 and 2006, the American Cancer Society, American Lung Association, and American Heart Association led initiative campaigns to establish smokefree workplaces and restaurants (2002) and to restore state tobacco control program funding (2006). In 2009, Florida’s tobacco control advocates accomplished a remarkable local victory by overcoming anti-tax ideology in 2009 to pass a \$1 cigarette tax through the state Legislature, achieving unanimous support from the Florida Senate and the biggest cigarette tax increase in Florida’s history. Despite all of this success, full potential of Florida’s tobacco control policy accomplishments as been limited by the voluntary health agencies’ unwillingness to exert the political pressure necessary to strongly implement and protect tobacco control policies.

### **Tobacco Use in Florida**

Tobacco use is the leading preventable cause of death in Florida, killing approximately 28,600 smokers and 2,660 nonsmokers annually.<sup>2</sup> Smoking costs Floridians \$6.32 billion each year in smoking-related medical expenses, including \$1.2 billion to the state’s Medicaid program.<sup>2</sup> Loss in productivity costs the state an additional \$6.87 billion.<sup>3</sup>

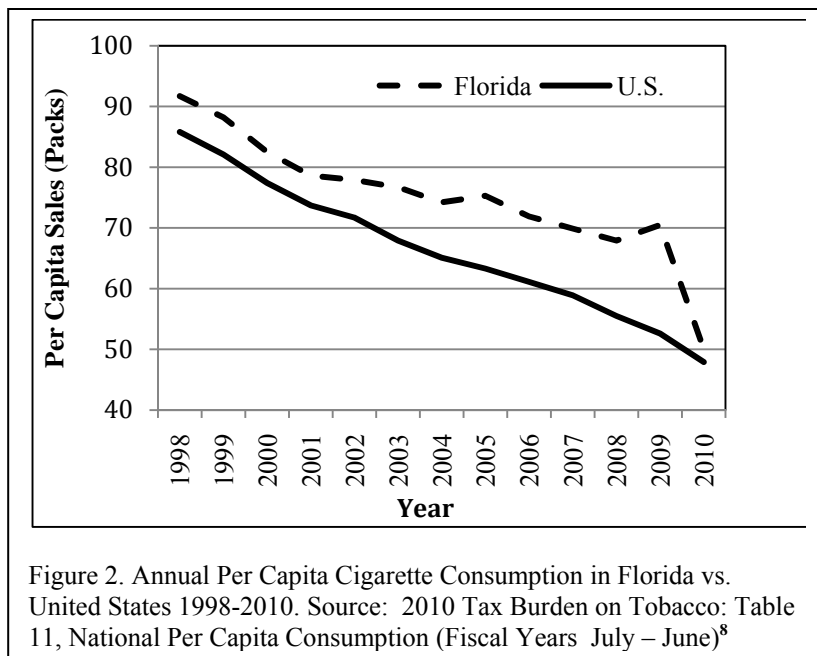
### ***Adults***

In Florida, the prevalence of cigarette smoking among adults (ages 18 and above) in 2009 was 17.1% (Figure 1). Florida’s adult smoking prevalence declined at a similar rate to the U.S. between 1998 and 2009. Declines in adult smoking between 2007 and 2009 coincided with the first years of the Bureau of Tobacco Prevention Program (BTPP). Smoking rates among young adults 18-24 were higher than adults in general both nationally and in Florida from 1998-2009.<sup>5, 6</sup> Florida’s aggressive youth-focused Tobacco Pilot Program (TPP, 1998 - 2003) did not appear to have coincided with any decline in young adult smoking. The Florida prevalence of use for other tobacco products (including smokeless tobacco) was 0.9% for 2006-2007,<sup>7</sup> much lower than the national average of 2.4%.<sup>7</sup>



### Consumption

Although adult smoking prevalence rates in Florida were similar to national rates, per capita cigarette consumption in Florida was consistently higher than the U.S. national average (Figure 2). The gap between U.S. per capita consumption and Florida per capita consumption widened from 2000 to 2009, when Floridians smoked on average 18 packs more per capita than the national average. The 2009 increase in consumption (measured in June 2009, at the end of the fiscal year) coincided with the increase in young adult smoking to 28.1% seen in Figure 1, above);

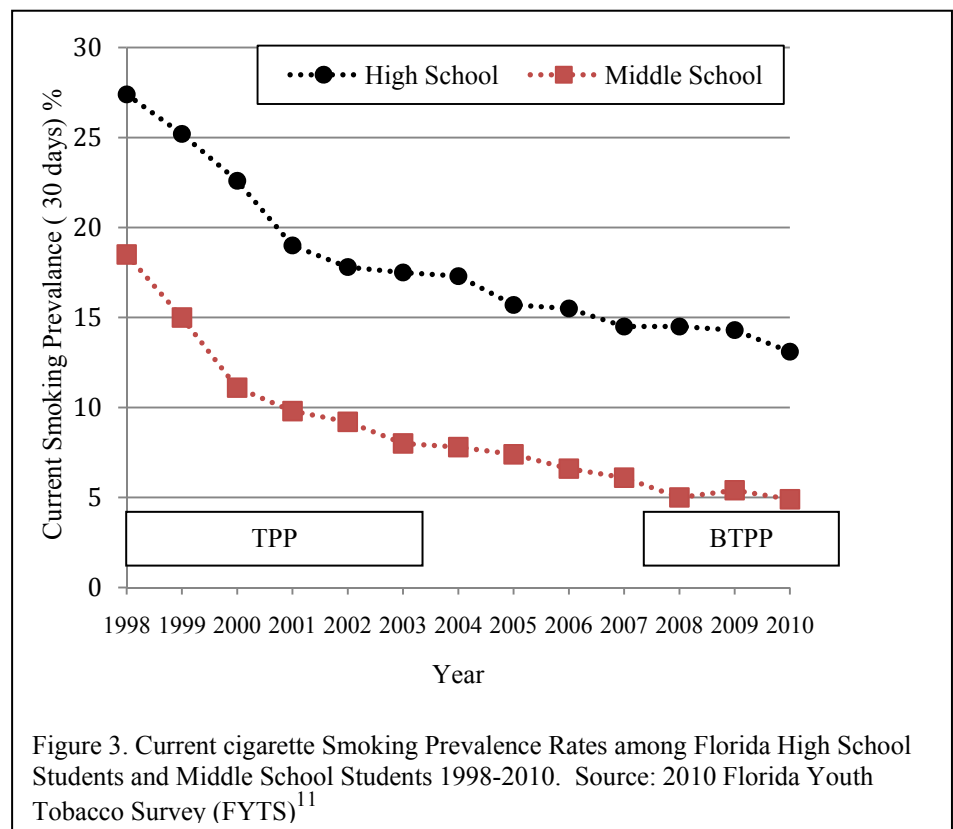


the only other states to experience an increase in per capita consumption in 2009 were New Hampshire, South Dakota, Tennessee, and West Virginia.<sup>9</sup> However, after the 2009 consumption data was collected, a \$1 state cigarette tax increase went into effect on July 1, 2009. Fiscal year 2010 consumption data shows a dramatic reduction in cigarette consumption in Florida, perhaps as a result of the cigarette tax, from 70.6 packs to 50.0 packs per capita, a reduction of 20.6 packs (29.4%). In 2010, Floridians only smoked 2.1 more packs per capita than the national average.

**2010 consumption data shows a dramatic reduction in cigarette consumption in Florida, perhaps as a result of the cigarette tax [\$1 increase], from 70.6 packs to 50.0 packs per capita, a reduction of 20.6 packs (29.4%).**

### Youth

Started in 1998, the annual Florida Youth Tobacco Survey (FYTS) measures tobacco use and attitudes toward tobacco use among middle and high school students.<sup>10</sup> FYTS data show



significant declines in youth smoking rates between 1998 and 2002, from 27.4% to 17.8% among high schoolers and from 18.5% to 9.2% among middle schoolers, coinciding with the Tobacco Pilot Program (TPP) (Figure 3) and its groundbreaking “truth” campaign. Declines in youth smoking continued after 2002, though at a slower rate, until cohorts exposed to “truth” finished high school.<sup>12</sup> Youth smoking, as reported in the 2010 FYTS,

fell 1.4 absolute percentage points among high school students and 1.7 absolute percentage points among middle school students since 2007, when the state began their Bureau of Tobacco Prevention Program (BTTP).<sup>11</sup> (As will be described later, this does not appear to be the result of BTTP’s activities.) Florida high school smoking rates remained significantly below the national average from 2001 to 2009 and continued to decline even though national youth smoking rates fluctuated (Table 1). (Comparable national data on middle school smoking was not available.)

Table 1. Florida High School Smoking Prevalence Rates Compared with U.S. High School Smoking Prevalence Rates						
Year	U.S.			Florida		
	<u>Current Smoker*</u>	<u>Frequent Smoker**</u>	<u>Ever Tried***</u>	<u>Current Smoker</u>	<u>Frequent Smoker</u>	<u>Ever Tried</u>
2001	28.5	13.8	63.9	21.5	9.3	57.4
2003	21.9	9.7	58.4	18.1	7.5	53.8
2005	23.0	9.4	54.3	17.2	6.4	47.6
2007	20.0	8.1	50.3	15.9	6.8	not available
2009	19.5	7.3	46.3	16.1	6.2	not available

Source: Youth Risk Behavior Survey (YRBSS)<sup>13</sup>  
 \*Students who smoked cigarettes on at least 1 day during the 30 days before the survey  
 \*\*Students who smoked cigarettes on 20 or more days during the 30 days before the survey  
 \*\*\*Students who ever tried cigarette smoking, even one or two puffs

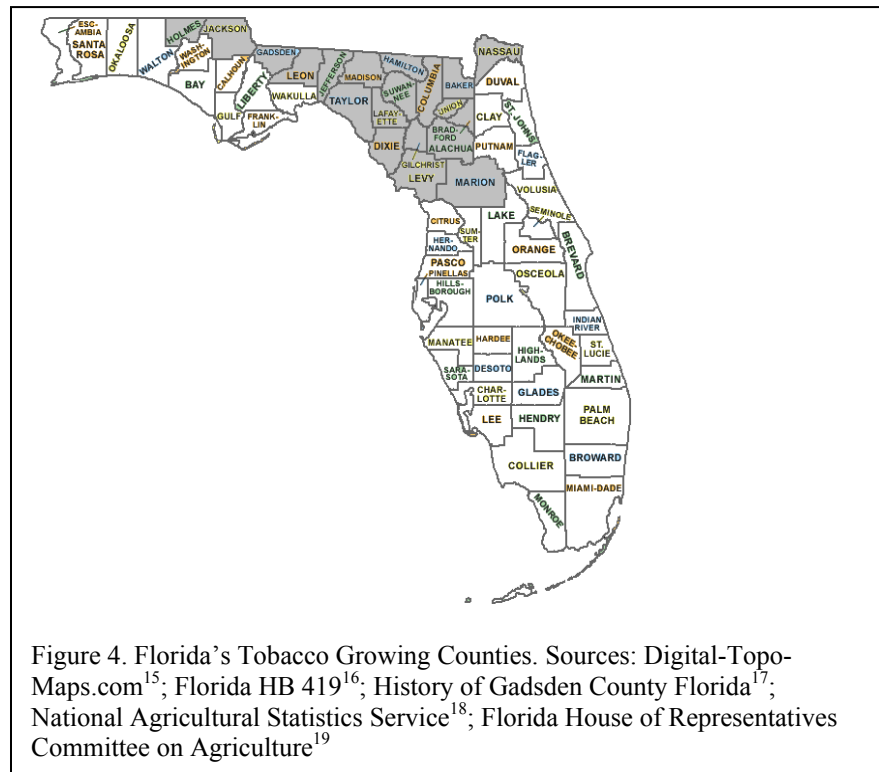
Although youth prevalence rates in Florida were lower than the national average, youth smoking varied dramatically across the state, with some counties facing high rates of use. In 2010, youth smoking rates were highest in the Panhandle region and lowest in the densely populated southern tip of Florida, particularly in Dade and Broward Counties. The high school tobacco use prevalence (defined as smoking at least once in the past 30 days) in 2010 was 13.1%, ranging from 8.0% in Broward County to 43.6% in Liberty County in the Panhandle.<sup>14</sup> Middle school tobacco use prevalence was 4.9% statewide, ranging from 2.7% in Broward County in the southern tip of the state to 15.2% in Gulf County on the Gulf Coast in the Panhandle.<sup>14</sup>

## CHAPTER II: TOBACCO INDUSTRY INFLUENCE

- Florida is home to large in-state cigarette manufacturer Dosal Tobacco (producer of 305s) and 27 cigar manufacturers.
- Seeking to influence Florida's elected officials, in the 1998 through the 2008 election cycles, the tobacco industry spent \$4.2 million in campaign contributions in Florida; contributions from Dosal grew considerably during this period and it outspent even Philip Morris/Altria and RJ Reynolds in 2008. Candidates for governor and key legislative leadership were among the largest recipients.
- The tobacco industry also worked to influence tobacco policymaking through substantial legislative and executive branch lobbying. From 2006 to 2010, the tobacco industry spent between \$6.3 and \$11.7 million on legislative lobbying and between \$1.8 and \$4.6 million on executive branch lobbying in Florida alone.

### Tobacco Growing

Florida is a tobacco growing and manufacturing state. In the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, production of tobacco started in the Panhandle region, including Leon County (home of the capital Tallahassee) (Figure 4). Madison, Hamilton, Columbia, Suwannee, Lafayette and Alachua Counties were the largest tobacco producers, with over 500 acres per county as of 1999.<sup>19</sup> Although Florida produces tobacco, it is a relatively small producer compared to other states; in 2007, the U.S. Department of Agriculture ranked Florida 13<sup>th</sup> out of 17 tobacco growing states in the U.S., in terms of the annual value of its tobacco crop.<sup>20</sup>



While most Florida tobacco farmers grow flue-cured tobacco for cigarettes,<sup>19</sup> Gadsden and Madison counties were home to shade tobacco for cigars.<sup>17</sup> Few places in the U.S are suitable for growing shade tobacco, it's limited to the Georgia-Florida Shade Tobacco District and the Connecticut River Valley in Connecticut.<sup>17</sup> Shade tobacco production in Florida began to



**While most Florida tobacco farmers grow flue-cured tobacco for cigarettes, Gadsden and Madison counties were home to shade tobacco for cigars.**

decline after the middle of the 20<sup>th</sup> century, ending in 1980; as of 2010, shade tobacco was only grown in the Connecticut River Valley.<sup>17</sup>

Acreage in Florida dedicated to tobacco production peaked in the middle of the 20<sup>th</sup> century and by 2006, it returned to levels only slightly higher than when Florida began producing tobacco in 1897 (Figure 5). Between 2000 and 2006, dedicated acreage and production fell by roughly half.

As in other states,<sup>21-23</sup> this decline was likely due to the decision by cigarette manufacturers to switch to cheaper foreign tobacco and the end of the federal tobacco quota program in 2004.

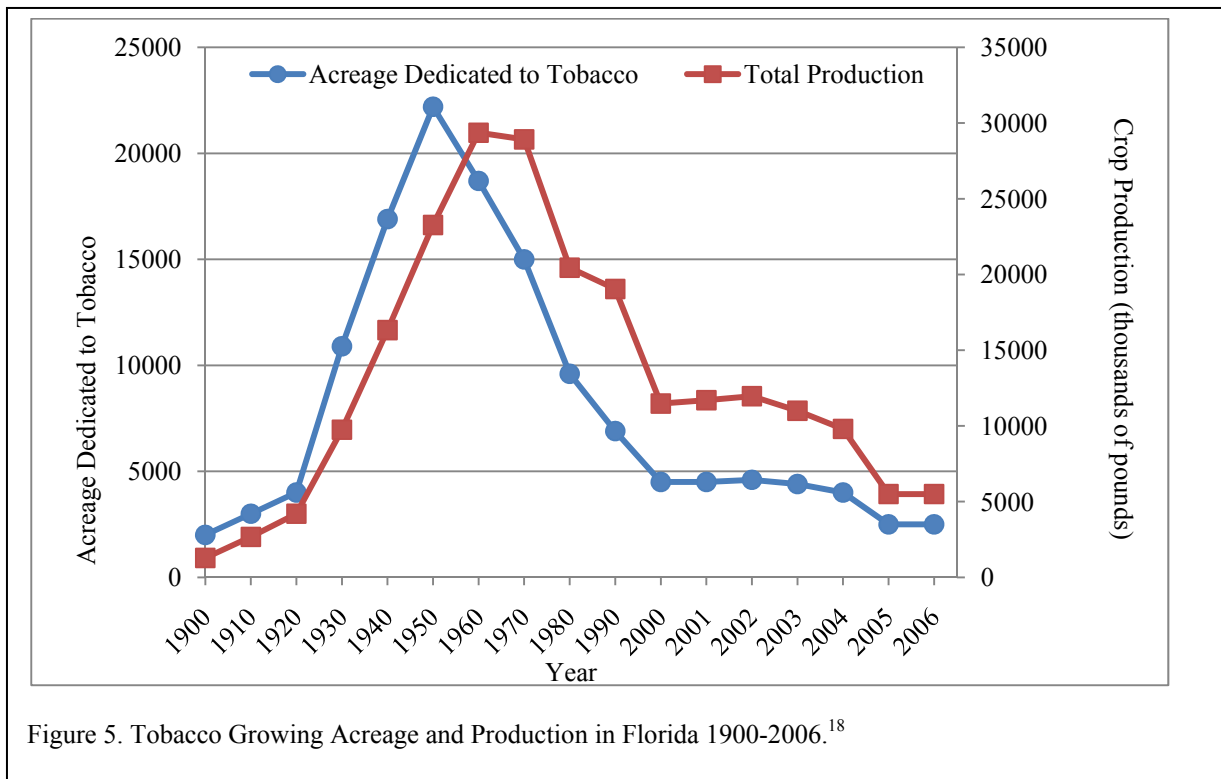


Figure 5. Tobacco Growing Acreage and Production in Florida 1900-2006.<sup>18</sup>

The Florida Department of Agriculture and Consumer Services discontinued their estimates of crop value and acreage in Florida in 2007 because of the limited numbers of growers in the state. In 2009, Philip Morris/Altria (PM) announced that it would no longer be purchasing tobacco from producers in Florida after then-current contracts with growers expired.<sup>24</sup>

In 1995, Florida became the third state (behind Minnesota and Mississippi) to sue the tobacco companies to recover the state's Medicaid costs due to smoking and related disease and force changes in industry marketing behavior.<sup>1</sup> In 1997, the state of Florida settled its \$13.1 billion Medicaid liability lawsuit against the four major U.S. cigarette manufacturers.<sup>1</sup> (All 50 U.S. states ultimately settled Medicaid liability suits with the manufacturers, 46 of which were

party to the 1998 Master Settlement Agreement<sup>25</sup> (MSA), after Florida, Mississippi,<sup>26</sup> Texas,<sup>27</sup> and Minnesota<sup>28</sup> had settled individually.)

To compensate tobacco growers for declines in demand resulting from the settlement, the major cigarette companies agreed to pay \$5.15 billion to tobacco growers nationwide (known as “Phase-II Payments”). Florida was one of 14 states in which growers received payments, receiving 1.13% of total payments<sup>19</sup> (based on market share<sup>21</sup>) or about \$4.85 million per year for the 12 years between 1999 and 2010.<sup>29</sup> Despite the Phase II Payments, tobacco growers complained to Florida’s Legislature that the state settlement had resulted in a significant decline in demand for tobacco in the state and that growers should be additionally compensated. Representative Dwight Stansel (D, Wellborn, Tobacco Industry Contributions 1987-2008 \$13,250), who was a tobacco grower, filed bills in 1999 (HB 2255 and 2257<sup>19</sup>) and 2000 (HB 419<sup>16</sup>) to secure compensation for the growers. Stansel’s proposal would have set aside 2% of Florida’s original settlement with the tobacco industry for the Florida Tobacco Producers Compensation Fund.<sup>19</sup> None of the bills made it out of committee in the Florida House of Representatives.<sup>19, 30</sup>

## **Tobacco Manufacturing**

Although tobacco growing has been a minor part of Florida’s economy, tobacco manufacturing, primarily of cigars, has played a much larger role. As of 2009, Florida’s \$2 billion cigar industry included at least 27 in-state cigar manufacturers (more than any other state), located primarily in Tampa and Miami.<sup>31, 32</sup> Cigar and smokeless tobacco manufacturer Swisher International Group, based in Jacksonville, employed approximately 1,400 workers in 2009.<sup>32</sup> Hav-a-Tampa, owned by Altadis USA, employed approximately 800 people at its cigar factory in Tampa until it closed in June 2009 when Altadis moved production operations to Puerto Rico.<sup>33</sup> Hav-a-Tampa’s 150-employee distribution center near the closed factory remained open.<sup>33</sup> In February 2010, Swiss cigar importer Oettinger Davidoff Group selected Pinellas Park (in the Tampa Bay area) for its U.S. headquarters, bringing 90 jobs and an expected \$10 million in capital investment to the state.<sup>34</sup>

<p><b>Dosal saw its market share in the Florida cigarette market grow from 3% in 1997 to 18% in 2009</b></p>
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As of 2011, Dosal Tobacco, a low-cost cigarette manufacturer based in Opa-Locka (near Miami), was the major cigarette manufacturer in Florida. The company claimed to employ about 280 people in 2010, including 130 people in its Opa-Locka based manufacturing plant and more than 150 people in distributing across the state.<sup>35</sup> Independent media estimates put the number at about 145.<sup>36</sup> Dosal saw its market share in the Florida cigarette market grow from 3% in 1997 to 18% in 2009, with its cigarettes, including popular low-cost brand 305’s (Figure 6, named after Miami’s area code), priced at approximately two-thirds that of major-brand cigarettes.<sup>38, 39</sup> Dosal was able to keep costs down because it was not included in the 1997 Florida Settlement; Dosal was originally party to the suit but then was dropped because of their relatively small market share at the time and less egregious marketing practices as compared with the major cigarette manufacturers.<sup>36</sup> While the MSA required that in-state tobacco companies not originally party to the MSA sign on to the agreement and make Medicaid reimbursement payments to the state, Florida, as a non-MSA-settling state, did not have the same requirement. (Dosal does not export

its cigarettes outside of Florida and has not signed on a subsequent signatory to the MSA.) As a result, in-state manufacturer Dosal (known as a non-participating manufacturer or NPM) was able to keep its prices low enabling it to grow its market share. In addition, Dosal’s cigarettes were distributed through smaller convenience stores as opposed to major chain distributors,



Figure 6. Florida’s major cigarette manufacturer Dosal produces “305’s” named after Miami’s area code. Source: Dosal Tobacco<sup>37</sup>

giving them an additional market niche.<sup>38</sup> Although Dosal’s products are manufactured and distributed in Florida, their tobacco comes from Kentucky, North Carolina and Virginia.<sup>36</sup>

Large out-of-state cigarette manufacturers, including Philip Morris/Altria and R.J. Reynolds/Reynolds American, have vigorously pushed for a non-participating manufacturers’ (NPM) fee on Dosal in Florida. Their hope is that an NPM fee would force Dosal to raise its prices, allowing the major manufacturers to recapture lost market share. An in-depth discussion of legislation proposing an NPM fee appears in Chapter XIII on cigarette taxes.

As of 2010, Florida was also home to two leading distributors of e-cigarettes, products which deliver nicotine aerosols without burning tobacco: Weston-based Smoking Everywhere and Hallandale Beach-based Vapor Corp (which had 20% of the e-cigarette market as of 2010).<sup>40</sup> These products, which are not yet regulated by the Food and Drug Administration (FDA), are marketed using a range of unsubstantiated claims about health, secondhand smoke, and value as cessation aids. Smoking Everywhere was in the media in August 2010 because it settled a lawsuit with Oregon’s Department of Justice which claimed the company was misrepresenting the safety of its products and marketing to minors.<sup>41</sup> Under the terms of the settlement agreement, Smoking Everywhere admitted to violating Oregon’s Unlawful Trade Practices Act and was prohibited from selling its products in Oregon.<sup>41</sup> Vapor Corp voluntarily withdrew from the Oregon market to avoid a similar lawsuit.<sup>40</sup> California also settled a lawsuit with Smoking Everywhere in October 2010, preventing the company from marketing its products to minors and from claiming its products were a safe alternative to smoking.<sup>42</sup>

**The tobacco industry spent more money on marketing in Florida than in any other U.S. state and an estimated \$968 million in 2003**

**Tobacco Marketing**

The tobacco industry spends over \$35 million per day marketing their products nationwide.<sup>43</sup> Between 2002 and 2006, the last year for which data are available, the tobacco industry spent more money on marketing in Florida than in any other U.S. state and an estimated \$968 million in in 2003, despite being the fourth most populous state.<sup>43</sup> High marketing expenditures may be due to Florida’s role as a tourist

destination, in which advertising has the potential to impact voters and consumers in multiple U.S. states. Florida’s successful youth countermarketing campaign “truth” (which ran from 1998

to 2002) may have also prompted heavier tobacco industry marketing in an effort to counter the successful campaign. Tobacco companies also spend advertising dollars targeting “snow-birds,” typically retirees who travel South to states such as Florida, for the winter months, with specialized messaging. Tobacco industry documents research suggests that the tobacco companies have targeted this market to prevent older smokers from quitting.<sup>44</sup>

## **Tobacco Industry Allies**

### ***The Tobacco Industry’s Trade Associations***

The Tobacco Institute (TI) in Washington, D.C. coordinated the tobacco industry’s political and public relations activities across the U.S. from its inception in 1958, until it was dissolved in 1998 as a result of the MSA. In 1977, the TI established the Tobacco Action Network (TAN) to develop the industry’s grassroots network. TAN consisted of a state director who worked with the TI and a state TAN advisory committee comprised of tobacco growers, wholesalers, retailers, vendors, industry representatives and the TI’s state legislative counsel.<sup>21, 45</sup> TAN began working in Florida as early as 1979, organizing efforts to fight a clean indoor air initiative in Miami-Dade County.<sup>1</sup>

The Smokeless Tobacco Council, the smokeless tobacco industry’s TI equivalent, also worked on legislative and regulatory issues in Florida. Both the TI (working on its own and through TAN), and the Smokeless Tobacco Council, had a strong presence in Florida throughout the 1980s and 1990s. TI hired lobbyists, including Guy Spearman III, who as of 2010 was Philip Morris/Altria’s (PM) longest serving and highest paid executive branch lobbyist in Florida, to lobby for its interests in the Florida Legislature.<sup>46</sup> In addition, TI exerted its influence via front groups (discussed below) and campaign contributions.

The Cigar Association of America is a Washington, D.C.-based trade organization for the cigar industry, including manufacturers, distributors, importers, and tobacco suppliers. Originally established in 1937,<sup>47</sup> the Cigar Association advocates for the interests of the cigar industry across the U.S., including Florida’s 27 cigar manufacturers. Like the TI and Smokeless Tobacco Council, the Cigar Association has exerted its influence in Florida via lobbying and campaign contributions.

### ***Third-Party Allies***

In addition to establishing and working through tobacco industry-specific trade organizations, the tobacco industry has a history of partnering with third-party trade associations to promote and protect its interests worldwide.<sup>48-52</sup> The reputations of third-party organizations often gives the tobacco industry cover for its activities and lends a semblance of credibility to its causes.<sup>53</sup> Common third-party allies recruited by the tobacco industry include the hospitality industry (hotel and motel associations and restaurant associations), chambers of commerce, as well as other large manufacturing groups.<sup>49, 51, 52</sup> Numerous organizations in Florida have partnered with tobacco companies since the 1970s. In 1979, the Greater Miami Hotel and Motel Association, Miami

**The reputation of third-party organizations often gives the tobacco industry cover for its activities and lends a semblance of credibility to its causes.**

Chapter of the Florida Restaurant Association and the Florida State Restaurant Association allied with the industry to oppose a clean indoor air initiative on the Miami-Dade ballot.<sup>1, 45</sup> In 1985, the Florida Restaurant Association, the Florida Retail Federation, and the Florida Chamber of Commerce joined the tobacco industry in opposing the Florida Clean Indoor Air Act and negotiated the weak preemptive state law that finally passed,<sup>1</sup> which continued to block local clean indoor air progress through 2010.

The Florida Restaurant Association (FRA) continued to be an active opponent of clean indoor air legislation in Florida, along with the Associated Builders and Contractors of Florida, the Florida Hotel and Motel Association, Florida United Businesses Association, the Florida Petroleum Marketers and Convenience Store Association, the Florida Retail Federation, R.J. Reynolds and the Florida Tobacco and Candy Association.<sup>54</sup> However, after Amendment 6 for smokefree workplaces and restaurants passed in 2002, the FRA did ally with public health

**There has been a history of close collaboration between the tobacco industry and Associated Industries of Florida...**

groups to ensure that bars, which were exempted by Amendment 4, were strongly defined, making most of them smokefree.<sup>55, 56</sup> The Florida Petroleum Marketers and Convenience Store Association and the Florida Retail Federation opposed the \$1 tax increase on cigarettes that passed the Florida Legislature in 2009. (These campaigns are discussed in detail later in this report.)

There has been a history of close collaboration between the tobacco industry and Associated Industries of Florida (AIF), an association similar to a chamber of commerce. The TI began paying dues to AIF as early as 1993,<sup>57</sup> in addition to providing supplemental financial support to the organization, including a donation of \$5,000 in 1995.<sup>58</sup> AIF supported the tobacco industry in several significant policy battles in the 1980s, 1990s and 2000s. In 1985, AIF opposed a stronger version of the Florida Clean Indoor Air Act. Subsequently, in 1986, they challenged a lawsuit which claimed that Florida's preemption of local clean indoor air activity was unconstitutional.<sup>1</sup> (In 1985 the Florida Legislature passed the Florida Clean Indoor Air Act that included "preemption," a statutory provision which overturned existing local clean indoor air laws and prohibited local governments from enacting any future restrictions on indoor smoking.) In 1996, AIF launched a media campaign to override Governor Chiles' veto of a bill which would have repealed the Third Party Medicaid Liability Act which enabled Florida to sue the tobacco industry.<sup>59</sup> AIF also unsuccessfully challenged the Third-Party Medicaid Liability Act in circuit court and all the way to the Florida Supreme Court on the grounds that it was unconstitutional.<sup>60, 61</sup> AIF supported the tobacco industry in its challenge to Phase II punitive damage awards in the Engle class-action lawsuit brought on behalf of addicted smokers (discussed subsequently).<sup>62</sup> AIF also joined the industry in opposing a 2002 Amendment 4 campaign for smokefree workplaces and restaurants and a \$1 cigarette tax passed by the Florida Legislature in 2009.<sup>63</sup> Several individual lobbyists and lobbying firms have served both the tobacco industry and AIF, including Guy Spearman III, Jim Rathbun, John French, Ronald Book and Public Affairs Consultants. Spearman, Rathbun, and French were key tobacco industry lobbyists in the state of Florida; Ronald Book and Public Affairs Consultants were only short-term industry lobbyists.<sup>64, 65</sup>

## ***Industry Front Groups***

The tobacco industry also has a history of creating front groups to mask their involvement in opposing tobacco control policy and promoting industry interests.<sup>48, 49, 51, 66-68</sup> These front groups typically have vague names that embody ideas of small government and citizen action. To oppose a 1979 Miami-Dade clean indoor air initiative, the industry sponsored Dade Voters for Free Choice, which, according to the Vice President and General Counsel of Brown and Williamson Tobacco, operated with the campaign message “too much government.”<sup>1</sup>,<sup>45</sup> In 2002, Philip Morris founded the “Committee for Responsible Solutions,” with its allies the Florida Hotel and Motel Association and the Florida Restaurant Association, to oppose Amendment 6 for smokefree workplaces and restaurants.<sup>69</sup>

## **Tobacco Industry Campaign Contributions**

Florida politicians have been recipients of tobacco industry campaign contributions, in the form of direct contributions, soft money contributions, and contributions from tobacco industry allies. A 1991 law limiting direct campaign contributions to \$500 per candidate led the tobacco industry to focus their contributions on political parties (soft money contributions). This pattern was reinforced by a 1997 law permitting political parties to purchase advertising for candidates as long as there were at least three candidates supported in the advertisement.<sup>1</sup> Aside from this “three pack” rule,<sup>1</sup> soft money is largely unrestricted; Florida is one of a few states to allow unlimited soft money donations and allows political parties to donate up to \$50,000 to a candidate in addition to in-kind donations.<sup>70</sup> Research on several other states and the federal government has consistently linked tobacco industry campaign contributions to pro-industry policy decisions of recipients.<sup>71-74</sup>

### ***Total Tobacco Industry Direct Campaign Contributions 1998-2008***

Tobacco industry campaign contributions in Florida were mainly given by large domestic cigarette and smokeless tobacco manufacturers Philip Morris/Altria (PM) and R.J. Reynolds/Reynolds American (RJR), as well as in-state manufacturer Dosal. Philip Morris Inc., owned by parent company Altria, is the largest tobacco manufacturer in the U.S. and its cigarette brands comprise roughly half the domestic cigarette market.<sup>75</sup> Philip Morris Co. became the parent company of Philip Morris, Inc. in 1985 and changed its name to Altria in 2003. In 2009, Altria acquired UST, Inc., the holding company for US Smokeless Tobacco, the leading producer of moist smokeless tobacco in the U.S., including brands Skoal and Copenhagen.<sup>76</sup> Philip Morris/Altria cigarette brands include Marlboro, Virginia Slims and Basic.

The second leading U.S. tobacco manufacturer, R.J. Reynolds Tobacco Company, known under many name variants over the last century, is owned by Reynolds American, Inc.<sup>77</sup> In 2004, the U.S. business of R.J. Reynolds merged with Brown and Williamson (B&W), a subsidiary of British American Tobacco (BAT), with BAT retaining a 42% stake in B&W.<sup>78</sup> Popular Reynolds American cigarette brands include Camels, KOOL, Winston, Doral, Salem, and GPC.<sup>77</sup> They also make Camel Snus, a moist smokeless tobacco. PM and RJR have both diversified into the smokeless market and promoted smokeless products as a substitute for cigarettes in smokefree areas.<sup>79</sup> The third-largest domestic cigarette manufacturer, Lorillard, maker of popular menthol Newport Cigarettes, also makes campaign contributions in Florida. Lorillard, like its larger counterparts PM and RJR, has also began to move into the smokeless

tobacco market and in September 2010, made Murray Kessler, the former CEO of UST, its CEO.<sup>80</sup>

In-state manufacturer Dosal, as previously mentioned, makes lower cost cigarettes, including the 305 brand (as of 2009, 305s constituted 70% of Dosal's business<sup>36</sup>). Dosal also manufactured American Spirit Cigarettes for Santa Fe Natural Tobacco Company from 1987-1997, which at the time constituted 90% of Dosal's business.<sup>36</sup>

Several smaller national and in-state cigarette manufacturers also make campaign contributions in Florida. Both Swisher International, the Florida based cigar manufacturer, and Florida-based Liggett (owned by the Vector Group and maker of brands such as Grand Prix and Liggett Select) make contributions. These manufacturers are joined by others including General Tobacco (owned by Vibo Corporation), Commonwealth Brands, cigar and pipe retailer Mafco Consolidated, as well as tobacco trade organizations and a few agricultural groups in attempting to influence Florida's political races and elected officials with campaign contributions.

This report focuses on campaign contributions between the 1998 and 2008 election cycles. For details on 1987 – 1996, see the earlier report by Givel and Glantz.<sup>1</sup>

#### *Campaign Contributions by Tobacco Companies*

**Dosal...was  
outspent only by  
Philip Morris/Altria  
in the 1998-2008  
time period.**

Between the 1998 and 2008 election cycles (Table 2), the tobacco industry contributed \$4.2 million to political campaigns and political parties in Florida. Philip Morris/Altria, R.J. Reynolds/Reynolds American, and Swisher International gave consistently across all six election cycles, increasing their expenditures in nearly every cycle. Dosal, which began giving contributions during the 2000 election cycle, gave nearly three-quarters of a million dollars in total, and was outspent only by Philip Morris/Altria in the 1998-2008 time period. Small in-state cigar manufacturers (Table 2) gave roughly \$100,000 total from 1998 through the 2008 election cycles. Trade organizations, production, and agriculture groups contributed most actively between 1998 and 2002, perhaps because of Phase II payments, except for the Cigar Association, which gave continually through 2008. The decline in tobacco trade organizations' contributions could reflect the industry's declining use of tobacco-exclusive trade organizations as a channel for campaign contributions following the dissolution of the Tobacco Institute.

Total annual tobacco industry campaign contributions more than doubled between the 1998 and 2008 election cycles, from \$539,669 in the 1998 election cycle to \$1.1 million in the 2008 election cycle (Figure 7). Of the major tobacco manufacturers, Philip Morris/Altria was the leading contributor for all but the 2000 election cycle, during which it was outspent by R.J. Reynolds/Reynolds American. Dosal's contributions dramatically accelerated from 1998 to 2008, rising from zero campaign contributions in 1998 to the largest campaign contributions, exceeding even Philip Morris/Altria, in 2006 and 2008.

Table 2. Summary of Tobacco Industry Campaign Contributions in Florida by Election Cycle 1998 – 2008 (in dollars)							
	1998	2000	2002	2004	2006	2008	Total
<u>Tobacco Manufacturers/ Distributors / Retailers</u>							
Philip Morris / Altria (PM)	212,594	112,500	121,000	180,250	173,256	272,750	1,072,350
Brown & Williamson (RJR owned)	1,500	30,000	29,000	7,000	-	-	67,500
Commonwealth Brands	-	-	-	49,000	-	60,000	109,000
Dosal Tobacco	-	4,500	9,120	87,500	329,028	311,069	741,217
Lorillard	-	93,250	37,500	90,100	8,500	9,500	238,850
Mafco Consolidated Group	-	-	-	-	-	50,000	50,000
R.J. Reynolds / Reynolds American (RJR)	97,250	146,662	110,500	87,100	129,079	136,541	707,132
Swisher International	31,000	25,300	16,000	3,000	35,000	108,375	218,675
US Smokeless Tobacco (Altria)	-	-	\$15,500	8,250	\$69,955	\$103,500	197,205
Vector Group (Liggett)	500	16,000	150,500	42,500	78,000	-	287,500
Vibo Corp (General Tobacco)	-	2,000	-	41,000	42,000	-	85,000
Other (Note 1)	25,825	19,110	31,800	\$3,500	3,500	15,435	99,170
<u>Tobacco Trade Organizations</u>							
Cigar Association of America	11,500	5,000	12,000	18,000	23,000	21,000	90,500
Florida Tobacco & Candy Assoc.	6,350	-	-	-	-	-	6,350
Smokeless Tobacco Council	3,500	4,500	6,500	-	--	-	14,500
Tobacco Institute	136,750	26,500	-	-	--	-	163,250
UST Public Affairs	11,750	8,050	-	-	-	-	19,800
<u>Production/Agriculture</u>							
Alex Bogusky, Cigar Maker	250	-	-	-	-	-	250
Standard Commercial Corp.	50	-	-	-	-	-	50
Quality Tobacco Exchange	600	500	750	-	-	-	1,850
<u>Other</u>							
Other (Note 2)	250	-	-	500	-	-	750
<b>Total</b>	<b>539,669</b>	<b>493,872</b>	<b>540,170</b>	<b>617,700</b>	<b>891,318</b>	<b>1,088,170</b>	<b>4,170,899</b>
Source: National Institute on Money in State Politics <sup>81</sup>							
(1) Includes: Allstate Cigarette Distributors, Altadis USA, Barefoot Trading, Big Independent Warehouse, Brazil Cigars & Tobacco, Campa Import and Export Corp., Central American Tobacco Co., Capital Cigars, Conch Republic Natural Tobacco, Consolidated Cigar, Crown Tobacco, Cuban Crafters Inc., Discount Tobacco Sales Inc., Don Siego Inc., Downtown Tobacco Shoppe Inc., Dusa Distribution Center, El Duque Group, Fuente & Newman Premium Cigars, General Cigar Holdings, Global Trading Corp. of Tampa, GP & P a Partnership, Havana Fl Cigar Co., Havana Group Cigars, Hav-a-tampa, International Cruise Liquor & Tobacco, Italian Tobacco USA Inc., JC Newman Cigar Co., Leader Tobacco, M&N Cigar Manufacturers, Miccosukee Smoke Shop, National Cigar Corp., Nicaragua Imports, Olivia Tobacco Company, Optima Tobacco Corp., Piloto Cigars Inc., Pipe Den & Cigars, Pure Leaf Tobacco Corp., Real Tobacco, Smoke Cheap 2, Smoke No 2, Star Scientific Inc., Swedish Match, Tampa Rico Cigar Co., Thompson & Co. of Tampa Inc., Tobacco Center Inc., Tobacco Road Inc., Tobacco Sales, Tropical Cigars, United Cigar Inc., Universal Cigar Corp., Wholesale Tobacco, World Cigars							
(2) Includes an unknown contribution							



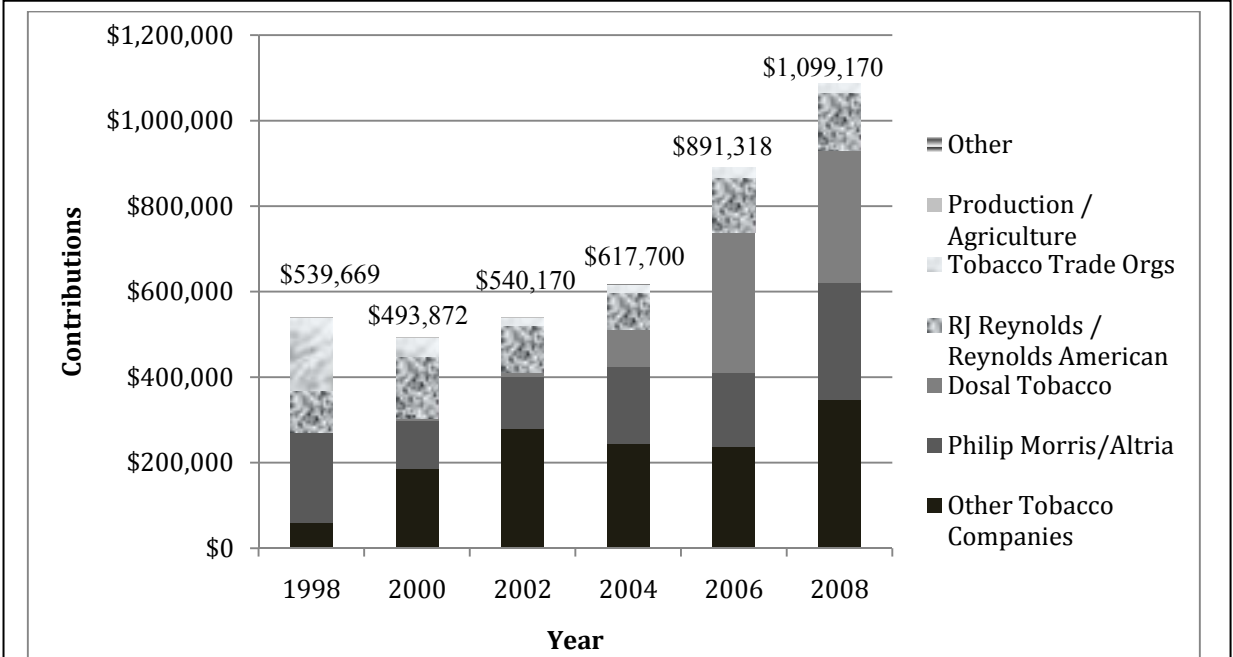


Figure 7. Tobacco Industry Campaign Contributions by Election Cycle, 1998 – 2008. Source: National Institute on Money in State Politics<sup>81</sup>

In addition to passage of a the non-participating manufacturers fee on Dosal, large multinational cigarette manufacturers’ other primary issues included legislation they supported to cap the appeals bond for Engle Progeny lawsuits in 2003, 2006, and 2009, as described later in this report. Other issues for all tobacco industry players included influencing implementation of the Smoke-Free for Health constitutional amendment in 2003, implementation of the Floridians for Youth Tobacco Education constitutional amendment in 2007, and cigarette tax proposals in 2007, 2008, and 2009.

*Campaign Contributions to Political Parties*

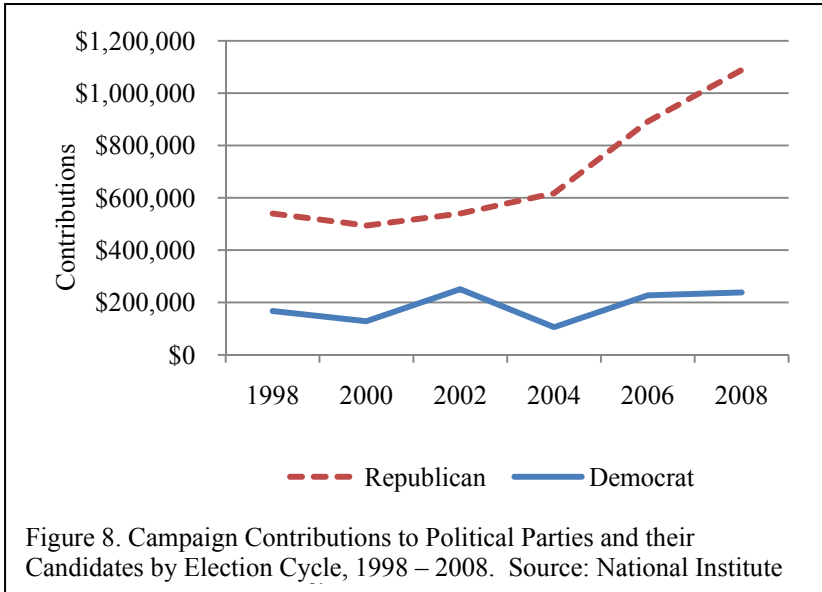
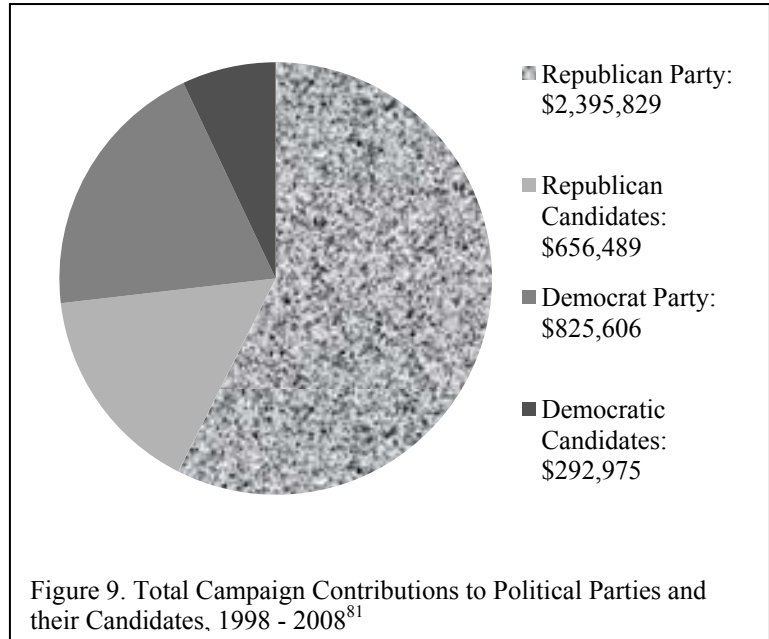


Figure 8. Campaign Contributions to Political Parties and their Candidates by Election Cycle, 1998 – 2008. Source: National Institute

Soft money contributions to political parties offer an indirect way to influence candidates and elections outcomes. Between 1998 and 2008, the tobacco industry focused their party contributions in Florida on Republicans (Figure 8), both in contributions to the party and direct contributions to Republican candidates. The dominant contributions to Republicans reflected the tobacco industry’s national tendency to favor the party in

power (although they consistently gave to both parties).<sup>22, 23, 82</sup> In Florida, the Republican Party has been in control of both of Florida’s legislative chambers since 1994. After 2004, contributions to the Republican Party in Florida increased significantly and continued to increase across the 2006 and 2008 election cycles. The industry faced some significant issues in Florida in 2006 and 2008 including Constitutional Amendment 4 to restore the state’s tobacco control efforts and proposed cigarette taxes.

Soft money contributions to the Republican and Democratic parties made up nearly three quarters of the tobacco industry’s total campaign contributions for the 1998 through 2008 election cycles (Figure 9). Approximately three quarters (\$3.1 million) of their total contributions (\$4.2 million) went to Republicans, with over half of the total contributions going to the Republican Party directly. \$1.1 million went to Democrats, concentrated on the Democratic Party. A complete breakdown of funds received by political parties can be found in Appendix A.



*Campaign Contributions to Candidates for Statewide Offices*

The tobacco industry has contributed significant amounts to Florida’s gubernatorial candidates. Florida’s Governor has veto power over all state legislation (which can be overridden with a 2/3 majority vote in the Legislature) and line-item veto power over all state appropriations. The Governor also oversees state agencies, appoints secretaries to agencies such as the Department of Health (the agency responsible for tobacco control programming and clean indoor air enforcement in workplaces) and the Department of Business and Professional Regulation (the agency responsible for regulation of tobacco sales licenses and clean indoor air enforcement in restaurants). Governors also have the power to set important public policy agendas, including prioritizing or deemphasizing tobacco control (such as taxes, programming, or clean indoor air, among others).

Florida’s two Governors between 1998 and 2008, John Ellis “Jeb” Bush (R, 1999 – 2005) and Charles “Charlie” Crist (R, 2006 – 2010) (Table 3), were ranked second and fourth, respectively, in receiving the most tobacco industry money among Florida political candidates (for in-state political races). The top recipient during the decade was Representative Dwight Stansel (D, Wellborn), who was a tobacco farmer, with total contributions of

**Florida’s two Governors... John Ellis “Jeb” Bush (R, 1999 – 2005) and Charles “Charlie” Crist (R, 2006 – 2010), were ranked second and fourth, respectively, in receiving the most tobacco industry money among Florida political candidates.**

\$13,250. Ranking third was Senator Mike Fasano (R, New Port Richey), a powerful state legislator, whose leadership positions included House Majority Whip (1996-1998), Majority Floor Leader (1998-2000), and Senate President Pro Tempore (2008-2010). In addition to the contributions he received during elections for in-state offices, Charlie Crist also received \$29,300 in tobacco industry campaign contributions during his 2010 bid for U.S. Senate, ranking him 5<sup>th</sup> nationally in top tobacco industry recipients for that race. Of the five top recipients in the entire pool of U.S. Senate candidates (from all states) in 2010, three were from Florida. Kendrick Meek (D) ranked second receiving \$92,442<sup>83</sup> in tobacco industry contributions, with Marco Rubio (R) coming in third with \$46,850,<sup>83</sup> demonstrating the great interest of the tobacco industry in supporting Florida's powerful politicians.

Year	Party	Candidate	Won/Lost	Contribution in Election Cycle	Total Contribution 1998-2008*
1998	R	John Ellis "Jeb" Bush	W	\$10,500	\$12,500
	D	Buddy Mackay	L	\$500	\$500
2002	R	John Ellis "Jeb" Bush	W	\$2,000	\$12,500
	D	William H. McBride	L	\$1,000	\$1,000
2006	R	Charlie Crist	W	\$8,500	\$40,050**
	R	Tom Gallagher	PL	\$3,500	\$6,750
	D	Jim Davis	L	\$500	\$500

PL = Primary Loss  
 \* Total contributions also include contributions to these candidates for other executive and legislative races  
 \*\*Governor Charlie Crist's contributions include \$29,300 from the tobacco industry in his 2010 bid for U.S. Senate  
 Source: National Institute on Money in State Politics<sup>81</sup>; Open Secrets: Center for Responsive Politics<sup>83</sup>

In addition to the governor, Florida's elected cabinet members, including the Commissioner of Agriculture, Attorney General and Chief Financial Officer have also received significant contributions from the tobacco industry. The Commissioner of Agriculture (who serves a four year term) oversees the agricultural industry, helps promote its products, oversees state forests, manages agricultural trade, and protects the food supply. The Commissioner of Agriculture is responsible for protecting tobacco growers and promoting tobacco products.

Candidates for Commissioner of Agriculture in Florida received a total of \$8,500 between 1998 and 2008. Both Bob Crawford (D, 1990 – 2001) and Charles Bronson (R, appointed by Bush when Crawford left office early) received similar contributions each election cycle between 1998 and 2008 (Table 4). Between 1988 and 1996, Crawford received \$16,500 in campaign contributions from the industry, including \$14,000 during the 1989-1990 election cycle when he was first elected Commissioner of Agriculture.<sup>1</sup>

Florida's Attorney General, the chief legal officer for the state, also serves a four-year term. Candidates for Attorney General in Florida received \$6,500 in tobacco industry campaign contributions between 1998 and 2008 (Table 5). State Attorneys General can influence tobacco control through a variety of means, including legal action against the tobacco industry, such as that which led to the Florida Settlement (and the MSA in other states) and enforcing the terms of

the settlement and laws, including those that prevent tobacco sales to minors and restrict tobacco advertising.<sup>84</sup>

Table 4. Tobacco Industry Campaign Contributions to Candidates for Commissioner of Agriculture in Florida, 1998-2008					
Year	Party	Candidate	Won/Lost	Contribution in Election Cycle	Total Contribution 1998-2008*
1998	D	Bob Crawford	W	\$3,000	\$3,000
2002	R	Charles Bronson	W	\$3,000	\$10,000
2006	R	Charles Bronson	W	\$2,500	\$10,000

\* Total contributions also include contributions to these candidates for other executive and legislative races.  
Source: National Institute on Money in State Politics<sup>81</sup>

Table 5. Tobacco Industry Campaign Contributions to Candidates for Attorney General in Florida, 1998-2008					
Year	Party	Candidate	Won/Lost	Contribution in Election Cycle	Total Contribution 1998-2008*
1998	D	Bob Butterworth	W	-	-
	R	Fred Dudley	L	\$1,000	\$1,000
2002	R	Charlie Crist	W	\$1,000	\$40,050**
	R	Burt Lock	PL	\$500	\$500
	D	George Sheldon	PL	\$3,000	\$3,500
	D	John Hugh "Buddy" Dyer	L	\$1,000	\$1,500
2006	R	Bill McCollum	W	-	-
	D	Walter "Skip" Campbell	L	-	-

PL = Primary Loss  
\* Total contributions also include contributions to these candidates for other executive and legislative races  
\*\*Crist's contributions include \$29,300 from the tobacco industry in his 2010 bid for U.S. Senate.<sup>83</sup>  
Source: National Institute on Money in State Politics<sup>81</sup>; Open Secrets: Center for Responsive Politics<sup>83</sup>

Other candidates for cabinet level positions received from \$500 - \$2,000 from the tobacco industry (Table 6). Candidate for Chief Financial Officer in 2006 Tom Lee (D) and candidate for Commissioner of Education Tom Gallagher (R) received the most industry money. Lee served as Florida Senate President from 2004-2006.

Complete lists of all statewide candidates who have received money from the tobacco industry are contained in Appendix B organized by candidate and in Appendix C organized by contributing organization.

Year	Office	Party	Candidate	Won/Lost	Contribution in Election Cycle	Cumulative Contribution 1998-2008*
1998	Commissioner of Education	R	Faye Culp	L	\$2,000	\$6,467
	Commissioner of Education	R	Tom Gallagher	W	\$1,750	\$6,750
	Secretary of State	R	Sandra (Sandy) Mortham	L	\$1,800	\$1,800
	Secretary of State	R	Katherine Harris	W	\$500	\$500
	Lieutenant Governor	D	Richard Dantzler	L	\$1,200	\$1,200
	Comptroller	R	Bob Milligan	W	\$500	\$500
2000	Treasurer	R	Tom Gallagher	W	\$1,500	\$6,750
	Commissioner of Education	R	Charlie Crist	W	\$1,250	\$40,050**
	Commissioner of Education	D	George Sheldon	L	\$500	\$3,500
2006	Chief Financial Officer	R	Tom Lee	L	\$3,000	\$3,500
	Chief Financial Officer	R	Randy Johnson	L	\$500	\$3,000

Source: National Institute on Money in State Politics<sup>81</sup>  
\* Cumulative Contributions also include contributions to these candidates for other executive and legislative races.  
\*\*Crist's contributions include \$29,300 from the tobacco industry in his 2010 bid for U.S. Senate<sup>83</sup>

*Campaign Contributions to Legislative Candidates*

**High campaign contributions to these individuals [in leadership positions] are consistent with the tobacco industry practice elsewhere of directing contributions toward powerful parties and individuals, in an attempt to gain the most influence.**

Florida's bicameral Legislature consists of a 40-member Senate and a 120-member House of Representatives. Until 2000, there were no term limits on legislators in Florida; when term limits took effect and were applied in 2000, including application retroactively to incumbent legislators, half of Florida's House was unable to run for reelection.<sup>85</sup> Term limits restrict legislators in both chambers to 8 years of consecutive

service per chamber; candidates may be elected to two consecutive four-year terms in the Senate and to four consecutive two-year terms in the House. Individuals may run for reelection to a

chamber in which they've already served eight years, following a two-year break, or may serve in the other chamber without a break.

Between 1998 and 2008, 20 of Florida's legislators received more than \$7,000 in contributions from the tobacco industry (Table 7). Most of these individuals served in positions of power, either on powerful committees or councils or in positions of political leadership within their respective chambers. High campaign contributions to these individuals are consistent with the tobacco industry practice elsewhere of directing contributions toward powerful parties and individuals, in an attempt to gain the most influence. As mentioned above, Representative Dwight Stansel ( D, Wellborn), who was a tobacco grower, received more money from the tobacco industry than any other candidate in Florida between 1998 and 2008. Large contribution recipients also included two Presidents of the Senate, James King Jr. (R, Jacksonville, Senate President 2002-2004) and Ken Pruitt (R, Port St. Lucie, Senate President 2006-2008). Individuals holding the positions of House Speaker, President of the Senate, Senate President Pro-Tempore (Florida's Senate elects a President and President Pro Tempore<sup>86</sup>), Majority (House and Senate) and Minority Leader (House), as well as Majority Whip (House and Senate) all received significant money from the industry.

Name	Party	Office / Years	District	Relevant Leadership Positions	Total
Stansel, Dwight	D	House 1998-2006	11	Vice Chair of Agriculture Committee <sup>87</sup>	\$13,250
Fasano, Mike	R	House 1994-2002; Senate 2002-2010	11	House Majority Whip (1996-1998), Majority Floor Leader (1998-2000), Majority Leader (2000-2001); Senate Majority Whip (2006-2008), President Pro Tem 2008-2010, Member of Policy and Steering Committee on Ways and Means, Member of Joint Legislative Budget Commission <sup>88</sup>	\$12,250
Patterson, Pat	R	House 1998-2000, 2002-2010	26	Chair of Insurance, Business and Financial Affairs Policy Committee, Member of State Universities and Private Colleges Appropriations Committee, Member of State University and Private Colleges Policy Committee <sup>89</sup>	\$10,250
Dean, Charles "Charlie" S	R	House 2002-2010	3	Member of Committee on Business Regulation, Member of Policy & Budget Council, Member of Rules & Calendar Council, Senate Majority Whip (2008-2010) <sup>90</sup>	\$10,000
Zapata, Juan C	R	House 2002-2010	119	Member of Health Care Services Policy Committee, Member of Policy Council <sup>91</sup>	\$10,000
Dockery, Paula	R	House 1996-2000; Senate 2002-2010	15	House Majority Whip (1998-2000), Chair of General Government Appropriations; <sup>92</sup> Senate Majority Whip (2002-2004) <sup>93</sup>	\$9,500
Farkas, Frank	R	House 1998 - 2006	16	Chair of Commerce Council, Member of Health Care Appropriations Committee, Member of Rules & Calendar Council <sup>94</sup>	\$9,500

Sorensen, Ken	R	House 1998-2006	120	Member of Rules and Calendar Council <sup>95</sup>	\$9,000
Garcia Jr., Rodolfo "Rudy"	R	House 1984-2000; Senate 2001-2009	40	House Vice Chair of Appropriations Conference Committee (1995-1996) Fiscal Responsibility Council Chair (1997-1998); Senate alternating Chair of Joint Legislative Budget Commission, Member of Policy Steering Committee on Ways and Means, Member of Rules Committee <sup>96</sup>	\$8,750
Hasner, Adam	R	House 2002-2010	87	Deputy Majority Leader (2006-2007), Majority Leader (2007-2010), Member of Rules & Calendar Council <sup>97</sup>	\$8,750
Jones, Dennis L	R	House 1978-2000; Senate 2002-2010	13	House Minority Floor Whip (1984-1986), Speaker Pro Tem (1998-2000); Senate Majority Leader (2002-2004), Chair of Regulated Industries, Member of Health Regulation, Member of Rules Committee <sup>98</sup>	\$8,750
Henriquez, Bob "Coach"	D	House 1998-2006	58	Member of Health Care Regulation Committee <sup>99</sup>	\$8,250
Lynn, Evelyn J	R	House 1994-2002; Senate 2002-2010	7	Member of Policy Steering Committee on Ways and Means, Member of Rules Committee <sup>100</sup>	\$7,750
Murzin, Dave	R	House 2002-2010*	2	Member of Policy Council <sup>101</sup>	\$7,750
Pruitt, Ken	R	House 1990-2000; Senate 2000 – 2008	28	House Chair of Appropriations Committee (1998-2000); Senate Chair of Appropriations Committee (2002-2004), Chair of Rules Committee (2004-2006), President of the Senate (2006-2008)	\$7,750
King Jr., James E	R	House 1986-1999; Senate 2000-2008	8	Senate Majority Leader (2000-2002), President of the Senate (2002-2004)	\$7,500
Cannon Jr., R Dean	R	House 2004-2010	35	Member of Health Care Appropriations Committee <sup>102</sup> ; Speaker of the House 2010-2012	\$7,250
Goode Jr., Harry C	R	House 1986-2000	15	Vice Chair of Health Care Services, Member of General Appropriations, Member of Health and Family Services Council <sup>103</sup>	\$7,250
Siplin, Gary	D	House 2000-2002; Senate 2004-2010	19	Member of Policy and Steering Committee on Ways and Means, Member of Rules Committee <sup>104</sup>	\$7,250
Smith, Christopher L	D	House 1998 - 2006; Senate 2008 – 2010	29	House Democratic Leader (2004 - 2006), Member of Policy Steering Committee on Commerce and Industry, Member of Rules Committee	\$7,250
Source: National Institute on Money in State Politics <sup>81</sup>					

In the 2008 election cycle, 10 legislators received over \$2,000 in contributions from the tobacco industry (Table 8). The top contribution of \$5,000 was given to Senator Charles “Charlie” Dean (R, Inverness), who served as Senate Majority Whip from 2008 – 2010.

Table 8. Top Recipients (> \$2,000) of Tobacco Industry Campaign Contributions in Legislative Races in Florida during the 2008 Election Cycle				
Name	Party	House	District	Total 2008
Dean, Charles S "Charlie"	R	Senate	3	\$5,000
Atwater, Jeffrey	R	Senate	25	\$4,500
Boyd, Debbie	D	House	11	\$3,500
Lopez-Cantera, Carlos	R	House	113	\$3,300
Hasner, Adam	R	House	87	\$3,000
Cannon Jr., R Dean	R	House	35	\$3,000
Fasano, Mike	R	Senate	11	\$3,000
Bennett, Michael S.	R	Senate	21	\$2,500
Jones, Dennis L	R	Senate	13	\$2,500
Zapata, Juan C	R	House	119	\$2,500
Source: National Institute on Money in State Politics <sup>81</sup>				

Jeffrey Atwater (R, North Palm Beach, \$4,750, House 2000 – 2002, Senate 2002 – 2010), received \$4,500 from the tobacco industry during the 2008 election cycle and served as Florida’s Senate President from 2008 to 2010.<sup>105</sup> Despite this large contribution, Senator Atwater was a key supporter of the 2009 \$1 cigarette tax.

All members of Florida’s 2011 legislative leadership accepted tobacco industry campaign contributions (Table 9), averaging \$3,959 each. Senator Mike Haridopolos (R, Melbourne, \$2,500) replaced

Senator Atwater as President of the Senate following the November, 2010 elections. Senator Haridopolos has a history of supporting the tobacco industry, including opposing funding for the Tobacco Pilot Program (Florida’s youth-focused tobacco control program, described below) in 2004, opposing the 2008 cigarette tax increase attempt, and sponsoring the 2009 Engle Progeny appeals bond cap bill. Representative Dean Cannon (R, Winter Park, \$7,250), who was among

Table 9. Tobacco Industry Campaign Contributions to 2011 House and Senate Leadership in Florida				
Position	Name	Party	District	Total Received 1998 - 2008
<u>House</u>				
Speaker of the House	Dean Cannon	R	35	\$7,250
Speaker Pro Tempore	John Legg	R	46	\$3,250
Majority Leader	Carlos Lopez-Cantera	R	113	\$6,550
Minority Leader	Ron Saunders	D	120	\$3,000
Minority Leader Pro Tempore	Joe Gibbons	D	105	\$500
<u>Senate</u>				
President	Mike Haridopolos	R	26	\$2,500
President Pro Tempore	Mike Bennett	R	21	\$7,000
Majority Leader	Andy Gardiner	R	9	\$500
Conference Chair	Evelyn Lynn	R	7	\$7,750
Minority Leader	Nan Rich	D	34	\$3,750
Minority Whip	Arthenia Joyner	D	59	\$1,500
Source: National Institute on Money in State Politics <sup>81</sup>				



Table 10. 2010 Legislators Who Did Not Receive Tobacco Industry Campaign Contributions from 1987-2008 in Florida			
Name	Party	Office	District
Abruzzo, Joseph	D	H	85
Aubuchon, Gary	R	H	74
Bembry, Leonard L	D	H	10
Bernard, Mackenson	D	H	84
Braynon II, Oscar	D	H	103
Bullard, Dwight M	D	H	118
Burgin, Rachel V.	R	H	56
Bush III, James	D	H	109
Clarke-Reed, Gwyndolen "Gwyn"	D	H	92
risafulli, Steve	R	H	32
Eisnaugle, Eric	R	H	40
Fetterman, Adam M	D	H	81
Gaetz, Don	R	S	4
Gonzalez, Eduardo	R	H	102
Grady, Tom	R	H	76
Hooper, Ed	R	H	50
Kelly, Kurt	R	H	24
McBurney, Charles	R	H	16
Nelson, Bryan	R	H	38
Oelrich, Steve	R	S	14
Pafford, Mark S.	D	H	88
Patronis, Jimmy	R	H	6
Plakon, Scott	R	H	37
Rader, Kevin J. G.	D	H	78
Rehwinkel Vasilinda, Michelle	D	H	9
Renuart, Ronald "Doc"	R	H	18
Rogers, Hazelle P. "Hazel"	D	H	94
Schultz, Ron	R	H	43
Schwartz, Elaine J.	D	H	99
Steinberg, Richard L.	D	H	106
Storms, Ronda	R	S	10
Thompson, Geraldine F. "Geri"	D	H	39
Thrasher, John*	R	S	8
Van Zant, Charles E.	R	H	21
Waldman, James W. "Jim"	D	H	95
* John Thrasher served as a lobbyist for Lorillard Tobacco from 2003 - 2005.			

the industry's top contribution recipients between 1998 and 2008, became Speaker of the House following the November 2010 election. Despite his large tobacco industry contributions, Representative Cannon was an important supporter of the 2009 \$1 increase in the cigarette tax. 2011 House and Senate leadership in Florida received a combined \$43,550 from the tobacco industry between 1998 and 2008.

**In 2010, only 39 (24%) of Florida's incumbent 160 legislators had not received tobacco industry money between 1987 and 2008.**

In 2010, only 39 (24%) of Florida's incumbent 160 legislators had not received tobacco industry money between 1987 and 2008 (Table 10). This is similar to South Carolina, in which 26.5% of legislators received zero tobacco industry contributions from the tobacco industry between 1996 and 2008,<sup>21</sup> but dissimilar from North Carolina in which more than twice the percentage of legislators, 49%, did not receive tobacco industry contributions.<sup>81</sup> Campaign contributions have been shown to influence tobacco policy decisions<sup>71-73</sup> and the fact that a relatively high proportion of Florida's lawmakers have received industry contributions suggests that the industry has a strong influence in Florida. In Florida, the group of legislators who did not receive industry contributions spans the spectrum of tobacco control policy positions. It includes Representative James "Jim" Waldman (D, Coconut Creek) who sponsored cigarette tax proposals in 2007, 2008, and 2009, in addition to attempting to repeal

Florida’s clean indoor air preemption in 2009. Senator John Thrasher (R, House 1992 – 2000 (Orange Park), Senate 2009 – 2011 (Jacksonville)), who also did not receive any tobacco industry campaign contributions between 1987 and 2008, led attacks against Florida’s early and successful Tobacco Pilot Program and served as lobbyist for Lorillard Tobacco between 2003 and 2005.<sup>106</sup> (Although it appears Thrasher received \$500 from Philip Morris/Altria to support his 2010 Senate race.<sup>107</sup>)

Campaign contributions from 1987-1996 can be found in *Tobacco Industry Political Power and Influence in Florida From 1979 to 1999*.<sup>1</sup> (Hereafter, total campaign contributions will be reported for all years between 1987 and 2008.)

### 527 Committees

The tobacco industry also promotes its political interests via contributions to 527 committees, which are tax-exempt non-profit organizations that may support political issues but are legally barred from supporting specific candidates. Unlike political action committees (PACs) and candidate campaigns, 527s are not subject to campaign contribution limits and are not regulated by the Federal Election Commission. (They are named “527 committees” after the section of the Internal Revenue Code that created them.) The lack of regulation of 527s gives industry groups a more covert means of pursuing their political agendas, and although 527s are not allowed to support candidates, many have reportedly violated this restriction.<sup>108</sup>

The Center for Public Integrity provides reports of 527 activity, including activity in Florida for the 2000 - 2006 election cycles. The tobacco industry only sponsored 527s in Florida

Year	Name of 527	527 Description	Tobacco Company	Contribution
2004	Floridians Uniting for a Stronger Tomorrow	Florida GOP leadership 527	General Tobacco	\$7,500
2004	Floridians for Conservative Values	Unknown	Dosal Tobacco	\$25,000
2004	American Democracy Project	Fund for Peter Deutsch's Senate Race	Vector Group (Liggett)	\$50,000
<b>Total</b>				<b>\$82,500</b>

Source: The Center for Public Integrity<sup>109</sup>

during the 2004 election cycle, contributing \$82,500 (Table 11), in addition to the \$618,000 they spent on direct candidate campaign contributions. General Tobacco, Dosal

Tobacco, and Liggett (Vector Group) provided funding for two conservative-leaning 527s, and one group that, according to the Center for Public Integrity, provided funds directly to Peter Deutsch’s (D) 2004 U.S. Senate Campaign. The tobacco industry’s allies, including their lobbyists and trade association partners, also contributed money to 527s. In the 2002 and 2004 election cycles, the Associated Industries of Florida (AIF), along with tobacco industry lobbyists Guy Spearman III and Jack Cory, contributed \$102,000 to 527s in Florida.

### Tobacco Control Policy Scores

To determine whether or not tobacco industry campaign contributions influenced legislators’ receptivity to tobacco control, we asked individuals familiar with tobacco control

issues in the Florida Legislature to complete “tobacco policy scores.” We asked these individuals to anonymously rate each legislator’s receptiveness to tobacco control on a scale of 0 to 10, with 0 being extremely pro-tobacco industry and 10 being extremely pro-tobacco control. Although we asked several individuals in Florida to complete these scores anonymously, all of them either declined or failed to respond to our request. We have been conducting similar state

**We have been conducting similar state research for 15 years, and have experienced this failure to receive “policy scores” only four times before...**

research for 15 years, and have experienced this failure to receive “policy scores” only four times before while researching Washington,<sup>110</sup> Nevada,<sup>111</sup> Hawaii<sup>82</sup> and Maine.<sup>112</sup> As a result, we are unable to analyze the relationship between tobacco industry campaign contributions and actual tobacco policy behavior in Florida.

However, for the sixteen states in which we conducted this analysis between 1996 and 2010, 13<sup>21-23, 113-125</sup> (all but Ohio, Missouri, and Arizona<sup>126-129</sup>) exhibited a statistically significant relationship between tobacco policy scores and tobacco industry campaign contributions.

## **Lobbying**

As in other states, the tobacco industry spends significantly more money on lobbying in Florida than on contributing to political campaigns. Lobbyists in Florida were not required to disclose compensation until a sweeping ethics reform bill passed in 2005. The bill, which survived a lawsuit from lobbyists claiming that disclosure would violate their privacy and equal protection rights, requires only that lobbyists disclose the \$10,000 range in which their quarterly compensation falls.<sup>130-132</sup> The first complete set of legislative branch lobbying expenditure reports available is from 2006, and the first complete set of executive branch lobbying expenditure reports available is from 2007. Some firms reported a flat fee retainer which compensated them for lobbying in the executive and legislative branches; because of the requirement that they report their lobbying fees for each branch individually, the total expenditures for lobbying reported here may be overstated.

Florida has long required that lobbyists be registered with the principal firm that they represent and that this registration is made available to the public.<sup>133</sup> For those years before expenditure reports were available, Appendices C and D show the large number of legislative and executive branch lobbyists hired by the tobacco industry and public health groups.

### ***Legislative Lobbying 2006-2010***

#### ***Tobacco Industry Legislative Branch Lobbying***

Between January 2006 and September 2010, the tobacco industry spent between \$6.3 and \$11.7 million lobbying the Florida Legislature (Table 12). Since 2006, in-state tobacco manufacturer Dosal Tobacco spent roughly one-third more money than PM on lobbying in Florida, suggesting the power of Dosal in the Legislature and reflecting its rapid growth in market share that it worked hard to protect. Dosal’s primary policy issue has been fighting a non-participating manufacturer’s (NPM) fee. As described above, Dosal’s exclusion from the Florida settlement allowed it to undercut its competitors’ prices in the Florida cigarette market. (Manufacturers

**Between January 2006 and September 2010, the tobacco industry spent between \$6.3 and \$11.7 million lobbying the Florida Legislature.**

included in the settlement raised their prices to pay the costs of the settlement.) The major manufacturers have pushed for a fee for companies which did not participate in the settlement in hopes that it would force them (most importantly Dosal) to raise their prices, allowing the major companies to recapture some of their lost market share. Through 2010, Dosal had effectively fought numerous non-participating manufacturers (NPM) fee proposals. The details of this battle will be described subsequently in Chapter XIII on cigarette taxes. Philip Morris/Altria, the highest spending major US tobacco company, spent about twice as much as R.J. Reynolds/Reynolds America on lobbying. Other major tobacco company lobbying spending was by in-state cigar manufacturer Swisher International as well as UST Public Affairs, for US Smokeless Tobacco (as of 2009, Altria).

Company	2006**	2007	2008	2009	2010 (first three quarters)	Total by Company
Cigar Association	0-40,000	0-40,000	0-40,000	0-40,000	0-30,000	0-190,000
Commonwealth Brands	30,000-70,000	0-30,000	\$0-\$40,000	60,000-120,000	30,000-80,000	120,000-340,000
Dosal Tobacco	240,000-430,000	450,000-910,000	500,000-1,030,000	480,000-1,000,000	430,000-820,000	2,100,000-4,190,000
General Tobacco	60,000-140,000	50,000-90,000	-	-	-	110,000-230,000
International Premium Cigar and Pipe Retailers Association	-	--	-	-	30,000-60,000	30,000-60,000
Liggett Group	90,000-130,000	40,000-80,000	0-40,000	40,000-80,000	30,000-60,000	200,000-390,000
Lorillard Tobacco	81,000-111,000	80,000-120,000	80,000-130,000	140,000-200,000	-	381,000-561,000
Philip Morris/Altria (PM)	300,000-500,000	280,000-480,000	280,000-\$500,000	450,000-810,000	270,000-450,000	1,580,000-2,740,000
R.J. Reynolds / Reynolds American (RJR)	150,000-230,000	197,000-297,000	60,000-140,000	230,000-280,000	190,000-360,000	827,000-1,307,000
Swisher International	60,000-110,000	80,000-160,000	160,000-300,000	140,000-260,000	60,000-120,000	500,000-950,000
UST Public Affairs*	129,000-219,000	110,000-200,000	130,000-270,000	40,000-80,000	-	409,000-769,000
	1,140,000	1,287,000	1,210,000			
	-	-	-	1,580,000-2,120,000	1,040,000-2,870,000	6,257,000-11,727,000
Total by Year	1,980,000	2,407,000	2,490,000	2,120,000	2,870,000	11,727,000

Source: Florida Legislature, Lobbying Firm Compensation Reports<sup>106</sup>  
\* Acquired by Altria in 2009  
\*\* Records may be incomplete

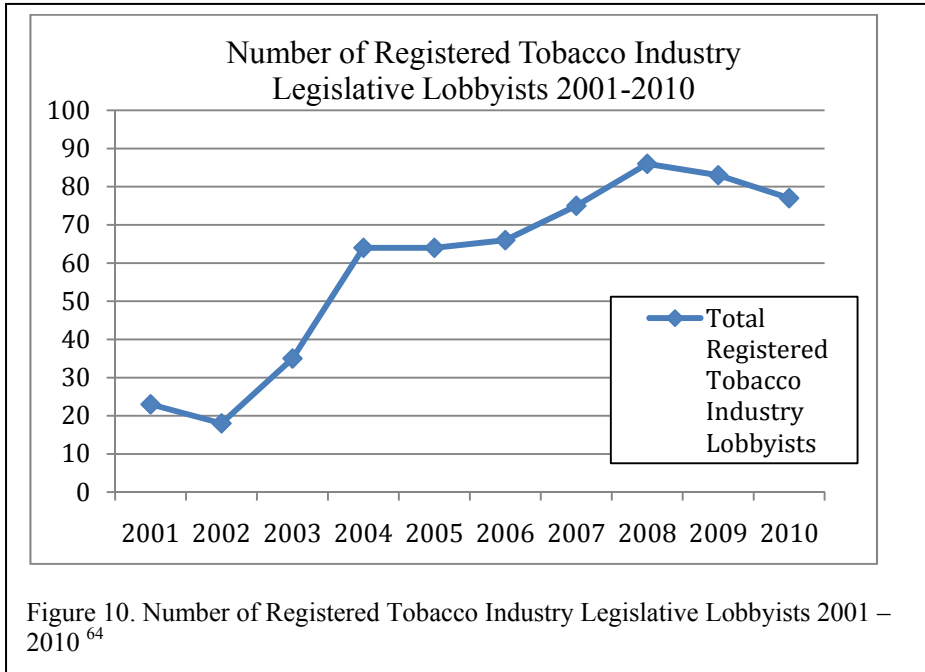


Figure 10. Number of Registered Tobacco Industry Legislative Lobbyists 2001 – 2010 <sup>64</sup>

The absolute numbers of legislative lobbyists for the tobacco companies in Florida have been trending upward since 2001, peaking in 2008 at 86 lobbyists (Figure 10). Numbers of lobbyists have especially grown for Dosal Tobacco, R.J. Reynolds/Reynolds American, and UST Public Affairs.<sup>64</sup> Dosal Tobacco not only spent more money on lobbying in Florida than the major tobacco

companies, but also had a significantly larger lobbying contingent. In 2009, Dosal Tobacco had 34 registered legislative lobbyists compared to 12 for Philip Morris/Altria, and 16 for R.J.

**The tobacco industry employed many powerful former members of the Florida Legislature... as lobbyists, including former Speaker of the House John Thrasher.**

Reynolds/Reynolds American.<sup>64</sup> The tobacco industry employed many powerful former members of the Florida Legislature (Appendix D) as lobbyists, including former Speaker of the House John Thrasher (R, Orange Park) and former Representative Manuel Prieguez (R, Miami). John Thrasher, former Speaker of Florida House of Representatives from 1998 to 2000, became a Lorillard lobbyist and served the industry from 2003-2005.<sup>64</sup> During his tenure as Speaker,

Thrasher was a vocal opponent of tobacco control spending and cigarette taxes, and played a role in significant tobacco control funding cuts in 1999. Representative Manuel Prieguez had a history of defending Dosal Tobacco in non-settling manufacturers' fee debates. Prieguez left the Legislature and served Dosal Tobacco as a lobbyist from at least 2006 to 2010.<sup>64</sup> In addition, although not directly employed by the tobacco industry, Alex Diaz de la Portilla, Senate President Pro Tempore from 2002 to 2004, and a prominent figure in the debate over the 2002 clean indoor air constitutional amendment implementation in 2003, may have had ties to tobacco industry through his wife (although they filed for divorce in December 2009). His wife, Claudia Diaz de la Portilla, served as a lobbyist for R.J. Reynolds/Reynolds American in 2009.<sup>64</sup> Evidence from tobacco industry documents suggests that Alex Diaz de la Portilla had also worked with the tobacco industry in the late 1990s, promising his vote to them on at least two occasions to fight a repeal of clean indoor air preemption.<sup>134, 135</sup>

Overall, the tobacco industry's lobbying expenditures and sizable lobbying contingents demonstrate the large amount of resources that the tobacco industry has been willing to commit to influence policymaking in Florida. Their relationships with and use of formerly powerful

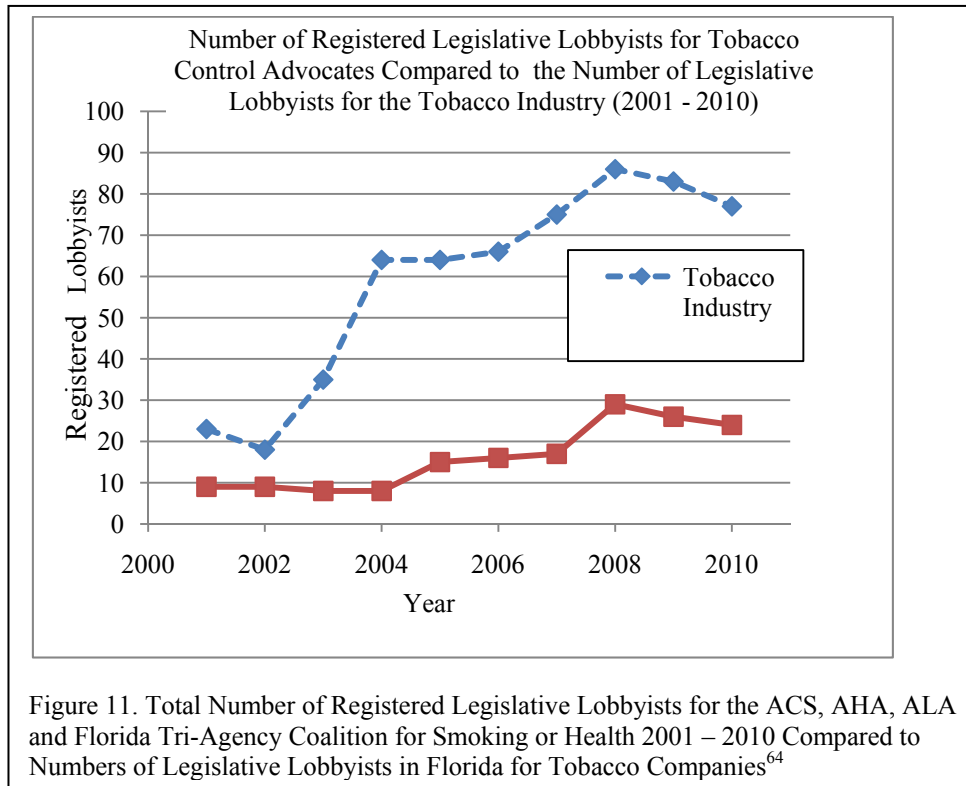
members of Florida’s Legislature to lobby suggests an industry strategy of using powerful legislative connections to strengthen their influence.

*Public Health Groups’ Legislative Branch Lobbying*

In terms of tobacco control groups’ legislative lobbying, three voluntary health groups making up the core tobacco control advocacy movement in Florida. The Florida Division of the American Cancer Society (ACS) has historically outspent their counterparts the American Lung Association of Florida (ALA) (with support from the ALA of the Southeast) and the American Heart Association Greater Southeast Affiliate (known as the Florida / Puerto Rico Affiliate before 2006) (AHA) (referred to collectively as the “tri-agencies”). The tri-agencies spent \$620,000 - \$1.6 million (Table 13) on legislative lobbying between 2006 and 2010, substantially less than the tobacco companies (\$6.3 - \$11.7 million). (This amount reflects expenditures on all lobbying for these groups’ policy priorities, not just on tobacco issues). The Florida ACS also received lobbying support from the National ACS office and ACS Cancer Action Network (CAN).

Table 13. Public Health Legislative Lobbying Expenditures in Florida 2006-2010 (in dollars)						
Organization	2006*	2007	2008	2009	2010 (first three quarters)	Total by Organization
Florida Division ACS	70,000- 160,000	30,000- 110,000	120,000- 260,000	110,000- 260,000	100,000- 190,000	430,000-980,000
National ACS / CAN	-	-	-	90,000- 230,000	-	90,000-230,000
AHA Greater Southeast Affiliate	-	20,000- 40,000	80,000- 120,000	-	0-20,000	100,000-180,000
ALA of Florida	0-40,000	0-40,000	0-40,000	0-40,000	0-30,000	0-190,000
Total by Year	70,000- 200,000	50,000- 190,000	200,000- 420,000	200,000- 530,000	100,000- 240,000	620,000- 1,580,000
Source: Florida Legislature, Lobbying Firm Compensation Reports <sup>106</sup>						
* Records may be incomplete						

Absolute numbers of lobbyists for the tri-agencies also trended upward from 2001 to 2010 (Figure 11), peaking in 2008 with 30 lobbyists. The tri-agencies registered lobbyists not only independently, but also together, under their Florida Tri-Agency Coalition on Smoking OR Health (the tri-agencies’ state tobacco control advocacy group, to be discussed later.) Like the tobacco industry, the tri-agencies have been able to increase their lobbying contingents as needed, however tobacco control advocates employed significantly fewer legislative lobbyists than the industry. The ACS employs significantly more legislative lobbyists than its counterparts (but some of their lobbyists include those recruited to work on behalf of all three tri-agencies). All three voluntaries used many of same lobbyists at the legislative level, increasing or decreasing the size of their contingents as necessary. Consistently used lobbyists for the ACS have included former Florida State Senator S. Curtis “Curt” Kiser (R, Palm Harbor), Ralph DeVitto (Vice President of Advocacy and Public Policy and subsequently Chief Executive Officer of the Florida Division ACS), and Paul Hull (Vice President of Advocacy and Public Policy at the Florida Division ACS). Regularly used lobbyists for ALA have included Brenda Olsen (Director of Governmental Affairs at the ALA of Florida and subsequently Chief



Operating Officer at the ALA of the Southeast), Christine Fisher, Tadd Fisher, and Jim Daughton,<sup>55</sup> and for AHA, Patrick Kennedy, Nikole Souder-Schale (Vice President of Advocacy at the AHA Florida Puerto Rico Affiliate) and James Mosteller. A full list of the names of legislative lobbyists for the tri-agencies between 2001 and

2010 can be found in Appendix F.

Although the size of and funding for the public health groups lobbying activities pales in comparison to that of the tobacco industry, the public health groups still have substantial resources and manpower to fight for strong tobacco control policies and counter opposition from the industry.

### ***Executive Lobbying 2007-2010***

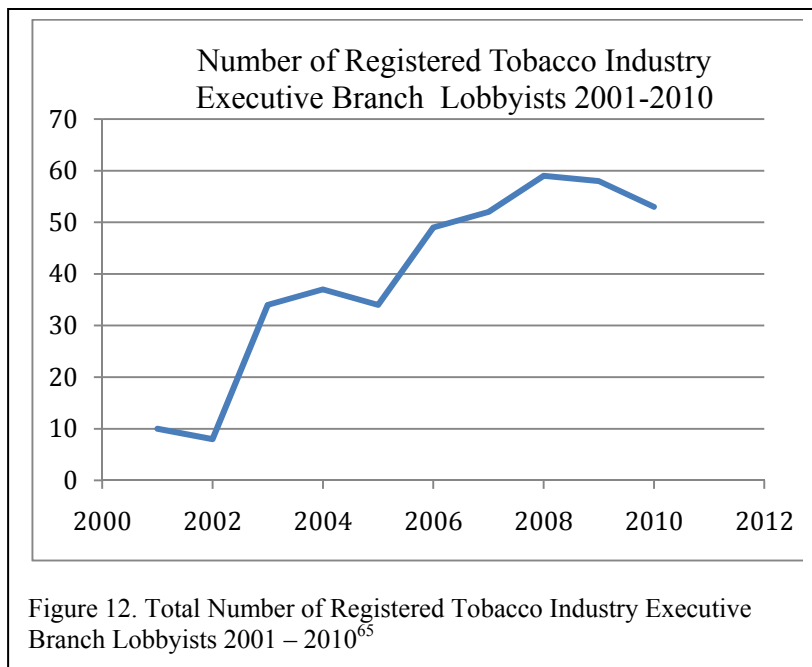
#### *Tobacco Industry’s Executive Branch Lobbying*

Tobacco industry executive branch lobbying expenditures were approximately one third as large as legislative branch lobbying expenditures (although in some cases the two may overlap, as mentioned above) (Table 14). The tobacco industry spent \$1.8- \$4.6 million lobbying the executive branch between 2007 and the third quarter of 2010. Spending levels for the executive branch for Dosal Tobacco and Philip Morris/Altria were more similar than they were for the legislative branch, though Dosal did spend slightly more. Tobacco industry executive branch lobbying expenditures more than doubled from 2008 to 2009, likely due to significant legislation on the Engle appeals bond cap, a proposed non-participating manufacturers’ fee, and the legislation to increase the cigarette tax by \$1.

The tobacco industry used many of the same individuals to lobby both the legislative and executive branches, although total registered executive branch lobbyists were about half as many as total registered legislative branch lobbyists (Figure 12). Diane Carr, Secretary of the

Company	2007	2008	2009	2010 (first three quarters)	Total by Company
Cigar Association	0-40,000	0-40,000	0-40,000	0-10,000	0-150,000
Commonwealth Brands	-	0-10,000	0-40,000	0-10,000	0-80,000
Dosal Tobacco	100,000-350,000	150,000-400,000	250,000-560,000	70,000-160,000	620,000-1,620,000
General Tobacco	-	-	-	-	-
International Premium Cigar and Pipe Retailers Association	-	-	-	10,000-20,000	30,000-60,000
Liggett Group	40,000-80,000	0-30,000	40,000-80,000	10,000-20,000	110,000-250,000
Lorillard Tobacco	80,000-120,000	60,000-90,000	90,000-130,000	-	230,000-340,000
Philip Morris/Altria (PM)	170,000-360,000	80,000-190,000	240,000-560,000	40,000-90,000	610,000-1,390,000
R.J. Reynolds / Reynolds American (RJR)	40,000-90,000	10,000-20,000	100,000-210,000	10,000-30,000	180,000-390,000
Swisher International	0-40,000	0-20,000	0-80,000	0-20,000	0-190,000
UST Public Affairs	50,000-120,000	-	10,000-40,000	-	60,000-160,000
Total by Year	480,000-1,200,000	300,000-800,000	730,000-1,740,000	330,000-890,000	1,840,000-4,630,000

Source: Florida Executive Branch, Lobbying Firm Compensation Reports<sup>136</sup>  
Note: 2006 Executive Lobbying Expenditures were not available.



Department of Business and Professional Regulation (DBPR) from 2003-2005, worked as an executive branch lobbyist for the tobacco company Commonwealth Brands from 2008 to 2010. The DBPR was responsible for enforcing the restaurant provisions of the Florida Clean Indoor Air Act; enforcement of the law during the period in which Carr was Secretary does not appear to have been strong. A full list of the names of tobacco industry executive branch lobbyists between 2001 and 2010 can be found in Appendix E.



Executive branch lobbying also represents a significant effort on the part of the tobacco industry to attempt to influence executive branch decisions.

*Public Health Groups' Executive Branch Lobbying*

ACS also significantly out-spent the other voluntary health agencies in lobbying the executive branch. In total, public health groups spent between \$290,000 and \$790,000 lobbying the executive branch (including lobbying the Department of Health<sup>137</sup>) between 2007 and 2010. More than half of this funding came from the Florida Division ACS (Table 15). The tri-agencies used nearly exactly the same lobbyists across legislative and executive branches (Figure 13).<sup>65</sup>

Organization	2007	2008	2009	2010 (first three quarters)	Total by Organization
Florida Division ACS	40,000-100,000	50,000-130,000	50,000-140,000	40,000-60,000	190,000-490,000
National ACS / CAN	-	-	30,000-40,000	-	30,000-40,000
AHA Greater Southeast Affiliate	30,000-40,000	40,000-70,000	-	-	70,000-110,000
ALA of Florida	0-40,000	0-40,000	0-40,000	0-10,000	0-150,000
Total by Year	70,000-180,000	90,000-240,000	80,000-220,000	50,000-150,000	290,000-790,000

Source: Florida Executive Branch, Lobbying Firm Compensation Reports<sup>136</sup>  
 Note: 2006 Executive Lobbying Expenditures were not available.

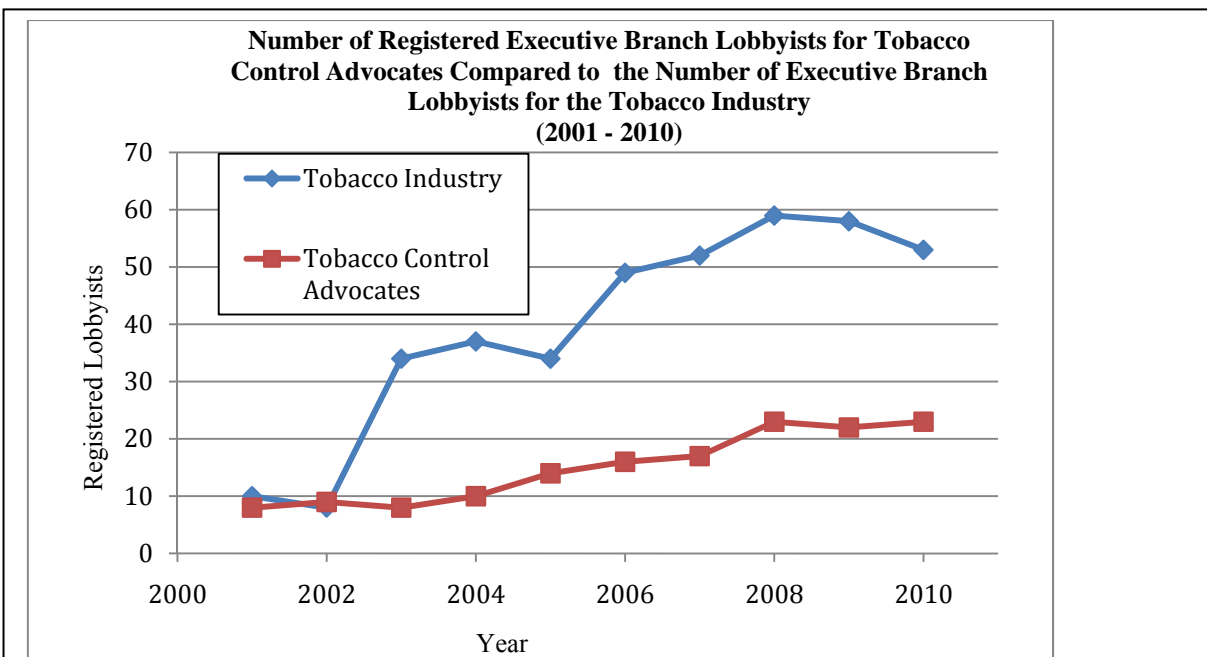


Figure 13. Total Number of Registered Executive Branch Lobbyists for the ACS, AHA, and ALA Compared to the Total Numbers of Registered Executive Branch Lobbyists for the Tobacco Companies (2001-2010)<sup>65</sup>

A full list of the names of the tri-agencies' executive branch lobbyists between 2001 and 2010 can be found in Appendix G. Public health groups did not spend as much money, nor dedicate as much manpower, on lobbying the executive branch as they did on the legislative branch, and their resources are significant less than that of the tobacco industry.

### **Tobacco Industry Influence Conclusion**

Florida's historical ties to tobacco include tobacco growing and cigarette and cigar manufacturing. In addition, the tobacco industry historically spent more money marketing in Florida than in any other state. As it does in every state, the industry has worked through its allies, notably including the powerful Associated Industries of Florida, and front-groups, including the industry-created Committee for Responsible Solutions, in its efforts to shape tobacco control public policy in Florida. The tobacco industry's network of policymaking supporters has been built and reinforced by millions of dollars in campaign contributions to executive and legislative branch politicians, political parties, and 527s, in addition to extensive lobbying. Campaign contributions have been focused on the Republican party, powerful state constitutional officers and legislators of both chambers and parties in leadership positions. The industry significantly outspent tobacco control advocates on lobbying both the legislative and

executive branches of Florida's government. The large in-state cigarette manufacturer Dosal invested substantial money seeking influence, making campaign contributions comparable to national manufacturing giants PM and RJR, and utilizing much larger lobbying contingents. As described in more detail below, this concerted building of influence provided the industry with a strong platform to influence policies when important tobacco control decisions were being made in all branches of Florida government.



## CHAPTER III: FIRST SMOKERS' CLASS ACTION LAWSUIT: THE ENGLE CASE

- *Florida is home to the Engle Case, the first smokers' class action lawsuit to reach a jury verdict in the U.S. Findings of liability in the case have enabled Florida's smokers to file individual ("Engle Progeny") suits. By March 2011, 38 Engle Progeny verdicts were reached, including 26 for plaintiffs, with damages of \$359 million.*
- *The existence of over 9,500 Engle Progeny cases makes Florida an especially crucial state for the tobacco industry and makes an effective state program which draws attention to the behavior of the industry especially threatening.*

A class action lawsuit is a lawsuit brought by a group of plaintiffs (the "class"), who have been injured by the same or similar circumstances, against one or more defendants. Usually, one or more representatives, who have been similarly harmed by the defendant(s), sues on behalf of an entire class. Class action lawsuits aim to settle common questions of law, eliminating the need for (and cost of) multiple individual lawsuits concerning the same issues, making them an efficient use of resources. However, because of their size and complexity, class action lawsuits may be divided into multiple parts (known as "phases"), which deal separately with findings of fact and awards of damages. There are two kinds of damages which can be awarded in a class action: compensatory and punitive. Compensatory damages compensate the plaintiff for harm caused by the defendant. Punitive damages are intended to punish the defendant and deter future similar behavior; in Florida, punitive damages are only awarded if the defendant is found to have committed intentional misconduct or gross negligence.<sup>138</sup>

Florida is home to the first smokers' class action lawsuit to reach a jury verdict in the U.S., the Engle Case. Defendant tobacco companies were found to be liable for injuries to the class. However, ultimately the Florida Supreme Court separated the class for the determination of injury and damages. The finding of the tobacco companies' liability was upheld, allowing smokers and their families to file their own suits and benefit from the liability findings.

### Engle Class Action Suit

Personal-injury lawyers Stanley and Susan Rosenblatt filed the Engle complaint in May 1994 in Florida's 11<sup>th</sup> Circuit Court for Dade County against the major U.S. tobacco companies, Dosal Tobacco, the Tobacco Institute (TI) and the Council for Tobacco Research.<sup>139</sup> The Rosenblatts had previously filed a class action lawsuit against the tobacco companies in 1991 for harming flight attendants with secondhand smoke, which was settled for \$300 million to create the Flight Attendant Medical Research Institute (FAMRI).<sup>140</sup> FAMRI's mission was "to sponsor scientific and medical research for the early detection, prevention, treatment and cure of diseases and medical conditions caused from exposure to tobacco smoke and to ensure that health care providers ask the right questions of their patients about secondhand tobacco smoke exposure."<sup>141</sup>

Miami pediatrician Dr. Howard A. Engle, who was the Rosenblatt's children's doctor, served as the lead plaintiff (or representative) in the case.<sup>140</sup> Dr. Engle had been a smoker since his days as a student in Wisconsin, when tobacco companies handed out free cigarettes to students; despite loathing the industry for marketing to children, Engle was never able to quit smoking.<sup>142</sup> The original class represented by Engle and the other named plaintiffs, included "all

**The smokers' class action lawsuit alleged "strict liability, negligence, breach of express warranty, breach of implied warranty, fraud, conspiracy to commit fraud, and intentional infliction of emotional distress."**

United States citizens and residents and survivors of United States citizens and residents, who have suffered, presently suffer, or who have died from diseases and medical conditions caused by smoking cigarettes that contain nicotine. All members of the class could not quit smoking because of their addiction to nicotine."<sup>139</sup> The smokers' class action lawsuit alleged "strict liability, negligence, breach of express warranty, breach of implied warranty, fraud, conspiracy to commit fraud, and intentional infliction of emotional distress."<sup>143</sup>

In October 1994, Judge Solomon of the Circuit Court of Dade County certified the nationwide class. The tobacco company defendants appealed and in 1996 Judge Hubbard of Florida's Third District Court of Appeals affirmed class certification but narrowed the class to citizens and residents of Florida who otherwise met the class description.<sup>144</sup> Like such complex lawsuits, the trial was split in to three phases. Phase I was limited to the issue of the tobacco industry's liability for injury to the class, and whether punitive damages should be awarded to the class. If the companies were found liable in Phase I, then Phase II-A would determine the amount of damages, if any, the named plaintiff would be awarded and Phase II-B would determine the amount of punitive damages for all members of the class in a lump sum with no allocation of punitive damages to individuals. Phase III would involve new juries deciding individual claims by members of the class, and awarding compensatory damages to each individual plaintiff in the class.

Phase I of the trial began in October 1998 and ended in July 1999, when the jury found that the tobacco companies were liable. The jury found that "smoking cigarettes could cause 20 diseases or medical conditions, including lung cancer, heart disease and emphysema; that cigarettes are addictive; and that tobacco companies' conduct rose to the level that would permit the potential award of punitive damages."<sup>145</sup>

Phase II-A began in January 2000, and was concluded in April 2000 with a verdict of \$12.7 million in compensatory damages for the three named class representatives. After Phase II-A concluded, Phase II-B began, and concluded in July, 2000 with a verdict of \$145 billion in punitive damages for the class. Punitive damages were broken down among the defendants: Philip Morris Inc. \$73.9 billion; R.J. Reynolds Tobacco Co. \$16.2 billion; Brown & Williamson Tobacco Co. \$17.5 billion; Lorillard Tobacco Co. \$16.2 billion; and Liggett Group Inc. \$790 million.<sup>145</sup> The large size of the punitive damages caused panic among the industry. Following the Phase-II verdict, the defendants attempted to remove the case to federal court, alleging that the case involved a question of federal law, but it was remanded to state court in November 2000 and a final judgment was entered.

However, before the case to proceed to Phase III, the defendants appealed the Phase I and Phase II decisions. In May 2003, Judge Gersten on the Third District Court of Appeal decertified the class (which had been limited to Florida), reversed the Phase II awards of \$12.7 million in compensatory damages for the three named plaintiffs, and the \$145 billion in punitive damages.<sup>143</sup>

The plaintiffs appealed Judge Gersten’s decision to the Florida Supreme Court. In July 2006, the Supreme Court stated that the Third District Court of Appeal erroneously decertified the class and in reviewing the case the Supreme Court upheld the jury verdicts in Phase I (liability) and Phase II-A award of compensatory damages to two of the three named plaintiffs.<sup>146</sup> (The third was rejected as not having met statute of limitations for filing the claim.<sup>146</sup>) The state Supreme Court agreed with the Third Circuit Court of Appeals that the \$145 billion punitive damages award from Phase II-B should be reversed.

Florida’s Supreme Court stated that the issues of compensatory damages for each member of the class were too individualized (as stated above, to be a “class” a group of plaintiffs must have been injured under the same or very similar circumstances) to go forward with Phase III, so the class was decertified. However, individuals of the class, up to 700,000 people initially, were able to file suit individually and reference and benefit from the findings of the tobacco companies’ liability.

The tobacco company defendants appealed the case to the U.S. Supreme Court on two issues: (a) that the Due Process Clause of the U.S. Constitution prohibits Florida from giving binding effect to the Phase I jury findings and (b) that the Federal Cigarette Labeling and Advertising Act preempted state lawsuits for injuries from smoking. On October 1, 2007, the US Supreme Court declined to hear the case, leaving the Florida Supreme Court Ruling standing.<sup>147, 148</sup>

**The tobacco industry has faced a significant number of individual lawsuits in Florida, giving rise to a host of important political objectives, including securing a cap on the cost of supersedeas bonds... and seeking to keep the industry and its behavior out of the news and public eye.**

As a result of the Engle verdict, the tobacco industry has faced a significant number individual lawsuits in Florida, giving rise to a host of important political objectives, including securing a cap on the cost of supersedeas bonds to appeal Engle verdicts and seeking to keep the industry and its behavior out of the news and public eye.

### **Engle Progeny Cases**

Not having to repeat a two-year liability issues trial for each of the individual claims (known as Engle “Progeny” cases) was clearly a substantial savings of judicial resources. It also meant that smokers would have a much more streamlined “day in court,” where the issues at trial have typically been limited to proving that the individual plaintiff smoked the defendant’s products, was injured, suffered damages as a result, and was entitled to recover compensatory and punitive damages from one or more of the defendants. Some Florida state judges have also required the plaintiffs to provide proof that they were addicted to the defendant’s products.

### ***Engle Progeny Verdicts 2009-2010***

By the end of March 2011, roughly 9,500<sup>149</sup> Engle Progeny cases had been filed and 38 had reached verdicts. Of these 38 decided cases, the plaintiffs won 26, totaling \$359 million in damages (Table 16). Two cases (Kaplan (2009) and Kabala (2010) (not included in the below

table) resulted in a mistrial, and the tobacco companies won the other 12 cases, including winning eight cases in a row from August to November of 2010. Although there have been many successes in the Engle Progeny cases, it is unlikely that the damages due to the plaintiffs will ever reach the \$145 billion in solely punitive damages originally awarded to the class, since each case has not yet been tried and the defendants have won some cases. However, there is potential that the success of plaintiffs in Florida could be reproduced in other states.<sup>150</sup>

Despite the higher success rates for plaintiffs in the Progeny cases (at an average plaintiff award of \$13.8 million), tobacco companies have been unwilling to settle in the cases, pushing them into court. In a report in the Ft. Lauderdale *Sun Sentinel*, Attorney Greg Barnhart, who tried the Liz Piendle case (in August 2010), reported that his law firm made settlement offers in each of the roughly 500 cases they were handling, ranging from \$150,000 to \$250,000.<sup>151</sup> A

**Despite the higher success rates for plaintiffs in the Progeny cases (at an average plaintiff award of \$13.8 million), tobacco companies have been unwilling to settle in the cases, pushing them into court.**

spokesman for R.J. Reynolds/Reynolds American said the tobacco company was unwilling to settle because it was confident in its position and that appellate courts would overturn the awards.<sup>151</sup> The tobacco companies have yet to pay out any awards for the cases which have been found against them.

According to a statement published in the *Sun Sentinel* in August, 2010 from Edward Sweda, senior attorney for the Tobacco Products Liability Project (TPLP), “if you get to the point where they [the tobacco companies] might actually have to write out checks to families and see how many are in the pipeline, at some point, they will come to a re-examination of their non-settlement policy.”<sup>151</sup> Some smokers are worried they will die before they see any money from the suits.<sup>151</sup>

The growing number of Engle Progeny cases filed in Florida put pressure on the industry to maintain positive public perceptions of itself. Each of nearly the nearly 9,500 Engle Progeny cases has been or will be put on trial in the state, each requiring a panel of jurors. If jurors have negative perceptions of the tobacco industry, they may be more likely to decide in favor of the

**“It seems as if these [truth] ads are designed not to reduce teen smoking but rather to influence a jury pool for future lawsuits.”**

plaintiff. Recognizing this potential threat, Mark Smith, a spokesman for Brown and Williamson commented to the Associated Press in 2000, regarding the Florida Department of Health’s “truth” industry-denormalization media campaign, “It seems as if these [“truth”] ads are designed not

to reduce teen smoking but rather to influence a jury pool for future lawsuits.”<sup>159</sup> In 2002, RJR came to a similar conclusion that California’s anti-industry media campaign was polluting potential jury members for a variety of tobacco-related lawsuits in the state.<sup>160</sup> RJR pleaded that a significant percentage of potential jury members in California had seen the state-sponsored ads, and that 79% of them said the ads made them feel less favorable toward the tobacco industry. The California court ultimately disagreed with RJR stating that the campaign was educating the public as it was supposed to and that a reasonable portion of the population was still not influenced by the campaign.<sup>160</sup> Attacks on the Florida “truth” campaign (1998- 2002), which eventually led to its de-funding despite its effectiveness in youth-directed public health messaging, as well as limits imposed on the Bureau of Tobacco Prevention Program’s subsequent media campaign (2007-2010) by Florida’s Governor Charlie Crist, may have been

Table 16. Engle "Progeny" Lawsuit February 2009 - March 2011									
Name	Date	Defendant	Damages (in millions)			Punitive	Percent Fault	(millions)	Status
			Total Damages	Compensatory					
Hess	2/18/2009	PM	\$8.00	\$3.00	\$5.00	PM: 42%	\$6.26	on appeal	
Ferlanti	3/6/2009	LGT	\$1.30	\$1.20	\$0.00	LGT: 60%	\$0.78		
Gelep	3/24/2009	RJR, PM							
Kalyvas	4/29/2009	PM							
Sherman	5/5/2009	RJR	\$1.50	\$1.50	\$0.00	RJR: 50%	\$0.78	on appeal	
Brown	5/20/2009	RJR	\$1.20	\$1.20	\$0.00	RJR: 50%	\$0.60	on appeal	
Martin	5/29/2009	RJR	\$30.00	\$5.00	\$25.00	RJR: 66%	\$28.30	industry lost appeal at district court of appeals	
Barbanell	8/10/2009	PM	\$5.30	\$5.30	\$0.00	RJR: 36.5%	\$1.93	on appeal	
Campbell	8/19/2009	PM, RJR, LGT	\$7.80	\$7.80	\$0.00	PM 2%; RJR 39%; LGT: 2%	\$3.35	on appeal	
Naugle	11/19/2009	PM	\$39.00	\$13.00	\$26.00	PM 90%	\$37.70	original settlement was \$56.6 mil compensatory and \$244.0 punitive	
Gray	2/5/2010	RJR	\$9.00	\$7.00	\$2.00	RJR: 60%	\$6.20		
Douglas	3/10/2010	PM, RJR, LGT	\$5.00	\$5.00	\$0.00	PM 18%; RJR: 5%; LGT: 27%	\$2.50	post-trial motions	
Hall	3/11/2010	RJR	\$17.50	\$5.00	\$12.50	RJR: 65%	\$15.75	post-trial motions	
Cohen	3/10/2010	PM, RJR, LGT	\$30.00	\$10.00	\$20.00	1/3 each to PM, RJR	\$26.60	post-trial motions	
Pumey	4/13/2010	PM, RJR, LGT	\$20.00	\$15.00	\$5.00	PM: 15%; RJR: 30%; LGT: 10%	\$14.75	post-trial motions	
Clay	4/13/2010	RJR, LGT	\$21.50	\$3.50	\$18.00	RJR: 60%; LGT: 10%	\$20.45	post-trial motions	
Grossman	4/21/2010	RJR	\$19.00	\$1.90	\$0.00	RJR 25%	\$0.48	post-trial motions	
Townsend	4/21/2010	RJR	\$90.80	\$10.80	\$80.00	RJR: 51%	\$46.30	judge apportioned punitives also (from \$80 to \$40.8 million)	
Gil de Rubio	5/19/2010	PM							
Buonomo	5/21/2010	RJR	\$30.00	\$5.00	\$25.00	RJR: 77.5%	\$28.88		
Alexander	6/21/2010	RJR	\$5.00	\$2.50	\$2.50	RJR: 100%	\$5.00		
Tate	7/7/2010	PM	\$14.20	\$8.00	\$6.20	PM: 64%	\$11.32		



Name	Date	Defendant	Damages (in millions)			Percent Fault	(millions)	Status
			Total Damages	Compensatory	Punitive			
Piendle	8/5/2010	RJR, PM	\$4.00	\$4.00	\$0.27	27.5% each to RJR and PM	\$2.47	
Budnick	8/26/2010	RJR		Tobacco Companies Won				
Warrick	10/4/2010	RJR, PM		Tobacco Companies Won				Originally a mistrial
Willis	10/6/2010	RJR, PM		Tobacco Companies Won				Mistrial 5/12/2010
Frazier	10/18/2010	PM		Tobacco Companies Won				
Campbell	10/18/2010	PM, RJR		Tobacco Companies Won				
Rohr	10/28/2010	PM, RJR, LGT, LOR		Tobacco Companies Won				
Vasko	11/4/2010	RJR		Tobacco Companies Won				
Espinosa	11/12/2010	PM		Tobacco Companies Won				
Horner / Webb	11/15/2010	RJR	\$80.00	\$8.00	\$72.00	RJR: 90%	\$79.20	
Hatzyanakakis	2/15/2011	PM	\$0.27	\$0.27	\$0.00	PM: 32%	\$0.09	
Kirkland		RJR	\$0.35	\$0.10	\$0.25	RJR: 10%	\$0.26	
Huish	2/22/2011	RJR, PM	\$3.75	\$0.75	\$3.00	RJR: 25% PM: 25%	\$3.38	
Miller	3/2/2011	LOR	\$17.30	\$6.00	\$11.30	LOR: 65%	\$15.20	
Mack	3/18/2011	RJR	\$1.00	\$1.00	\$0.00	RJR: 51%	\$0.51	
Blitch	3/24/2011	RJR		Tobacco Companies Won				
Olivia		RJR						
<b>Total</b>			\$462.77	\$131.82	\$274.82		\$359.03	

Source: The Public Health Advocacy Institute<sup>152-158</sup>

\*"Total Damages" represents the amount of compensatory damages awarded to the plaintiff based on the jury's determination of their percent fault versus the percent fault of the defendant (i.e., compensatory damages are \$1 million with 50% fault for the plaintiff, amounting to \$500,000 ) plus the total punitive damages

PM = Philip Morris; LGT = Liggett; RJR = RJ Reynolds; LOR = Lorillard

part of a tobacco industry effort to prevent aggressive anti-industry media ads from negatively influencing public perceptions of the tobacco industry and consequently outcomes of Engle Progeny trials.

### *Efforts to Cap Cost of Appeals Bond for Engle Progeny Cases 2000-2009*

One of the tobacco industry's primary issues in the state of Florida has been securing a cap on the cost of supersedeas bonds to appeal the original Engle case and subsequent Engle Progeny cases. A supersedeas bond is a sum of money which must be posted by a defendant in order to stay a judgment in a case while the case is on appeal. In Florida, according to the Florida Rules of Appellate Procedure, these bonds must be equivalent to the amount of the original judgment (punitive and compensatory damages) plus twice the annual statutory interest rate (typically between 5% and 10%).<sup>161</sup> Supersedeas bonds protect plaintiffs by guaranteeing that if the appeal is ultimately found in their favor, the defendant will have enough money to pay the amount of the original judgment.

The defendant cigarette companies argued to members of Florida's Legislature that appealing the Engle decisions had the potential to bankrupt them,<sup>162</sup> which they argued would threaten the future of Florida Medicaid settlement payments. As a result, the industry was able to gain support for legislation to cap the cost of appeals bonds. The threat of bankruptcy may have been realistic for the industry in 2000, when they appealed the \$145 billion in punitive damages originally awarded to the Engle class. Without legislation to cap the cost of an appeals bond, which had passed in the spring of 2000, the industry would have been required to post over \$300 billion to appeal the decision. Although, appeal bonds to stay a judgment can be purchased by defendants from bonding companies to avoid posting cash in the full amount of the judgment plus estimated interest. The nonrefundable fee charged annually for such bond is underwritten by the bonding company based on the financial strength of the defendant, and it is likely that any tobacco company could purchase such a bond for a 10% fee or in this case, \$30 billion.

However, since the reversal of the \$145 billion punitive damages award and decertification of the class, appeals bond reform has been an issue to the industry because of the growing number of Engle Progeny cases. Although only a small percentage of Engle Progeny cases have gone to trial, as of March 2011 several of them have been appealed by the defendant tobacco companies. Appealing these cases has become increasingly costly for the industry.

For example, the average judgment amount as of the end of March 2011 (using all of the cases won by plaintiffs from Table 16) was \$13.8 million. The cost of appealing a case, using this average, would have been equal to

**The cost of appealing the subsequent Engle's progeny decisions pales in comparison to the annual revenues generated by the defendant tobacco companies.**

this amount plus twice the annual statutory interest rate (6% for 2010<sup>163</sup>), or \$15.5 million each, if the defendant companies chose to post the bonds themselves. (If they purchased a bond at a fee of 10% of the total cost, the amount would be just \$1.55 million.) Assuming the defendant companies appealed all 26 cases between February of 2009 and March of 2011 (Table 16), the total cost for appealing would have only been a collective \$40.3 million (if purchased for a 10% fee from a bonding company) to \$403 million (if posted in full by the defendants) shared among

defendants including Philip Morris/Altria, Liggett, R.J. Reynolds/Reynolds American and Lorillard.

The cost of appealing the subsequent Engle's progeny decisions pales in comparison to the annual revenues generated by the defendant tobacco companies. According to Yahoo Finance, the defendants (Lorillard, Liggett, PM/Altria, RJR / Reynolds American) had combined revenues in 2010 of \$29.92 billion.<sup>164-167</sup> Using the companies' estimated combined revenues from 2010, the approximate cost of appealing all cases from June 2009 –March 2011 (\$403 million maximum) was only 1.3% of their annual combined revenue. While appealing Engle progeny cases does not threaten the companies with bankruptcy, they certainly benefit from any legislation which allows them to free up resources and appeal additional cases at less cost. As a result, the industry has fought diligently and successfully to change the law and enact multiple appeals bond caps in Florida.<sup>137</sup>

Beginning in 2000, prior to the \$145 billion punitive damages award in the original Engle case, the Florida Legislature enacted Fla. Stat. 768.733, which required that the cost of the bond to appeal a class action decision in Florida be either the amount of the award of punitive damages plus two times the annual statutory interest or 10% of the net worth of the defendant, whichever was lower. More importantly, the total amount to appeal a class action decision was capped at \$100 million. As a result of this legislation, the tobacco industry's appeal for the original \$145 billion award in the Engle settlement was \$100 million maximum.<sup>168</sup> However, because Fla. Stat. 768.733 only applied to punitive damages, and not punitive and compensatory damages both, there was industry concern that it did not fully cap the cost of appeals bonds for the tobacco industry.<sup>168</sup> This became a concern following the *Price* case in Illinois in which defendants were awarded \$7 billion in compensatory damages.<sup>168</sup> As a result, in 2003 the industry secured legislation to extend the cap to the bond covering the entire judgment. Interestingly, the cap was extended only for signatories of the tobacco settlement agreement. HB 1867,<sup>169</sup> sponsored by Representative Thad Altman (R, Melbourne, \$6,500), and SB 2826,<sup>170</sup> sponsored by Senator Mike Haridopolos, (R, Melbourne, \$2,500) capped the total amount of an appeals bond at \$100 million.<sup>171</sup> This cap would have applied to any future appeals of any large punitive or compensatory damages for individual plaintiffs. SB 2826 passed unanimously in the Senate and only had one no vote, from Representative Leslie Waters (R, Seminole, \$4,250), in the House.<sup>172, 173</sup>

Subsequently, after the class action status of the case was reversed in 2003, the industry secured additional legislation to cap the cost of appealing any civil judgments, except for class actions which were already covered by Fla. Stat. 768.733. Through House and Senate companion bills in 2006, HB 841<sup>174</sup> sponsored by Representative Frank Attkisson (R, St. Cloud, \$3,750 ) and SB 2250<sup>175</sup> sponsored by the Judiciary Committee and Senator Daniel Webster (R, Winter Garden, \$0), the appeals bond cost for any civil action decisions was capped at \$50 million per appellant. The final language of HB 841, which passed unanimously in both chambers, also provided for a court to reduce the amount of a bond or set other conditions for the stay of judgment at its discretion.<sup>174, 176</sup>

In 2009, once the industry started losing the Engle Progeny cases, the tobacco industry pushed legislation to extend the appeals bond cap to cover the total bond for all cases being appealed by a defendant at \$200 million per defendant (i.e., the more cases that the tobacco

companies appealed, the lower the bond they would have to post for each case). This cap greatly reduced the burden of appeals on the industry, enabling them to appeal the mounting number of Engle Progeny cases at little additional cost other than legal fees. The House's version of the bill, HB 7153<sup>177</sup> was sponsored by the Finance and Tax Council and its Chair (who is strongly allied with the tobacco industry) Representative Ellyn Bogdanoff (R, Ft. Lauderdale, \$2,850) and the Senate companion bill, SB 2198,<sup>178</sup> was sponsored by the Senate Judiciary Committee and Senator Mike Haridopolos (R, Melbourne, \$2,500). The final version of HB 7153 passed the House in a vote of 100-17 and the Senate in a vote of 29-10.

Paul Hull, Vice President of Advocacy and Public Policy at the Florida Division ACS, described the appeals bond legislation in Florida as a “high pay grade” issue and an “area where I think the tobacco companies have really shown as much muscle as anywhere.”<sup>137</sup> He said the legislation was typically filed and passed quickly.<sup>137</sup> In 2009, Lorillard, Philip Morris/Altria, and R.J. Reynolds/Reynolds American together hired Keith Teel, a partner at the Washington, D.C. law firm of Covington and Burling, to represent them,<sup>64</sup> probably to lobby on the Engle's appeals bond cap, given his specialty in product liability and litigation. Covington and Burling has frequently been hired by tobacco companies in such cases.

**Appeals bond legislation in Florida...[is a] “high pay grade” issue and an “area where... the tobacco companies have really shown as much muscle as anywhere.”**

While the voluntary health groups in Florida have nominally opposed capping appeals bonds for the tobacco industry, they have not made it a priority. According to Paul Hull, the ACS opposed the appeals bond cap measure in 2009, but was concentrated more on pushing through their \$1 per pack cigarette tax proposal. According to Brenda Olsen, the Chief Operating Officer at the American Lung Association of the Southeast, ALA was also not actively involved in opposing the industry's efforts to cap the appeals bonds.<sup>55</sup>

During the 2009 session, three of the tobacco industry's major issues were on the table, including the appeals bond cap, a \$1 cigarette tax proposal, and a non-participating manufacturers' fee. According to Hull, the tobacco industry's concentration on the appeals bond issue and non-participating manufacturers' fee diminished their opposition to the tobacco tax and enabled it to pass more easily. While the appeals bond cap and Engle cases were not traditional tobacco control priorities, the ongoing activity in these areas may have enabled other tobacco control successes in the state by thinning the opposition to initiatives.



## CHAPTER IV: FLORIDA STATE TOBACCO CONTROL, FISCAL YEARS 1999-2004

- *Tobacco control advocacy in Florida is driven by local divisions of the American Cancer Society, American Lung Association, and American Heart Association (tri-agencies).*
- *In 1998, under the leadership of Democratic Governor Lawton Chiles, Florida launched its Tobacco Pilot Program (TPP), including the edgy “truth” industry-denormalization media campaign. TPP became a model for effective youth tobacco use prevention worldwide, achieving significant reductions in high school smoking and middle school smoking between 1998 and 2002.*
- *Despite its success, funding for TPP was repeatedly cut by a hostile legislature under Republican Governor Jeb Bush from \$70.5 million in FY1999, to \$36.8 million in FY 2000, and ultimately to \$1 million in FY2004, likely due to influence from the tobacco industry, which has long recognized the threat of effective tobacco control programs.*
- *Although the tri-agencies mounted a strategic and coordinated grassroots advocacy campaign complemented with private lobbying efforts to fight TPP cuts, they failed to hold responsible policymakers publicly accountable for their actions, signaling to legislators that they would accept the cuts.*

### **Introduction to Tobacco Control Advocacy in Florida**

In Florida, statewide advocacy for tobacco control policy has predominately come from the Florida Division American Cancer Society (ACS), the American Lung Association of Florida (ALA) (with support from the ALA of the Southeast), and the American Heart Association Greater Southeast Affiliate (which was the Florida/ Puerto Rico Affiliate before merging with the Southeast Affiliate in 2006) (AHA), together referred to as the tri-agencies. The Washington D.C.-based Campaign for Tobacco Free Kids (CTFK) has also often partnered with the tri-agencies, including providing financial support, to advocate for strong tobacco control policies in Florida. Local tobacco control advocacy efforts were fostered through state funding for county-level tobacco-free partnerships and local branches of the tri-agencies.

### ***Statewide Tobacco Control Advocacy***

#### *IMPACT and the Tobacco Free Florida Coalition 1993-1998*

In the early 1990s, throughout the U.S., the National Cancer Institute’s (NCI) project ASSIST and the Centers for Disease Control and Prevention’s (CDC) IMPACT program funded the development of state and community-level tobacco control advocacy. NCI’s American Stop Smoking Intervention Study (ASSIST), a partnership with ACS, funded 17 state health departments to work on tobacco control policy change, including building up state level advocacy.<sup>179-181</sup> To fund tobacco control initiatives in the remaining 33 states (with the exception of California, which had a well-funded state program) and Washington, D.C., the CDC developed the Initiatives to Mobilize for the Prevention and Control of Tobacco Use (IMPACT) program, which was similarly focused on building tobacco control capacity as an agent for policy change at the state and local levels, though at a lower funding level than NCI’s ASSIST.<sup>182</sup> ASSIST and IMPACT were closely monitored by the tobacco industry,<sup>183-185</sup> which launched a concerted effort to disrupt the programs across the U.S.<sup>180, 186</sup>

The State of Florida was unsuccessful in its application for an ASSIST grant; however, the Florida Department of Health (DOH) cited the process of preparing the ASSIST grant application as a factor in bringing the DOH together with the tri-agencies to work on tobacco control.<sup>188</sup> Instead of ASSIST funding, Florida received IMPACT funding beginning in 1993, at \$250,000 annually through 1998.<sup>188</sup> IMPACT funds were used to develop a statewide tobacco

Table 17. Tobacco Free Florida Coalition Members in 1993 (not exhaustive)	
Members	Agency
Phillip Marty, Ph.D., Chair	University of South Florida
Beth Bacon-Pituch	Dept. of Education (DOE)/SFC 2000
Lisa Boudreau, RN, MPH	CIGNA
Richard Boyd	Dept. of Business and Professional Regulation (DBPR)
Cindy Cline, MPH	GTE
Mickey Chiarelli	March of Dimes
Marshall Deason	Newman, Deason, & Roland, PA
Jorge Deju, M.D., MPH	Seminole CPHU
James Fannin	Florida Prevention Association., Inc.
Barbara Foley	Florida Hospital Association
Mark Gold, M.D	University of Florida Brain Institute
Jean Gonzalez	AHA
Torre Grissom	Florida Department of Insurance
Jennie Hefelfinger, M.S., CHE	Southeastern Tobacco Prevention Network (SToP); ASTHO
Deana Hughes	FOMA
Terry Ingraham	AHA
Sharyn Janes, R.N.,Ph.D.	Florida Nurses Asso./FAMU
Linda Knowles	Dept.of Labor & Employment Security
Nancy Krivit, M.S.W.	HRS - Prenatal Smoking Cessation
Beth Labasky	Labasky and Associates
Ann Litzenberger	Florida Society for Respiratory Care
Peggy McCollum, CAE	Florida Voluntary Health Asso.
Dorothy Parker, MPH	C-CRAB
Edith Randolph	GTE
Ariela Rodriguez, Ph.D.	Little Havana Activities/Nutrition Centers
John Ruckdeschel, M.D., F.A.C.P.	H. Lee Moffitt Cancer Center
William Schiff, DDS	Florida Dental Association
Jo Beth Speyer, MSW	Cancer Information Service
Mark Staples, M.D.	Florida Thoracic/Cardiovascular Surgeons
Robert Wilson	Florida Pharmacy Association
Stephen Winn	Florida Osteopathic Medical Association
Norma Wright	Minority HealthCare Coalition
Source: Legacy Tobacco Documents Library <sup>187</sup>	

control advocacy coalition, the Tobacco-Free Florida Coalition (TFFC), a statewide coalition of more than 60 diverse tobacco control partners and experts, (Table 17)<sup>188</sup> to build local capacity for state tobacco control efforts and to affect policy change.<sup>189, 190</sup> TFFC's members included the tri-agencies, numerous state agencies, universities, and other health promotion organizations, which together led and coordinated tobacco activities in the state. The goals of TFFC included assuring tobacco-free public places, eliminating tobacco use, and increasing public awareness of tobacco issues.<sup>188</sup> TFFC was led by an executive committee, comprised of a chair, vice chair, secretary, local coalition chair, a youth representative, and representatives from all three tri-agencies.<sup>188</sup>

*Robert Wood Johnson Foundation SmokeLess States Grants 1994-2002*

In 1994, the Robert Wood Johnson Foundation (RWJ) selected Florida as one of nineteen states in its SmokeLess States program

to build statewide tobacco control advocacy. The objectives of the SmokeLess States program were “reducing the number of children and young people who start using tobacco, reducing the number of people who continue using tobacco, and increasing the public’s awareness that reducing tobacco use is an important component of any major effort at health care reform.”<sup>191</sup> Grantees were to “conduct public education campaigns, strengthen prevention and treatment capacity, and advocate for tobacco-control policies.”<sup>191</sup> According to a presentation on tobacco control made by the State of Florida in 2001, RWJ awarded the Florida Division of the American Cancer Society, who applied for the grant, a 4-year SmokeLess States grant of \$250,000 each year (\$1 million total).<sup>188</sup> (Tobacco industry documents, which suggest that the industry was monitoring RWJ funds, report that the grant was for \$225,000 annually for a \$900,000 total over four years.<sup>184</sup>) ACS used the money to build advocacy efforts in St. Lucie County, on Florida’s Eastern seaboard.<sup>192</sup> In 1998, the ACS’ SmokeLess States Grant was renewed for three years.<sup>191</sup> St. Lucie County received an additional \$1.5 million in RWJ funds from 1999-2002 to implement “Full Court Press,” a smoking prevention pilot program.<sup>193</sup>

*Florida Leadership Council for Tobacco Control 1998-2002*

After six years of existence, in 1998 the TFFC was restructured as the Florida Leadership Council for Tobacco Control (hereafter the “Leadership Council,” Table 18).<sup>194</sup> The Leadership Council was a response by tobacco control advocates and partners in the state to the creation of the Florida Tobacco Pilot Program (TPP, discussed below). The purpose of the Leadership Council was to serve as a forum for tobacco control advocates and partners to discuss the future direction of tobacco control in the state; members of the council also provided recommendations to the Florida Department of Health on the direction of state tobacco control activities.<sup>189, 194</sup>

Table 18. Membership of Florida Leadership Council for Tobacco Control in 2000	
Member	Organization
Robert E. Windom, Chair	Health Care Consultant, Domestic/International
John Chancellor	Florida Foundation for School Health
Darlene French-White	Tobacco-Free Partnership of Dade County
Don Webster	American Cancer Society (ACS)
Brian Gilpin	American Heart Association (AHA)
Glenn Hooper	Florida Medical Association
Brenda Olsen	American Lung Association (ALA)
Tim Giuliani	Students Working Against Tobacco (SWAT)
Marian Irvin	Tobacco-Free Community Partnership of Flagler County
Sheriff Jeff Dawsy	Florida Sheriff's Association
Ex-Officio Members	
Victor Medrano	CDC Office on Smoking and Health
Mary Jo Butler	Department of Education
Jennie Hefelfinger	Department of Health, Bureau of Chronic Disease Prevention
Tania Pendarakis	Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco
Source: Florida Department of Health <sup>196, 197</sup>	

The mission of the Leadership Council was “to promote community and individual responsibility to prevent tobacco use by encouraging agencies, organizations and individuals to work together toward a common vision of a tobacco-free Florida.”<sup>195</sup>

Among members of the Leadership Council were a Governor-appointed Chair, representatives from



the ACS, ALA, AHA, Florida Medical Association and state-funded community partnerships in Dade and Flagler counties.<sup>190, 196</sup> The Leadership Council was chaired by Robert Windom, former Assistant Secretary for Health at the U.S. Department of Health and Human Services (1986-1989). The Leadership Council was in existence until at least 2002, if not later (though membership evolved over time<sup>190</sup>). The Leadership Council's primary impact on tobacco control appears to be the development of a series of strategic plans for tobacco control in the state including Florida's Comprehensive Strategic Plan 2000 – 2005, Florida's Comprehensive Plan for Action (2000 – 2001) and Florida's Comprehensive Plan for Action (2001-2003).<sup>194, 195, 198</sup> It is unclear how much these plans guided state activities, especially given the precipitously reduced funds for the Tobacco Pilot Program (as will be described later).

*Tri-Agency Coalition on Smoking OR Health mid-1990s-2004*

Since the 1970s, the primary drivers of tobacco control policy change in Florida were the ACS, AHA, and ALA. In the mid-1990s, the Florida ACS, ALA, and AHA had formed the Tri-Agency Coalition on Smoking OR Health (the tri-agencies had been joining under this name in various U.S. states since as early as 1981). From 2001 – 2004, the Tri-Agency Coalition's

**The ACS' dominance appears to have afforded it the most relative decision-making power among the tri-agencies.**

activities included lobbying the Florida Legislature on tobacco control policy; annually, they registered between 2 and 4 lobbyists, consisting mostly of ACS' state leadership. The Tri-Agency Coalition was dissolved in approximately 2004, marking the end of

permanent statewide coalitions focused on tobacco control advocacy in Florida. The Coalition was disbanded because its members felt that their individual brands (ACS, AHA, and ALA) had more equity and weight and therefore should be used in lieu of the name Tri-Agency Coalition for Smoking or Health.<sup>192</sup> Although the tri-agencies were not organized as a formal coalition after 2003, they remained the primary tobacco control advocacy organizations and worked on tobacco control policy goals in unison through at least 2011. Washington, D.C.-based Campaign for Tobacco Free Kids also partnered with the tri-agencies in Florida, including providing financial support and policy expertise on the major policy battles fought in the state, including two constitutional amendment campaigns, explained in detail below. The tri-agencies established two political action committees (PACs) to work on these campaigns, Smoke-Free for Health (2001-2002) and Floridians for Youth Tobacco Education (2005-2006).

ACS was the dominant player among the groups, due to its stronger financial position and larger volunteer network relative to the other two agencies. The ACS' dominance appears to have afforded it the most relative decision-making power among the tri-agencies. However, the partnership between the agencies has nevertheless remained robust and collaborative, with ALA and AHA bringing immense policy expertise and financial resources to the partnership.

***Local Tobacco Control Advocacy***

Prior to 1985, local tobacco control advocacy developed in Florida around the passage of local clean indoor air laws. One of the first such local grassroots groups in the U.S., The Group Against Smoking Pollution (GASP), opened its first Florida branch in 1979 to support a Dade County initiative for clean indoor air.<sup>1</sup> However, with the passage of preemption as part of a weak statewide clean indoor air law in 1985 the development of a local tobacco control advocacy

structure was effectively stifled. Between 1985 and 1998 local tobacco control advocacy was limited.

When the Tobacco Pilot Program (TPP) was created within state government in 1998 as a result of Florida's settlement with the tobacco companies, it established local tobacco control coalitions known as tobacco-free partnerships in all 67 of Florida's counties to coordinate statewide activities and local youth education, and to serve as a forum for local tobacco control advocacy. In 2003, when funding to TPP was cut to \$1 million, the state was no longer able to provide financial support to the local partnerships, and, although a handful of coalitions persisted with local funding, most were disbanded. In 2007, with a renewed source of funding from Amendment 4 (discussed below), the Florida Department of Health began reestablishing these partnerships via grants to county health departments and community based organizations. Disrupted funding and poor state-level coordination for the partnerships impeded the initial development and effectiveness of these organizations, but as of 2011, many appeared to be very active in the state.

In addition to state-funded tobacco control partnerships, the tri-agencies also had a network of grassroots volunteers, which provided support for tobacco control policy change at the state and local levels.

### **The Tobacco Settlement and Youth-Focused Tobacco Pilot Program 1998-1999**

In 1997, Florida settled its Medicaid fraud lawsuit with the four major U.S. tobacco manufacturers-- Philip Morris/Altria, R.J. Reynolds/Reynolds American, Lorillard, and Brown & Williamson-- for \$11.3 billion to be paid over 25 years, with additional comparable amounts to be paid in perpetuity.<sup>1</sup> Among other components, Florida's settlement required that the tobacco companies pay \$200 million of the settlement to fund a two-year "Tobacco Pilot Program" (TPP) to reduce smoking among youth. Until this tobacco control funding mandate, insisted upon by Florida's Governor Lawton Chiles (D, 1991-1999), large tobacco prevention campaigns had all been funded by tax increases.<sup>199</sup> A restriction on the program, known as the "vilification clause," prevented it from spending money to attack the tobacco industry (including anti-industry media advertisements). This clause was included in the original Florida settlement because the cigarette companies wanted to avoid the kind of aggressive campaign California had developed based on exposing the industry's deceptive practices.<sup>200</sup> However, thanks to the "most favored nation" clause in the Florida settlement, which stipulated that if a subsequent settlement in another state was more favorable, those more favorable terms would apply to Florida as well, both the two-year time limit and vilification clause were lifted when the companies settled with Texas in September 1998. Also, because of the Texas settlement, Florida's payments increased from \$11.3 billion to \$13 billion for the first 25 years.<sup>1</sup>

**Florida's settlement required that the tobacco companies pay \$200 million of the settlement to fund a two-year "Tobacco Pilot Program" to reduce smoking among youth.**

Since the 2-year time limit on TPP had not yet been lifted when Florida received its first payment from the industry in February 1998, Governor Chiles quickly started to implement the TPP,<sup>1</sup> providing strong political and administrative support for it. There was concern that the

industry agreed to the two-year time limit only because they expected that the new program would fail because it would not have adequate time to work, after which time the industry could use it as an example of why youth prevention campaigns do not work.<sup>1</sup> Governor Chiles took this concern seriously and housed TPP in the Office of the Governor to ensure that it was given the priority it needed to get up and running quickly. (There was also a small adult program run by the Bureau of Chronic Disease Prevention (the Florida Tobacco Prevention and Control Program), which will be described below.)

With a \$70.5 million fiscal year (FY) one budget (FY1999, July 1998 – June, 1999), TPP focused on five components: marketing and communications, education and training, youth and community partnerships, enforcement, and research and evaluation, all of which were exclusively youth focused.<sup>201</sup> TPP’s team, led by Chiles’ aide Chuck Wolfe, included Pete Mitchell for marketing, Dr. Mae Waters for education and training program, and Kim Orr for youth and community partnerships.<sup>202</sup> In a 2008 interview for this research, Wolfe described his staff as, “very entrepreneurial people... who were willing to work at a very fast pace, very long hours in the initial stages of this program.”<sup>202</sup>

### *Initiation of “Truth” and Students Working Against Tobacco (SWAT)*

Two of TPP’s core elements became the hallmarks of the program: the Florida “truth” advertising campaign and the Students Working Against Tobacco (SWAT) youth-empowerment program. Developed by advertising firm Crispin & Porter, “truth” was a cross-medium media campaign (including TV, billboards, and radio) focused on denormalizing tobacco use through messages exposing deceptive practices of the tobacco industry and its allies. The vilification

**...“Truth” was a cross-medium media campaign... focused on denormalizing tobacco use through messages exposing deceptive practices of the tobacco industry and its allies.**

clause prevented Florida from attacking the tobacco companies initially until it was lifted in September 1998, at which point the program began running even more hard-hitting ads. Industry denormalization, pioneered in California and adopted in Massachusetts, had been shown to be effective in several studies, before<sup>203</sup> and after Florida launched the “truth” campaign.<sup>204-220</sup>

TPP employed an industry denormalization message strategy after discovering through market research that it was the most salient strategy for Florida’s youth audience. According to former TPP Director Wolfe, the campaign’s development was based on “the determination that we would rely on young people to help develop the program and to kind of lead us to learn what it was they thought could work, as opposed to the science.”<sup>202</sup> TPP relied on youth market research, as the tobacco industry does, to develop its messaging.

SWAT (Students Working Against Tobacco) was the grassroots youth empowerment complement to “truth.” (In Florida, the relationship has been described: “truth” is the message, SWAT is the messenger.<sup>197</sup>) SWAT worked to change youth attitudes toward smoking and empower youth to affect policy change around youth access to tobacco and secondhand smoke exposure. TPP facilitated local SWAT chapter development through community partnerships and hosted statewide SWAT youth summits. SWAT not only provided a platform for youth action

against tobacco, but also a means for TPP to harness youth expertise in developing its media efforts.

TPP sought to infuse tobacco control into a wide range of educational activities. TPP contracted with education materials producer Scholastic to rewrite math books to include industry denormalization. For example, “If a tobacco company executive traditionally earns X amount of profit per pack of cigarettes and X number of cigarette packs have been sold in a month period, how much profit did the tobacco company executive earn?”<sup>202</sup>

### ***Tobacco Pilot Program Has Immediate Impacts on Florida’s Youth***

The TPP had an effect on youth smoking after only five months (September 1998), as shown in the Florida Anti-Tobacco Media Evaluation (FAME) Survey conducted by Florida State University under contract to TPP. The FAME survey revealed that the “truth” media campaign was already having an impact on youth attitudes.<sup>207</sup> Compared with a baseline survey conducted the previous April, over one quarter of youth surveyed reported they had heard or seen one or more anti-tobacco advertisement every day and two-thirds reported seeing an ad at least once a week. Levels of confirmed awareness for the ads were reported at 90% and, most importantly, there was a measurable increase in youth perceptions that the industry was deceptive and targeting youth in its advertisements.<sup>1, 207</sup>

**The TPP had an effect on youth smoking after only five months.**

As 1998 came to end, “truth,” SWAT, and the TPP as a whole, continued to make their impression on Florida’s youth, but the political climate for TPP’s survival began to deteriorate. As in many other states,<sup>28, 128, 221, 222</sup> legislators quickly lashed-out against the program despite its early promising results. The tenor of many members of Florida’s Legislature toward TPP was exemplified by a comment from Florida House Appropriations Chair Jim King (R-Jacksonville, \$11,150). Responding to the FAME results, King said, “Obviously these are impressive numbers, if correct. But even so, no advertising program can be evaluated in a single year....How much is enough with spending on tobacco?”<sup>1</sup> Governor Lawton Chiles was finishing up his second term as Governor when he suddenly died in December 1998 of a heart attack.<sup>1</sup> Jeb Bush (R, \$12,500) had already been elected to succeed Chiles (who was termed out) in January 1999.

### **Florida Tobacco Prevention and Control Program (FTPCP)**

At the same time that the new youth-focused TPP was run out of the governor’s office, the Florida Department of Health (DOH) had a preexisting adult tobacco program, the Florida Tobacco Prevention and Control Program (FTPCP), in its Bureau of Chronic Disease Prevention.<sup>189</sup> FTPCP was the lead organization for the state’s CDC IMPACT funding and coordinated its activities with the Tobacco Free Florida Coalition (TFFC).<sup>189</sup> While the FTPCP

**...The Florida Department of Health had a preexisting adult tobacco program, the Florida Tobacco Prevention and Control Program, in its Bureau of Chronic Disease Prevention.**

focused on both youth and adults when it was created in 1993, it dropped its youth activities after TPP was created in 1998.

In addition to IMPACT funding, between 1993 and 1998 the DOH received a few small grants to work on specific tobacco control issues. The CDC awarded DOH \$30,000 annually from 1992-1995 to work on prenatal smoking cessation. The U.S. Department of Health and Human Services' Substance and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention (CSAP) provided DOH \$50,000 in 1994 for a coalition-building conference on "Achieving Healthy 2000 Goals through Community Coalitions."<sup>188</sup> The CDC similarly provided \$50,000 in 1996 for a Southeastern Tobacco Prevention (SToP) Network conference on the "teens as teachers" tobacco prevention training.<sup>188</sup>

In 1999, when the NCI ASSIST program ended, the CDC's Office on Smoking or Health (OSH) established the National Tobacco Control Program (NTCP) to replace ASSIST and IMPACT funding for state tobacco control (albeit at a lower level of funding). Florida received \$400,000 (FY1999) and \$750,000 (FYs 2000 – 2003) in NTCP funds to continue adult-focused tobacco activities in the Bureau of Chronic Disease Prevention.<sup>7,223</sup> The focus of the NTCP grant was to establish state-level tobacco control infrastructure, including state tobacco use cessation activities.<sup>224</sup> In 2001, the program established the Florida Quit-For-Life Line, a tobacco cessation hotline which was operated by the ACS.<sup>225</sup>

## **Tobacco Pilot Program Budget Cuts FYs 2000 – 2004**

### ***Features of Florida's Legislative Process***

Florida's Legislature meets annually for sixty days during its regular session which begins on the first Tuesday after the first Monday in March. The Legislature also regularly holds special sessions to finish crucial legislation not passed during the regular session, most commonly appropriations. The Governor issues his or her budget in January or February of each calendar year. Both the House and the Senate subsequently create their versions of a budget (which may or may not be similar to the Governor's budget) during the legislative session. House and Senate budgets are typically reconciled in a Conference Committee, which produces a final report on appropriations for the next fiscal year (i.e. in 1999 the budget for FY 2000 would be determined).

### ***FY2000: Florida's Legislature and Governor Bush Dramatically Reduce TPP Funds***

In 1999, Governor Bush's first year in office, Florida's political climate became increasingly hostile for tobacco control, leading to threats of reduced funding to Tobacco Pilot Program.<sup>1</sup> Although the Florida settlement had required \$200 million in settlement funds be spent on the TPP, the legislature was still in charge of appropriating the funds. In mid-January, 1999, Governor Bush, in his first budget as Governor, proposed cutting TPP funding to \$61.5 million, a reduction of \$9 million from the previous year's \$70.5 million budget.

Recognizing that protecting TPP funds was going to be difficult because they were no longer simply supporting Governor Lawton Chiles, local divisions of the American Cancer Society, American Lung Association, and American Heart Association (the tri-agencies) began

rallying public support for the program using the media and mobilizing their grassroots advocacy networks. In February and early March of 1999, the tri-agencies recruited multiple newspaper editorial boards to support Governor Bush’s proposal of \$61.5 million for the program. (\$61.5 million was perceived to be “full funding” for the program on the grounds that the \$70.5 million appropriated to the program for FY1999 included some start-up funds.) Several newspapers, including the *St. Petersburg Times*, *Ft. Lauderdale Sun Sentinel*, and *Orlando Sentinel* ran editorials throughout the 1999 session urging the Legislature not to cut the funds. In addition, the tri-agencies ran political advertisements early in the session calling on voters to contact their representatives and support Governor Bush’s budget recommendation of \$61.5 million.<sup>1</sup>

On March 8, the first day of the legislative session, the tri-agencies ran political advertisements in the *Ft. Lauderdale Sun Sentinel* and *Miami Herald* asking voters to contact their legislators and support \$61.5 million for the program. The American Cancer Society sent fourteen “calls to action” to their grassroots volunteers in districts of key legislators, which requested that the volunteers contact their legislators and urge them to support \$61.5 million for the program. Targets of ACS’ action alerts were members and Chairs of the Senate and House Health and Human Services Appropriations Committees. In early March, they sent out 10 more “calls to action” targeting Committee leadership, House Speaker John Thrasher, and U.S. Senator Bob Graham (D).<sup>226</sup>

**The ACS’ action alerts targeted the key committee and chamber leadership that began attacking TPP funding early in the session.**

The ACS’ action alerts targeted the key committee and chamber leadership that began attacking TPP funding early in the session. The Chair of the Florida Senate Budget Subcommittee on Health and Human Services, which is responsible for determining the Senate’s health spending budget, Senator Ron Silver (D, Miami, Tobacco Industry Contributions \$4,650) called for a 40% cut to the program. Chair of the House Health and Human Services Appropriations Committee Representative Debby Sanderson (R, Ft. Lauderdale, \$0), called for eliminating the TPP entirely.<sup>1</sup> House Speaker John Thrasher (R, Orange Park, \$0), who later became a lobbyist for Lorillard Tobacco,<sup>64</sup> joined Sanderson in zeroing out the House budget for TPP. Senator Silver justified the cuts by claiming that the program was not working, and Sanderson said TPP was “embarrassing.”<sup>1</sup>

On March 17, 1999, in the midst of legislative calls for reduced funding for TPP, the Florida DOH issued a press release highlighting results from their first Florida Youth Tobacco Survey (FYTS) following TPP’s implementation. The report made a strong case for TPP’s initial effectiveness, including reporting a reduction in teenage smoking from 23.3% to 20.9% (a 2.4% absolute decline and a 10.3% relative decline). These drops in youth smoking represented an unprecedented success, and would later make TPP a worldwide model for successful youth tobacco control.<sup>1</sup> DOH explicitly credited the “truth” campaign with the reductions in teen smoking. Tobacco control advocates, including representatives of the ACS, met with House Speaker John Thrasher to reiterate the positive results of the FYTS, but left his office without a promise from the Speaker to fight the funding cuts.<sup>227</sup> On March 17, the ACS sent a call to action to all of their nearly 600 of their grassroots volunteers, acting them to contact U.S. Senator Bob Graham and urge him to support programs to protect kids from tobacco.<sup>226</sup>

While Jeb Bush was saying that he supported the TPP by recommending \$61.5 million for the program, the same day the FYTS results were released, his administration fired Pete Mitchell, who had replaced Chuck Wolfe as TPP Director. (Wolfe had been part of Gov. Chiles' staff and left with his administration.). According to a statement at a press conference made by Bob Brooks, Governor Bush's Secretary of Health, Mitchell was fired as head of TPP because the administration had "to head in a different direction with more education and cessation campaigns. His [Mitchell's] strength is marketing. We're headed in the other direction."<sup>1, 228</sup> Brooks' explanation indicated that the Bush administration was moving away from "truth" and the strategies that had been demonstrated to be effective. Pro-TPP legislators questioned Brooks' explanation, suspecting that a demonstration against funding cuts by a group of SWAT teenagers outside of the Capitol the day before Mitchell was fired may have alternatively been the impetus for his termination.<sup>1</sup> Lawmakers had been angered by the rallying group of 40 teenagers protesting Representative Debby Sanderson's proposed cuts to TPP; at one point the students were chanting, "We want Debby."<sup>1</sup> (Sanderson refused to meet with the SWAT youth.)

On March 18, the day after TPP results were released and Pete Mitchell was fired, Senator Silver's subcommittee adopted a budget of \$50 million for TPP, a \$20 million (29%) cut from FY1998, but more than the committee's original proposal.<sup>230</sup> However, the House, under the leadership of Speaker Thrasher, had completely defunded the program.<sup>1</sup>

On March 23, the tri-agencies joined Health Secretary Brooks in a press conference lauding the results of the program. The tri-agencies did not use the press conference as an opportunity to call attention to the funding cuts or the firing of Pete Mitchell in the face of the program's results. To reinforce the positive findings of the FYTS, especially among recalcitrant House of Representatives members, the ACS sent calls to action from March 24 – 26 asking their grassroots volunteers to contact their Representatives and tell them about the positive results of the program. The calls to action targeted 38 Representatives, including House leadership.<sup>226</sup>

On March 25, Senate Minority Leader Buddy Dyer (D, Orlando, \$5,000) and Majority Leader Jack Latvala (R, Palm Harbor, \$4,750) proposed \$61 million for the program, in line with Governor Bush's and the tri-agencies request.<sup>1, 231</sup> Senator Silver and Senator Anna Cowin (R, Leesburg, \$500) attempted to counter Dyer and Latvala's proposal with an amendment to again reduce funds to \$49.8 million,<sup>232</sup> but were unsuccessful. The Senate ultimately approved \$61 million for TPP.<sup>233</sup> Likely responding to pressure from the tri-agencies and their volunteers, the House increased its proposal from \$0 to \$30 million, which included \$11.2 in unexpended funds from FY1999.<sup>234</sup>

On April 6, the tri-agencies and CTFK released a CTFK-sponsored poll showing voter support for TPP.<sup>1, 235</sup> The poll showed that 78% of voters polled thought the TPP should receive \$70 million or higher in funding.<sup>236</sup> They continued to privately target key legislators, including House Budget Subcommittee on Health and Human Services member Representative Jerry Maygarden, Chair of the House Appropriations Committee Ken Pruitt, Speaker Thrasher, and Speaker-Elect Tom Feeney by requesting that members of their volunteer network contact the representatives and urge that they support full funding for the program.<sup>226</sup>

However, despite popular support for the program, a conference committee compromise between the House and Senate allocated \$45.2 million to TPP.<sup>1</sup> Ralph DeVitto, then Vice

President and primary lobbyist for the Florida Division ACS, commented to the media, "It is frustrating to have to fight so hard to convince the Legislature to fund a program that is recognized as the best program in the country."<sup>235</sup> The already reduced \$45.2 million in funds for TPP included \$8.4 million in earmarks for non-TPP programs (Table 19), effectively cutting the tobacco control program by 50%, to \$36.8 million. These non-tobacco earmarks included \$3 million for the AHA's Youth Fitness Program. Senator Silver's Committee also attempted to earmark \$3 million of TPP funds for a traffic law substance abuse program, of which \$1.5 million was approved, as well as \$2.5 million for the Sports for Life Program, \$1 million for the Just the Facts program, a teen substance abuse school education program, and \$430,000 for the D-FY-IT Dade County school based anti-drug initiative.<sup>237</sup> Although they integrated tobacco education into their efforts, these health promotion and substance abuse programs constituted diversions of funds from TPP.

Other Allocations / Diversions	pre-veto	post-veto
Sports for Life Youth Sports Program	\$2.50	\$0
Traffic Law and Substance Abuse Education	\$1.50	\$1.5
AHA Youth Fitness Program	\$3.00	\$0
DY-FY-IT Dade County Program	\$0.43	\$0.425
Just the Facts Program	\$1.00	\$0
<b>Total</b>	<b>\$8.43</b>	<b>\$1.925</b>

Source: Givel;<sup>1</sup> 1999 Governor's Appropriations Veto Message<sup>229</sup>

Governor Bush line item vetoed the Youth Fitness Program, the Sports for Life Program, and the Just the Facts program (Table 19).<sup>1, 229</sup> Earmarks totaling \$1.9 million for the traffic law substance abuse program and D-FY-IT Dade County anti-drug initiative were not vetoed. The effective amount for the Tobacco Pilot Program was \$36.8 million.<sup>1</sup>

Overall, the biggest funding reductions came from the budgets for SWAT, "truth" and administration.<sup>238</sup> In addition, some unexpended funds from FY1999 were carried over, although the amount is unclear (estimates range from \$1 million to \$10 million dollars).<sup>1, 239</sup>

### *The Role of Governor Bush and the Tri-Agencies in Initial TPP Funding Cuts*

The 1999 legislative session signaled not only the beginning of the unjustified legislative attack on TPP funds but also a trend in Governor Bush's approach to the funds. In his first budget as Governor, Bush proposed nearly full funding for TPP but then allowed the Legislature to reduce its funds by almost 50% in the face of evidence that the program was effectively reducing youth smoking rates. Bush supported the cuts through his failure to stop them. (It is also possible that Governor Bush wanted to publicly appear as if he supported the program, while secretly directing the Legislature to cut it.) His administration also began internally dismantling the program, beginning with the firing of Pete Mitchell.

**Overall, the biggest funding reductions came from the budgets for SWAT, "truth" and administration.**

The 1999 legislative session also established the strategy and tone of the tri-agencies' defense of the TPP. The tri-agencies, led by the ACS, actively lobbied the legislature and launched a strategic and coordinated grassroots advocacy campaign. At key junctures in the policymaking process, the ACS mobilized its volunteers to demonstrate to key committee and legislative leadership that the program was well supported by the public. In addition, they



recruited editorial boards and released polling data to reinforce the message that the program had popular support. While these strategies appear to have prevented the legislature from completely defunding the program, they were not sufficient to prevent dramatic cuts in its budget.

The tri-agencies were unwilling to complement their grassroots advocacy and insider lobbying with outsider advocacy, including publicly criticizing the key legislators and legislative leadership who were attacking the program. The tri-agencies failed to publicly point the finger at Sanderson, Silver, and Thrasher, or the Bush administration's attacks on the program. At their

**The tri-agencies were unwilling to complement their grassroots advocacy and insider lobbying with outsider advocacy, including publicly criticizing the key legislators and leadership who were attacking the program.**

press conference with Health Secretary Bob Brooks to praise the results of the TPP, the tri-agencies failed to question his (i.e., the administration's) firing of Pete Mitchell or publicly identify specific legislators who were calling for cuts to the program. The tri-agencies advocacy strategies, while solid in terms of demonstrating public support for the program, failed to effectively communicate to members of the Legislature that individual legislators would

be held personally accountable for the effects of funding cuts to the successful TPP.

#### *Administrative Changes to TPP*

Following Pete Mitchell's dismissal and the drastic funding cuts, the Bush administration made several administrative changes in TPP. On July 1, 1999, Governor Bush shifted the program from the Governor's Office to the Department of Health, creating the Division of Health Awareness and Tobacco to run the program.<sup>201, 225</sup> Enforcement of tobacco laws, including youth access, which had been a part of TPP, were moved to the Department of Business and Professional Regulation.<sup>238</sup> In response to the funding cuts, nearly one third of staff was laid-off or resigned.<sup>238</sup>

The DOH replaced Mitchell with Debra Bodenstein as Division Director of Health Awareness and Tobacco; Bodenstein had no previous public health experience. Tobacco control advocates saw her as a political appointee put in place to begin internal dismantling of TPP. According to Aaron Czyzewski, former Grassroots Advocacy Director at the Florida Division ACS:

I recall Debbie Bodenstein's tenure with the program as being marked by a noticeable increase in internal wrangling and frustration among department staff. Her appointment during the Bush administration as director of the program left some to question if they were seeing the program being dismantled from within; while the administration and the Legislature clearly signaled their intentions through massive, annual funding cuts. It was a period of great pressure and uncertainty.<sup>240</sup>

The adult focused FTPCP, including the state tobacco quitline, continued to operate separately in the DOH.

*FY2001: Chipping Away at Success*

Despite the 1999 funding cuts and administrative changes, TPP, anchored by “truth,” continued to succeed and grow in popularity worldwide. Recognizing the success of Florida’s “truth,” in February 2000 the American Legacy Foundation (Legacy), a national non-profit tobacco control organization created pursuant to provisions in the MSA, created its own national “truth” youth prevention media campaign. Legacy modeled its “in-your-face” style of messaging on Florida’s successful campaign, although Legacy was subject to MSA advertising provisions to which Florida was not subject. Legacy hired Chuck Wolfe, former TPP director under Gov. Chiles, to get the national campaign up and running, but Wolfe did not stay at Legacy for long.<sup>241</sup>

**TPP, anchored by “truth,” continued to succeed and grow in popularity worldwide**

In fall 1999, the Tri-Agency Coalition on Smoking OR Health prepared for what they knew would continue to be an uphill battle for the program in the coming legislative session. According to their strategic plan for the 2000 session, they advocated for \$61 million for the TPP, announcing their request at a press conference in October 1999. They used the press conference as an opportunity to not only ask for early support from the Governor, but also to reiterate that \$61 million was the amount he had requested for the program for FY2000.<sup>242</sup>

The tri-agencies’ advocacy strategies for the session included using paid and earned media to generate support from the Governor, key legislators, and voters for \$61 million in funding; meeting with Gov. Bush, Secretary of Health Bob Brooks, and lobbying appropriations and committee leadership; targeting grassroots voter support, and demonstrating that the TPP was very effective.<sup>242</sup> These advocacy tools were very similar to those used during the 1999 legislative session. In 2000, primary targets of the tri-agencies’ key messages included the Governor and key legislative leadership, while secondary targets included many civic groups (Table 20). SWAT also supported advocacy efforts by sending the Governor over 7,000 postcards to persuade him to increase funding for the program to \$61 million.<sup>243</sup>

The timeline for the tri-agencies advocacy during fall 2000 and spring 2001, included not only ongoing legislative lobbying, but also many opportunities for grassroots volunteers from the ACS, ALA, and AHA to demonstrate their support for the program to legislators, including through meetings with legislators and advocacy days at the Capitol (Table 21). In addition, as it did during the 1999 legislative session, at key junctures in the legislative budget making process, the ACS sent out action alerts to its grassroots advocacy network to urge key legislators to support the program.<sup>226</sup> The tri-agencies had a budget of \$135,000 to advocate for increased funding for the program for FY2001. This budget included \$75,000 from the Campaign for Tobacco Free Kids (CTFK), \$30,000 from ACS, and \$15,000 each from ALA and AHA.<sup>242</sup>

**The tri-agencies had a budget of \$135,000 to advocate for increased funding for the program for FY2001.**

Table 20. Target Audiences and Messaging for Tri-Agency Coalition on Smoking OR Health Efforts to Increase TPP Funding for FY2001		
Primary Target Audiences	Secondary Target Audiences	Key Messages
Governor Jeb Bush	Other Legislators	The TPP works
Secretary of Health Bob Brooks	Florida Voters	
Senate President Toni Jennings	FMA	\$61 Million would adequately fund the TPP
Senator Locke Burt, Budget Chairman	Parents of SW AT kids	
Senator Tom McKay, Rules Chairman and Senate President-Elect	Partners Network	The money is needed to fund education/training, youth programs, truth campaign, enforcement and evaluation/research
Senator Jack Latvala, Majority Leader	Faith/Religious groups	
Senator Buddy Dyer, Minority Leader	Parent Teacher Associations	Nearly 80 percent of Florida voters think the program should be funded at a higher amount
Senator Ron Silver, Chairman of Health and Human Services Budget Subcommittee	4-H	
Speaker John Thrasher	Christian Coalition	The program is not costing taxpayers any money
Representative Tom Feeney, Speaker-Elect	Tax Watch	
House Majority Leader Representative Maygarden	Cancer Centers	Florida is receiving more than \$900 million from the Tobacco Companies This Year
Representative Debby Sanderson, Chair of House Health and Human Services Appropriations Committee	Other Health, Civic, Business, and Advocacy Groups	
Representative Ken Pruitt, Chair of Appropriations Committee		We are only asking for 7% of the money available
Members of House and Senate Health and Human Services Appropriations Subcommittees		
Source: Tri-Agency Coalition on Smoking OR Health Strategic Plan FY2001 <sup>242</sup>		

Table 21. Tri-Agency Coalition on Smoking OR Health Timeline for Lobbying/Advocacy Activities for FY2001 Tobacco Pilot Program Funding
<b>September - October 1999</b>
Announce Tri-agency position at press conference. Ask for the governor's support for this position; emphasize this was the governor's position last year.
Meeting with Bush.
Meeting with Brooks.
Immediately following press announcement, grassroots calls and letters to the governor.
Seek organizational support.
AHA kicks off postcard campaign.
<b>November - December 1999</b>
Ad in Tallahassee newspaper during October committee week.
Seek VIP/celebrity support.
ACS volunteers to meet with every state legislator in his or her local office.
ACS, AHA and ALA volunteers to make presentations before local Delegation hearings.
Editorial board visits.
Meetings with legislative leadership and appropriations committee leadership, and appropriations committee members. (Determine resistance points, competing issues, etc. then customize grassroots messages to appropriate members.)

Hire additional lobbyists to support issue.
<b>January - February 2000</b>
Press conference; respond to Governor's budget. Release new poll results.
AHA to deliver postcards to Governor Bush.
Run ads in targeted areas -Jacksonville, Ft. Lauderdale, Pensacola, Tampa/St. Pete, Orlando, and Tallahassee.
ACS legislative breakfast.
<b>March - April 2002</b>
March 15-16, 1999 AHA Heart on the Hill event. Approximately 100 volunteers and staff will be in attendance and will meet with their legislators.
Kick Butts Day, April 5.
Target grassroots activities and messages. Coordinate with youth and SW AT activities.
<b>May 2000</b>
Veto watch/protection. Meet with Governor, appropriate staff, and Secretary Brooks.
<b>Ongoing</b>
ACS grassroots network to be activated as necessary.
AHA key contacts to be activated as necessary.
Letters to the editor in local newspapers by volunteers from each of the three agencies
Source: Tri-Agency Coalition on Smoking OR Health Strategic Plan FY2001 <sup>242</sup>

The tri-agencies recruited the support of state newspapers,<sup>244</sup> and garnered a large group of over 60 supporters (Table 22).

Alachua County Medical Society	Florida Leadership Council for Tobacco Control	Lee County Medical Society
American Cancer Society, Florida Division, Inc	Florida Medical Association	Lynn Regional Cancer Center
American Heart Association	Florida Medical Association Alliance	Manatee County Board of Co. Commissioners
American Lung Association of Florida	Florida Neurological Society	Manatee County School Board
Big Brothers and Big Sisters of North Florida	Florida Osteopathic Medical Association	Memorial Hospital Jacksonville
Boys & Girls Clubs of Palm Beach County	Florida Prayer Network	Memorial Hospital of Tampa
Boys & Girls Clubs of Tampa Bay, Inc	Florida Pulmonary Society	North Miami Beach Chamber of Commerce
Boys & Girls Clubs of Volusia/Flagler Counties	Florida Society of Addiction Medicine	North Tampa Chamber of Commerce
Brandon Regional Hospital	Florida Society for Adolescent Psychiatry	Palm Beach Chamber of Commerce
Cancer Control and Research Advisory Council	Florida Society of Neurology	Palm Beach County School Board
Children's Psychiatric Center	Florida Society for Preventative Medicine	Palms West Chamber of Commerce
Clay County Chamber of Commerce	Florida Society for Respiratory Care	Pasco County Medical Society
Clay County Economic Council	Florida State Medical Association	Pinellas County Medical Society, Inc
Clearwater Regional Chamber of Commerce	Florida Thoracic Society	Pinellas County School
Collier County Medical Society	Fraternal Order of Police	Seminole County Medical Society
Duval County School Board	GASP of Florida	Tampa Bay Research Institute
Emphysema Foundation For Our Right To Survive	Girl Scouts, Palm Glades Girl Scout Council	The Florida Pharmacy Association

Florida Assoc. of Pediatric Critical Care Medicine	Healthy Start, Prenatal and Infant Health Care	United Way of Florida, Inc
Florida Black Nurses Association	Coalition of Palm Beach County, Inc	Vice-Mayor, City of Bradenton
Florida Catholic Conference	Healthy Start Coalition of Pinellas, Inc	Volusia County Medical Society
Florida Chapter American College of Cardiology	Hillsborough County Medical Association, Inc	W G Mills, Inc, Sarasota/Bradenton
Florida Dental Hygiene Association	Humana Inc	YMCA of Greater Miami
Florida Federation of Women's Clubs	Jacksonville Association of Fire Fighters	
Source: Tri-Agency Coalition on Smoking OR Health Results Alert FY2001 <sup>245</sup>		

In March 2000, as the legislative session was getting underway, the results of the second Florida Youth Tobacco Survey since TPP began were issued. The FYTS found that since TPP started its activities in Spring 1998, middle school smoking rates had decreased by from 18.5% to 11.1% (an absolute drop of 7.4% and a relative drop of 40%) and high school smoking rates had decreased from 27.4% to 22.6% (an absolute decline of 4.8% and a relative decline of 18%). The decline reportedly represented 49,624 fewer Florida youth smokers and 16,376 fewer premature deaths attributable to smoking.<sup>246</sup>

**Speaker Thrasher argued that since the program was still managing to produce results with reduced funds, it did not need \$61 million.**

Positive results from “truth” highlighting youth awareness, attitudes, and changing behaviors were also reported in the Journal of Public Health Management and Practice<sup>205</sup> in May 2000.

Despite the lobbying activities of the tri-agencies, which for the second year in a row demonstrated to politicians that the TPP had immense popular support, Governor Bush only requested \$44.1 million for the program. This funding level was approved by members of the Legislature, including House Speaker John Thrasher, who claimed that the program did not need increased funding. Speaker Thrasher argued that since the program was still managing to produce results with reduced funds, it did not need \$61 million.<sup>247</sup> In the face of these cuts, ACS sent out a legislative action alert to key contacts and grassroots advocates in Orange County asking them tell Senate President Toni Jennings (R, Orlando, \$1,750) that the proposed cuts to the program were very serious, that a legislative champion was needed, and that it was now or never.<sup>226</sup>

Unfortunately, the tri-agencies advocacy activities were again to no avail because they employed the same ineffective strategies they had used in 1999. The tri-agencies did not aggressively respond to Governor Jeb Bush’s proposal of \$44.1 million, nor John Thrasher’s arguments against increased funding for the program in the media or to the public at large.

The final legislative appropriation to TPP for FY2001 was \$44.1 million,<sup>248</sup> which matched Governor Bush’s request.<sup>247</sup> However, this \$44.1 million included several funding diversions (Table 23), reducing the effective budget for the TPP to \$39.9 million.<sup>248</sup>

Table 23. Tobacco Pilot Program (TPP) funding diversions proposed by the Florida Legislature for FY2000 and FY2001 (millions)

Program	FY2000 (pre-veto)	FY2001
Sports for Life Youth Sports Program	\$2.50	-
Traffic Law and Substance Abuse Education	\$1.50	\$1.35
AHA Youth Fitness Program	\$3.00	\$2.00
D-FY-IT Dade County Program	\$0.43	\$.5
Just the Facts Program	\$1.00	-
Dade County Interactive Anti-Smoking Program	-	\$.4
<b>Total</b>	<b>\$8.43</b>	<b>\$4.25</b>

Source: SB 2500, 1999<sup>237</sup>; HB 2145, 2000<sup>248</sup>

Reports released after the 2000 legislative session continued to document the positive results of TPP and “truth.” Epidemiologists from the DOH published a paper in the *Journal of the American Medical Association (JAMA)* reporting changes in youth cigarette use status, intentions, and behaviors over the TPP’s first two years, concluding that TPP’s achieved reductions in tobacco use showed that a comprehensive tobacco program affected youth tobacco use behaviors.<sup>249</sup> A report by Florida State University (FSU) entitled

“Preventing Youth Smoking Behaviors: How Florida’s Truth Works” explored the results of five cross-sectional FAME surveys conducted by FSU under contract to the Department of Health, concluding that:

The analyses performed in this report should leave little doubt that the media program planned and executed by TPP leadership and its staff and contractor are having an impact on cigarette uptake prevention among youth. Indeed, there is even preliminary evidence presented in this report to show that the effects of this campaign may be operating outside of the immediate boundaries of its target.<sup>204</sup>

**DOH published a paper concluding that TPP’s achieved reductions in tobacco use showed that a comprehensive tobacco program affected youth tobacco use behaviors.**

FSU’s report also identified a “truth” campaign dose-response which suggested that the more “truth” advertisements a youth was exposed to, the less likely the individual was to take up cigarette use.<sup>204</sup>

**By selling the future [settlement] payments, state officials often claim that they protect the state from future payments lost in the case of tobacco companies’ bankruptcy, or, as cited by Governor Bush, if lawsuits against the industry (such as Engle Progeny cases) and declining tobacco sales resulted in reduced future payments.**

*Proposed Securitization of Tobacco Settlement Funds*

During the 2000 legislative session, Governor Bush also proposed securitization of up to half of Florida’s tobacco settlement payments.<sup>250</sup> Securitization involves selling future funds (in this case future annual tobacco settlement payments) to investors in exchange for an upfront lump sum.<sup>251</sup> By selling the future payments, state officials often claim that they protect the state from future payments lost in the case of tobacco companies’ bankruptcy, or, as cited by Governor Bush, if lawsuits against the

industry (such as Engle Progeny cases) and declining tobacco sales resulted in reduced future payments.<sup>252</sup> The downside of securitization is the loss of a future income stream and a significantly discounted payment up-front compared to the actual value of the future income stream.

In 2000, it was estimated that Florida would receive \$17.4 billion in settlement payments from the tobacco industry over thirty years. Governor Bush proposed selling half, \$8.7 billion, for an up-front payment of \$2.4 billion, or about 28 cents on the dollar. Governor Bush proposed investing the \$2.4 billion which, with a decent rate of return, he assumed, could accrue \$6 billion in interest to make up for most of the initially reduced payment<sup>252</sup> (which still would have lost money for the state). According to the Tobacco Public Policy Center at Capital University Law School, as of 2007, 18 states had securitized a at least a portion of their tobacco settlement dollars.<sup>253</sup> Typically, the rationale for securitizing the money is to close a short-term budget gap or fund a new state project.

A few of Florida's State Representatives, including Representative Carlos Lacasa (R, Miami, \$3,500) supported Governor Bush's plan for securitization. Representative Lacasa filed a bill to securitize the money through a state bond sale, though, the idea did not garner much support.<sup>254</sup> The debate over securitization persisted throughout the legislative session, with an agreement on the final day to postpone any action. During the same session, Florida's Cabinet voted to overturn a four-year ban on tobacco-related investment by the state's pension fund.<sup>255</sup> In the end, the securitization proposal died.

### ***FY2002: Budget Deficits Provide Justification for Further Cuts***

The Legislature continued to slash TPP during its 2001 session. Their proposed regular session budget, brokered in a heated session, included \$44.1 million for TPP.<sup>256</sup> This allocation included \$4.3 million in funds earmarked for non-tobacco control programs, reducing the effective amount for TPP to \$39.8 million. After receiving the first budget, Governor Bush line-item vetoed \$5.0 million for youth access enforcement. In making the cut, Governor Bush claimed that local law enforcement would aid the state in their anti-smoking efforts without additional funds and retailers would voluntarily comply with youth access laws using resources provided online. Governor Bush also line-item vetoed \$1.8 million in diverted funds including \$1.62 million for traffic law courses and \$177,000 for an education program. Governor Bush did not veto an additional \$2.5 million in diverted funds; the final amount for the TPP during the regular session was \$34.8 million. The tri-agencies again advocated for TPP funding through lobbying and mobilization of grassroots supporters. During the session, they registered 8 legislative lobbyists and 7 executive branch lobbyists. Ralph DeVitto of ACS, former Florida Senator S. Curtis "Curt" Kiser (R, Clearwater, \$2,000), and Steven Uhlfelder were also all registered as legislative and executive branch lobbying during the year for the Tri-Agency Coalition on Smoking OR Health.

In early September, Florida's Revenue Estimating Conference determined the state was facing an unexpected revenue shortfall of \$673 million.<sup>257</sup> Shortly thereafter, the September 11 terrorist attacks on the World Trade Centers in New York, New York worsened Florida's budget outlook. In response, in mid-October 2001, Bush scrapped the regular session budget because it failed to adequately address the deficit and called a special session to balance the budget..<sup>257, 258</sup>

According to the Tri-Agency Coalition on Smoking OR Health's internal strategic plan,<sup>257</sup> staff from the Governor's Office and Legislature said that everything would be on the table for cuts during the special session. The strategic plan indicated that the tri-agencies expected further cuts to the TPP, possibly to the point of destabilizing the program. (Their concerns proved to be well-founded; subsequent data released in 2008 demonstrated that youth "truth" recall and non-smoking intentions began to decline after the 1999 funding cuts.<sup>259</sup>) During this first special session, the TPP faced \$14.3 million in cuts from the Senate<sup>260</sup> and \$14.8 million in cuts from the House.<sup>261</sup> These cuts were on top of the \$5.1 million cut in funds from \$39.9 million (FY2001) to \$34.8 million (FY2002) during the regular session. Most of the Senate's proposed cuts were directly to the "truth" campaign,<sup>262</sup> until an amendment proposed by Senator Ron Silver, who had been among those responsible for the deep cuts to the program in FY2000, shifted the reductions to education and training components of the TPP.<sup>260, 263</sup>

Facing the \$14.3 million in TPP funding cuts from the Senate and \$14.8 million in cuts from the House, anti-smoking advocates in Florida held a news conference. Among the advocates opposing the cuts was Attorney General Bob Butterworth (D, 1987-2002), who brought the state lawsuit against the tobacco companies and negotiated the settlement that created the TPP. On October 24, 2001, Butterworth and Rhea Chiles, the late Governor Chiles' widow, held a news conference to publicize the 2001 FYTS results which showed continuing declines in youth smoking. However, for the first time FTYS also showed that rates of decline in youth smoking were beginning to slow.<sup>264</sup> Butterworth and Chiles called for the Legislature to maintain the funding for the successful program.<sup>265</sup> In addition, advocates, including the tri-agencies and CTFK, mounted a letter writing campaign in the print media and on the internet to urge Governor Bush to veto the cuts.<sup>266-269</sup> The letters, including one from Don Webster, CEO of the Florida ACS, pointed out the health care cost savings resulting from strong tobacco control.<sup>267</sup> As they had done the year before, SWAT launched a letter writing campaign, sending postcards to the Governor highlighting the importance of Florida's model of tobacco control and the effect it has had on teen smoking rates.<sup>270, 271</sup> ACS also sent legislative alerts to over 5,000 of its grassroots volunteers, asking them to urge the Governor and legislative and committee leadership to protect the program.<sup>226</sup>

Despite the efforts of advocates, Governor Bush, who had remained silent on cuts to TPP previously, endorsed cutting the program. According to his spokeswoman, "Every program across the board is looking at a decrease, and it's not reasonable to assume that they're [anti-tobacco advocates] not going to have one... I'm sure the anti-tobacco advocates would want to make sure we're helping the little old lady on Medicaid too. They need to have a bigger picture view and not be so parochial about their own program."<sup>266</sup> Similar claims of fiscal crises (regardless of validity) have been used by the tobacco industry to lobby for cuts to effective tobacco programs, particularly innovative and proven media campaigns.<sup>160, 221</sup>

**"Those ads aren't true about the way we do business. They aren't true about the way we work here. It's wrong to disparage or attack the employees of Philip Morris because they're working in a legal but controversial industry."**



During the special session, Philip Morris/Altria also made statements to the media about the proposed cuts, saying that it supported, “effective programs to reduce the incidence of youth smoking” in Florida, which, in their view, did not include the “truth” campaign. PM claimed that “truth” ads misrepresented the industry: “Those ads aren’t true about the way we do business. They aren’t true about the way we work here. It’s wrong to disparage or attack the employees of Philip Morris because they’re working in a legal but controversial industry.”<sup>266</sup> The industry’s comments were a response to a new “truth” TV ad called “Focus on the Positive” which was a two minute song and dance routine ridiculing the “positive” side of the tobacco industry that ended, “every 8 seconds a smoker dies – it’s become routine. But let’s stay focused on the positive – those seven seconds in-between.”<sup>266, 272</sup>

A heated stand-off between top House and Senate Republicans on how to solve the budget crisis prompted a decision to hold a second special session.<sup>273</sup> In this final session, the House again proposed \$14.8 million in cuts to the program.<sup>274</sup> However, the Senate, informed by the Senate Appropriations Subcommittee on Health and Human Services led by Chair Ron Silver, reduced their proposed cuts to \$7.5 million.<sup>275</sup> The final cuts, of \$7.5 million,<sup>276</sup> (on top of the \$5.1 million in cuts from the regular session), brokered by a conference committee, suggesting that pressure from advocates to reduce cuts had some effect.<sup>276</sup> The final budget included \$2.5 million in diverted funds, reducing the effective program budget to \$27.3 million, a 31.6% reduction from FY2001 (Table 24).

Program Area	Original Appropriations Bill	Bush's Line-Item Vetoes	Regular Session Allocation	Cuts in Final Special Session	Remaining Allocation	FY 1999	% Change from FY 1999
Marketing	\$15.0		\$15.0	\$2.0	\$13.0	\$26.0	-50.0%
Education	\$4.8	\$1.8*	\$4.8	\$2.6	\$2.2	\$13.0	-83.1%
Youth Access Enforcement	\$5.0	\$5.0	\$0.0	\$0.0	\$0.0	\$8.50	-100.0%
Evaluation	\$2.5	\$0.0	\$2.5	\$1.1	\$1.4	\$4.0	-64.0%
SWAT	\$9.5	\$0.0	\$9.5	\$1.6	\$7.9	\$15.0	-47.3%
Administration	\$2.0	\$0.0	\$2.0	\$0.2	\$1.8	\$4.0	-56.0%
Minority	\$1.0	\$0.0	\$1.0	\$0.0	\$1.0	\$0.0	-
<b>TOTAL</b>	<b>\$39.8</b>	<b>\$5.0</b>	<b>\$34.8</b>	<b>\$7.5</b>	<b>\$27.3</b>	<b>\$70.5</b>	<b>-61.3%</b>

Source: Source: SB 2000<sup>256</sup>; CS / SB 2-C<sup>276</sup>; Givel<sup>1</sup>

\* These vetoed funds had already been diverted to non-TPP programs.

Note: Estimates were made about administration and enforcement funding.

Some unexpended funds from FY2001 may have also been available to the program. At the time, any funding appropriated to a state program which was not spent during the fiscal year could be carried over to the next fiscal year.<sup>277</sup> After 2002, these funds, any funds that were not spent, obligated (i.e., through a contract) or reserved for fixed capital outlay, were reverted back to the fund from which they were originally appropriated. The Florida Legislature had the power to re-appropriate any unspent funds back to the program.

Following the FY2002 session, a report issued by the tri-agencies and Campaign for Tobacco-Free Kids ranked Florida among the “10 most disappointing states of 2001,”<sup>278</sup> labeling the tobacco control program cuts “penny-wise and pound-foolish decisions that ignore the conclusive evidence that tobacco prevention programs not only reduce smoking and save lives, but also save far more money than they cost by reducing smoking-caused health-care expenditures.”<sup>278</sup>

***FY2003: Funding Increased to \$37.0 million***

The Tri-Agency Coalition on Smoking OR Health’s strategic plan for the 2002 legislative session indicated that they planned to advocate for a minimum of \$46 million for the program for FY 2003 (24.6% less than they had requested in previous years).<sup>257</sup> According to the plan, as in years prior, the tri-agencies would use earned and paid media to demonstrate popular support for the program, in addition to direct lobbying and grassroots advocacy.<sup>257</sup> The tri-agencies’ primary targets for their advocacy and lobbying efforts included the Governor, Lieutenant Governor and Secretary of Health, in addition to the House and Senate leadership, and chairs and members of both chambers’ health and human services budget subcommittees (Table 25).

Table 25. Target Audiences for Tri-Agency Coalition on Smoking OR Health Advocacy/Lobbying Efforts to Increase TPP Funding for FY2003	
Primary Target Audiences	Secondary Target Audiences
Governor Jeb Bush	Other Legislators
Lt. Governor Frank Brogan	American Association of Retired Persons (AARP)
Acting Secretary of Health John Agwunobi	Academy of Family Physicians
Senate President John McKay	Florida Black Nurses Association
Senator Tom Lee, Senate Rules Chairman	Florida Voters
Senator Jim King, Senate Majority Leader	Florida Medical Association
Senator Tom Rossin, Senate Minority Leader	Florida Nurses Association
Senator Ron Silver, Chair, Senate Health and Human Services Budget Subcommittee	Florida Pediatric Association
House Speaker Tom Feeny	Parents of SWAT youth
Representative Lois Frankel, House Minority Leader	Other Health, Civic, Business, and Advocacy Groups
Representative Johnny Byrd, Speaker-Elect	
Representative Sandy Murman, Chair, House Health and Human Services Appropriations Subcommittee	
Representative Carlos Lacasa, Chair, Appropriations Committee	
Members of House and Senate Health and Human Services Appropriations Subcommittees	
Source: Tri-Agency Coalition on Smoking OR Health Strategic Plan FY2003 <sup>257</sup>	

According to the tri-agency plan for the session, the messages they would use to convince legislators and other partners to support increased funding for the program included:

- Florida’s youth tobacco control program is the most successful program in the history of this country.
- The money is needed to fund an expanded program that includes: education/training, youth programs, “truth” Campaign, enforcement and evaluation/research.

- Nearly 80 percent of Florida voters think the program should be funded at a higher amount than the current funding.
- The program is not costing taxpayers any money.
- Florida will receive approximately \$730 million from the tobacco companies next year (2002-03).
- The annual Florida Youth Tobacco Survey demonstrates that comprehensive tobacco programs are effective in reducing tobacco use among youth.<sup>257</sup>

**The tri-agencies’...plan was to begin lobbying and advocacy activities in July, 2001, eight months before the legislative session began.**

The tri-agencies planned to use both earned media and paid media to generate support for the program. Their earned media plan included publicizing success stories of individuals “saved” from tobacco use by the program, holding a press conference to highlight why the Governor and Legislature should fund the program, orchestrating

high profile media events with local celebrity supporters of the program, writing letters to the editor and opinion pieces, making editorial board visits, securing spots on talk radio and public affairs programs, and holding “Tobacco Control Day” at the Capitol.<sup>257</sup> In terms of paid media, the tri-agencies planned to reinforce their messages and earned media opportunities through advertising in the newspaper and on the radio. The tri-agencies established a timeline (Table 26) for their activities throughout the session; the plan was to begin lobbying and advocacy activities in July, 2001, eight months before the legislative session began.

In response to the tri-agencies’ lobbying and advocacy efforts, for FY2003, the Florida Legislature allocated \$39.1 million to the Florida Tobacco Pilot Program, matching the House and Senate’s proposals, restoring funds to approximately their FY2001 level, including \$15

Table 26. Tri-Agency Coalition on Smoking OR Health Timeline for Lobbying/Advocacy Activities for FY2003 Tobacco Pilot Program Funding	
<b>July 2001</b>	
Meet with Governor Jeb Bush and/or key staff.	
Meet with Secretary Bob Brooks.	
Seek support from key organizations in Florida.	
<b>August - October 2001</b>	
Announce Tri-Agency position at press conference. Publicly ask for the governor’s support for this position.	
Immediately following press announcement, grassroots calls and letters to the governor, newspaper ad & flyers to legislators.	
Seek support from key organizations in Florida.	
<b>November 2001</b>	
Editorial board visits	
Ad in Tallahassee newspaper during Interim Committee meetings.	
Seek support from key organizations in Florida.	
<b>November - December 2001</b>	
Meetings with legislative leadership and appropriations committee leadership, and appropriations committee members. (Determine resistance points, competing issues, etc. then customize grassroots messages to appropriate members.)	
ACS volunteers to meet with every state legislator in his or her local office.	
ACS, AHA and ALA volunteers make presentations to local Delegation hearings.	

Editorial board visits.
Seek support from key organizations in Florida.
<b>December - January 2002</b>
ACS volunteers to meet with every state legislator in his or her local office.
ACS in Tallahassee Advocacy Breakfast & Lobby Day
ACS, AHA and ALA volunteers make presentations to local Delegation hearings.
Press conference; respond to Governor's budget.
Editorial board visits.
Seek support from key organizations in Florida.
<b>January - February 2002</b>
Editorial board visits.
Run radio ads in targeted areas - Tampa/St. Pete, Orlando, and Tallahassee.
Seek support from key organizations in Florida.
<b>January - March 2002</b>
ACS, AHA, ALA lobby all key legislators.
March 2002, AHA Heart on the Hill event. Approximately 100 volunteers and staff will be in attendance and will meet with their legislators.
Target grassroots activities and messages. Coordinate with youth and SWAT activities.
Veto watch/protection. Meet with Governor, appropriate staff, and Acting-Secretary Agwunobi.
<b>Ongoing</b>
Op-Ed Pieces
ACS grassroots network to be activated as necessary.
AHA key contacts to be activated as necessary.
Letters to the editor in local newspapers by volunteers from each of the three agencies.
Source: Tri-Agency Coalition on Smoking OR Health Strategic Plan FY2003 <sup>257</sup>

The tri-agencies spent \$70,000 on lobbying and \$5,000 on media consultants from Herrle Communications Group during the session.<sup>257</sup>

During the middle of the session, PM sent a letter to the Florida Department of Health claiming more than one of the “truth” ads, including the “Que Pasa, Marlboro Man?” ad were “inaccurate, misleading and false.”<sup>282</sup> “Que Pasta Marlboro Man” depicted a room full of cowboys getting lessons on how to say “welcome to Marlboro Country” in several languages and the message of the ad was that PM was using the same messages it used in the U.S. to also target people in African and Asian countries.<sup>282</sup> PM asked for a retraction and a meeting with state officials to discuss their international marketing practices.<sup>282</sup>

**PM sent a letter to the Florida Department of Health claiming... the “Que Pasa, Marlboro Man?” ad was “inaccurate, misleading and false.”**

The FYTS continued to show declines of youth smoking, but at a slower rate, reflecting the effects of a less intensive, less aggressive program.<sup>198</sup> A study published in 2011 suggested that by spring 2003 (end of FY2003), confirmed recall of “truth” among Florida’s youth had dropped by over half as a result of the funding cuts.<sup>283</sup>

By 2002, initial data on the efficacy of Legacy’s national “truth” campaign also began to emerge, including a Farrelly et. al., study on a positive association between exposure to Legacy’s campaign and an increase in anti-tobacco beliefs and attitudes among youth.<sup>218</sup>

***FY2004: Program Funds Decimated***

Governor Bush’s FY2004 budget proposal again allocated \$39 million to the program, but in the Florida Legislature, under the leadership of Senate President Jim King (R, Jacksonville, \$11,150) and House Speaker Jonnie Byrd (R, Plant City, \$3,500) TPP’s budget was reduced to \$1 million.

Table 27. Tobacco Industry Campaign Contributions to Members of the 2003 Florida Senate Health and Human Services Appropriations Committee

Senator	Party	District	Contributions 1987-2008
Durell Peaden	R	2	\$0
Rudolfo "Rudy" Garcia	R	40	\$13,200
Dennis Jones	R	13	\$12,400
Ron Klein	D	30	\$3,500
Fredrica Wilson	D	33	\$3,000
<b>Total</b>			<b>\$32,100</b>
<b>Average per Member</b>			<b>\$6,420</b>

Source: National Institute on Money in State Politics<sup>81</sup>

As introduced, on March 27, 2003, the Senate’s first budget proposal (SB 2500) reduced the funds for TPP to zero.<sup>284</sup> Zeroing-out appropriations to TPP was recommended by the Senate Health and Human Services Appropriations Committee, chaired by Senator Durell Peaden (R, Crestview, \$0); members of this committee received an average of \$6,420 each in total tobacco industry contributions between 1987 and 2008 (Table 27).

As introduced, on April 1, 2003, the House’s budget (as described above, the Governor, Senate and House all issue separate budgets), proposed slashing TPP funds to \$10 million, a reduction of 74.4% from FY2003, with a restriction that the funds be spent exclusively on “education and training”<sup>285</sup> (meaning no “truth” or SWAT). Members of the House Subcommittee on Human Services Appropriations (Table 28), which determines the House’s initial proposal for health and human services spending, was chaired by Representative Carole Green, and received a combined \$43,500 in tobacco industry money between 1987 and 2008, an average of \$3,346 per Representative.

Table 28. Tobacco Industry Campaign Contributions to Members of the 2003 Florida House of Representatives Subcommittee on Health Appropriations

Position	Party	District	Contributions 1987-2008
Carole Green (Chair)	R	75	\$500
Frank Farkas	R	16	\$9,500
Kevin Ambler	R	47	\$4,000
Carl Domino	R	83	\$4,500
Rene Garcia	R	110	\$4,750
Anne Gannon	D	86	\$3,500
Gayle Harrell	R	81	\$500
Ed Homan	R	60	\$500
Dave Murzin	R	2	\$7,750
Curtis Richardson	D	8	\$3,500
Yolly Roberson	D	104	\$2,500
Irving Slosberg	D	30	\$1,000
Eleanor Sobel	D	100	\$1,000
<b>Total</b>			<b>\$43,500</b>
<b>Average per Member</b>			<b>\$3,346</b>

Source: National Institute on Money in State Politics<sup>81</sup>

Rather than allocating tobacco settlement funds to TPP, as had been done in previous years, the \$10 million appropriated by the House came entirely from federal substance abuse funds, effectively ending the linkage between the tobacco settlement and the TPP. The diversion of substance abuse funds to TPP became an argument to eliminate TPP funding later in the session.

The next day, on April 2, health groups, joined by SWAT youth and Drug Czar James McDonough, held a rally in Tallahassee protesting the cuts. They advocated for funding to be restored to \$39 million.<sup>286</sup> Health groups also continued the lobbying activities and grassroots mobilization they used in previous sessions.

The same day as the press conference, possibly in response, amendments were proposed in both chambers to increase TPP funds. In the Senate, a floor amendment proposed increased funds for TPP of \$15 million.<sup>287</sup> However, the amendment included a caveat that if the total appropriations for the whole budget exceeded the state's revenues, TPP would be cut to account for the difference. This provision suggested that the Senate considered TPP among the most expendable state programs. The Senate's amendment was adopted.

In the House, Representatives Eleanor Sobel (D, Hollywood, \$1,000) and Doug Wiles (D, St. Augustine, \$2,750) attempted to secure \$29 million and then \$20 million in funds for TPP through two separate House floor amendments. Although they would have improved funding for the program, both amendments specified that the funds be used exclusively for "education and training"<sup>288, 289</sup> (again, no "truth" or SWAT). It is unclear why Reps. Sobel and Wiles attempted to increase the funding for the program while still restricting its focus from its most successful programs. Their amendments were unsuccessful.

**...Both amendments specified that the funds be used exclusively for "education and training" (again, no "truth" or SWAT).**

However, legislative feuding over the budget brought an end to the regular session with few decisions finalized. Failure to resolve the budget prompted Governor Bush to call a separate 16-day special legislative session.<sup>290</sup>

During the first special session in mid-May, the House's proposed TPP allocation stayed at \$10 million and retained the requirement that the funds be used for education and training only,<sup>291</sup> while the Senate's allocations went from \$15 million back to zero.<sup>292</sup> Senator Durell Peaden, Chair of the Senate's Health and Human Services Appropriations Committee, said his committee was faced with "life and death" decisions in their budget considerations.<sup>293</sup> Providing an example of deciding between funding the TPP and provision of clinical services for poor people and children, Peaden said that the TPP was lower on his priority list.<sup>293</sup>

On May 16, a Conference Committee, chaired by Senate Appropriations Chair Senator Ken Pruitt (R, Port St. Lucie, \$13,250) and House Appropriations Chair Representative Bruce Kyle (R, 73, \$4,500) was appointed to reconcile House and Senate budget proposals.<sup>294, 295</sup>

That same week, while House and Senate conferees were negotiating the budget, the tri-agencies released the results of a poll they commissioned, indicating that Florida voters wanted to see the program receive more funding and reiterating the positive results seen in the 2002 FYTS.<sup>296</sup> The poll found that 75% of voters supported Governor Bush's budget allocation of \$39 million to the TPP.<sup>70</sup> According to a report released by Common Cause, the poll also demonstrated strong public support for spending the state's tobacco settlement dollars on tobacco prevention for youth.<sup>70</sup>

Nevertheless, the House and Senate conference committee settled on a mere \$1 million for tobacco control. According to an article in the Palm Beach Post, the Legislature had planned to fully eliminate the program, but Senate Minority Leader Ron Klein (D, Delray Beach, \$2,500), a dedicated tobacco control advocate, declaimed the cuts "a travesty."<sup>297</sup> Senator Klein's pressure prompted the Legislature to allocate \$1 million to the program. Chairman of the

House Subcommittee on Human Services Appropriations Sandra Murman ( R, Tampa, \$500) claimed that the Legislature tried to save the program, but felt the funds would be put to better use funding substance abuse programs.<sup>298</sup> Similarly, Senate Appropriations Chairman Ken Pruitt (R, Port St. Lucie, \$13,250) claimed that the \$1 million would keep the program’s “infrastructure in place.”<sup>298</sup> Pruitt reported to the media that his plan was for the state to take a sabbatical from tobacco control, attempt to sustain its infrastructure, and then return to it when the state budget was in better shape.<sup>298</sup> Bush vowed to fund the program for FY2005, calling the cuts a “disappointment.”<sup>299</sup>

During the same session, Florida’s Cabinet lifted a ban on investing state college tuition monies in tobacco stocks. Governor Bush commented on the ban lift: “I think the principle is a sound one. Our fiduciary responsibility is to get the maximum return on the state’s investment portfolio and not be involved in social and political statements.”<sup>255</sup>

**Summary of Cuts FYs 2000 – 2004**

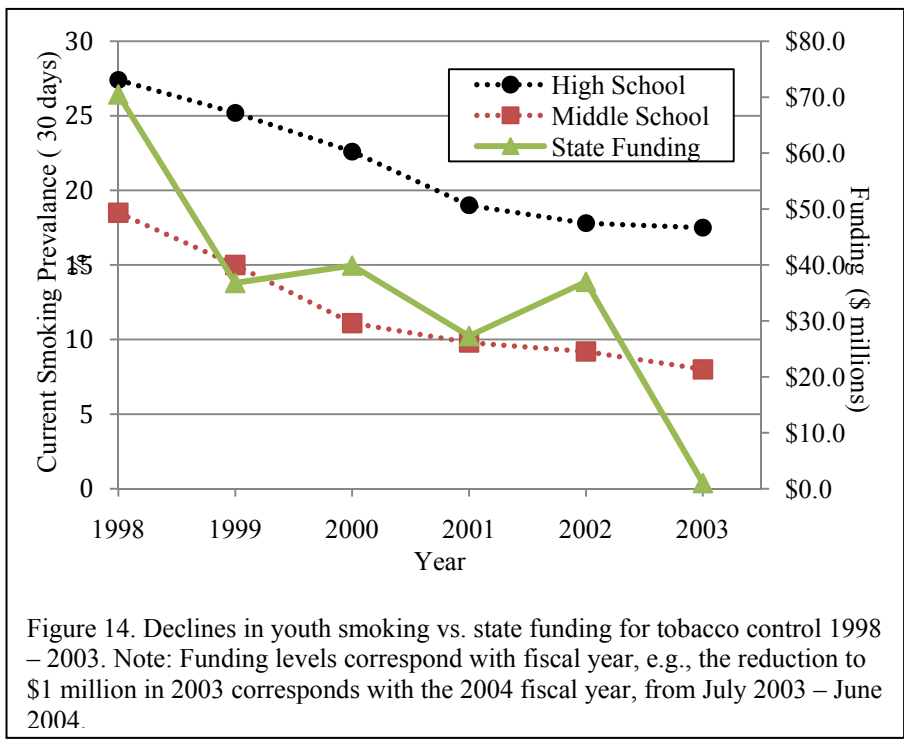


Figure 14. Declines in youth smoking vs. state funding for tobacco control 1998 – 2003. Note: Funding levels correspond with fiscal year, e.g., the reduction to \$1 million in 2003 corresponds with the 2004 fiscal year, from July 2003 – June 2004.

With the devastating TPP cuts in FY2004, Florida’s once-exemplary tobacco control program had lost 99% of its funding in 5 years (Figure 14). Declines in youth smoking rates began to slow as the program’s funds were cut. As CTFK remarked, Florida was spending only 0.1% of the \$840 million of its annual tobacco generated revenue, including settlement payments and taxes,<sup>300</sup> on tobacco control. At \$1 million a year, the program was

funded at 1.3% of the CDC’s *Best Practices for Tobacco Control* recommended minimum for effective state tobacco control funding.<sup>300</sup>

**Funding Cuts: Roles of the Governor and Legislature**

During each legislative session between 1999 and 2003, the process of cutting TPP funds followed the same pattern. Governor Bush would recommend essentially maintaining current funding for the program, but not oppose legislative cuts. The advocates, led by the tri-agencies, but along with CTFK and former members of the Lawton Chiles administration, would protest the cuts and highlight public support for the program in the media using press releases and polling to demonstrate support. While the tri-agencies lobbied individual members of the

Legislature to restore TPP funds, they were unwilling to bring meaningful pressure to bear on the individual legislators responsible for the cuts.

Meanwhile, despite increasing funding reductions, TPP became widely recognized as a uniquely successful youth smoking prevention campaign because of its aggressive “truth” media campaign and SWAT program, the very elements of the program the Legislature eliminated.

Governor Bush was a powerful governor who not only tightly controlled the purse strings of the state coffers but effectively pressed the Legislature to implement his priorities.<sup>202, 301</sup> While Governor Bush positioned himself publicly as supporting the TPP, behind the scenes, according to Chuck Wolfe, of Governor Chiles’ TPP, Bush worked to hobble the program. Wolfe reports that Bush called Crispin Porter, the advertising agency responsible for “truth” ads, to intimidate them. He monitored the content of ads and was involved in renewal of the advertising contract.<sup>202</sup> According to Wolfe, “the reality was Jeb Bush didn't want this Florida Tobacco Pilot Program to continue. If a governor cared about a program that was \$50 million...the reality of that not getting taken care of is pretty slim.”<sup>202</sup> Aaron Czyzewski, former Grassroots Advocacy Director at the Florida Division ACS, similarly observed,

**“... it was pretty clear that the impetus for, revisiting the state's investment in tobacco control was guided from the governor's office -- but then implemented through the Legislature.”**

Understanding Governor Jeb Bush's leadership and manner with which he operated as a governor --he clearly exercised a great deal of influence in the Legislature. So, I think that it was pretty clear that the impetus for, revisiting the state's investment in tobacco control was guided from the governor's office -- but then implemented through the Legislature.<sup>301</sup>

S. Curtis Kiser, who lobbied for the tri-agencies, said that Bush’s lack of support for the TPP was a matter of his ideology. According to Kiser,

You've got to remember that Jeb, like a lot of conservative Republicans, really felt that personal responsibility should be first... parents, mentors -- people like that -- that's really your first line of defense, that stuff should come from there; and government can really only play a limited role. Once you take that kind of approach, and philosophy, you're generally not going to get on any kind of a government program the kind of support you might get from somebody else.<sup>56</sup>

James McDonough, former Director of the Office of Drug Control under Governor Bush, and a public advocate for tobacco control, felt that the Governor actually supported tobacco control, and that cuts to the program were a result of budget constraints. McDonough, in an interview for this report, explained that Bush was “pretty strong” on tobacco control but, “had to balance many goals at once, and as the years proceeded various things happened to constrain the budget.”<sup>302</sup> However, even at its highest level of funding, \$70.5 million, the TPP only accounted for one tenth of one percent of the state’s \$50 billion budget. Although McDonough was often involved in protesting TPP cuts, it is unclear whether or not he was a strong advocate for the program, given his position in the Jeb Bush administration.



Without a strong defender, the Legislature was free to attack the program. Legislators responsible for defunding the program in FY2000 called the TPP “embarrassing” and ineffective, even before the Florida Youth Tobacco Survey (FYTS) results from the first year came out.<sup>1</sup> Both James McDonough and Aaron Czyzewski attributed the cuts at least in part to the Legislature’s distaste for the edgy and rebellious youth-driven messaging. According to McDonough,

The ads that were actually run were developed by youth for youth. And many of them were quite edgy. And a lot of the legislators that aren't youth didn't quite get the impact of the advertising. Other than that they saw it as anti-corporate, anti-middle-aged white males. I think that was a part of it. And you have a Legislature that was largely composed of middle-aged white males and very much pro-business. And so they wondered about the wisdom of the advertising.<sup>302</sup>

**“And a lot of the legislators that aren't youth didn't quite get the impact of the advertising. Other than that they saw it as anti-corporate, anti-middle-aged white males.”**

Likewise, Czyzewski believed, “for a bunch of older legislators, it's not as easy to tolerate. It's easy to look at the some of the commercials that were done in the early days and think that that they were over the top. And it was hard for them to swallow having that kind of investment going to such things.”<sup>301</sup>

McDonough and Florida State University’s David Sly (who had the evaluation contract for “truth”) felt that the news media may have fostered some negative legislative attitudes toward TPP. According to McDonough, “from time to time there would be a news article that pointed out that, the youth group [SWAT] had an elaborate pizza party... particularly in times of tight budget, legislators would immediately want to know how spending money on a pizza party would help bring down smoking.” According to Sly,

Opposition [to TPP] came in the form of things like letters to the editor. And what they objected to was what they perceived as an anti-business orientation to the campaign and that was picked up on by a number of senators and representatives, or representatives and senators -- I don't mean to single out one chamber versus the other – and that just gained momentum... a lot of that came from the elderly population or near elderly population. And they didn't care for the cutting-edge kind of stuff and blaming the tobacco companies. And they took that and massaged that to be the anti-business thing.<sup>303</sup>

As noted by McDonough, the issue of the TPP spending money on pizza parties for SWAT youth was commonly raised by legislators. Tri-agency lobbyist Curt Kiser recalled speaking with legislators about the importance of continuing funding for the TPP, only to have them criticize the program for its expenditures on pizza for SWAT youth. In one such conversation, with Representative Frank Farkas (R, St. Petersburg, \$9,500), Representative Farkas expressed to Kiser that his concern with funding the TPP was how wisely their dollars were being spent, including money on pizza parties for SWAT youth. Kiser said he told Representative Farkas that he was so tired of hearing about pizza parties, and asked for a better criticism, which Farkas could not provide.<sup>56</sup> Kiser said he reminded Representative Farkas that the youth participating in SWAT, which usually held after school meetings, could have been off playing sports or hanging

out with their friends, but instead were choosing to come to SWAT meetings and talk about how to prevent their friends and neighbors from smoking. Kiser iterated to Representative Farkas that pizza was important for the meetings, not only as an incentive for them to come, but because teenagers are always hungry after school. Kiser suggested to Representative Farkas that if pizza parties were such a big issue, that the TPP's appropriations language should include a limit on food expenditures.<sup>56</sup>

Bronson Frick, Associate Director of Americans for Nonsmokers Rights (ANR), a national advocacy organization based in Berkeley, CA, suggested that the final spending cut that essentially ended the TPP represented retaliation by the Legislature against the tri-agencies for their successful effort to pass a clean indoor air amendment to Florida's Constitution in 2002 by direct popular vote (discussed below), thereby bypassing the Legislature.<sup>304</sup> Paul Hull, Vice President of Advocacy and Public Policy at the Florida Division ACS also stated in an interview for this research,

**“And then we talked to them about our next priority, continuation funding for youth prevention and education...there was a little bit of a gleam in their eye.”**

No legislator ever told me or no one in leadership ever told me that, "Hey, we're going to cut your-- the tobacco prevention program as payback forgoing over our heads and going to the electorate, on smokefree workplaces. But it sure seemed like that was the tradeoff. So, you know, again, my pre-session visits with legislators, I had the sense that, "Yeah, you'll get -- you'll get some kind of [implementing] bill." And then we talked to them about our next priority, continuation funding for youth prevention and education. You know, there was a little bit of a gleam in their eye.<sup>137</sup>

Although there is no evidence of direct tobacco industry involvement in pushing for cuts to the Florida's TPP, high levels of campaign contributions and industry ties to Governor Bush and responsible legislators suggest the industry may have played a role. Between 1987 and 2008, the industry spent \$4.6 million on campaign contributions to Florida political candidates. Political parties in Florida also received \$5.7 million from the tobacco industry in soft money contributions between 1989 and 2008. Jeb Bush received \$12,500 from the tobacco industry between 1998 and 2008. Tobacco industry documents suggest that, in addition to receiving campaign contributions from the industry, Bush received support from the Tobacco Institute in his 1994 bid for Governor. A 1997 letter from Marvin Bush (Jeb's brother) to Sam Chilcote (President of the Washington, D.C.-based Tobacco Institute from 1981-1999), requested the membership of Chilcote on the Jeb Bush for Governor Leadership Committee, along with a donation of \$1,000 - \$5,000 (depending on his role on the committee).<sup>305</sup> In this letter, Marvin Bush stressed the importance of Chilcote's support in Jeb Bush's 1998 bid for Governor, reiterating that, "Jeb could not have done as well as he did in 1994 without your help" (when he lost to Lawton Chiles by less than one percentage point).<sup>305</sup> Chilcote did join as a committee member in 1997,<sup>306</sup> which required a donation of \$1,000.<sup>305</sup>

Included among the top legislative recipients of tobacco industry contributions in Florida were nearly all of the Senate's leadership at the time (Table 7, above), including Senate President Jim King (R, Jacksonville, \$12,650) and Senate Appropriations Chair Ken Pruitt (R, Port St.

Lucie, \$13,250). Members of the Senate Health and Human Services Appropriations Committee, and House Subcommittee on Health Appropriations, the two committees which were responsible for appropriating TPP funds, received a combined \$43,500 in direct tobacco industry campaign contributions between 1987 and 2008.

**Senate President Tom Lee said that as a legislator he was led to believe that the TPP was not effective, only realizing later that the “anti-advertising lobby” in the Legislature was under the influence of the tobacco industry.**

Brenda Olsen, Chief Operating Officer for the American Lung Association of the Southeast, felt that the explanations given by legislators for defunding TPP – including that SWAT youth were being irreverent – was cover for tobacco industry involvement.<sup>307</sup> According to Olsen, “They [SWAT youth] were certainly taking the tobacco industry to task and exposing them for who they are, and that was very distasteful to a lot of legislators. But I think the real problem, or the real issue, is that they utilized that as an excuse publicly, rather – when there were other things going on behind the scenes in terms of

the tobacco industry influence.”<sup>307</sup> In 2006, commenting for an article analyzing the cuts to the tobacco pilot program, Senate President Tom Lee said that as a legislator he was led to believe that the TPP was not effective, only realizing later that the “anti-advertising lobby” in the Legislature was under the influence of the tobacco industry.<sup>308</sup>

The tobacco industry had recognized the threat of effective media campaigns as early as 1969<sup>200, 309</sup> and had a long history of attempting to limit and dismantle tobacco control media campaigns,<sup>28, 160, 200, 221, 310, 311</sup> especially industry denormalization campaigns.<sup>160, 310</sup> Media campaigns in California, Minnesota, Arizona, and Oregon have all been subject to tobacco industry attacks,<sup>67, 160</sup> as has the American Legacy Foundation’s “truth” campaign.<sup>200</sup> As described earlier, the tobacco industry attacked the validity of Florida’s “truth” campaign in the media, claiming that its ads were untrue. In the 2002 letter to the Florida Department of Health, PM claimed that Florida’s “truth” ads were “inaccurate, misleading, and false”<sup>312</sup> and requested that the state stop airing the ads. In response, President of CTFK Matthew Myers, issued a press release entitled “If Phillip Morris Doesn’t Want Kids To Smoke, Why is it Challenging Florida’s Successful Tobacco Prevention Program?” which exposed the industry’s hypocrisy in attacking the TPP.<sup>313</sup>

There were several aspects of the tri-agencies advocacy surrounding TPP appropriations that were very strategic and well coordinated, including their grassroots mobilization and legislative lobbying. Beginning in FY2000, the tri-agencies effectively demonstrated to the Legislature, including key leadership, and Governor Bush, that the TPP was effective and was supported by Florida’s voters. In addition, they worked through multiple lobbyists to reinforce the need for increased TPP funding. As described by Givel,<sup>238</sup> this advocacy was consistent with the tri-agencies “insider” lobbying style, in which they exhibited a preference for engaging in the “iron triangle” of bureaucrats, legislators, and interest groups working together to further particular policies and objectives.<sup>238</sup> This preference may have been a function of the fact that many of the ACS’ (which was the lead health agencies) staff and lobbyists were indeed legislative “insiders.” ACS’ Florida Division leadership in the 2000s included CEO Ralph DeVitto and VP of Advocacy and Public Policy Paul Hull. Both DeVitto and Hull both had extensive political experience, including working in the Florida Legislature as aides for powerful

Republican legislators. DeVitto served as a legislative assistant to Attorney General Robert “Bob” Butterworth (D, \$500), a district director for Congressman Dan Miller (R), and a senior legislative aide to Florida State Senator Bob Johnson (R, Sarasota, \$0).<sup>314</sup> Hull worked for former Senator (and future ACS lobbyist) Curt Kiser (R, Palm Harbor, \$2,000) and for State Senator James “Jim” King (R, Jacksonville, \$11,150). ACS also had a pattern of hiring former powerful Republican legislators including Curt Kiser, former House Minority Leader and Republican Ken Pruitt, former Senate President, as legislative lobbyists.

While the tri-agencies (specifically ACS staff and lobbyists) have been able to leverage their status as “insiders” to accomplish some of their policy objectives, this also appears to have contributed to their unwillingness to supplement their insider lobbying with outsider strategies. Specifically, they did not publicly pressure or criticize policymakers who called for TPP funding cuts. As described by tri-agency lobbyist Curt Kiser as the reason he felt the health groups had successfully achieved substantial tobacco control policy change in the 2000s (including passing and implementing multiple tobacco control ballot initiatives, which will be described later):

We [the tri-agencies] never purposely went out of our way to try to paint the governor or the senate president or the speaker or the chairman of this committee or that committee as public enemy number one. We never put anything like that on a personal level that I’m aware of.<sup>315</sup>

While Kiser saw the tri-agencies’ unwillingness to hold legislators directly responsible for the poor tobacco control policy as an advantage, this strategy worked to their detriment in protecting the TPP.

The tri-agencies may have compromised on funding for the TPP to preserve other priorities. As mentioned above, certainly one of the tri-agencies large legislative battles of the session was implementing Amendment 6 for smokefree workplaces. However, during the 2003 session, many of the ACS’ other priorities flourished while TPP was being cut, including their Florida Biomedical Research Program, funding for the Mary Brogan Breast and Cervical Cancer Early Detection and Treatment Program and the Closing the Gap Minority Health Program.<sup>316</sup>

As described by James McDonough, former Director of Florida’s Office of Drug Control,

To some degree I felt they [the tri-agencies] or their lobbyists ...saw it as a zero-sum game. That is to say they may have been for the continuance of the funding, but their interest was in that some of that funding, as much as possible, went to their particular end objectives. I don't remember them arguing strongly to maintain the advertising campaign, for example.<sup>302</sup>

### *Lawsuit Over Funding Cuts*

A lawsuit against the funding cuts was filed in Hillsborough Circuit Court on June 6, 2003, by Tampa attorney Steven Yerrid, one of 11 private lawyers hired by the state of Florida to represent it during the 1997 tobacco settlement suit. The suit was filed on behalf of an 18-year-old anti-smoking advocate and SWAT youth, Joseph Scarfone.<sup>317</sup> The lawsuit, supported but not initiated by the tri-agencies, named Governor Bush as the defendant and asked the courts to

compel the Governor and Legislature to restore funding to TPP during a second special legislative session that was to be held on June 16, 2003.<sup>317</sup> The suit called the cuts “a shortsighted, immoral and economically foolish endeavor,” and asked the court to declare the appropriations unconstitutional.<sup>317</sup> The suit alleged, “Governor Bush and the state of Florida are contractually bound to use a part of the ongoing tobacco revenue stream to fund anti-tobacco programs.”<sup>317</sup> As Yerrid reported to the press, “To allow this program to lapse would cost untold lives and huge sums of money down the line . . . We've offered an opportunity to bring this issue into critical focus so we can come up with a solution that will allow everyone to win.”<sup>317</sup>

Six days later, Yerrid dropped the suit based on discussions with legislative leaders and Attorney General Charlie Crist (later Governor from 2007-2010), who Yerrid reported gave him positive feedback.<sup>318</sup> According to the St. Petersburg Times, Crist offered to write a letter in support of Yerrid’s efforts.<sup>318</sup> Crist commented, “this is an important educational opportunity and certainly a worthy program, and so what I mentioned to Steve [Yerrid] was if there are ways that we could be of help to try to restore or work toward a good conclusion and a restoration of the funds, we would be happy to do so.”<sup>318</sup> Senate Minority Leader Ron Klein (D, Boca Raton, \$3,500), a strong tobacco control advocate, reportedly also wrote a letter to Governor Bush, suggesting that part of a \$950 million tax relief package, granted to Florida by the federal government in order to alleviate budget constraints, be used to help restore the TPP. Klein said, “I think the state of Florida has a moral and ethical obligation to use part of the tobacco funds for tobacco education.”<sup>318</sup>

However, despite the lawsuit and pressure from Senator Klein, the Legislature did not appropriate any additional funds to TPP during the second special legislative session in mid-June. Sarah Bascom, a spokeswoman for Senate President Jim King (R, Jacksonville, \$11,150), commented to the press that Senator King didn’t want to revisit tobacco control spending. Bascom said, “He believes that in a tight budget year like we are in, the money was spent, and this is the best it can be and that he doesn't feel that it needs to be looked into right now.”<sup>318</sup> However, three weeks after the Legislature failed to appropriate any additional funds, Florida Secretary of Health John Agwunobi reportedly promised up to \$4 million would be spent on youth risk initiatives in Florida during the 2004 fiscal year.<sup>319</sup>

### ***Tobacco Pilot Program Programmatic Changes FYs 1999 – 2004***

The reductions in funds TPP experienced from FYs 2000 – 2004 had the effect of reducing or eliminating many elements of its programming (Table 29). “Truth” and SWAT were the hardest hit programs. Reductions to “truth” were reflected in the form of less broadcasting time for existing “truth” ads<sup>259</sup> and funds to local SWAT groups were reduced. A significant reduction in administrative funds for FY2000 also resulted in resignations or dismissal of one-third of program staff. Between FY2000 and FY2004, the Governor eliminated the component which enforced youth tobacco access law. The impact of this one cut was probably minimal because youth access enforcement has not been shown to affect youth smoking.<sup>320, 321</sup>

**“Truth” and SWAT were the hardest hit programs.**

Table 29. Evolution of Tobacco Pilot Program (TPP) Funding and Programming FY1999 - FY2004 (millions)						
Component	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004
<b>Enforcement:</b> Reduce availability and accessibility of tobacco products to youth	\$8.5	moved into Department of Business and Professional Regulation (DBPR); loss of police patrol on teen smoking. <sup>322</sup>	Unknown	Funds completely eliminated; DPBR is able to maintain some activities on existing funding	\$0	\$0
<b>Education and Training:</b> Promote local collaboration on tobacco use prevention among community partnerships, schools and community based organizations	\$13.0	Unknown	Unknown	\$2.2	Unknown	\$0
<b>Marketing and Communications:</b> "Truth Campaign" - anti-industry advertising via billboards, radio, and television	\$26.0	broadcast time significantly reduced <sup>259</sup>	Unknown	\$13.0	Unknown	\$0
<b>Youth and Community Partnerships:</b> Students Working Against Tobacco (SWAT) and youth-prevention focused programs and partnerships in each of Florida's 67 counties	\$15.0	Unknown		\$7.9		\$1 million; community partnerships in 67 counties were dismantled (unless local funding was secured); SWAT remained active and coordinated at the local level in some counties
<b>Minority Programs:</b> Partnerships with and funding for minority-focused organizations to fight tobacco use	\$0	Unknown	Unknown	\$1.0	Unknown	\$0
<b>Research and Evaluation:</b> Conduct evaluations to assess progress in four program areas	\$4.0	Unknown	Unknown	\$1.4	Unknown	\$0
<b>Administration</b>	\$4.0	dismissal of 1/3 of program employees including all SWAT youth employees	Unknown	\$1.8	Unknown	Significantly reduced staff, TPP combined with enforcement division for Florida Clean Indoor Air Act and adult tobacco programming (FTPP); moved into the Division of Health Awareness and Tobacco <sup>323</sup>
<b>Total Funding*</b>	<b>\$70.5</b>	<b>\$36.8</b>	<b>\$39.9</b>	<b>\$27.3</b>	<b>\$37.0</b>	<b>\$1.0</b>

\*Total Funding does not include funds appropriated to TPP but earmarked for other programs.

Note: When detailed appropriations information was unavailable, it is marked with "unknown".<sup>201</sup>

Sources: Givel;<sup>1</sup> Florida Auditor General Special Review of Florida's Tobacco Pilot Program,<sup>201</sup> CTFK,<sup>278</sup> Conference Committee on SB 2000, 2001<sup>256</sup>, *St. Petersburg Times*<sup>324</sup>

### *Reorganizing the Diminished Program*

When funding was reduced to \$1 million in FY2004 all programs were cut, except statewide coordination for county-level SWAT chapters.<sup>325</sup>

Program staffing was nearly wiped out. Statewide staff was reduced from over 100 employees to 10, with severe staffing cuts also taking place at the county and state levels. Since the beginning of TPP, tobacco prevention coordinators (TPC) were in place in each of Florida's

**Program staffing was nearly wiped out.**

67 counties to organize county level activities, including local SWAT chapters. When funds were cut to \$1 million, all the county TPC positions were eliminated and only four regional coordinators remained: Ron Davis, Steve Schneitman (later replaced by David Garrison), Laura Corbin, and Jennifer Harris.<sup>323</sup> Fewer than 10 of Florida's 67 counties were able to continue to fund the tobacco coordinator position and key components of the program.<sup>326, 327</sup> One county that kept things moving was Pinellas County (county seat Clearwater in the Tampa Bay area), led by County Health Department head Carolyn Smith. According to Smith, keeping SWAT active was her number one priority because she recognized how important and effective the youth empowerment model had been in her community.<sup>327</sup> Another TPC, Frank Mattera of Citrus County (county seat Inverness in Central Florida), took a similar route. With support from his own county health department, Mattera was able to keep his position and continue supporting SWAT.<sup>326</sup> In DOH's Tallahassee headquarters, only five positions remained: a program manager, an epidemiologist, a cessation manager, a clean indoor air program specialist, and a youth coordinator.<sup>323</sup> Gregg Smith had been with the program since it began and acted as program manager during this time.

Following the FY 2004 funding cuts, TPP merged with the adult focused FTPCP, which had been running the state's tobacco quitline. Tobacco program staff were also put in charge of enforcement of the Florida Clean Indoor Air Act, which was funded through general revenue appropriations.<sup>323</sup> The new combined program was named the Florida Tobacco Prevention Program (FTPP)<sup>328</sup> and remained in the Division of Health Awareness and Tobacco, which was renamed the Division of Health Access and Tobacco in 2004. This merger allowed TPP to use some of FTPCP's CDC funding (\$750,000 annually at the time), in addition to general revenue funds allocated to enforce the FCIAA, to pay its staff and keep some basic programmatic infrastructure in place.<sup>323, 325</sup>

### *Governor Bush Attempts to Privatize SWAT*

Governor Bush attempted to move the remnants of SWAT out of the DOH by privatizing it following the FY 2004 funding cuts. According to DOH legislative coordinator at the time Richard Polangin,<sup>329</sup> Secretary of Health, John Agwunobi, directed DOH to try to privatize SWAT. The idea was that somewhere between \$700,000 and \$800,000 of the \$1 million in available funds would be contracted out to a private entity to operate SWAT. The contract would be good for one year, after which time the vendor would need to procure private funding to continue SWAT's operation. The DOH issued an Invitation to Negotiate (ITN) for the SWAT contract, and subsequently negotiated with the University of Miami. DOH did not move forward

with the contract for the University of Miami because DOH was not confident that the University would be able to raise the private funding to continue SWAT after year one.

### **Florida State Tobacco Control FYs 1999-2004 Conclusion**

With strong political and administrative support from late Governor Lawton Chiles, Florida's 1997 settlement-funded Tobacco Pilot Program became a trailblazer in youth-targeted tobacco control, achieving remarkable, immediate, and unprecedented reductions in middle school and high school smoking rates.<sup>206-209, 217</sup> These effects persisted after the program stopped because of a cohort effect until all the youth aged out of high school.<sup>12</sup> Despite (or perhaps because of) this success and innovative programming, TPP's hallmark "truth" campaign and SWAT program came under fire from Governor Jeb Bush and the Florida Legislature, seeing its funding all but eliminated between FYs 2000 and 2004. While we did not identify direct lobbying by the tobacco industry against the program, political leaders who opposed the program received substantial campaign contributions from the tobacco industry. Philip Morris also directly attacked the "truth" campaign in letters to the DOH and attacks in the media.<sup>312, 313</sup> Despite having unprecedented drops in youth smoking to point to as well as strong public support for the program, Florida's tobacco control advocates were unsuccessful at protecting the program and preventing funding cuts. The American Cancer Society, American Lung and American Heart Association, and the Campaign for Tobacco Free Kids remained unwilling to call out policymakers responsible for catering to tobacco industry interests and dismantling the program in spite of its success.





## CHAPTER V: CLEAN INDOOR AIR

- *Florida was a hotbed of local clean indoor air activity in the 1970s and 1980s; this progress was effectively stopped by the tobacco industry with the 1985 passage of a weak statewide clean indoor air law, which preempted localities from enacting stronger smoking restrictions.*
- *The 1985 law was not significantly strengthened until 2002, when the tri-agencies won a ballot initiative campaign (Amendment 6) to require smokefree workplaces and restaurants (not bars). Defeating significant tobacco industry opposition, health groups won 71% of the vote, demonstrating an ability to secure voter support for strong tobacco control policy.*
- *Tobacco control advocates used their strong voter mandate to fight legislative opposition to Amendment 6, emphasizing to legislative leadership that they would not accept any significant exemptions to the law. The resulting strong implementation represented the success of aggressive advocacy and importance of voter opinion to policymakers.*

In the 1970s and early 1980s, Florida was among the states leading the nation in passage of local clean indoor air laws. This progress was cut short by the tobacco industry in 1985, which worked successfully in the Florida Legislature to pass a weak statewide clean indoor air law including preemption of local authority to pass clean indoor air laws. Between 1985 and 2002, the statewide law was strengthened only marginally, while any attempts to repeal preemption were successfully blocked by the tobacco industry.<sup>1</sup> State indoor smoking restrictions were not substantially improved until passage of the tri-agency (American Cancer Society, American Lung Association, and American Heart Association) and Campaign for Tobacco Free Kids supported Smoke-Free for Health Constitutional Amendment 6 in 2002, which made workplaces and restaurants in Florida smokefree.

### Florida Clean Indoor Air Act 1985 - 2000

#### *1985 Florida Clean Indoor Air Act and the Industry's First Successful Preemption*

The first significant piece of state clean indoor air legislation in Florida was the Florida Clean Indoor Air Act (FCIAA), passed in 1985. By 1985, 50 cities and 11 counties in Florida had passed local clean indoor air laws,<sup>1</sup> a trend that the tobacco industry felt it needed to stop. It did so by securing passage of the FCIAA, a weak statewide law that permitted designated smoking areas and, more important, overturned existing local clean indoor air laws and prevented local governments from enacting any future restrictions on smoking (a strategy known as “preemption”). The FCIAA, which passed with the support of all the major voluntary health agencies, halted clean indoor air progress for the next 17 years in Florida. Florida was the first state in which the industry successfully achieved preemption of local activity on clean indoor air, although it was not the last. At some point, 26 different states had at least partial clean indoor air preemption laws on their books,<sup>330</sup> a number that dropped to 13 by 2010.<sup>331</sup>

**The FCIAA, which passed with the support of all the major voluntary health agencies, halted clean indoor air progress for the next 17 years in Florida.**

### ***Proposed Amendments to the Florida Clean Indoor Air Act 1990 - 1993***

Between 1990 and 1993 there were multiple attempts to strengthen the statewide Florida Clean Indoor Air Act (without removing preemption). In 1990, Representative Fred Lippman (D, Hollywood, \$4,500), with support from the American Lung Association, attempted to amend the FCIAA to prohibit smoking in health care facilities, day care centers, and numerous common public areas, and require that restaurants with over 50 seats set aside 35% of seats for nonsmokers. However, Lippman's proposed bill also mandated smoking areas in certain public places which quickly drew criticism from state tobacco control advocates, many of whom believed Lippman was negotiating with PM on his proposed amendment. The Legislature ultimately passed the bill, which was supported, despite its requirement for smoking areas in certain public places, by the ALA and the ACS, who argued the bill was a net gain for clean indoor air. However, the AHA, recognizing the danger of mandating designated smoking areas, convinced Governor Bob Martinez (R, 1987 – 1991) to veto the bill.<sup>1</sup>

A similar piece of legislation was introduced in 1991, but withdrawn by its sponsor after PM lobbyists won an amendment to prohibit discrimination against employees who smoked in their free time.<sup>1</sup> Governor Lawton Chiles vetoed a similar bill in 1992.<sup>1</sup>

In 1992, HB 19 passed to expand the 1985 FCIAA to prohibit smoking in more public places (though many of these places could have a designated smoking area). An important provision of HB 19 required that restaurants with over 50 seats reserve no more than 65% of their seats for a smoking section, making a non-smoking section a minimum of 35% of the seats.<sup>332</sup> Restaurants with less than 50 seats were not required to have non-smoking sections. In 1993, implementation of the bill by the Department of Health and Rehabilitative Services expanded the coverage of the law to include malls and airports.<sup>1, 333</sup>

### **Attempts to Repeal Preemption from 1986-1999 are Blocked by the Tobacco Industry and its Allies**

#### *1986: Preemption is Challenged via Lawsuit*

The first attempt to remove preemption from the FCIAA came in 1986 when Jack Cannon, an ALA board member, sued the State of Florida alleging that preemption was unconstitutional.<sup>1</sup> (Cannon, who had originally supported the FCIAA, had changed his mind.<sup>1</sup>) The state of Florida made a Motion for Judgment on the Pleadings, which asked the court to rule that Cannon's lawsuit was invalid.<sup>1</sup> Many of the tobacco industry's traditional allies, including the Florida Chamber of Commerce, Associated Industries of Florida, Florida Motel and Hotel Association, and Florida Retail Federation made a motion to intervene in the case, in support of the state's Motion for Judgment. The lawsuit was ultimately dismissed, with the Palm Beach County Circuit Court judge ruling that local governments were creatures of the state and therefore the state had the right to enact a state law that superseded a local law.<sup>1</sup>

#### *1997: The Tobacco Industry Mobilizes Hispanic Representatives to Block a Repeal of Preemption*

Eleven years later, in 1997, the tri-agencies partnered with Governor Lawton Chiles and the Florida Department of Health to support an amendment to the FCIAA that would have

repealed preemption. The bill had 15 sponsors in the Senate (out of 40 members) and 50 sponsors in the House (out of 120 members). Nonetheless, but the industry was able to kill the bill in the House Health Care Standards Committee by a vote of 5-3.<sup>1,334</sup>

Tobacco industry documents from six days before the Committee vote reveal that the industry was working furiously to secure “no” votes of many Hispanic Representatives in case the bill made it to the House floor. The industry won a commitment from Representative Alex Diaz de la Portilla (R, Miami, \$6,578) who promised his vote to R.J. Reynolds/Reynolds American, but only if it were the tie breaking vote.<sup>134</sup> (Diaz de la Portilla was himself a smoker.) In addition, RJR secured the votes of four other Hispanic Representatives including Representative Carlos Valdes (R, Miami, \$5,200), Representative Bruno Barreiro (R, Miami Beach, \$2,750), Representative Jorge Rodriguez-Chomat (R, Miami, \$2,250), and Speaker Pro-Tempore Luis Morse (R, Miami, \$5,950).<sup>81,134</sup>

**Tobacco industry documents from six days before the Committee vote reveal that the industry was working furiously to secure “no” votes of many Hispanic Representatives.**

RJR also had support from the Latin Chamber of Commerce of Miami in fighting the repeal of preemption.<sup>134</sup> The tobacco industry has a history of forming alliances with such organizations, specifically in ethnic minority communities.<sup>335,336</sup> By providing sponsorship and support to these groups, tobacco companies, including PM, RJR, and B&W, hoped to improve their public image, generate support to counter anti-tobacco policies and state legislation, and build mailing lists.<sup>335</sup> Minority groups are especially vulnerable to tobacco industry wooing as such attention (and funds) from the industry are perceived to legitimate minority groups through the perception as important and taken seriously.<sup>336,337</sup> RJR was a member of several Florida-based Hispanic organizations for these purposes since as early as 1991, including The Cuban-American National Council, The Latin Chamber of Commerce of Miami, Amigos de SER, Kiwanis Club of Little Havana and the Hispanic Heritage Council.<sup>338</sup> In a 1990 memo about Hispanic marketing, Bert Gomez, the Southeast Regional Marketing Manager and Community Relations Manager for RJR explained to other RJR executives that the above groups were “powerful organizations in the Hispanic communities from a political and corporate standpoint.”<sup>338</sup> Securing the Hispanic vote and support of the Hispanic caucus in Florida has been important because of the large number of Hispanics in the state of Florida. As of 2009, Hispanics/Latinos constituted 21.5% of Florida’s population, higher than the national average of 15.9%.<sup>339</sup>

**Minority groups are especially vulnerable to tobacco industry wooing as such attention (and funds) from the industry are perceived to legitimate minority groups...**

A 1994 (three years before the above mentioned anti-preemption bill was filed) memo from Bert Gomez, who was then the RJR Regional Manager of Corporate Affairs, detailed planned RJR activities in Florida in the second quarter of 1994 related to “constituency building” and “community relations.” Included among these activities was sponsorship from RJR for the Latin American Chamber of Commerce of Miami Conference, in addition to RJR’s attendance at two additional Chamber events.<sup>340</sup> The Latin American Chamber of Commerce of Miami

supported RJR in fighting the 1997 proposed repeal of preemption. RJR also planned to attend luncheons for the Kiwanis Club of Little Havana and the Cuban American Caucus in 1994.<sup>340</sup> Perhaps most telling, among the “significant meetings” detailed in the memo, was a meeting with Hispanic and Black organizations to get their support and a meeting with “several minority caucus members of the Legislature.”<sup>340</sup>

RJR not only built a relationship with Hispanic organizations in Florida, but also with African American organizations. Gomez’ 1994 memo about planned community activities also mentioned RJR’s sponsorship of and attendance at the Democratic Black Caucus of Florida, attendance at the National Association for the Advancement of Colored People (NAACP) St.

**RJR not only built a relationship with Hispanic organizations in Florida, but also with African American organizations.**

Petersburg annual banquet, and sponsorship of and attendance at the NAACP Florida Conference.<sup>340</sup> Other examples of the industry’s support for African American organizations and African American legislators in Florida include several years of financial support for the Moses

House Museum, a non-profit African American art museum in Tampa. In 1997, RJR gave \$1,000 to support the museum in response to a written request for support from Representative Lesley “Les” Miller (D, Tampa, \$7,750), Democratic Leader Pro Tempore.

Building these relationships was a key activity for the industry and benefitted them in fighting tobacco control legislation, such as the 1997 bill to repeal preemption.

#### *1998: Another Unsuccessful Attempt to Repeal Preemption*

After failing in 1997 to repeal preemption, in 1998 a group of legislators mounted another effort through House Bill 3379 and Senate Bill 148, but with little legislative support the bills never made it out of committee.<sup>1</sup> Tobacco industry documents reveal that Representative Diaz de la Portilla (R, Miami, \$6,578) and Representative Muriel “Mandy” Dawson-White (D, Ft. Lauderdale, \$3,000) of the House Health Care Committee both promised their votes to R.J. Reynolds against the bill. In a March 1998 memo, Bert Gomez, RJR’s Regional Manager of Corporate Affairs, attributed the no-votes to the tobacco industry’s continued support of Diaz de la Portilla and Dawson-White, stating, “we have supported these members in many aspects throughout the years.”<sup>135</sup>

#### *1999: A Final Unsuccessful Attempt to Repeal Preemption*

In 1999, with the support of the tri-agencies, another attempt to repeal preemption was made via HB 691, sponsored by Representative Robert “Bob” Casey (R, Gainesville, \$0) and SB 56, sponsored by Senator John Grant (R, Tampa, \$2,000). The bills sought to repeal preemption and establish the then-current FCIAA law as a statewide *minimum* standard.<sup>341, 342</sup> House Bill 691 was defeated with a 2-2 vote in the House Governmental Operations Committee and the Senate version died in the Committee on Comprehensive Planning, Local and Military Affairs.<sup>343</sup> ACS supported the bills through legislative action alerts to their grassroots advocates<sup>226</sup> and according to Aaron Czyzewski, they thought they House version would pass through Committee until Representative Addie Greene (D, Mangonia Park, \$2,500) switched her vote.<sup>344</sup> ACS attributed the defeat to efforts of the tobacco industry, Florida Restaurant Association, and Florida Retail

Federation.<sup>239</sup> As described earlier, the Florida Restaurant Association (FRA) and Florida Retail Federation were both strong tobacco industry allies in Florida.

Another noteworthy piece of legislation during the 1999 session, also supported by the ACS,<sup>239</sup> sought to reorganize the Department of Corrections. The bill, SB 1742, sponsored by Senator Virginia “Ginny” Brown-Waite(R, Spring Hill, \$2,000), included a prohibition on smoking in designated areas of prisons and a requirement that Florida prisons provide cessation courses to inmates.<sup>345</sup> It passed unanimously in both chambers and was signed by the Governor.<sup>346</sup> As of September 2008, Florida was one of only nine states with restrictions on smoking in correctional facilities and one of only three states which mandated smoking cessation programs for inmates.<sup>347</sup>

### ***Philip Morris “Options” Ventilation Strategy: Florida Indoor Air Quality Alliance***

Coinciding with the attempts by tobacco control advocates in the 1990s to amend the FCIAA and to repeal preemption, Philip Morris (PM) began promoting a new nationwide strategy, *Options* (Figure 15), to oppose strong clean indoor air laws. *Options* was an extension of the tobacco industry’s earlier strategy of “accommodation” or accepting weak smoking restrictions, “accommodating” both smokers and non-smokers, in an effort to avoid more prohibitive laws. As part of “accommodation,” in 1989, PM began promoting ventilation systems<sup>349</sup> with the (unsupported) claim that ventilation would effectively reduce the toxic effects of secondhand smoke, allowing smokers and nonsmokers to coexist in the same air space.<sup>49</sup> (The industry also worked to influence indoor ventilation standards so that smoking could be allowed, fitting with “accommodation.”<sup>350</sup>) Convincing the hospitality industry, including restaurant, hotel, and motel associations, that “accommodation” was in their best interest to avoid the loss of business from smokers, was a key component of the strategy.<sup>49</sup>

***Options was an extension of the tobacco industry’s earlier strategy of “accommodation” or accepting weak smoking restrictions, “accommodating” both smokers and non-smokers, in an effort to avoid more prohibitive laws.***



Figure 15. Philip Morris “Options” logo.<sup>348</sup>

By 1999, PM recognized that it had not made much progress with its ventilation initiative. PM’s 1999 “National Ventilation Program Execution

Plan” concluded that the heating, ventilation and air conditioning industry (HVAC) did not see a business opportunity in the accommodation strategy, and therefore a bridge needed to be built between HVAC supply and hospitality demand in order to make “accommodation” a viable strategy.<sup>349</sup> In 1999, Philip Morris established the “Options” initiative to promote accommodation to build this bridge.

In June of 1999, PM provided a grant, in-kind support and educational materials to one of its longstanding allies, the Florida Restaurant Association (FRA), to bridge the supply and demand gap via a partnership between the hospitality industry and ventilation contractors.<sup>348</sup> PM's initiative grew into the Florida Indoor Air Quality Alliance (IAQA), which was officially formed on September 29, 1999 with membership from the FRA, Florida Beverage Law Consultants, Bowling Centers Association of Florida (BCAF), Florida Hotel and Motel Association, Mechanical Contractors Association (MCA), and Philip Morris *Options*.<sup>351, 352</sup> According to a Philip Morris internal document, IAQA, which was a national initiative<sup>348</sup> was established to "educate their respective members and the general public on the benefits of improved indoor air quality."<sup>352</sup> Philip Morris *Options* funded seminars by IAQA to "educate" air conditioning contractors on ventilation systems<sup>352, 353</sup> and in addition MCA would offer consultations and advice on ventilation installation in hospitality venues.<sup>351</sup> Eric Kennedy, Executive Director of the Mechanical Contractors Association of South Florida, reported to the media that the partnership between ventilation and hospitality would be used to fight 100% smokefree indoor air laws.<sup>354, 355</sup>

***Amendment to the FCIAA in 2000: A Compromise with the Florida Restaurant Association***

The first substantial change to the 1985 Florida Clean Indoor Air Act, enacted in 2000, changed the seat percentage requirements for smoking and non-smoking sections in restaurants. Filed by Senator Daniel Webster (R, Winter Garden, \$0) and co-sponsors Senator John Grant (R, Tampa, \$2,000) and Senator Alex Diaz de la Portilla (R, Miami, 6,578), on February 9, 2000, SB 1302 required that restaurants, regardless of size, set aside at least 65% of seats for non-smokers.<sup>356, 357</sup> (Prior to this amendment, restaurants with more than 50 seats could have smoking sections covering 65% of their seats and restaurants with under 50 seats were exempted from the FCIAA entirely.) The legislation increased nonsmoking sections from 35% to 50% of seats for large restaurants, effective October 1, 2000, with a further increase from 50% to 65%, and the extension to all restaurants, effective October 1, 2001.<sup>357</sup> A few days before Senate Bill 1302 was to be heard by the Committee on Commerce and Economic Opportunities, the ACS

sent out a legislative action alert to its grassroots volunteers asking them to urge members of the Committee to support the bill.<sup>226</sup> On March 6, the bill was reported favorably with a vote of 6-0 from the Senate Committee.<sup>356</sup>

Also on March 6, 2000, the House companion bill, HB 1153,<sup>358</sup> was filed by Representative Lee Constantine (R, Altamonte Springs, \$6,000). A similar bill, HB 845 was filed by Representative Robert "Bob" Casey (R, Gainesville, \$0).<sup>359</sup> These bills were combined in committee (under HB 1153) and Reps. Constantine and Casey were joined by eleven other Representatives (Table 30) as sponsors.<sup>360</sup> On March 15, HB 1153

Table 30. Sponsors of HB 1153 to amend the Florida Clean Indoor Air Act (FCIAA) in 2000			
Name	Party	District	Contributions 1987-2008
Lee Constantine	R	22	\$6,000
Bob Casey	R	22	\$0
Lois Frankel	D	85	\$0
Suzanne Jacobs	D	88	\$0
Elaine Bloom	D	106	\$1,500
Doug Wiles	D	20	\$2,750
Frank Farkas	R	16	\$9,500
Sandy Murman	R	10	\$500
Larcenia Bullard	D	39	\$5,750
Charles "Chuck" Chestnut	D	23	\$2,000
Suzanne Kosmas	D	28	\$1,000
Bill Posey	R	24	\$9,000
Ken Gottlieb	D	105	\$0
<b>Total</b>			<b>\$38,000</b>
<b>Average per Sponsor</b>			<b>\$2,923</b>
Source: HB 1153 <sup>363</sup>			

passed the Health Care Licensing and Regulation Committee with a vote of 11-2.<sup>360, 361</sup> According to bill co-sponsor Representative Suzanne Jacobs, the challenge in passing the bill was getting “past the big boys in the tobacco lobby.”<sup>362</sup>

On April 11, 2000, during the House debate on HB 1153, Representative Robert Starks (R, Casselberry, \$0) filed two amendments for 100% smokefree restaurants and to repeal preemption.<sup>364, 365</sup> Starks withdrew the amendment for 100% smokefree restaurants and then proposed a preemption repealing amendment, but then withdrew that as well, allowing the bill to proceed toward passage as originally proposed.<sup>360</sup> The House passed the bill 95 to 20 on April 18, 2000; the 20 no-votes were from representatives who had received significant contributions from the tobacco industry, totaling \$118,306 between 1987 and 2008 (Table 31) (an average of \$5,915 per legislator). SB 1302 was substituted for its House counterpart, which then passed the Senate with a vote of 37-1, with only Senator Mario Diaz-Balart (R, Miami, \$4,000) voting no.<sup>366</sup>

**... the challenge in passing the bill was getting “past the big boys in the tobacco lobby.”**

Table 31. Votes Against HB 1153 to amend the Florida Clean Indoor Air Act (FCIAA) in 2000

Name	Party	District	Total Contributions 1987-2008
Nancy Argenziano	R	3	\$5,250
Stan Bainter	R	25	\$7,000
Gustavo Barriero	R	107	\$5,500
David Bitner	R	71	\$6,000
Irlo (Bud) Bronson	D	79	\$6,000
Gaston Cantens	R	174	\$1,750
Paula Dockery	R	15	\$11,200
Tom Feeney	R	33	\$6,250
Howard Futch	R	26	\$9,100
Bruce Kyle	R	73	\$4,500
Ken Littlefield	R	71	\$2,750
John Morroni	R	50	\$3,106
Dee Dee Ritchie	D	1	\$3,250
Luis Rojas	R	39	\$5,900
Marco Rubio	R	111	\$4,250
Christopher Smith	D	29	\$7,250
Ken Sorensen	R	120	\$9,000
Joseph "Joe" Spratt	R	77	\$5,750
Dwight Stansel	D	11	\$13,250
Jim Tullis	R	17	\$1,250
<b>Total</b>			<b>\$118,306</b>
<b>Average per “no” voter</b>			<b>\$5,915</b>

Source: Florida House Journal,<sup>360</sup>Givel,<sup>1</sup> National Institute on Money in State Politics<sup>81</sup>

Statements made in the media by the ALA, AHA, and FRA suggest that a final amendment to FCIAA reflected a deal that had been brokered by the tri-agencies and the tobacco industry allied FRA. Christine Fisher of the ALA commented to the *Palm Beach Post* that the percentage-of-seat increase was agreed to by the FRA in exchange for the anti-smoking forces promise “not to pursue legislation that would eliminate altogether the need for restaurant ashtrays” for the following two years.<sup>362</sup> ACS confirmed this agreement, stating in a 2001 report that, “the ACS, AHA, and ALA in the 2000 Florida Legislative Session secured a negotiated agreement with the Florida Restaurant Association to change the FCIAA.”<sup>367</sup> Carol Dover, President of the FRA, commented in the *Orlando Sentinel* that, “all we’ve ever said is ‘just don’t set standards that take away our right to serve smokers.’”<sup>368</sup>

**Jean Gonzales, a lobbyist for the AHA, justified the weak bill on the grounds that the state was not ready for the idea of smokefree restaurants.**

Despite the fact that Florida had been an early leader in passing strong local smoking restrictions,<sup>1</sup> Jean Gonzales, a lobbyist for the AHA, justified the weak bill on the grounds that the state was not ready for the idea of smokefree



restaurants. She asserted that the legislation served to ease restaurants into the idea of smaller smoking sections and that it would position the advocates for pursuing an outright ban in the near future.<sup>369</sup>

Meanwhile, the Indoor Air Quality Alliance (IAQA) was still promoting ventilation “solutions” through the 2000 legislative session.<sup>370</sup> In 2000, Philip Morris paid Mars Surveys to conduct a survey of Florida hospitality industry owners and managers on their attitudes on ventilation, including a measure on how many respondents had made IAQ improvements. The poll found that 48% of restaurants, 61% of bars, 60% of hotels and 69% of bowling alleys made “IAQ improvements,” including purchasing a piece of new Heating Ventilation and Air Conditioning (HVAC) equipment.<sup>371</sup> These IAQ improvements were made for a variety of reasons; 23% of hotel owners, 40% of restaurant owners, 57% of bar owners, and 70% of bowling alley owners cited smoke drift and odor as a reason for the improvements. The Philip Morris *Options* effort extended across the U.S.

While the exact ramifications of the industry’s success with IAQA and ventilation efforts in Florida are unknown, nationally, the strategy was not successful.<sup>349</sup> However, industry polling data suggests that they successfully convinced many hospitality venue owners in Florida of the effectiveness of ventilation and lack of need for 100% smokefree laws. This sentiment was reflected in the deal brokered by the FRA and tri-agencies to amend the FCIAA in 2000. Had the public, including hospitality venue owners, been more vocally in favor a 100% smokefree law, this may have resulted in legislators crafting a more restrictive amendment to the FCIAA during the 2000 legislative session.

## **Smoke-Free for Health’s Constitutional Amendment for Smokefree Workplaces and Restaurants**

### ***Campaign Initiation***

Given slow progress on clean indoor air in the Legislature, the health organizations decided to bypass the Legislature and seek a direct popular vote on clean indoor air policies. As early as January 2000, even before HB 1153 passed, the American Cancer Society began organizing a statewide ballot initiative campaign to amend Florida’s Constitution to make workplaces and restaurants in Florida 100% smokefree. (Only constitutional amendments can be ballot initiatives in Florida.) ACS’ decision, led by the Florida Division CEO Donald Webster and the Senior Vice President of Advocacy Ralph DeVitto, grew from their agenda to curb tobacco use through aggressive public policy initiatives.<sup>372</sup> ACS was joined a year later by the ALA, AHA, and CTFK.<sup>367</sup>

ACS resolved to pass a significant piece of tobacco control policy to reduce tobacco use, but had yet to establish what kind of tobacco control strategy they would pursue. Internally, they proposed three ideas: a tobacco tax increase, securing tobacco settlement funds for tobacco control, and pursuing workplace smoking restrictions.<sup>301, 373</sup> All three of these routes had a predicted health outcome of reducing tobacco use, though ACS was initially unsure which would be most attractive to Florida’s voters. ACS hired Hill Research Consultants (HRC) to conduct focus group research on how the public perceived the three potential policies.<sup>367, 373</sup>

HRC concluded that a tobacco tax would be controversial, was not perceived by the public as a measure that would reduce smoking, and would increase the government’s reliance on tobacco sales. They also found that earmarking settlement funds lacked emotional appeal and required presenting numbers and percentages that could confuse voters. In addition, the earmarking settlement funds proposition was viewed as risky due to the possibility of the funds being securitized by the Legislature.<sup>367</sup> Thus, HRC advised ACS to pursue smokefree workplaces and restaurants because it would generate the most intensity to create energy, attract contributors, and rally volunteers.<sup>367</sup> In addition, smokefree workplaces and restaurants lacked the negative issues surrounding the other two policies.

Originally, ACS planned to put the initiative on the ballot in 2004, to allow plenty of time to build their campaign, go through the necessary state Supreme Court review, as well as have the initiative on the presidential election ballot, which would mean higher voter turnout and a more favorable electorate.<sup>374</sup> (In Florida, the Attorney General must request the Supreme Court’s review on any citizens initiative.<sup>375</sup>) ACS moved the campaign up to the 2002 ballot because they were concerned about a proposed constitutional amendment that the Legislature was thinking about putting on the 2002 ballot to increase the requirement for passing constitutional amendments from a simple majority vote to a supermajority (from 50% to 55% or 60% of the vote). (The Legislature did not put the supermajority amendment on the ballot until 2006, when it passed.) Opting for the earlier deadline still gave the ACS 33 months for planned campaign phases including initial research (January 2000 – June 2001), petition gathering (August 2001 – May 2002) and election campaigning (September – November 2002).<sup>376</sup>

**“... Given the political resistance that has been manufactured by the tobacco interests... [we] opted to ask the residents of Florida to make their feelings known on the issue of tobacco and second-**

According to the ACS, “given the political resistance that has been manufactured by the tobacco interests... [we] opted to ask the residents of Florida to make their feelings known on the issue of tobacco and second-hand smoke.”<sup>372</sup> A ballot initiative campaign also meant that the ACS could reserve their legislative political capital for other priorities.

***Assessment and Research***

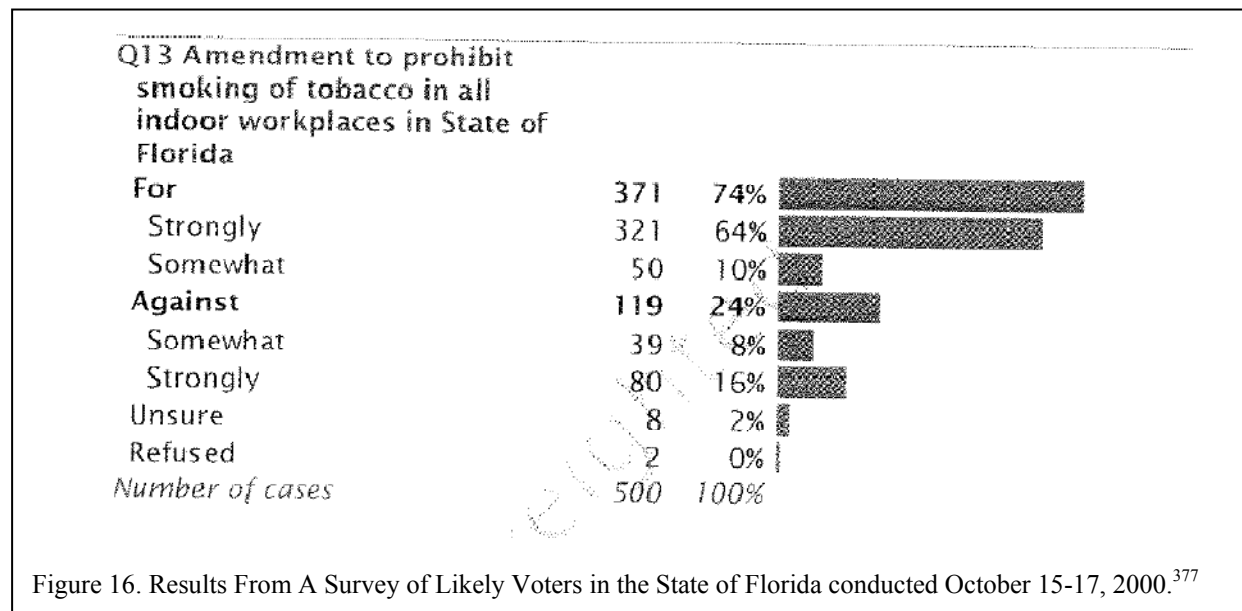
<u>Constitutional Amendment Work Group (CAWG)</u>	<u>Tobacco Control Work Group (TCWG)</u>
Jack Conroy (Chair)	Mike Vasilinda
Bob Gallo	Ron Todd
Dennis Hamby	Michael Kasper
Martin Larsen	Jimmy Walter
Mike Vasilinda	Thomas Philpot (SWAT)
Ann Mau	
Aaron Czyzewski	
Source: Constitutional Amendment & Tobacco Control Work Group <sup>367</sup>	

On January 29, 2000, the ACS Florida Division Board of Directors voted in favor of mounting an initiative campaign. They allocated money for the research phase of an ACS tobacco control constitutional amendment. The ACS created two work groups (Table 32): The “Constitutional Amendment Work Group”

(CAWG), established to research tobacco control ballot initiatives, and the “Tobacco Control

Work Group” (TCWG) charged with conducting and evaluating research. In addition to members of each team, the work groups received support from Pete Fisher, Vice President of State Issues at CTFK.

Polling that HRC conducted for the ACS nearly ten months later, in October 2000, solidified the idea that smokefree workplaces would be salient with voters. This baseline polling data indicated that 74% of likely voters in Florida were in support (with 64% strongly in favor) of a constitutional amendment to prohibit smoking of tobacco in all indoor workplaces (Figure 16). This result indicated a strong base of public support to move forward.



HRC’s survey also confirmed that an amendment to secure funds for state tobacco control, one of the three ideas initially proposed, was not as popular as smokefree workplaces, with only 55% of likely voters finding the proposal “completely” or “very” convincing. (Figure 17).

This poll also tested voters’ perceptions of the ACS, revealing that 75% of voters had a favorable impression of the Florida Division American Cancer Society.<sup>377</sup> With this polling data in hand, the ACS Florida Division Public Issues Committee voted to move forward with a clean indoor air amendment on October 20, 2000.

### ***Moving Forward with a Clean Indoor Air Campaign***

ACS hired consultants to guide the research and campaign for the amendment. The research team (Table 33) included individuals providing legal advice, public opinion research, and expertise on running both tobacco-specific ballot initiative campaigns and ballot initiative campaigns in the state of Florida. In addition to the research team, the ACS received advice from Ted Forsgren of the Coastal Conservation Association of America and Herb Harmon of Associates Consulting Group, on how to run a successful ballot initiative campaign in Florida.

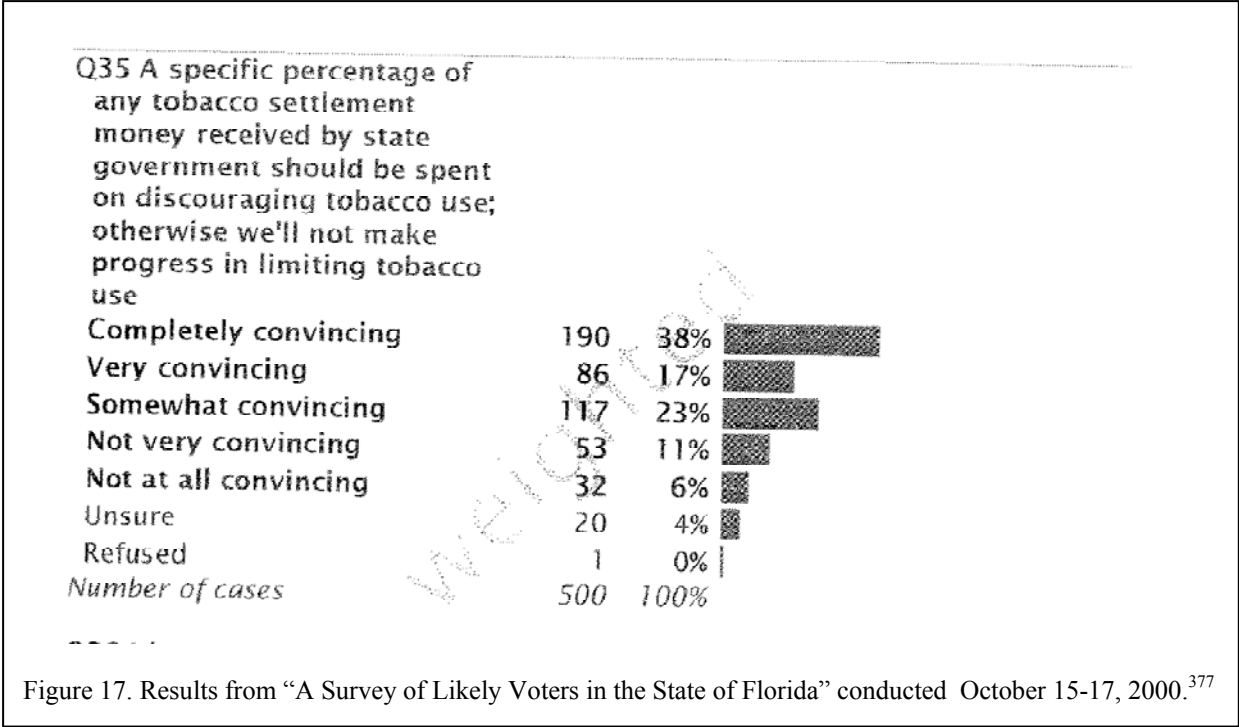


Table 33. Constitutional Amendment Research Team (January 2001)

Individual	Firm	Responsibility / Expertise
Stephen Grimes	Holland & Knight	Legal Advice
Ms. Susan Kelsey	Holland & Knight	Legal Advice
Dr. David Hill	Hill Research Consulting	Public Opinion Research
John Fairbank	Fairbank, Maslin, Maullin, & Associations	Polling
John Sowinski	Consensus Communications	Campaign Planning
Jack Nicholl	Siegel & Nicholl	Consultant, Tobacco Ballot Initiatives
Elaine Holmes	T. Elaine Holmes, P.A.	Consultant, Ballot Initiatives / Legal Advice

Sources: Constitutional Amendment and Tobacco Control Work Group Meeting, January 12, 2001<sup>367</sup>; Interview with Aaron Czyzewski<sup>344</sup>

**They concluded that the most important determinant of success was not how much money the tobacco industry spent opposing the measures, but how much health groups spent and how effectively health groups used paid and earned media to communicate with voters**

The ACS staff also conducted extensive research on the ballot amendments in Florida and effective anti-tobacco ballot initiative campaigns nationwide. They identified funding for petition gathering and effective media as well as high levels of initial public support (65 to 70%) as keys to successful amendment campaigns in Florida.<sup>378</sup> They also studied tobacco tax campaigns in California (1988), Arizona (1994), and Colorado (1994), from which they concluded that the most important determinant of success was not how much money the tobacco industry spent opposing the

measures, but how much health groups spent and how effectively health groups used paid and earned media to communicate with voters.<sup>378</sup> This information was used to construct an effective political strategy and campaign materials.

### *Crafting a Successful Ballot Initiative*

Much of the early research effort was dedicated to drafting an amendment that would garner enough petition signatures and stand up to Supreme Court scrutiny. The research team drafted the initiative between late 2000 and August 2001, in time to start collecting petition signatures for August 7, 2002, the deadline for filing the initiative with the Secretary of State in order to make it on to the November 2002 ballot. ALA and AHA joined ACS as partners on the amendment campaign during the ballot drafting stage, in early 2001 and were very active partners thereafter. CTFK was also an active partner in the campaign, but primary efforts were conducted by the tri-agencies.

The legal team crafting the ballot language had to ensure that they followed the strict limitations of the Florida Constitution required for approval by the Florida Supreme Court, particularly Florida's stringent "single subject" rule in Article III, Section 6 of the Florida Constitution. The constitution states: "Every law shall embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title."<sup>379</sup>

In addition, Florida election rules specify that aside from the full text of the amendment, the petition form must "contain the ballot title that shall not exceed 15 words and the ballot summary of the proposed amendment or other public measure that shall not exceed 75 words in length."<sup>380</sup> The 75 word summary was required to set forth the chief purpose of the amendment<sup>381</sup> and, according to a January 10, 2001, memo from former Florida Supreme Court Justice Stephen Grimes, who was counsel for the ACS in drafting the amendment, a misleading or ambiguous ballot summary would cause the initiative to be stricken from the ballot.<sup>382</sup>

As a result of these requirements, according to ACS consultant for the campaign Jack Nicholl, "the lawyers drafting the measure said that putting a detailed regulatory scheme on to the ballot, and still effectively summarizing it (in the judgment of the Supreme Court) in 75 words is nearly impossible."<sup>373</sup> Instead of trying to achieve this in 75 words, the lawyers decided to write a broad and prescriptive amendment and rely on the Legislature to implement it.<sup>373</sup> This recommendation met resistance from the ACS who did not trust the Legislature nor Governor Bush to implement the law effectively. Stephen Grimes' opinion also suggested that including implementing language in the ballot initiative could be dangerous, because the Court trend was to disapprove of initiatives which acted like legislation.<sup>382</sup>

### *Decision to Exempt Bars*

In addition to ensuring they would meet the single subject limitations and specifications for the ballot title and summary, the tri-agencies had to work out the specific content of the amendment, including any exemptions for the smokefree law and provisions (albeit limited) for implementation.

Two major decisions in drafting the amendment were to exclude bars from the smokefree coverage and not to use the amendment to pursue a repeal of preemption, which are both often

controversial tobacco control decisions. These decisions were made based upon polling data and legal opinions. The October 2000 HRC survey was the first benchmark of attitudes of voters concerning clean indoor air and smoking in bars. HRC determined that while 74% of voters supported smokefree workplaces, only 63% supported smokefree restaurants and 47% supported smokefree bars (Figure 18),<sup>377</sup> despite the fact that restaurants and bars are also workplaces for their employees.

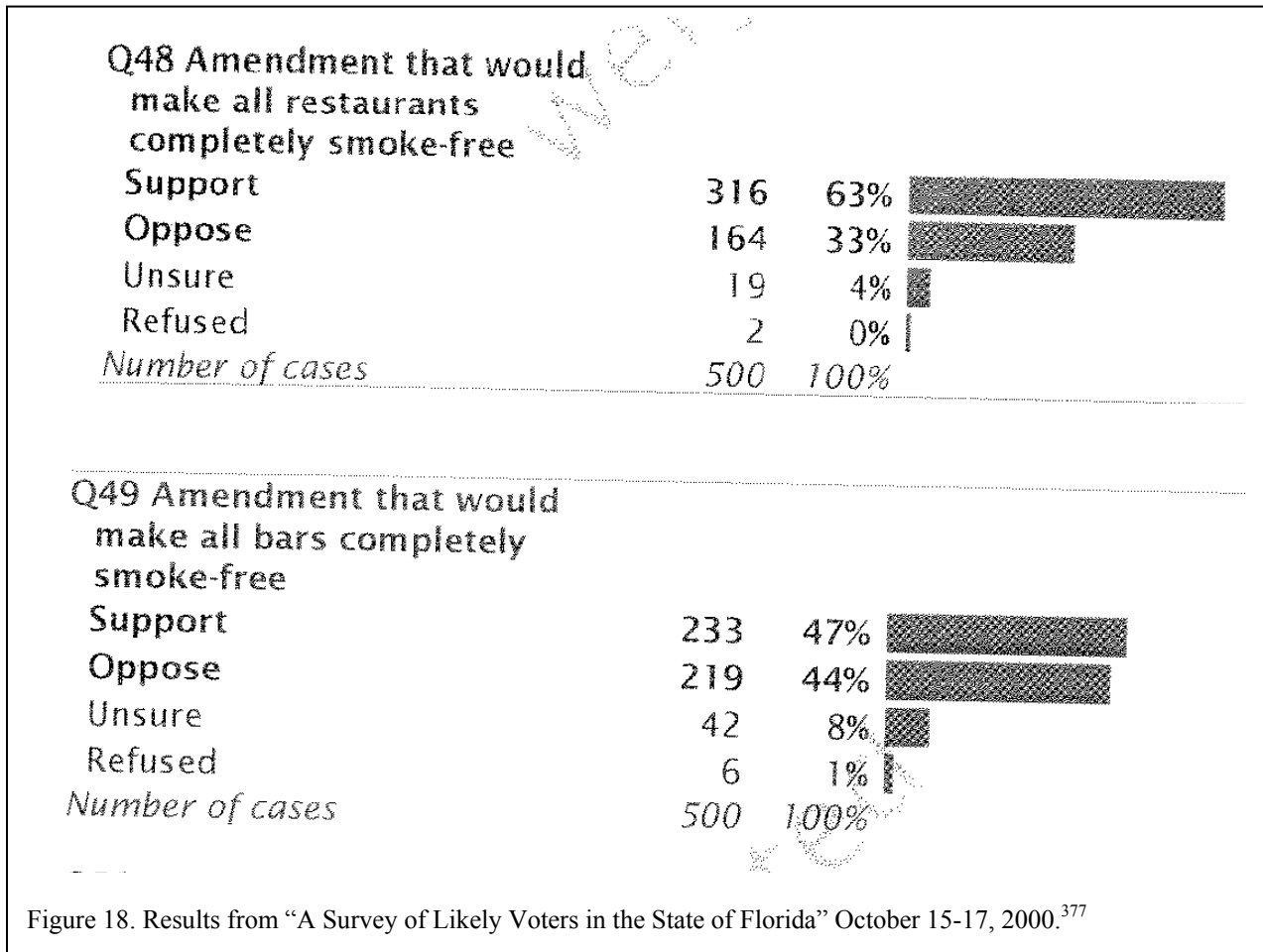


Figure 18. Results from “A Survey of Likely Voters in the State of Florida” October 15-17, 2000.<sup>377</sup>

Another poll conducted in late December 2000 for the ACS by polling firm Fairbanks Mauslin Maullin & Associates similarly reported that only 37% of polled voters would support a prohibition on smoking in bars (54% said no and 9% were undecided). Among people who said they would definitely vote yes on smokefree workplaces (56.5%), 44% of these supporters opposed a prohibition on smoking in bars.<sup>383</sup> Likewise, of people who said they would probably vote yes for smokefree workplaces (18.2%), 59% opposed a prohibition on smoking in bars.<sup>383</sup> These results suggested that bars were a key issue, especially among softer supporters. Similar findings were reported by Hill Research Consultants to the ACS in January, 2001.<sup>384</sup> As a result, in early

**...Of people who said they would probably [not definitely] vote yes for smokefree workplaces (18.2%), 59% opposed a prohibition on smoking in bars.**

2001, the tri-agencies decided that including bars would weaken the proposition, and that it was not worth the risk.<sup>385</sup>

In a 2009 interview, campaign consultant Jack Nicholl saw the decision to exclude bars as necessary to withstand the anticipated counterattack from the tobacco industry by eliminating any weak provisions in the proposal:

At the point in time when we draft the measures, the industry could be planning to spend 30 million bucks. It's [Florida is] a big state like California. It's a bellwether state. So... we could have had a thing like we did in Arizona where...R.J. Reynolds came in and put, an alternative measure on the ballot, which was weak and no good, and spent 6 million bucks to pass it.<sup>385</sup>

**We could have had a thing like we did in Arizona where...R.J. Reynolds came in and put, an alternative measure on the ballot, which was weak and no good, and spent 6 million bucks to pass it.**

In a 2009 interview Brenda Olsen, Chief Operating Officer at the ALA made the same point: the decision “certainly was debated very heavily going into it. But the majority of people who were making the decisions decided... because the polling numbers dropped significantly when the bar issue was included, ... to remove the bars from the amendment.”<sup>307</sup> Aaron Czyzewski, then ACS Florida Division Grassroots Advocacy Director, also echoed this view:

It's one of those things when you look at the results, 71%. You needed 50. So you could probably argue that it might have worked. But at the front end of the campaign when you're having to make that decision, it was clear that bars were not going to -- would either seriously harm the chances of the amendment being successful or bring in another set of enemies that... would be heavily funded.<sup>301, 344</sup>

All bars were not exempted, only “stand-alone” bars that were not part of a restaurant, hotel, or other venue were exempt. The decision to call them “stand-alone bars” instead of “bars” was made on the advice of lawyers at the Northeastern University Tobacco Control Resource Center in order to “prohibit hotels, bowling alleys, and other enclosed indoor workplaces that may offer alcoholic beverages from allowing smoking in their ‘bar’ areas.”<sup>386</sup> Although stand-alone bars were exempted, the ballot initiative did not preclude the Legislature from passing smoking restrictions for stand-alone bars.

#### *Decision not to Repeal Preemption*

The other major decision to be made concerning the ballot initiative’s content was whether or not to attempt to repeal preemption. Repealing preemption had been a public health goal since it was enacted in the state in 1985, so including a repeal clause in the constitutional amendment was appealing. The major impediment to including preemption was concern over whether repealing preemption would constitute a “second subject” and violate the single subject rule.

To determine the legality of including preemption in the ballot initiative, the ACS solicited a formal legal opinion from former Florida Supreme Court justice Stephen Grimes of Holland & Knight. Grimes advised that including a repeal of preemption in the smokefree workplaces amendment could be viewed by the Supreme Court as violating the single-subject rule.<sup>382, 387</sup> Grimes also advised that “the single-subject rule . . . prohibits an initiative from altering or performing the functions of multiple branches of government,” which the Supreme Court had then recently ruled meant “identifiable changes in the functions of different levels and branches of government are sufficient to warrant invalidating the amendments.”<sup>387</sup> As a result, Grimes considered including a repeal of preemption, which would have restored authority to local branches of government, as potential violation of the single subject rule.<sup>387</sup>

This potential violation of the single-subject rule significantly decreased the chances of a successful initiative, especially in the face of anticipated industry opposition. Grimes recommended that the campaign proceed without a repeal of preemption to maximize their chances that the Supreme Court would approve the initiative for the ballot; with preemption Grimes gave the initiative a minimal chance of success:

**... in an effort to compensate for forgoing a repeal of preemption, the drafters of the amendment included a clause that gave the Legislature explicit authority to enact a more restrictive law.**

If we had to quantify the risk of including a repeal of preemption . . . we would estimate that an initiative including a repeal of preemption together with other provisions prohibiting smoking in enclosed indoor workplaces would have less than a 35% chance of passing Supreme Court review.<sup>387</sup>

Given the risks of attempting to repeal preemption, the Constitutional Amendment Working Group decided to drop the idea of repealing preemption.

However, based on Grimes’s recommendation,<sup>387</sup> and in an effort to compensate for forgoing a repeal of preemption, the drafters of the amendment included a clause that gave the Legislature explicit authority to enact a more restrictive law (as mentioned above in the discussion of bars), as long as it was consistent with the amendment. Grimes felt that this clause would give the Legislature an opportunity to repeal preemption on its own during the implementation of the amendment, as they were able to at any time.<sup>387</sup> The clause read, “Nothing herein shall preclude the Legislature from enacting any law constituting or allowing a more restrictive regulation of tobacco smoking than is provided in this section.”<sup>388</sup>

#### *Final Content of the Amendment*

Ultimately, the amendment called for smokefree enclosed indoor workplaces, providing exemptions for private residences whenever they were not being used commercially to provide child care, adult care or health care, retail tobacco shops, designated smoking guest rooms at hotels and other public lodging establishments, and stand-alone bars. The amendment provided necessary definitions, including definitions of “smoking,” “work,” “enclosed indoor workplaces” and all exempted venues. In addition, it required that the amendment be implemented during the next legislative session and that implementation include civil penalties for violations and provisions for enforcement.<sup>389</sup>



In March and April 2001, after making many of the drafting decisions with the help of legal advice and polling data, the tri-agencies went through several rounds of revision to prepare final ballot language with advice from lawyers at the Tobacco Resource Center at Northeastern University School of Law.<sup>386</sup>

### ***Coalition Building, Funding, and Campaign Kickoff***

While in the final stages of drafting the amendment in early 2001, the tri-agencies, who also had the support of CTFK, began building a coalition, which grew into endorsements from 132 other agencies.<sup>376</sup> Supporters recruited over the course of the campaign included the American Association of Retired Persons (AARP), the Florida Medical Association (FMA), the Center for Florida's Children, and the National Association for the Advancement of Colored People (NAACP).<sup>376</sup>

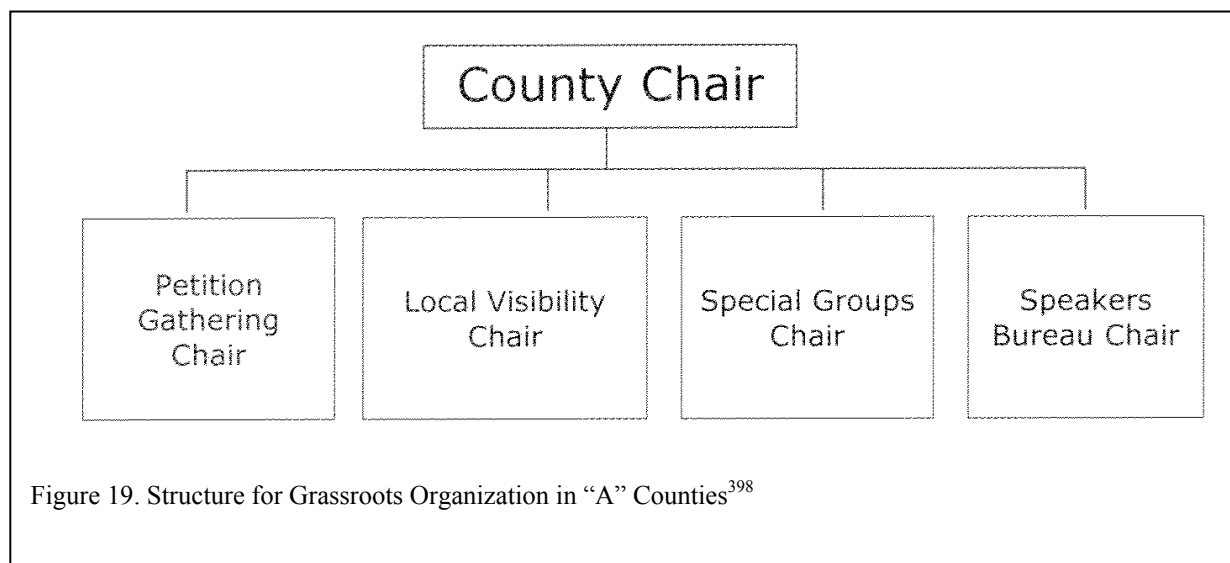
In July 2001, the tri-agencies launched a 501(c)(4) political action committee (PAC), Smoke-Free for Health (SFFH), to comply with the Internal Revenue Code and Florida statutes specifying that only political action committees may sponsor constitutional amendments.<sup>376</sup> The PAC was called "Smoke-Free for Health" based on market research, to convey a message of health. ACS Staff Director C.J. Drake and Deputy Staff Director Paul Seago led SFFH, which was governed by a board of directors comprised of representatives of supporting agencies: Martin Larsen of the ACS Florida Division, Jennie Cook of ACS National, Barry Bennett of AHA, Larry Serlo of ALA, and Chairman of the Board Robert Windom of the Florida Leadership Council for Tobacco Control (the statewide tobacco control group formed in 1998).<sup>376</sup> The campaign had an official public campaign kickoff on July 17, 2001 in Tallahassee.<sup>376</sup>

In response to creation of the PAC and announcement of the amendment, in the last two weeks of July, 2001, editorial boards for the *Tallahassee Democrat*, *Orlando Sentinel*, *St. Petersburg Times*, *Sun Sentinel*, and the *Daytona Beach News Journal* all published opinions opposing the amendment.<sup>390-394</sup> The common theme across the opposition articles was that an amendment to Florida's Constitution was not an appropriate vehicle for clean indoor air protections.<sup>390-394</sup> The *Tallahassee Democrat's* editorial board called the amendment "overkill"<sup>390</sup> and the *Orlando Sentinel's* editorial board stated that Florida's Constitution was, "never intended to subvert the legislative process, and it should not be used as such."<sup>391</sup> In addition, the *Tallahassee Democrat's* board commented on supporting the right for managers and employers to decide whether to make their workplaces smokefree. All these arguments mirrored longstanding tobacco industry arguments that would be reflected in PM's opposition to the campaign, a competing initiative, filed nearly nine months later.<sup>390, 395</sup> This effort appears to be a preemptive strike by the industry against the amendment. Although there was no evidence of industry involvement, the industry has similarly used the media to propagate their arguments in other states, including California.<sup>396</sup>

Establishing SFFH enabled the campaign to start fundraising. Ultimately, over two-thirds of the financial donations came from the ACS, including \$1.2 million from the ACS National Office as well as other Divisions around the country. The AHA, ALA, and CTFK were also significant contributors. Only \$40,000 of the \$6 million was raised from outside these four core organizations (Table 34).

ACS Florida Division	\$2,250,000
ACS National Home Office	\$1,150,000
ACS Divisions outside Florida	\$960,000
American Heart Association, Florida/Puerto Rico Affiliate	\$1,000,000
American Lung Association of Florida	\$400,000
Campaign for Tobacco Free Kids	\$200,000
Other Contributions	\$40,000
<b>Total</b>	<b>\$6,000,000</b>
Source: Smoke-free for Health <sup>376</sup>	

The SFFH built an extensive volunteer grassroots support network, targeting counties in Florida with the highest populations of voters.<sup>397</sup> The top 20 (out of 67) counties in Florida that contained 78% of registered voters, were classified in the “A” group and given priority and largest resource allocation.<sup>397</sup> Organizational structures in “A” counties included a county chair along with a petition chair, visibility chair, special groups chair, and speakers bureau chair (Figure 19).<sup>397, 398</sup>



The campaign set out to recruit strong volunteer county chairs in the A counties, who would then be responsible for recruiting the chairs for petition (signature) gathering, visibility, special groups, and speakers bureau; the duties of all five chairs can be found in Table 35.<sup>398</sup>

Counties classified as “B” and “C” were lower priority and had a different organizational structure, with a volunteer county chair also serving as the leader for petition gathering in that county (unless the county had the capacity to implement the full “A” county structure).<sup>397</sup> American Cancer Society staff was also in place to assume smaller county grassroots organizing responsibilities when necessary. The goal was to have some grassroots structure in place in every county. These classification structures enabled strong organization, delegation, and facilitation at the grassroots level and led to more effective message delivery, grassroots engagement, and resource allocation. Regional staff coordinated and supported the counties.

Table 35. Smoke-Free for Health County Level Grassroots Organizational Structure (For "A" Counties and optional for "B" and "C" Counties)

Chair	Responsibilities
County Chair	Recruit other leadership positions and volunteers Serve as local spokesperson for local press inquiries at direction of campaign staff Ensure meeting of local organizational goals Serve and local contact with campaign headquarters
Petition Gathering Chair	Recruit local petition gathering volunteers Identify optimal petition gathering events Ensure proper training of volunteer petition gatherers Schedule volunteers to cover events Obtain and county all volunteer gathered petitions and submit to County Chair Ensure sufficient blank petitions and supplies for volunteer events
Special Groups Chair	Identify and call local organizations to endorse the initiative, gather petitions and assist in advocacy Coordinate local chapters of statewide groups that have endorsed the initiative, leading them to gather petitions and assist in advocacy Inform campaign headquarters and provide documentation of all endorsements secured
Local Visibility Chair	Identify local outlets for publicity. This would include weekly newspapers, community newspapers, organizational newsletters, e-mail lists and other communications tools of local organizations; work with Special Groups Chair to coordinate this Recruit volunteers to help draft, submit and find others to submit letters to the editor on the issue
Speakers Bureau Chair	Recruit and train 2 or 3 speakers Create an inventory of local groups that present one of three opportunities: <ul style="list-style-type: none"> <li>- Communicate our message to community opinion leaders</li> <li>- Recruit volunteers to help the campaign gather petitions</li> <li>- Attract media attention for our position on the issue</li> </ul>

Source: Smoke-Free for Health Initiative Plan<sup>398</sup>

***Filing with the Secretary of State and Supreme Court Review***

SFFH filed their initiative petition with the Florida Secretary of State in early October, 2001 (the deadline for filing was August 7, 2002). Per Florida Statutes,<sup>399</sup> the initiative was then sent to the Florida Attorney General Bob Butterworth. Florida law requires that the Attorney General petition the Supreme Court of Florida for an advisory opinion on all proposed constitutional amendments; the Attorney General may enumerate specific concerns with the initiative in its petition to the Supreme Court.<sup>399</sup>

Attorney General Butterworth petitioned Supreme Court Chief Justice Charles Wells for review of the initiative on November 7, 2001, noting issues which in his opinion needed to be addressed by the Supreme Court. Among the issues Butterworth identified were whether private residences providing health care or child care could allow smoking during hours when they were not offering this care. The second issue was whether or not the Amendment contained language

presented as factual conclusions which could perform a judicial function, a potential violation of the single subject limitation.<sup>400</sup>

On November 28, Counsel for Lorillard Tobacco filed a brief with the Florida Supreme Court in response to Butterworth’s Advisory Opinion.<sup>54, 376</sup> In addition to Lorillard, R.J. Reynolds/Reynolds American, the Cigar Association, and other traditional tobacco industry allies (Table 36) were represented by the brief.

**Counsel for Lorillard Tobacco filed a brief with the Florida Supreme Court in response to Butterworth’s Advisory Opinion...R.J. Reynolds / Reynolds American, the Cigar Association, and other traditional tobacco industry allies were represented by the brief.**

Table 36. Parties of Supreme Court Brief Re: Advisory Opinion to the Supreme Court on SFFH Amendment
Lorillard Tobacco Company
R.J. Reynolds Tobacco Company
Associated Builders and Contractors of Florida
Cigar Association of America
Florida Hotel and Motel Association
Florida United Businesses Association
Florida Tobacco and Candy Association
Florida Petroleum Marketers and Convenience Store Association
Florida Retail Federation
Source: Case No. SC01-2422 Re: Advisory Opinion to the Attorney General <sup>54</sup>

The brief requested the court strike the initiative from the ballot.<sup>54</sup> In the brief, the plaintiffs argued that the ballot title and summary suffered from two fatal flaws: “an implicit factual assumption” (which echoed the concerns voiced by Attorney General Butterworth) and a “blatant political message.”<sup>54</sup>

The brief argued that the ballot title, “To protect people from the health hazards of second-hand tobacco smoke by prohibiting smoking” as well as the introductory clause of the ballot’s summary, “To protect people from the

health hazards of second-hand tobacco smoke” were based on an inherently misleading factual assumption that secondhand smoke harmed nonsmokers. The brief argued that,

It makes no difference how accepted a factual assertion may be, either in the courtroom or in the public mind. This Court has no means by which to evaluate effectively the degree of accuracy of factual assumptions in the review of ballot titles and summaries. There is no practical yardstick by which the Court can draw a line that permits factual assumptions in some cases and not in others. In this case both the title and ballot summary present to voters two purportedly settled facts: (1) that secondhand tobacco smoke is a health hazard to persons entering closed indoor workplaces and (2) that the provisions of the amendment will “protect” persons from such health hazard.<sup>54</sup>

The industry also contended that the ballot title (To protect people from the health hazards of second-hand tobacco smoke by prohibiting smoking), “begins with an emotional appeal that states the political motivation of the proposed amendment rather than its legal purpose and effect.”<sup>54</sup> According to the brief, “approving this sort of fact finding and political sloganeering in a ballot title and summary would eviscerate the carefully erected protections with which this Court has surrounded the initiative process.”<sup>54</sup> To “state in clear and unambiguous language the chief purpose of the measure,”<sup>54</sup> the industry proposed eliminating the words “To protect people

from the health hazards of secondhand tobacco smoke” and instead the title would read, “This amendment prohibits tobacco smoking in enclosed indoor workplaces.”<sup>54</sup>

The Florida Restaurant Association (FRA) also filed a brief in opposition to the Amendment.

On November 28, 2001, health groups filed multiple briefs in support of the initiative. Briefs were filed by Stephen Grimes on behalf of Smoke-Free for Health, ALA, AHA, ACS, and CTFK. The American College of Physicians, American Society of Internal Medicine, and the Florida Public Health Association also filed a brief collectively in support of the Amendment.

### ***Legislature Catches Wind of the Amendment***

According to former Florida Senator S. Curt Kiser (R, Clearwater, \$2,000), the tri-agencies’ lobbyist at the time, the legislature first became aware of the amendment in fall 2001 after it was filed.<sup>56</sup> In response, Senator Lee Constantine (R, Orlando, \$6,000), who Kiser described as a favorite of the Florida Restaurant Association (FRA), arranged a meeting between Kiser, the FRA, and a representative of bars in Florida, to discuss a possible legislative alternative to the amendment.<sup>56</sup> Kiser, negotiating on behalf of the tri-agencies, told the group that the tri-agencies would be willing to accept a legislative alternative, but only if it was very strong.<sup>56</sup> According to Kiser, he was quickly skeptical (and voiced his skepticism) that the FRA would be willing to agree to the kind of comprehensive bill that would be required by the tri-agencies in order to forgo the constitutional amendment.<sup>56</sup> Throughout this negotiating process, lobbyists for the FRA, according to Kiser, were overconfident and approaching the conversations as if they had public opinion (in favor of restaurant smoking) on their side.<sup>56</sup> Ultimately, when Senator Constantine and the FRA were unwilling to produce a counter-proposal strong enough to satisfy the tri-agencies’ requirements, Kiser abandoned the idea of a legislative alternative.<sup>56</sup>

### ***Petition Signature Gathering***

As the Attorney General and Supreme Court were reviewing the amendment, the campaign began gathering signatures. SFFH’s approach, as recommended by Consensus Communications, the firm charged with planning the campaign, was to gather the signatures using both volunteer and paid gatherers, focusing first on the 20 A counties.<sup>401</sup> Qualifying an initiative for the ballot in Florida required petition signatures equivalent to 8% of the number of Florida voters who voted in the prior presidential election, with signatories from at least half of the state’s congressional districts.<sup>402</sup> To obtain the required 491,102 valid signatures, with a typical Florida signature validity rate of 75% to 80%, SFFH needed 655,000 signatures.<sup>401</sup>

### ***Industry Opposition: The Committee for Responsible Solutions’ Competing Initiative***

Knowing it has no public credibility, the tobacco industry routinely establishes front groups to communicate its political positions in opposition to tobacco control to the public.<sup>49, 66, 403</sup> In late 2001, Philip Morris (PM), which had not been party to the brief challenging the SFFH amendment in Florida Supreme Court, created the “Committee for Responsible Solutions” (CRS) to publically oppose the SFFH initiative. As described earlier, the Tobacco Institute, on behalf of the tobacco industry, had organized similar front group opposition to clean indoor air efforts in Florida as early as 1979, when the industry funded and organized “Dade Voters for Free Choice”

to defeat a Dade County clean indoor air initiative. The industry formed another group, “Floridians Against Increased Regulation” (FAIR), in 1980 to defeat a second Dade County clean indoor air initiative.<sup>1, 45</sup>

The opposition to the SFFH campaign was run by PM, much like the 1979 and 1980 Tobacco Institute campaigns against Dade County clean indoor air proposals.<sup>1</sup> A former state GOP chairman and Tallahassee lobbyist, Tom Slade, chaired the Committee for Responsible Solutions,<sup>404</sup> working with the Florida Restaurant Association (FRA), the Florida Hotel & Motel Association and the Associated Industries of Florida (AIF).<sup>405</sup> The Cigar Association and Cigar Industry also played a role in opposition.<sup>406</sup> These allies, however, did not mobilize deeply or dedicate any funds to the campaign.<sup>407</sup> Instead, PM was the sole financial contributor to the campaign,<sup>408</sup> dedicating \$360,000 in funds. This amount pales in comparison to the millions of dollars Philip Morris and the other large tobacco companies have spent to oppose similar measures.

**CRS filed a look-alike amendment to compete with the SFFH amendment...a strategy used by the tobacco industry to counter strict smokefree regulations by confusing and manipulating voters.**

On January 20, 2002, CRS filed a look-alike amendment to compete with the SFFH amendment. The competing initiatives is a strategy used by the tobacco industry to counter strict smokefree regulations by confusing and manipulating voters.<sup>68</sup> Competing initiatives work in two ways: First, when voters are confused or overwhelmed (as they would be by two very similar initiatives) they tend to vote “no.” Second, voters tend to evaluate competing initiatives not against each other but against the status quo, which can sometimes result in the initiative that is farther from the population’s preference receiving more votes.<sup>68</sup> This was especially relevant to the SFFH and CRS amendments; CRS codified the status quo, while SFFH expanded smoking restrictions.

Philip Morris had pursued this strategy as early as 1994 when it spent \$18.9 million on California Proposition 188, a “look-alike” law which would have overturned the state’s strong clean indoor air law.<sup>68, 113</sup> The CRS amendment marked the first time the tobacco industry used competing initiatives on the same ballot to oppose a smokefree law.<sup>68</sup> Although Philip Morris did not attempt the strategy after Florida, RJR employed it unsuccessfully in Nevada (2004), Arizona (2006), and Ohio (2006).<sup>68, 111, 128, 129</sup>

Philip Morris’ ballot initiative “Smoking Prohibited in Certain Indoor Workplaces and Restricted in Restaurants and Other Indoor Workplaces”<sup>395</sup> essentially codified the existing Florida Clean Indoor Air Act. Under this amendment, restaurants would be able to use up to 35% of their seating as a smoking area, so long as they posted appropriate signs identifying the smoking area and had a smoking policy in writing. The amendment also exempted bars and all other private workplaces exclusive of workplaces used for health care or education, government buildings, public transit, common areas of buildings accessible to the public (restrooms, lobbies, elevators) and common spaces of enclosed malls.<sup>395</sup>

The decision to pursue a competing initiative in Florida was based on industry polling. From October 3-7, 2001, as the SFFH campaign was beginning to gather signatures, Philip

Morris employed Voter Consumer Research to poll 800 Households, requesting to speak with the youngest member of the Household over age 18. The polling was intended to gauge voter support for a 100% smokefree law as well as voter support for PM’s possible weaker competing initiative.<sup>409</sup> The polling showed high levels of support for the SFFH amendment, with 70% of respondents saying they would vote yes on the amendment. In addition, the polling questioned voters about their receptivity to the American Cancer Society, because of their sponsorship of the amendment, determining that voters were three times more likely to pay attention to a point of view offered by the American Cancer Society than one offered by tobacco companies. However, Voter Consumer Research also tested Philip Morris’ draft competing initiative (status quo with owners able to decide policies for workplaces and restaurants) and found that 67% of respondents were in favor of it, while 30% were not in favor of it.<sup>409</sup> When asked directly whether they would support a proposal “sponsored by health and anti-smoking groups that bans smoking in all restaurants” versus a proposal “sponsored by restaurants and tobacco companies that lets owners decide,” only 3% more voters (48% versus 45%) chose the health groups’ amendment.<sup>409</sup>

From October 17 to 20, 2001, Philip Morris also conducted extensive polling among restaurant and bar owners to inform their decision to move ahead with a competing initiative campaign.<sup>410</sup> The counter proposal (“owner decide measure”) was supported by 71% of bar and restaurant owners,<sup>410</sup> slightly more than the 67% of regular voters in the previous survey. In addition the poll found moderate support for ventilation requirements and nearly majority support for a competing amendment even when the tobacco industry was identified as supporting the initiative.<sup>410</sup>

On February 5, 2002, the CRS announced their competing amendment to the public during a press conference. According to an SFFH account of the meeting, CRS Chairman Tom Slade made it very clear that CRS would do and spend whatever it took to defeat SFFH’s proposition.<sup>411</sup> At the press conference it was made evident that big tobacco was behind the amendment, although there were no big tobacco representatives present.<sup>411</sup>

**As expected, the survey revealed that voters were confused by the two amendments, even with time to compare the summaries of the two initiatives.**

In early March 2002, recognizing the power of the tobacco industry, SFFH had HRC conducted additional polling and focus groups to determine voters’ sentiment toward the CRS’ competing amendment and its chance of passing. HRC estimated that CRS’ amendment had support from 47% of voters (versus 64% for the SFFH amendment). As expected, the survey revealed that voters

were confused by the two amendments, even with time to compare the summaries of the two initiatives (Table 37).<sup>412</sup> During the course of the interviews, one in three voters switched from supporting the SFFH amendment to supporting the CRS amendment after being asked numerous questions about their opinions on clean indoor air laws, the status quo in Florida, etc. Even one third of these voters who held strong beliefs on the harm of secondhand smoke switched votes. Further, HRC found that voters were confused about which amendment prohibited smoking in restaurants and that voters’ satisfaction or dissatisfaction with the status quo did not predict whether or not they would vote for a stronger clean indoor air law.<sup>412</sup>

Table 37. Comparison of the Title and Ballot Summary for the Smoke-Free for Health and Committee for Responsible Solutions' Competing Ballot Initiatives in 2002	
Health Groups' Initiative (SFFH)	Philip Morris Initiative (CRS)
Protect People from the Health Hazards of Second-Hand Tobacco Smoke by Prohibiting Workplace Smoking	Smoking Prohibited in Certain Indoor Workplaces and Restricted in Restaurants and Other Indoor Workplaces
To protect people from the health hazards of second-hand tobacco smoke, this amendment prohibits smoking in enclosed indoor workplaces. Allows exceptions for private residences except when they are being used to provide commercial child care, adult care or health care. Also allows exceptions for retail tobacco shops, designated smoking guest rooms at hotels and other public lodging establishments, and stand-alone bars. Provides definitions, and requires the Legislature to promptly implement this amendment. <sup>389</sup>	This amendment prohibits smoking in certain enclosed indoor workplaces and restricts smoking in restaurants and other enclosed indoor workplaces. It gives business owners or persons in charge of certain enclosed indoor workplaces the ability to designate limited smoking areas, provided the smoking policy is clearly communicated. It exempts non-commercial private residences, retail tobacco shops, private offices, designated rooms in lodging establishments and bars. It defines relevant terms. <sup>395</sup>

HRC learned from its focus groups that one distinguishing element between the two amendments was the word “health,” which was included in the SFFH amendment but not in the CRS amendment. HRC advised SFFH that by branding the SFFH amendment the “health amendment” and by emphasizing, via media messages, that the CRS amendment did not contain the word “health,” voters would learn to identify the SFFH amendment when voting. HRC concluded that “voters must be told to ‘look for the word ‘health’ to be sure of your vote.’”<sup>412</sup>

Contrary to PM’s findings, HRC determined that economic arguments, including assertions of lost tourism revenue, against the SFFH amendment were not credible with Florida’s voters. Still, HRC gave CRS a chance of prevailing if voters chose to stick with the status quo.

**HRC advised SFFH that by branding the SFFH amendment the “health amendment” and by emphasizing... that the CRS amendment did not contain the word “health,” voters would learn to identify the SFFH amendment when voting.**

According to HRC’s polling, voters were favorable (68%) to Florida’s existing clean indoor air act (FCIAA) and half of them felt that it met their needs.<sup>412</sup> Consistent with the tobacco industry’s findings, HRC also found that voters would have been satisfied to let hospitality owners determine their own smoking policies.<sup>409, 412</sup> A majority of voters (51%) felt that smoking restrictions covering “every single Florida Restaurant” was “going too far.”<sup>412</sup>

However, HRC identified three health-related messages that would resonate with voters:

- 1) Voters don’t believe that non-smoking sections work. Sixty-one percent (61%) of all voters say that smoke frequently or occasionally drifts into the non-smoking sections.
- 2) Voters believe that secondhand smoke hurts kids and that kids should be protected even if their parents don’t do so.



3) Voters are inclined to believe that regulation will save lives and tax dollars, both known and accepted as justification for government intervention.<sup>412</sup>

These findings helped inform the paid media campaign for the SFFH amendment.

### ***Supreme Court Approves SFFH Amendment 6***

In early 2002, the SFFH Amendment Campaign earned enough signatures to qualify for the ballot. After the signatures were verified by the Secretary of State, the Amendment was assigned the number six, and was known thereafter as Amendment 6.

On March 28, 2002,<sup>376</sup> the Florida Supreme Court ruled that Amendment 5's language was constitutional and did not violate the single-subject rule, making Amendment 6 eligible for the November ballot.<sup>413</sup>

### ***Earned Media***

To conserve its advertising resources until the time immediately before the election, when voters would be most engaged, the SFFH's media strategy was to use earned media from March 2002 to September 2002 (although they had already used some earned media prior to March 2002), and to use paid media from September 2002 through the November 2002 election.<sup>376</sup> (March 2002 was a good time to begin a stronger earned media campaign, since the initiative had qualified for the ballot and been approved by the Supreme Court.) The campaign maximized earned media opportunities at kick-off (July 2001), during their Supreme Court review (March 2002), at their 500,000 signatures mark, and when they received their 100<sup>th</sup> endorsement.<sup>376</sup> These events gave the campaign an opportunity to hold rallies, garner positive attention, and educate the public about their campaign.

**To conserve its advertising resources until the time immediately before the election, when voters would be most engaged, the SFFH's media strategy was to use earned media.**

March 2002 was an especially heavy month for earned media. Responding to the CSR amendment, which had been filed a month earlier and was in the petition-gathering phase, SFFH held a press conference on March 8, to discuss the competing initiative and lies [a word used by the campaign] the industry generally uses to oppose clean indoor air laws. The "lies" included claims that clean indoor air laws cause economic damage to restaurants, violate "business rights," and that Florida restaurants already had large nonsmoking sections (The SFFH campaign argued that restaurants only had "smoking" and "secondhand smoking" sections.<sup>414</sup>) At the press conference, Smoke-Free for Health Chairman Martin Larsen unveiled an industry "Pack O' Lies," a giant pack of fake cigarettes branded with slogans and arguments promoted by the tobacco industry.<sup>414</sup> With the help of Herrle Communications Group, SFFH also created a multi-volume newsletter entitled "Burning Issues" to discuss harms of secondhand smoke and fallacies of the negative economic impact of clean indoor air laws.<sup>414</sup> The first volume of "Burning Issues," released in March 2002,<sup>414</sup> showed the results of an analysis conducted by researchers at the University of California San Francisco<sup>415</sup> (including Stanton Glantz, an author of this report) at the ACS's request, estimating that during its first year the smokefree law would prevent an

estimated 222 myocardial infarctions (heart attacks), 45 strokes, 122 new cases of asthma and save over \$12 million in medical costs. (Subsequent research conducted elsewhere<sup>416-419</sup> demonstrated that these estimates were probably low.)

On March 20, 2002, the AHA organized a rally at the Capitol in Tallahassee in support of the amendment. Roughly 50 of the AHA’s volunteers added colored dye to a 20-gallon bucket of water to demonstrate how secondhand smoke infiltrates clean indoor air.<sup>414</sup> At the end of March, following the Supreme Court’s approval of the amendment, the campaign issued a press release proclaiming their victory over the industry in getting their amendment approved by the Supreme Court.

SFFH submitted numerous letters to the editor, issued 26 press releases and received endorsements from seven newspaper editorial boards (Table 38), by the end of the campaign,<sup>376</sup> but many large statewide newspapers opposed the measure (as described above).<sup>414</sup>

***The Tobacco Industry Drops out of the Campaign***

Philip Morris’ Committee for Responsible Solutions required 491,102 valid signatures collected in time for the Secretary of State to certify the measure’s ballot position to qualify for the November 2002 ballot. By late March 2002, CRS had gathered around 60,000 signatures (which would have been sufficient for the required Supreme Court review) amidst reports that CRS was misrepresenting the measure to potential petition signers as one that would prohibit smoking outright. On March 26, Martin Larsen, Chairman of Smoke-Free for Health, wrote Attorney General Bob Butterworth (D, 1987-2002) a letter stating, “We believe that CRS, both directly and by and through its petition-gathering firm, is engaging in fraudulent, false, and deceptive trade practices to gather its petition.”<sup>420</sup> SFFH also submitted notarized statements to the Attorney General from voters who

Table 38. Newspaper Editorial Board Support for the Smoke-Free for Health (SFFH) Amendment	
Support	Oppose
Florida Today	Tampa Tribune
Lakeland Ledger	St. Petersburg Times
Gainesville Sun	Tallahassee Democrat
Florida Times Union	Orlando Sentinel
Miami Herald	Ocala Star Banner
Ft. Lauderdale Sun Sentinel*	Palm Beach Post
Daytona Beach News Journal*	
* These papers supported smokefree workplaces but not pursuing smokefree workplaces via constitutional amendment	
Source: Herle Communications Group, Earned Media Strategies for SFFH <sup>414</sup>	

**... the superb organization of the Smoke-Free for Health campaign put the industry in disarray, and despite their legal maneuvers, polling data likely showed them that their competing initiative campaign was not winnable.**

witnessed CRS misrepresenting their amendment’s contents.<sup>420</sup> The negative attention brought to the CRS initiative by the health groups further discredited the CRS campaign and put pressure on the industry to drop out of public opposition through a competing initiative.

On April 17 2002, the CRS announced that it was halting its campaign.<sup>408</sup> According to Aaron Czyzewski, then Grassroots Advocacy Director at the Florida Division ACS, “As soon as Philip Morris caught wind that the Attorney General’s office was looking into this matter is when they decided that they were just

going to pull out.”<sup>301</sup> (PM had previously encountered Attorney General Bob Butterworth because he had worked with late Governor Chiles to sue the industry.) Philip Morris withdrew their financial support and CRS was officially out of commission.<sup>408</sup> In an article published in the *Orlando Sentinel*, Patrick Kennedy, spokesman for the AHA, attributed Philip Morris’ withdrawal to a cost-benefit analysis and realization on the part of the tobacco industry that it was going to cost too much money to compete against SFFH.<sup>405</sup> Florida Restaurant Association spokeswoman Lea Crusberg also suggested that, “the decision was made that this was going to be too costly a battle,” although the cost may not have been strictly monetary.<sup>405</sup> According to Jack Nicholl, the superb organization of the Smoke-Free for Health campaign put the industry in disarray, and despite their legal maneuvers, polling data likely showed them that their competing initiative campaign was not winnable.<sup>385</sup> Consistent with Nicholl’s view, a study of 22 tobacco excise tax initiatives between 1988 and 2008 concluded,

The industry’s increasingly sophisticated polling and voting models, and increasing awareness of factors like early involvement and the state’s political environment and budget issues, may underlie the shift in the industry’s opposition strategy in the 2000s. Whereas the industry often mounted multimillion dollar campaigns, it became much more selective in its opposition to tobacco tax measures beginning in 2001.<sup>421</sup>

According to Bronson Frick of Americans for Nonsmokers Rights, “it was a tactical mistake for Philip Morris to directly put corporate money into the opposition rather than doing their typical whitewashing through other organizations.”<sup>304</sup> The industry may have had a better chance had they not been so up front about their involvement.

After Philip Morris withdrew support for the CRS, the tobacco industry was not directly heard from for the remainder of the campaign.

### ***Paid Media***

The final SFFH advocacy push involved a very heavy media campaign launched in September 2002 and organized by consultant Laguens Hamburger Stone (LHS). LHS had significant experience with ballot initiatives and experience with tobacco related initiatives in California, Arizona, and Maryland<sup>422</sup> and had been recommended to the campaign by SFFH consultant Jack Nicholl.<sup>385</sup>

SFFH used market research, including polling and focus groups, to develop their messages. HRC evaluated numerous messages and concluded that “voters are more likely to be swayed by universal messages or by messages about children than by messages about specific classes of adult workers...”<sup>412</sup> They found, “direct health arguments continue to be most powerful, but building a larger coalition suggests that utility of highlighting the tri-agency backing and the positive impact of [Amendment] 6 on lifestyle for many Floridians.”<sup>423</sup> The campaign tested “push” messages and identified the three most effective as:

More than 5 million Floridians, including tens of thousands of children, are exposed to secondhand smoke each week in Florida; so prohibiting smoking would save lives and millions on health care.

Secondhand smoke is the third leading cause of preventable death in the nation, killing 53,000 non-smokers each year.

Secondhand smoke is tough on kids; WHO [the World Health Organization] says infants exposed to secondhand smoke are four times more likely to die from SIDS. The National Cancer Institute says 26,000 kids each year develop asthma from secondhand smoke.<sup>412</sup>

Market research found that over 50% of voters would vote for the amendment because of one of the above three arguments, and 45% of swing voters would vote for the amendment based on the last two arguments.<sup>412</sup>



Figure 20. Image from Amendment Six Advertisement “Six Fingers”<sup>424</sup>

LHS launched three television spots in the last four weeks before the election. The first, “6 Fingers,” (Figure 20) was the branding ad for Amendment 6, it generated awareness for the proposition, summarized their platform, and featured supporting citizens holding up six fingers.<sup>424</sup> The second ad, “Breathing Poison,” (Figure 21) highlighted the health hazards of secondhand smoke in restaurants, including statistics that cigarettes contain 200 kinds of poison, and 43 carcinogens, and cause heart disease, asthma, and SIDS, concluding that secondhand smoke “is not just a nuisance, it’s a killer.”<sup>424</sup> The final ad, “Amanda,” (Figure 22) featured a 14-

year old asthma sufferer poignantly discussing the importance of Amendment 6 as a way for her to breathe easier.<sup>424</sup>



Figure 21. Image from Amendment Six Advertisement “Breathing Poison”<sup>424</sup>



Figure 22. Image from Amendment Six Advertisement “Amanda”<sup>424</sup>

All ads featured the “Smoke-Free for Health” logo (Figure 23) along with one of the two Yes on 6 websites [www.yeson6.com](http://www.yeson6.com).<sup>424</sup> “Breathing Poison” and “6 Fingers” also featured logos from the American Cancer Society, American Heart Association, and American Lung Association which put their highly credible agencies’ brand equity behind Amendment 6. The ads also included a branding slogan that said by voting yes on six, you “save lives, save money, and save our health.”<sup>424</sup> SFFH also ran radio ads focusing on the health hazards of secondhand smoke. SFFH also had two websites – [www.smokefreeforhealth.com](http://www.smokefreeforhealth.com) and [www.yeson6.com](http://www.yeson6.com) – and an informational video and palm card containing key points.<sup>376</sup>



Figure 23. Smoke-Free for Health, Amendment 6 logo<sup>424</sup>

According to Jack Nicholl, the purpose of the paid media campaign was to solidify support among already favorable voters, who constituted a strong majority at the beginning of the campaign (before the anticipated opposition campaign from the tobacco

industry): “If you’ve got a lead, which we did have, then your best strategy is not to try to aim your message at the folks who are neutral or opposed to you. It’s to solidify the people who are in favor of you.”<sup>385</sup> Therefore, the messages which appealed most to those already in favor were those used in the ads. While polling did identify swing or unfavorable groups, such as African Americans<sup>425</sup> residents of North Florida<sup>423</sup> (which proportionally smoke more than South Floridians), and smokers,<sup>423</sup> these groups were not targeted during the final media push. Nicholl

attributed the large funding for the media campaign to the campaign's desire to demonstrate to the Legislature how much support they had: "I think that's why they went ahead and spent as much money as they did on the media campaign... to demonstrate to the politicians who were going to try to destroy [implementation of] this measure after it passed that there was really, really, really a lot of support for this."<sup>385</sup>

**"I think that's why they went ahead and spent as much money as they did on the media campaign... to demonstrate to the politicians who were going to try to destroy [implementation of] this measure after it passed that there was really, really, really a lot of support for this."**

### ***Final Polling Showed Increased Support Levels***

An HRC poll in late September 2002 placed voter support for the amendment at 69%<sup>423</sup> (Table 39), higher than it had been when the campaign tested the amendment language in May 2001 at 63%.<sup>425</sup> Research on similar tobacco tax initiatives suggests that a pattern of declining support is typical throughout the course of such tobacco ballot initiative tax campaigns.<sup>421</sup> The increase in support for the SFFH initiative suggests that the paid media campaign worked to solidify support, and may also be indicative of the lack of remaining active opposition.

### ***Smoke-Free for Health's Success***

Amendment 6 passed overwhelmingly on Tuesday, November 5, 2002, with a 71% "yes" vote. According to ANR's Bronson Frick, such a strong voter mandate during an election in which Republicans gained seats for Florida in the U.S. House of Representatives, as well as in the State House of Representatives, indicated the broad bipartisan support that clean indoor air initiatives usually receive.<sup>304</sup> In a post-election review their campaign to assess lessons learned (Table 40), Smoke-Free for Health felt that funding was absolutely vital. Their final budget (Table 41) demonstrated the significant funding for essential elements of the campaign including petition gathering and paid media. Bronson Frick noted one reason why he believed the campaign was so successful: "They had all of their money in the bank before they even announced the campaign, which is really smart. So... they had such a strong leg-up with regard to their financial power; they had a strong campaign team."<sup>304</sup>

**"They had all of their money in the bank before they even announced the campaign, which is really smart. So... they had such a strong leg-up with regard to their financial power; they had a strong campaign team."**

### ***The Cigar Association Sues Over Amendment 6 in 2003***

On January 14, 2003, the Cigar Association, which had been involved in the Supreme Court Brief that tried to disqualify Amendment 6, filed a federal lawsuit (naming Governor Bush, Attorney General Charlie Crist, Senate President Jim King, and House Speaker Johnny Byrd as defendants) alleging that Amendment 6 was unconstitutional.<sup>406</sup> In addition to the Cigar Association, nine of Florida's twenty-seven in-state cigar companies were also plaintiffs: J.C.

Newman Cigar Company, Olivia Tobacco Company, Swisher International, Altadis U.S.A.,  
 Caribe Imported Cigars, Central American Tobacco Corp. / Torano Cigars, Puros Indios Cigars,  
 ASP Enterprises and Cigar Masters / El Credito Cigar Co.<sup>427</sup>

Date of Survey	Question Phrasing	Responses							
		Definitely Yes / Support Strongly	Probably Yes / Support Somewhat	<b>Support</b>	Probably No / Against Somewhat	Definitely No / Against Strongly	<b>Oppose</b>	Need More Info / Unsure	DK/ NA / Refused
Oct. 15 - 17, 2000 (HRC) <sup>377</sup>	Amendment: To prohibit smoking of tobacco in all indoor workplaces in State of Florida	64	10	<b>74</b>	8	16	<b>24</b>	2	0
Dec. 13-17, 2000(HRC) <sup>377</sup>	Proposal: To prohibit smoking in enclosed indoor workplaces, with exceptions for tobacco shops, designated hotel rooms, in bars that do not serve prepared food, and in home-based businesses not providing child, senior, or health care			<b>75</b>			<b>23</b>	3	0
Dec. 29, 2000 - Jan. 3, 2001 (FMM) <sup>383</sup>	Amendment: To protect citizens from exposure to second-hand smoke, smoking is prohibited in enclosed indoor workplaces. Provides exceptions to allow smoking in tobacco shops, in designated smoking guest rooms within hotels and motels and home-based businesses not providing child, senior, or health care.	56	18	<b>74</b>	6	13	<b>19</b>	6	1
May 9 - 13, 2001 (HRC) <sup>425</sup>	Amendment (near final language)	49	14	<b>63</b>	15	17	<b>32</b>	5	1
May 31, 2001 (HRC) <sup>426</sup>	Amendment (near final language): To protect people from the health hazards of secondhand tobacco smoke, this amendment prohibits tobacco smoking in enclosed indoor workplaces. Allows exceptions for private residences except when they are providing commercial child care, adult care, or health care. Also allows exceptions for retail tobacco shops; designated smoking rooms at hotels and other public lodging establishments; and stand-alone bars.	54	13	<b>67</b>	12	12	<b>24</b>	8	1
March 1-4, 2002 (HRC) <sup>412</sup>	Amendment (final language): To protect people from the health hazards of secondhand tobacco smoke, this amendment prohibits tobacco smoking in enclosed indoor workplaces. Allows exceptions for private residences except when they are being used to provide commercial childcare, adult care or health care. Also allows exceptions for retail tobacco shops, designated smoking guest rooms at hotels and other public lodging establishments and stand-alone bars.	50	14	<b>64</b>	11	20	<b>31</b>	5	0
Sept. 26 - 29, 2002 (HRC) <sup>423</sup>	Amendment (final language)	58	11	<b>69</b>	8	20	<b>28</b>	3	0

Table 40. Smoke-Free For Health "How to Run a Successful Statewide Ballot Campaign" Lessons and Recommendations	
Lesson	Recommendations
Success Depends on Preparation	Be 100% confident in your plan and budget before kick-off
	Ensure you have the right issue and message
	Ensure you have enough money, even for a worst-case scenario
	Be prepared for a sophisticated campaign, with offense and defense
Research, Research, Research	Find your issue through research
	Avoid preconceptions about what you want to do and how you want to do it
	Test public opinion and find out what voters will support
	Move forward with the issue based on public health impact and support
	Research and remain flexible
No "Low Budget" Campaigns	Don't start with a dollar figure in mind and work backward
	Project your campaign needs, plan for a worst case scenario
	Develop a detailed budget
	Do not lose your campaign because you run out of money
Earned Media Earns you a Win	Have a well-defined earned media plan that will generate press attention throughout the various stages of your campaign
	Use the "David vs. Goliath" story of the people rising up against Big Tobacco
Communicate	Effective communication will ensure your organizational support will be with you at the beginning, during heated periods of the campaign or during opposition attacks
	Keep communication open with staff, volunteers, coalition members, campaign funders, supporters
	Speculation and indecisiveness can be costly in a campaign, you must harness experience of others
Find Someone Who has Done it Before	Political consultants are experts, although they are expensive, they are the difference
	Prepare for Opposition
There's Victory in Numbers	Seek out organizational endorsements, no matter how small
	Seek out nontraditional partners
	Your coalition is your grassroots network, the bigger the better
Source: Smoke-Free for Health <sup>376</sup>	

Table 41. Smoke-Free for Health Campaign Budget Summary	
Personnel	\$826,000
Office Expenses	\$201,250
Legal Expenses	\$55,000
Public Opinion Research	\$147,500
Paid Petition Gathering	\$1,237,750
Collateral Materials	\$16,000
Paid Media	\$3,516,500
<b>Campaign Total</b>	<b>\$6,000,000</b>
Source: Smoke-Free for Health <sup>376</sup>	

The Cigar Association alleged that Amendment 6 violated the Supremacy and Commerce Clauses of the U.S. Constitution, as well as the due process clause of the Fourteenth Amendment which protects legal business activities.<sup>428</sup> The tobacco industry has a history of using due process and equal protection

arguments derived from the Fourteenth Amendment to challenge local clean indoor air ordinances around the U.S., but has never been successful.<sup>429</sup> The suit claimed that as a result of Amendment 4 Florida's cigar manufacturers would not be able to continue the "legal business activity" of testing cigars indoor by smoking them to test their flavor. The Cigar Association said



that Florida’s cigar manufacturers would go out of business if they stayed in Florida and therefore would be forced to relocate out-of-state.

Members of the Legislature responded in the media that they would be willing to consider an exemption for the cigar makers’ testing, since the Amendment did not prohibit testing. Senator Tom Lee (R, Brandon, \$3,500) commented, “Those are the kind of nuances and the kind of unintended consequences the Legislature will look to avoid as it drafts the bill [to implement Amendment 6].”<sup>430</sup> Senate President Jim King felt the suit was premature and suggested that perhaps the Cigar Association’s intention was to shut the amendment down entirely. According to King, “I believe the Legislature would have been open to discussing an exception for tobacco companies who have to test their products by actually smoking them. Unless their real objective is to have the entire amendment ruled unconstitutional, I think this suit is a little premature.”<sup>431</sup> Barry Bennett of the American Heart Association had a similar reaction as King: “Industry interests are putting up a smokescreen – attempting to convince lawmakers to blow a hole in the constitutional protection that was enacted by 71 percent of the voters.”<sup>432</sup>

The Cigar Association said it could not wait for implementation to resolve the question of its testing, because it was unclear how much flexibility the amendment gave lawmakers.<sup>431</sup> Tom Ryan, Vice President of cigar maker Swisher International, one of the plaintiffs, told the press that if the amendment was not completely overturned, Swisher would close its doors in Florida.<sup>428</sup> In response to the lawsuit, which was ultimately dropped, all implementing legislation for Amendment 6 included an exemption for cigar manufacturers to test their products. Swisher International did not leave Florida.

### **Implementation of Amendment 6 by the Legislature in 2003**

While the voters resoundingly enacted Amendment 6, the details of implementation were up to the Legislature, which took it up during the 2003 session. This fact forced the health groups back into the legislative arena that they sought to avoid by pursuing the policy change via ballot initiative. The Amendment required that implementation be “in a manner consistent with

**Despite a relatively prescriptive Amendment, the Legislature still retained substantial discretion in implementing Amendment 6, particularly on how to define “stand-alone bars.”**

its [the Amendment’s] broad purpose and stated terms.”<sup>388</sup> The Legislature was explicitly not precluded from enacting implementing legislation stronger than the minimum standard the Amendment established: “Nothing herein shall preclude the Legislature from enacting any law constituting or allowing a more restrictive regulation of tobacco smoking than is provided in this section.”<sup>388</sup> Despite a relatively prescriptive Amendment, the Legislature still retained substantial discretion in implementing Amendment 6,

particularly on how to define “stand-alone bars” (a term defined only broadly in the Amendment). In addition, the Senate tried to legislate additional exemptions from the law, despite the Amendment’s allowance of only four: private residences, guest rooms in hotels, retail tobacco shops, and stand-alone bars.

Florida’s voluntary health groups prepared for what they saw as a significant upcoming battle in the Florida Legislature in implementing Amendment 6. Brenda Olsen, then Director of

Governmental Affairs at the ALA of the Southeast, described health groups as “living at the Capitol,” during implementation, which she described as, “one of the hardest battles we’ve ever fought.”<sup>55</sup> The tri-agencies individually registered 8 lobbyists in the legislative branch and 6 lobbyists in the executive branch during the 2003 legislative session. Four registered ACS lobbyists were also registered for the Tri-Agency Coalition on Smoking OR Health, former Florida Supreme Court Chief Justice Stephen Grimes, Paul Hull, Susan Kelsey, and former Senator Curt Kiser (R, Palm Harbor, \$2,000). Kiser said, in an interview for this report, that the tri-agencies also had a very large volunteer base which was leveraged for showing public support for Amendment 6.<sup>56</sup>

Health groups also had the support of the Florida Restaurant Association (FRA) in the implementation battle. Although the FRA fought against smoking restrictions in restaurants in Florida not only during the Amendment 6 campaign, but also for decades before that, after the amendment passed, the FRA changed its mind and decided to pursue strong implementation.<sup>56</sup> According to Lea Crusberg, a spokeswoman for the FRA, in the *St. Petersburg Times*, “We decided it was time to let the dining public decide... Seventy-one percent of the voters spoke.”<sup>433</sup> The FRA’s primary interest in strong implementation was keeping the definition of “stand-alone bars” as narrow as possible. The FRA felt that if exempted bars were allowed to serve food then they would take business from smokefree restaurants. This position produced a split between the FRA and bar owners,<sup>56</sup> groups previously united in opposing Amendment 6.

Bar owners, who lobbied for a wide definition of “stand-alone” bars which would allow as many bars as possible to serve food and allow smoking, were represented during implementation by Scott Dick, a lobbyist for the Florida Retail Federation.<sup>56</sup> The Florida Retail Federation has historically been an ally of the tobacco industry, and was a party to the Lorillard and RJR Supreme Court challenge to Amendment 6 in November 2001. During implementation they advocated for similar positions as the tobacco industry, including a wide definition of bars<sup>56</sup> which would create as many smoking venues as possible.

According to Kiser, most of the work done by the tobacco industry to influence implementation was behind-the-scenes. In an interview for this report, Kiser explained that because the Committee hearings and testimony on the implementation bills were televised, the tobacco industry was hesitant to participate and appear to be heavily involved in the debate.<sup>56</sup> Nevertheless, the industry appears to have geared up for the implementation battle. In addition to significant campaign contributions to Florida’s lawmakers during the 2003/2004 election cycle, the tobacco industry registered 35 lobbyists during the 2003 legislative session, nearly twice the 18 registered in 2002. (A full list appears in Appendices D and E). Brown & Williamson (B&W), Lorillard, Philip Morris (PM), and RJ (RJR) all registered Keith Teel of Covington and Burling (historically a “big gun” for the industry). In addition, the tobacco industry’s executive branch lobbying contingent was 34 lobbyists, more than quadruple the 8 they registered in 2002. Lobbying compensation reports were not yet required by law in 2003, but records from 2006 – 2010 suggest the industry spent significantly more money on lobbying than on campaign contributions. Between January 2006 and September 2010, the tobacco industry spent between \$6.3 and \$11.7 million lobbying the Florida Legislature (Table 12, above) and between January 2007 and September 2010, they spent between \$1.8 and \$4.6 million lobbying the Florida executive branch (Table 14, above). Implementing Legislation: Senate Select Committee on Constitutional Amendment Implementation

Table 42. Tobacco Industry Campaign Contributions to Members of the 2003 Select Committee on Constitutional Amendment Implementation			
Senator	Party	District	Contributions 1987-2008
Tom Lee	R	10	\$3,500
Ron Klein (Vice Chair)	D	30	\$3,500
Anna Cowin	D	20	\$500
Alfred "Al" Lawson	D	6	\$4,800
Ken Pruitt	R	28	\$13,250
Rod Smith	D	14	\$4,000
Alex Villalobos	R	38	\$8,000
Debbie Wasserman Schultz	D	32	\$2,000
Daniel Webster	R	9	\$0
<b>Total</b>			<b>\$39,550</b>
<b>Average per Member</b>			<b>\$4,394</b>
Source: National Institute on Money in State Politics, <sup>81</sup> Senate Journal March 4, 2003 <sup>435</sup>			

President of the Senate Jim King (R, Jacksonville, \$11,150) appointed a Select Committee on Constitutional Amendment Implementation to make recommendations on the Senate’s implementation of all the constitutional amendments passed in November 2002, including Amendment 6.<sup>434</sup> The committee included Senator Lee as Chair and Senator Ron Klein, a tobacco control advocate, as Vice Chair. However, many of the committee’s members received significant contributions from the tobacco industry, averaging \$4,394 per Senator (Table 42). The Select Committee advised the Senate on proper implementation of Amendment 6, including reviewing key definitions

provided in the Amendment such as stand-alone bars. In addition, the Select Committee advised on enforcement of Amendment 6, an exemption for cigar manufacturers, and a possible exemption for membership associations.

The Select Committee reviewed the Amendment’s definition of “stand-alone bars,” determining that it was too vague and would require clarification by the Legislature. The Amendment defined “stand-alone” bars as:

Any place of business devoted during any time of operation predominantly or totally to serving alcoholic beverages, intoxicating beverages, or intoxicating liquors, or any combination thereof, for consumption on the licensed premises; in which the serving of food, if any, is *merely incidental* [emphasis added] to the consumption of any such beverage; and that is not located within, and does not share any common entryway or common indoor area with, any other enclosed indoor workplace including any business for which the sale of food or any other product or service is more than an incidental source of gross revenue.<sup>388</sup>

The Select Committee considered the term “merely incidental” to specify food sales ambiguous. They recommended that the implementing legislation either designate a percentage of total sales limit for the amount of food sold at a stand-alone bar or provide an exhaustive list of “incidental” food items.<sup>434</sup>

According to tri-agency lobbyist Kiser, listing “incidental” food items was seriously considered, but the Legislature thought it would be too complicated. They thought that listing items, including, for example, chips, pretzels, nuts, chicken wings, etc. would require too many amendments year over year. One consideration was that because of Florida’s ethnic diversity, the list wouldn’t cover all of the snacks that different ethnic groups, such as Cubans or Haitians, liked

to eat at bars.<sup>56</sup> Ultimately, the Committee specified their preference for the percentage based approach, noting that they thought that up to 20% of total sales for food (80% for alcohol) was reasonable as long as the food served was in the spirit of the amendment.<sup>434</sup> According to Aaron Czyzewski, the ACS had initially thought that 1.5% of sales for food (98.5% for alcohol) was a reasonable percentage split, based on legal advice they received from Susan Kelsey, and the initial 20% recommendation was very shocking.<sup>344</sup>

**Listing “incidental” food items was seriously considered, but the Legislature thought it would be too complicated.**

The Select Committee recommended that enforcement be a complaint driven system and advised that enforcement agencies and penalties remain the same as under the existing FCIAA.<sup>434</sup> The enforcement bodies had been the Department of Health and the Department of Business and Professional Regulation (DBPR), with penalties of up to \$100 for the first offense of violating the law, and up to \$500 for any subsequent offense for both individuals and proprietors.<sup>436</sup>

The Select Committee also agreed to exempt cigar manufacturers (which were not exempted in the Amendment) for “smoking which is integral to the operation of the cigar manufacturing,” which they claimed was a logical extension of the exemption for retail tobacco shops. In addition, responding to testimony by veterans groups that the amendment needed clarification on the issue of member-driven non-profit organizations, the Select Committee recommended that the issue of smoking in non-profit membership organizations such as religious, veterans, fraternal, and charitable organizations be considered by the standing committees implementing the bill.<sup>434</sup> Such organizations were not specifically addressed in the Amendment.

According to Brenda Olsen, the exemption for member-driven non-profits was a big issue during the session. Curt Kiser also recounted, in an interview for this report, the high levels of affection for veterans in Florida, which he described as enjoying a special status.<sup>56</sup> He said the veterans gave powerful testimony throughout the implementation process about their time in battle and the importance of being able to retain their right to smoke indoors at veterans associations.<sup>56</sup>

**... the exemption for member-driven non-profits was a big issue during the session.**

### ***SB 742 and Senate Regulated Industries Committee CS/SB 742***

After the Select Committee issued their recommendations, President Pro Tempore of the Senate Alex Diaz de la Portilla filed Senate Bill 742 on February 11, 2003. Diaz de la Portilla, a smoker himself, was a strong ally of the tobacco industry; he had received \$6,078 in campaign contributions from the tobacco industry between 1998 and 2008 and worked directly with RJR to oppose preemption repeal efforts in 1997<sup>134</sup> and 1998.<sup>135</sup> According to Brenda Olsen, Diaz de la Portilla was the health groups “biggest foe” during implementation. Olsen, in an interview for this research, said, “He hated -- absolutely hated that amendment. And he tried everything he could to water it down.”<sup>55</sup>

SB 742 was a shell bill, stating the intent of the Legislature to implement the constitutional amendment regarding smoking in the workplace, but without any specific provisions.<sup>437</sup> The bill was referred to several committees: Regulated Industries; Commerce, Economic Opportunities, and Consumer Services; Appropriations Subcommittee on General Government; and the Rules and Calendar Committee.<sup>438</sup> Diaz de la Portilla’s Regulated Industries Committee was the first to calendar the bill, on March 7, and substituted a Committee version of the bill (CS / SB 742) five days later.<sup>438</sup>

CS/SB 742 rewrote most of the definitions and exemptions in Amendment 6 in way that was not consistent with the spirit of Amendment 6, including substantially expanding where smoking was permitted (Table 43).

Significantly, the Senate Regulated Industries Committee changed the Amendment’s definition of an enclosed indoor workplace from the straightforward “any place where one or more persons engages in work, and which place is predominantly or totally bounded on all sides and above by physical barriers”<sup>388</sup> to a more complex definition. (Table 43).<sup>434, 439</sup> This new definition excluded several architectural scenarios (within which smoking was allowed). In

Table 43. Key Definitions and Exemptions as provided by CS / SB 742, legislation to implement Florida’s Amendment 6		
	Amendment 6	Regulated Industries - CS / SB 742
Enclosed Indoor Workplace	Any place where one or more persons engages in work, and which place is predominantly or totally bounded on all sides and above by physical barriers	Predominantly or totally bounded on all sides and above by physical barriers; not a workplace if it does not have barriers from above, barriers from above but of which at least 25% of contiguous side surface area is without a barrier separating the workplace from the exterior of the building, or is bounded on all sides and above by barriers consisting of no more than 50% of the total bounded surface
Workplace	No definition included	Does not apply to an entire building, but applies only to those rooms where work is performed
Stand-Alone Bars	Exempted; Any place of business devoted during any time of operation predominantly or totally to serving alcoholic beverages, intoxicating beverages, or intoxicating liquors, or any combination thereof, for consumption on the licensed premises; in which the serving of food, if any, is merely incidental to the consumption of any such beverage; and that is not located within, and does not share any common entryway or common indoor area with, any other enclosed indoor workplace including any business for which the sale of food or any other product or service is more than an incidental source of gross revenue	Exempted; Same as Amendment with exception for sharing a common entryway with a package store and requirement that stand-alone bars derive 70% of sales from alcohol (package store sales do not contribute to this percentage)

Designated Smoking Rooms	Not included	Smoking is allowed in designated smoking rooms in public places; only essential services may be performed at any time in these rooms; tobacco smoking must not be permitted 30 minutes before any essential service is to be performed; must be enclosed by physical barriers that are impenetrable by secondhand tobacco smoke; may not be designated in an elevator, school bus, public means of mass transportation subject only to state smoking regulation, restroom, hospital, nursing home, doctors or dentists waiting room, health care facility, library, courtroom, jury waiting and deliberation room, museum, theater, auditorium, arena, recreational facility, restaurant, retail store (except tobacco), grocery store, county health department, day care center, school or other educational facility or any common area (hallway, corridor, lobby, aisle, water fountain area, restroom, stairwell, entryway, or conference room).
Private Residences	Exempted except for commercial use to provide child, adult or health care	Same as Amendment
Smoking Guest Room	Exempted	Same as Amendment
Retail Tobacco Shops	Exempted	Extended to tobacco manufacturers, distributors, and cigar-leaf dealers
Membership Associations	Not included	Exempted if used for non-commercial activities
Expressive Activity	Not included	Exemption for tobacco smoking: "tobacco smoking is an integral part of scientific, political, religious, ideological, or other expressive speech or activity, including but not limited to, production by the entertainment industry, scientific and medical research and the exhibition of the arts." Exception to the extent the "prohibition of tobacco smoking would encroach upon rights protected by the US or State Constitution"
State Correctional Facilities	Not included	Smoking allowed in maximum security inmate housing
Source: Article X, Section 20 <sup>388</sup> CS/ SB 742 <sup>439</sup> ,CS/SB 742 Staff Analysis <sup>434</sup>		

addition, the Committee defined “workplace” as a room in which work was performed, rather than the building, which allowed smoking rooms in workplace buildings.<sup>434, 439</sup> This definition would have allowed smoking on outdoor patios at restaurants, but, at the same time, such smoking patios were explicitly prohibited in this version of the bill.<sup>439</sup>

The sales based definition of stand-alone bars recommended by the Select Committee was also weakened by the Senate Regulated Industries Committee, only requiring at least 70% (rather than 80%) of sales from alcohol.<sup>439</sup> The definition also included a clause allowing stand-alone bars to share an entrance with package stores (stores often connected to bars which sell packaged alcohol for consumption off the premises), which conflicted with the definition in Amendment 6 that required stand-alone bars not share an entrance or space with another venue.<sup>439</sup> In addition to stand-alone bars, CS/SB 742 provided for all other exemptions included

in the amendment, such as private residences (unless they were providing child, adult, or health care), smoking guest rooms, and retail tobacco shops.

CS/SB 742 also added an exemption for “designated smoking rooms” which could be located in workplaces and some public places. The requirements for smoking rooms in the bill precluded non-essential services from being performed in the smoking room (essential services were defined as services essential to the maintenance of a room, including janitorial services, repairs, or renovations), specified that all tobacco smoking take place at least 30 minutes in advance of the performance of essential services, and mandated extensive signage.<sup>434, 439</sup> The definition also required that smoking rooms be enclosed by physical barriers that were impenetrable to tobacco smoke.<sup>439</sup>

In addition to smoking rooms, membership organizations (defined as charitable, nonprofit, or veterans organizations under specified tax exempt codes), which the Select Committee had suggested considering, were also exempted from the law. Consistent with the Select Committee’s recommendation, cigar manufacturers, along with distributors and cigar-leaf dealers were also exempt.<sup>439</sup> The bill also created exemptions for tobacco smoking as part of an expressive speech or activity. The “expressive speech” exemption provided for tobacco smoking “as an integral part of scientific, political, religious, ideological, or other expressive speech or activity,” or to the extent that “prohibition of tobacco smoking would encroach upon rights protected by the United States Constitutional or State Constitution.”<sup>439</sup> An exemption was also included for smoking in housing of maximum security prisoners.

In addition, the bill required that there be no smoking within 10 feet of an entryway to a building that contains an indoor workplace or within 10 feet of any intake equipment for heating, ventilating, or air conditioning.<sup>439</sup> Signage requirements for restaurants as well as exempt venues were also very extensive, and in the case of restaurants, requiring signs indicating a non-smoking facility outside, inside on the walls, on all dining tables, and in restaurant advertisements.<sup>439</sup> Penalties were consistent with the original Florida Clean Indoor Air Act, but primary enforcement was transferred from the DOH/DBPR to the Department of Agriculture and Consumer Services, an agency whose responsibilities include furthering the state’s tobacco interests.<sup>434</sup> The head of the Department of Agriculture and Consumer Services at the time, Charles Bronson, had received \$10,000 in contributions from the tobacco industry between 1998 and 2008 (Table 4, above) only five Florida candidates received more during the same period).<sup>81</sup>

On March 12, tri-agency lobbyist Curt Kiser testified on behalf of the tri-agencies to the Regulated Industries Committee on CS/SB 742. According to Kiser, when he came to the Senate to testify, Senator Alex Diaz de la Portilla told him, “Curt, your friends are in the House” and that he was not going to be his friend on this bill.<sup>56</sup> Kiser used the committee hearing to testify on the importance of staying true to the amendment and not allowing any exemptions outside of those approved by voters. Aside from the exemptions that were part of the Committee’s CS / SB 742, Senator Diaz de la Portilla, had also tried to create an exemption for smoking in Cuban coffee Houses, an exemption which the health groups fought. According to Kiser, Senator Diaz de la Portilla strongly pushed the coffee house exemption and argued that preserving café smoking was integral to preserving Cuban cultural traditions that made Florida such a diverse and special place. Kiser countered Senator Diaz de la Portilla’s argument by telling the Committee that the county which had voted most strongly in favor of Amendment 6, in the entire state, was Miami’s

Dade County with 75% of the vote. Kiser said this was important because many people might have expected that Miami, with its large Cuban population and Cuban cigar culture, might not have been as favorable to the smoking restrictions, but that this was not the case. According to Kiser, Senator Diaz de la Portilla did not raise the issue of smoking in coffeehouses again.<sup>315</sup>

In addition, the Senate Regulated Industries Committee had also tried to get an exemption for Sloppy Joes restaurant, a famous Ernest Hemmingway hang out in Key-West. Sloppy Joes claimed they were worried that not allowing smoking would jeopardize their place on the National Registry of Historic Places and thus they needed a special exemption. Kiser said health groups effectively shut down this exemption.<sup>56</sup> Kiser also testified against other exemptions in the bill, including those for membership organizations, including veterans clubs, by telling the Committee that the ACS often received calls from veterans with health issues, including emphysema, who said they couldn't hang out in these clubs because of the secondhand smoke.<sup>56</sup> However, Brenda Olsen of ALA said that health groups did not fight the membership association exemption too strongly, because of heightened attention to and compassion for veterans, especially as a result of the contemporaneous U.S. invasion of Iraq. She said that if health groups had really fought the exemption, she felt like, "politically we would've been slicing our throats."<sup>55</sup>

**Kiser countered Senator Diaz de la Portilla's argument by telling the Committee that the county which had voted most strongly in favor of Amendment 6, in the entire state, was Miami's Dade County with 75% of the vote.**

According to Kiser, while the tri-agencies were worried primarily about keeping exemptions out of the implementing legislation, the FRA took the reins on keeping the stand-alone bar definition narrow.<sup>56</sup> The FRA used representatives from the Darden Restaurant Group (which owns the chains Red Lobster and Olive Garden) as well as restaurant owners from the same districts as important Committee members,<sup>56</sup> to try and convince the Legislature that keeping the bar definition narrow was a matter of creating an equal playing field between bars and restaurants. The health groups supported the FRA on most of their testimony and in fighting the broader definition sought by the bars.<sup>56</sup>

**Health groups did not fight the membership association exemption too strongly, because of heightened attention to and compassion for veterans...[Brenda Olsen] said that if health groups had really fought the exemption ..."politically we would've been slicing our throats."**

Despite the health groups' testimony, the same day, CS/SB 742 passed the Senate Regulated Industries Committee with a vote of 9 to 1.<sup>440</sup> The nine yes votes came from committee members who had accepted a total of \$55,678 in campaign contributions from the tobacco industry between 1987 and 2008 (Table 44). Vice Chair Alfred "Al" Lawson (D, Tallahassee, \$4,800) was the only committee member to vote no.<sup>440</sup> According to media reports, some committee members claimed to be unhappy over a few of the bill's elements, but voted yes in order to keep the process moving.<sup>441</sup> Diaz de la Portilla told the *Miami Herald* that his bill had some flaws, but felt that it would be a good jumping point; "my bill is designed as a first step in where we need to go," he said, "there are things I'm willing to give up."<sup>442</sup>



Table 44. Florida Senate Regulated Industries Subcommittee Yes Votes on CS / SB 742, a bill to implement Amendment 6			
Name	Party	District	Total Contributions
Alex Diaz de la Portilla (Chair)	R	36	\$6,578
Dave Aronberg	D	27	\$5,750
Michael Bennett	R	21	\$7,000
Steven Geller	D	31	\$4,750
Anthony "Tony" Hill	S	1	\$4,750
Ken Pruitt	R	28	\$13,250
Burt Saunders	R	37	\$3,100
Jim Sebesta	R	16	\$2,500
Alex Villalobos	R	38	\$8,000
<b>Total Contributions</b>			<b>\$55,678</b>
<b>Average per "Yes" Voter</b>			<b>\$6,186</b>
Source: Regulated Industries Vote Record on CS/SB 742 <sup>440</sup> ; National Institute on Money in State Politics <sup>81</sup>			

The bill caused upset among both health advocates and the Florida Restaurant Association.<sup>441</sup> On March 13, the day after the Senate Regulated Industries Committee passed the bill, Carol Dover, President of the Florida Restaurant Association, told the *Miami Herald*. "Allowing smoking in bars and taverns that can generate 30% of their revenue from food creates an unfair playing field in the food service industry."<sup>443</sup> The FRA considered the bill punitive because of its prohibition of outdoor smoking at restaurants, expensive sign requirements, and loose definition of stand-alone bars. In a comment

published in the *Florida Times-Union* on March 14, Curt Kiser said CS/SB 742, "[drove] a huge hole right through the amendment."<sup>432</sup>

### House Bill 1757

Unlike its Senate counterpart, HB 1757 attempted to follow the language and exemptions of Amendment 6 very closely. The bill adopted all definitions and exemptions as originally written in Amendment 6, changing only the definition of "retail tobacco shop" to include manufacturing, distributing and cigar-leaf dealer activities (in response to the Cigar Association's lawsuit).<sup>445</sup> Significantly, using the clause in Amendment 6 which enabled the Legislature to expand the coverage of the smoking prohibition, the House Business Regulation Committee did not accept the exemption for stand-alone bars, instead prohibiting smoking in bars entirely. Representative Jim Kallinger (R, Winter Park, \$500), Chair of the Committee, said the difficulties in enforcing a percentage of sales based definition for bars led him to use the provision to pursue a full smoking prohibition.<sup>432</sup> HB 1757 did not include exemptions for smoking rooms, membership associations, expressive activities, or correctional facilities. The bill did not address restaurant patios or smoking in entryways. (Table 46, Column 4). The *Naples Daily News* reported that according to Curt Kiser, the bill followed the intent and spirit of the voters.<sup>446</sup>

**Unlike its Senate counterpart, HB 1757 attempted to follow the language and exemptions of Amendment 6 very closely.**

According to Kiser, in an interview for this report, during the first House hearing on the bill, the House said they would design implementing legislation that stayed true to the amendment and were strongly in favor of the constitutional amendment and its provisions. Kiser attributed the strength of the House's proposed implementing legislation to a group of freshman Representatives. Among these Representatives were House Business Regulation Committee Member Representative Adam Hasner (R, Delray Beach, \$8,750) and Kevin Ambler (R, Tampa,

\$4,000). Kiser speculated that the newly-elected Representatives had taken a position on the popular Amendment on the campaign trail and possibly made campaign promises to support and strongly implement the amendment, despite receiving tobacco industry campaign contributions (Table 45). According to Curt Kiser, his and health groups' job was made at lot easier by the fact that the House really stuck to their guns in the fight over implementing legislation. The House refused to negotiate with the Senate on the legislation and refused to include additional exemptions. Instead, they wanted a bill that was very true to the amendment.<sup>56</sup>

HB 1757 passed the House Business Regulation Committee on March 18, 29-5;<sup>463</sup> the five legislators who voted no were recipients of \$21,100 in tobacco industry contributions

Table 45. Co-sponsors of HB 1757, a bill to implement Florida's Amendment 6			
Name	Party	District	Total Contributions
Manuel Prieguez (Sponsor)	R	113	\$500
Edward "Ed" Bullard	D	118	\$3,500
Gayle Harrell	R	81	\$500
Adam Hasner	R	87	\$8,750
Jim Kallinger	R	35	\$500
Mitch Needelman	R	31	\$500
Eleanor Sobel	D	100	\$1,000
Juan Zapata	R	119	\$10,000
<b>Total Contributions</b>			<b>\$25,250</b>
<b>Average per Sponsor</b>			<b>\$3,156</b>

Source: Appropriations Subcommittee on General Government Vote Record on CS / SB 742<sup>444</sup>; National Institute on Money in State Politics<sup>81</sup>

between 1998 and 2008, an average of \$4,220 each (Table 47).

Representatives who voted yes on the bill received \$107,800 from the tobacco industry, an average of \$3,717 each. On April 1, the bill passed the House by a margin of 93-23 and was sent to the Senate.<sup>464</sup>

***Senate Appropriations Subcommittee on General Government CS/CS/SB 742***

After passing in the Senate Regulated Industries Committee, CS/SB 742 moved to the Senate

Appropriations Subcommittee on General Government (AGG); it was put on the committee's agenda on April 10. AGG substituted the bill with their Committee version (CS /CS /SB 742) which made a few changes, but was largely similar to the Regulated Industries version of the bill (Table 46, Column 5). The Committee version of the bill did allow patio smoking at restaurants, and exempted smoking cessation programs and research facilities from the law. While designated smoking rooms were still permitted, the bill, for the first time, included a ventilation requirement that read:

Each smoking room must remove second-hand tobacco smoke... using a mechanical air purification system that removes no less than 99.97 percent of particles that are .3 microns and larger and must not share a heating, ventilating, or air-conditioning system with any enclosed indoor workplace.<sup>448</sup>

As described earlier, the tobacco industry had pushed ventilation as part of its “accommodation” strategy to avoid 100% smokefree laws.<sup>49, 349</sup> The ventilation requirements also could have been included to discourage smoking rooms because they would be expensive. allowing alcohol at an Alcoholics Anonymous meeting. In an interview for this report, Kiser recalled telling the Committee, “Now let me get this right guys, what you’re saying is, that if you are going to alcoholics anonymous (AA), you should be able to bring a six pack of beer and put

Table 46. Evolution of Amendment 6 Implementing Legislation												
Session	Regular Session 2003						Special Session 2003 A					
Column	1	2, 3	4	5, 6, 7	8	9	10	11	12			
	Amendment 6 / Article X, Section 20	CS / SB 742	HB 1757	CS / CS / SB 742	HB 1757, Senate Amendment 10559	HB 63-A	SB 44-A	CS / SB 44-A	CS / SB 44-A; Senate Amendments 394004, 815706, 624554, 914128; Engrossed	HB 63-A House Amendments 024505	HB-63 Senate Amendments 222792	HB 63-A Enrolled (Final Legislation)
Date	11/5/2002	3/12/2003	3/18/2003	4/15/2003	5/2/2003	5/12/2003	5/14/2003	5/20/2003	5/21/2003	5/27/2003	5/27/2003	5/27/2003
Place	Approved by Florida's Voters	Senate Regulated Industries Committee	House Committee on Business Regulation	Senate Appropriations Committee on General Government	Senate Floor	House	Senate	Senate Regulated Industries Committee	Senate Floor	House Floor	Senate Floor	
Definitions												
Enclosed Indoor Workplace	Predominately or totally bounded on all sides and above by physical barriers	Workplace unless it does not have barriers from above, barriers from above but of which at least 25% of contiguous side surface area is without a barrier separating the workplace from the exterior of the building, or is bounded on all sides and above by barriers consisting of no more than 50% of the total bounded surface	same as Amendment	same as CS / SB 742	same as CS / SB 742	same as Amendment	Same as CS / SB 742	same as SB 44-A	Same as Amendment, defines "predominately;" more than 50% covered from above by a barrier that excludes rain; more than 50% of the combined side surface area is covered by closed physical barriers	Same as CS / SB 44-A, As Amended	Same as CS / SB 44-A, As Amended	Same as Amendment, defines "predominately;" more than 50% covered from above by a barrier that excludes rain; more than 50% of the combined side surface area is covered by closed physical barriers

Stand-Alone Bar	Devoted to Selling Alcohol for consumption on premises; Serving of Food is Incidental	Alcohol must be at least 70% of gross sales / Food < 30% of gross sales	Not Defined; Not Mentioned	Alcohol must be at least 75% of gross sales / Food < 25% of gross sales	Food must be less than 12% of gross sales	Not Defined; Not Mentioned	Food must be less than 10% of gross sales	Food must be less than 10% of gross sales	Food must be less than 10% of gross sales	Food must be less than 10% of gross sales	Food must be less than 10% of gross sales	Food must be less than 10% of gross sales
Workplace	Not Defined	Applies only to a room where work is performed, not a building	Not Defined	same as CS / SB 742	same as CS / SB 742	Not Defined	Not Defined	Not defined	Not defined	Not defined	Not defined	Not defined
Exemptions												
Private Residences (unless provides child, adult, health care)	Exempted	Exempted	Exempted	Exempted	Exempted	Exempted	Exempted	Exempted	Exempted	Exempted	Exempted	Exempted
Hotel Guest Rooms	Exempted	Exempted	Exempted	Exempted	Exempted	Exempted	Exempted	Exempted	Exempted	Exempted	Exempted	Exempted
Retail Tobacco Shops	Exempted	Exempted	Exempted	Exempted	Exempted	Exempted	Exempted	Exempted	Exempted	Exempted	Exempted	Exempted
Stand-Alone Bars	Exempted	Exempted (see definition)	Not Mentioned	Exempted (see definition)	Exempted (see definition)	Not Mentioned	Exempted (see definition)	Exempted (see definition)	Exempted (see definition)	Exempted (see definition)	Exempted (see definition)	Exempted (see definition)
Designated Smoking Rooms	Not Mentioned	Exempted	Not Mentioned	Exempted; Ventilation	Not Exempted (except in airports)	Not Mentioned	Not Exempted (except in airports)	Not Exempted (except in airports)	Not Exempted (except in airports)	Not Exempted (except in airports)	Not Exempted (except in airports)	Not Exempted (except in airports)
Airport In-Transit Lounges	Not Mentioned	Exempted (as part of designated smoking rooms)	Not Mentioned	Exempted (as part of designated smoking rooms)	Exempted	Not Mentioned	Exempted	Exempted	Exempted	Exempted	Exempted	Exempted
Tobacco Manufacturers	Not Mentioned	Exempted	Exempted	Exempted	Exempted	Exempted	Exempted	Exempted	Exempted	Exempted	Exempted	Exempted
Membership Associations	Not Mentioned	Exempted	Not Mentioned	Exempted	Exempted	Not Mentioned	Exempted	Exempted	Exempted	Exempted	Exempted	Exempted
Cessation Programs / Research	Not Mentioned	Not Mentioned	Not Mentioned	Exempted	Exempted	Not Mentioned	Exempted	Exempted	Exempted	Exempted	Exempted	Exempted

Expressive Activity / Entertainment	Not Mentioned	Exempted	Not Mentioned	Exempted	Not Mentioned	Exempted	Not Mentioned	Exempted	Not Mentioned	Exempted	Not Mentioned	Not Mentioned	Not Mentioned
Maximum Security Housing in Correctional Facilities	Not Mentioned	Exempted	Not Mentioned	Exempted	Not Mentioned	Exempted	Not Mentioned	Not Mentioned	Not Mentioned	Not Mentioned	Not Mentioned	Not Mentioned	Not Mentioned
Restaurant Patios*	Not Mentioned	Not Exempted	Not Mentioned	Exempted; Ventilation	Not Mentioned	Exempted; Ventilation	Not Mentioned	Exempted; Ventilation	Not Mentioned	Not Mentioned	Not Mentioned	Not Mentioned	Not Mentioned
Building Entryways	Not Mentioned	Cannot Smoke within 10 ft.	Not Mentioned	Cannot Smoke within 10ft.	Not Mentioned	Cannot Smoke within 10ft.	Not Mentioned	Cannot Smoke within 10ft.	Not Mentioned	Not Mentioned	Not Mentioned	Not Mentioned	Not Mentioned
Enforcement													
Agency	Not Specified	DOH / DBPR / DOA	DOH / DBPR	DOH / DBPR / DOA	DOH / DBPR	DOH / DBPR / DOA	DOH / DBPR	DOH / DBPR / DOA	DOH / DBPR	DOH / DBPR	DOH / DBPR	DOH / DBPR	DOH / DBPR
Proprietor Penalty	Not Specified	Warning; 2nd violation <\$100; subsequent violation <\$500	Warning; 1st violation <\$100; subsequent violation <\$500	Warning; 2nd violation <\$1,000; subsequent violation <\$2,500	Warning; 2nd violation <\$100; subsequent violation <\$500	Warning; 2nd violation <\$500 - \$1,000; subsequent violation <\$2,500	Warning; 1st violation <\$100; subsequent violation <\$500	Warning; 2nd violation <\$500 - \$1,000; subsequent violation <\$2,500	Warning; 2nd violation <\$100; subsequent violation <\$500	Warning; 2nd violation <\$250 - \$750; subsequent violation <\$500 - \$2,000	Warning; 2nd violation <\$250 - \$750; subsequent violation <\$500 - \$2,000	Warning; 2nd violation <\$250 - \$750; subsequent violation <\$500 - \$2,000	Warning; 2nd violation <\$250 - \$750; subsequent violation <\$500 - \$2,000
Individual Penalty	Not Specified	1st violation <\$100; subsequent violation <\$500	1st violation <\$100; subsequent violation <\$500	1st violation <\$1,000; subsequent violation <\$2,500	1st violation <\$100; subsequent violation <\$500	1st violation <\$500 - \$1,000; subsequent violation <\$1,000 - \$2,500	1st violation <\$100; subsequent violation <\$500	1st violation <\$100; subsequent violation <\$500	1st violation <\$100; subsequent violation <\$500	1st violation <\$100; subsequent violation <\$500	1st violation <\$100; subsequent violation <\$500	1st violation <\$100; subsequent violation <\$500	1st violation <\$100; subsequent violation <\$500

\* Restaurant Patios were exempted if they could fit with the architectural specifications of the enclosed indoor workplace definition.

Sources: Article X, Section 20 (Amendment 6)<sup>437</sup>; HB 1757<sup>445</sup>; SB 742<sup>437</sup>; CS / SB 742<sup>439</sup>; CS / SB 742<sup>448</sup>; Senate Amendment 10559<sup>449</sup>; SB 44-A<sup>450</sup>; CS / SB 44-A<sup>451</sup>; CS / SB 44-A Engrossed<sup>452</sup>; Senate Amendment 394004<sup>453</sup>; Senate Amendment 914128<sup>454</sup>; Senate Amendment 815706<sup>455</sup>; Senate Amendment 624554<sup>456</sup>; HB 63-A<sup>457</sup>; Senate Amendment 222792<sup>458</sup>; House Amendment 024515<sup>459</sup>; HB 63-A Enrolled<sup>460</sup>; House Journal 2003 Special Session<sup>461</sup>; Senate Journal 2003 Special Session<sup>462</sup>

Table 47. Florida House of Representatives Business Regulation Committee Votes on HB 1757, a bill to implement Amendment 6

Name	Party	District	Contributions 1988 - 1996
<b>Yes</b>			
Kevin Ambler	R	47	\$4,000
Frank Attkisson	R	79	\$3,750
Dennis Baxley	R	24	\$0
Charlie Dean	R	43	\$10,000
Frank Farkas	R	16	\$9,500
Terry Fields	D	14	\$4,000
Rene Garcia	R	110	\$4,750
Ron Greenstein	D	95	\$2,750
James "Hank" Harper	D	84	\$1,000
Bob "Coach" Henriquez	D	58	\$8,250
Mike Hogan	R	13	\$1,000
Edward "Ed" Jennings	D	14	\$3,000
Charlie Justice	D	16	\$2,500
Jim Kallinger	R	35	\$500
Kenneth "Ken" Littlefield	R	61	\$2,750
Mark Mahon	R	16	\$800
Stan Mayfield	R	80	\$3,000
David Mealor	R	34	\$3,500
Dave Murzin	R	2	\$7,750
Jerry Paul	R	71	\$500
Manuel Prieguez	R	113	\$500
Ron Reagan	R	67	\$5,500
Curtis Richardson	D	8	\$3,500
Stacy Ritter	D	96	\$5,500
Julio Robaina	R	117	\$5,000
Timothy "Tim" Ryan	D	100	\$500
John Stargel	R	64	\$3,000
Roger Wishner	D	98	\$1,000
Juan Zapata	R	119	\$10,000
<b>Total Contributions</b>			<b>\$107,800</b>
<b>Average per "Yes" Voter</b>			<b>\$3,717</b>
<b>No</b>			
Marsha "Marty" Bowen	R	65	\$5,500
Arthenia Joyner	D	59	\$1,500
Suzanne Kosmas	D	28	\$1,000
Connie Mack	R	91	\$5,850
Christopher "Chris" Smith	D	29	\$7,250
<b>Total Contributions</b>			<b>\$21,100</b>
<b>Average per "No" Voter</b>			<b>\$4,220</b>
<b>Missed</b>			
Mike Haridopolos	R	26	\$2,500
Wilbert Theodore Holloway	D	103	\$6,750
<b>Total Contributions</b>			<b>\$9,250</b>
<b>Average for Absent Voters</b>			<b>\$4,625</b>
Source: Business Regulation Committee Vote Record on HB 1757 <sup>463</sup> ; National Institute on Money in State Politics <sup>81</sup>			

it under your seat and refresh yourself during that meeting while you're there at AA?"<sup>56</sup>

Health groups did not, however, fight the definition of "enclosed indoor

**Health groups did not, however, fight the definition of "enclosed indoor workplaces" which allowed smoking in some scenarios, including on restaurant patios.**

workplaces" which allowed smoking in some scenarios, including on restaurant patios. According to Kiser, the definition of "enclosed indoor workplaces" was an effort to create scenarios in which smoking could be allowed outdoors and became one of the key issues during the debate. Florida's warm climate and large number of outdoor restaurants and restaurant patios made this an especially pertinent issue. Kiser said that the tri-agencies' major concern about this definition was to ensure that outdoor areas which allowed smoking had a free flow of air and ventilation. Their goal was to have as much open air as possible, but they didn't advocate for a total elimination of outdoor smoking at restaurants. Kiser said many restaurant owners came out of the woodwork during the implementation process to show their own particular seating scenarios and try to get a law crafted that allowed them to have outdoor smoking.

AGG passed CS/CS/SB 742 with a vote of 4 to 1 on April 15.<sup>444</sup> The four favorable votes came from Senators Clary, Bullard, Dockery, and Lynn, who together received \$27,950 between 1987 and 2008 from the industry (Table 48).

As had been the case when CS / SB 742 was heard by the Senate Regulated Industries Committee, Senator Al Lawson was the only no vote.

Table 48. Florida Senate Appropriations Subcommittee on General Government Yes Votes on CS / SB 742, a bill to implement Amendment 6			
Name	Party	District	Total Contributions
Charlie Clary (Chair)	R	4	\$1,500
Larcenia Bullard	D	39	\$5,750
Paula Dockery	R	15	\$11,200
Evelyn Lynn	R	7	\$9,500
<b>Total Contributions</b>			<b>\$27,950</b>
<b>Average per "Yes" Voter</b>			<b>\$6,988</b>
Source: Appropriations Subcommittee on General Government Vote Record on CS / SB 742 <sup>444</sup> ; National Institute on Money in State Politics <sup>81</sup>			

After arriving in the Senate, on April 30, HB 1757 was substituted for CS /CS/SB 742. On May 2, a floor amendment sponsored by Senator Diaz de la Portilla and Senator Rod Smith (D, Gainesville, \$4,000) amended HB 1757 in its whole to replace it with a more tobacco control favorable version of CS/CS/SB 742 (Table 46, Amendment 10559, Column 6) that reduced the percentage of revenues from food sales in a stand-alone bar from 25% to 12% and no longer allowed stand-alone bars to

share an entryway with package stores.<sup>449</sup> The amendment removed the exemption for correctional facilities. Smoking rooms, while still provided for, were limited to airport in-transit lounges. The exemption for expressive activities was reworked as an exemption for the entertainment industry, which would have made it legal to allow smoking as part of a theatrical, commercial advertising, music video, television, or motion picture performance.<sup>449</sup>

The explicit exemption for the entertainment industry again raises questions about involvement of the tobacco industry. It has been well documented that the tobacco industry, including companies Philip Morris/Altria, R.J. Reynolds/Reynolds American, Brown & Williamson (now part of British American Tobacco (BAT)), and American Tobacco (also now part of BAT), promotes its products through placement in movies and that smoking in the movies increases youth smoking initiation.<sup>465-470</sup> The tobacco industry has similarly cross-promoted their products with music and nightclubs.<sup>471-473</sup>

The Senate's version of HB 1757 was adopted in the Senate with a vote of 34-3 on May 5th.<sup>464</sup> Following refusal by both chambers to accept the other's version of HB 1757, the bill died.

At the end of the regular session, in a last ditch effort to broker a compromise on the implementing legislation, Senate President Elect Tom Lee (R, Brandon, \$3,500), who was on the Senate Regulated Industries Committee, called a private meeting with Curt Kiser and Senate Regulated Industries Chair and SB 742-sponsor Diaz de la Portilla. Senator Lee proposed a deal with Kiser, that if the health groups would allow the Senate to make a few exemptions to the law, outside of the four specified in the amendment, then the Senate would facilitate quick passage of the implementing legislation. Kiser told the Senators that he himself did not have any authority to change the Constitution, which only allowed four exemptions, and that even if health groups agreed to the additional exemptions, there was no guarantee that someone else wouldn't sue over it. The Senators told Kiser in response that they would be prepared to fight the suit if it came to be.<sup>56</sup>

However, Kiser, knowing that the tri-agencies would not accept several additional exemptions in the bill, told the Senator Lee and Senator Diaz de la Portilla that health groups would accept just one additional exemption if it was really important to the Senate for passage of the bill. (The most important exemption for the Senators, was for membership associations.) Kiser told them that if the Senate pursued more than one exemption and was successful, that the tri-agencies would file a lawsuit against them. Kiser left the meeting feeling that a deal had been reached with the Senators and that they would rework the bill to include only one exemption outside of the four specified by the Amendment. Kiser, in an interview for this report, described this as the most heated the implementation fight got during the session.<sup>56</sup>

**Kiser told them that if the Senate pursued more than one exemption and was successful, that the tri-agencies would file a lawsuit against them.**

***Special Session House Bill 63-A and Senate Bill 44-A***

Implementing legislation was taken up again at Special Session 2003A, called to fix the budget in mid-May, 2003. On May 12, the House filed its proposed special session clean indoor air implementation bill HB 63-A, which was identical to the regular session HB 1757 (Table 46, Column 7), with sponsorship from Manuel Prieguez, along with several co-sponsors (Table 49).<sup>445, 457</sup>

Table 49. Sponsors of HB 63-A, 2003 special session legislation to implement Amendment 6			
Name	Party	District	Total Contributions
Manuel Prieguez (Sponsor)	R	113	\$500
Gaston Cantens	R	114	\$1,750
Gayle Harrell	R	81	\$500
Mike Davis	R	101	\$1,500
John Quinones	R	49	\$0
Stan Mayfield	R	80	\$3,000
Ron Reagan	R	67	\$5,500
Juan Zapata	R	119	\$10,000
<b>Total Contributions</b>			<b>\$22,750</b>
<b>Average per Sponsor</b>			<b>\$2,844</b>
Source: HB 63-A <sup>474</sup> ; National Institute on Money in State Politics <sup>81</sup>			

A day later, on May 14, the Senate’s Bill SB 44-A was introduced, again with sponsorship from Senator Diaz de la Portilla. SB 44-A was identical to Senator Diaz de la Portilla’s amendment to HB 1757 at the end of the regular session.<sup>449, 450</sup> As it had been during the regular session, the bill was referred to the Senate Regulated Industries Committee.

On May 20, the Senate Regulated Industries Committee

replaced the bill with a Committee version (CS/SB 44-A), which decreased the percentage of gross sales derived from food from 12% to 10% (Table 46, Column 9).<sup>451</sup> Despite the agreement brokered between Curt Kiser and Regulated Industries Committee chair Diaz de la Portilla and member Tom Lee at the end of the regular session, exemptions for in-transit lounges, cessation programs, and the entertainment industry remained in the bill, along with the exemption for membership associations.

During the Regulated Industries Committee May 20 debate on the bill, Kiser was asked by the Committee to testify. According to Kiser, he used his testimony to criticize the new bill, testifying that he thought the health groups were finally coming together with the Senate on an agreement, but this version of the bill demonstrated that this was not the case. He testified that



the tri-agencies would not support the current version of the bill with all of the additional exemptions not included in the original amendment and requested that it be revisited before it was brought to the floor.<sup>56</sup>

According to Kiser, members of the Committee, especially Senator Tom Lee, were very angry with him for his testimony, expecting that after his conversation with Sens. Diaz de la Portilla and Lee, that Kiser would support the bill. According to Kiser, Senator Lee came over to him after his testimony, stood over him, and asked “what are you doing?” and Kiser responded, “I am explaining my client’s position as clearly as I can.” Kiser explained to Lee that he understood from their meeting that there would only be one additional exemption in the bill, and Lee responded that they had changed their minds.<sup>56</sup> Kiser later learned that the Senate had gone back on their deal after conversations with the House. The House made clear that their position was still to accept no additional exemptions. Therefore, the Senate wanted to include several exemptions in an order to have bargaining chips for later negotiations with the House. The Senate, for example, could include four new exemptions in their proposal, in hopes that if they gave up three of the exemptions, they would get to keep the one they really wanted.<sup>56</sup>

CS / SB 44-A passed the Regulated Industries Committee with a vote of 7-2. Vice Chair of Regulated Industries Al Lawson (D, Tallahassee, \$4,800), who had voted no on CS/SB 742 during the regular session, and Walter “Skip” Campbell (D, Tamarac, \$0), who had not voted on CS/SB 742, were the two no votes.<sup>475</sup>

On May 21, after CS/SB 44-A was read for the first time on the Senate floor, four Senate floor amendments were proposed by Senator Diaz de la Portilla and adopted by the Senate<sup>453-456, 462</sup> that brought CS/SB 44-A much more in-line with its House counterpart (Table 46, Column 10) and closer to the agreement that Kiser had made with him and Senator Lee. As it stood, the bill included exemptions for stand-alone bars (10% of sales could be derived from food), in-transit smoking lounges in airports, membership associations, retail tobacco shops, cessation programs / research, and patios if they met the “enclosed indoor workplace” architectural specifications.

A week later, in the House, Representatives Prieguez, Kallinger (R, Winter Park, \$500), and Dudley Goodlette (R, Naples, \$2,000) sponsored a floor amendment to HB 63-A in an effort to bring the bill closer to its Senate counterpart (Table 46, Column 11). The amendment, which was adopted by the House, included exemptions for stand-alone bars (with the 10% food sales definition), in-transit airport lounges, cessation programs / research, membership associations, and patios if they met the “enclosed indoor workplace” definition.<sup>459</sup> (The previous House implementation bills had not exempted any of these venues, most importantly not stand-alone bars because the House felt that defining the bars and enforcing the law would be too complicated and did not want to violate the spirit of the amendment.) Although the amendment exempted stand-alone bars, it also amended provisions into the bill requiring extensive compliance checks for stand-alone bars, including annual affidavits submitted by bar owners to certify that the bars’ food sales were kept under 10% and that only customary bar snacks were served. In addition, stand-alone bars were required to submit a report to the DBPR from a certified public accountant (CPA) every three years to validate food versus alcohol sales.<sup>459</sup> The CPA provision was intended to prevent stand-alone bar owners from lying on their annual affidavits. As amended, the House passed HB 63-A by a vote of 106 -10.<sup>476</sup> Many of the

individuals who voted against the bill (Table 50) received significant contributions from the tobacco industry, including Representative Stansel (a tobacco farmer), and Gustavo Barreiro (cousin of former Representative Bruno Barreiro, mentioned earlier as an ally of RJR in fighting a 1997 repeal of preemption<sup>134</sup>).

Name	Party	District	Total Contributions
Frank Attkisson	R	79	\$3,750
Gustavo Barreiro	R	107	\$5,500
Dorothy Bendross Mindingall	D	109	\$2,000
Joyce Cusack	D	27	\$2,500
Greg Evers	R	1	\$5,000
William Galvano	R	68	\$3,000
Adam Hasner	R	87	\$8,750
Dick Kravitz	R	19	\$2,000
Mitch Needelman	R	31	\$500
Dwight Stansel	D	11	\$13,350
<b>Total Contributions</b>			<b>\$46,350</b>
<b>Average per "No" Voter</b>			<b>\$4,635</b>

Source: HB 63-A<sup>474</sup>

Representative Adam Hasner, who had advocated for strong implementation of the bill, suggested that he voted no on HB 63-A because of the exemption for stand-alone bars, which he thought was unenforceable and inconsistent with the spirit of the Amendment.<sup>476</sup> On May 27, HB 63-A was sent to the Senate and the Senate substituted the bill for CS/SB 44-A, which had not yet been passed by the Senate.

The final contentious points of the bill included the extensive

compliance checks for stand-alone bars. Through a floor amendment, Senator Diaz de la Portilla attempted to replace HB 63-A after its enacting clause with the text of CS / SB 44-A<sup>458, 462</sup> (Table 46, Column 12) but the House refused to concur with Senator Diaz de la Portilla's amendment and ultimately the Senate conceded. The Senate passed HB 63-A in a vote of 38-2 on May 27th. Regulated Industries Committee Vice Chair Al Lawson and Lesley "Les" Miller (D, Tampa, \$6,250) were the "no" votes.

**The final implementing legislation was a relative victory for public health as they successfully defeated the majority of exemptions proposed by the Senate and secured a narrow definition of stand-alone bars.**

***Final Provisions of Amendment 6 Implementing Legislation***

The final implementing legislation (Table 46, Column 12) was a relative victory for public health as they successfully defeated the majority of exemptions proposed by the Senate and secured a narrow definition of stand-alone bars (with the help of FRA). (Although health groups did allow more than the one exemption they promised, they were relatively minor.) With the passage of Amendment 6, clean indoor air laws in

Florida had significantly improved, covering all restaurants and indoor workplaces, with the exception of stand-alone bars, private residences, hotel guest rooms, and retail tobacco shops (Table 51). Additional exemptions, not approved by voters but included in the final implementing legislation, included international customs terminals in airports, tobacco manufacturers, membership associations, and cessation/scientific research programs (although limited to those run by hospitals, in an effort to prevent smoking). The definition of an enclosed indoor workplace also enabled exemptions for smoking in partially enclosed outdoor areas, such as restaurant patios. Although the new law strengthened workplace smoking laws, smoking in bars and preemption would remain a significant challenge for public health in the state.

## ***Implementation and Enforcement***

Amendment 6 and its statutory requirements were implemented on July 1, 2003, by the Department of Health Division of Health Access and Tobacco (DHAT). Per the statutes, implementation included running a state awareness campaign about the new clean indoor air law on mass transit systems in urban areas with populations exceeding 230,000. The statutes specified that announcements be made on these transit systems stating that Florida is a clean indoor air state and smoking is not allowed.<sup>460</sup>

Implementation steps required proprietors of “stand-alone” bars to notify the state of their stand-alone status and required all workplace and restaurant owners to develop smoking policies, including but not limited to specifying procedures to take when a violation was observed.<sup>460</sup> Vendors were also required to post signs designating no-smoking or smoking areas, depending on the type of venue they were running.<sup>460</sup>

**Relegating enforcement in restaurants, bars, and other potentially controversial venues such as casino ships and recreational facilities to the DBPR probably undermined enforcement of the law.**

Enforcement of the law was assigned to the Department of Health and the Department of Business and Professional Regulation (DBPR, either the Division of Hotels and Restaurants or the Division of Alcoholic Beverages and Tobacco).<sup>460</sup> Regulation of restaurants, bars, membership associations, bowling centers, casino ships, and other recreational facilities (horse tracks, bingo halls, etc.) was assigned to the DBPR and all remaining venues, such as public and private workplaces excluding those listed above, were assigned to the DOH.<sup>478</sup> Relegating enforcement in restaurants, bars, and other potentially controversial venues such as

casino ships and recreational facilities to the DBPR probably undermined enforcement of the law. Governor Bush had recently appointed a new DBPR secretary, Diane Carr, who reported to the media that she had voted against Amendment 6 and felt that it would create “myriad problems that will cost the state a lot of money and be very very horrendous in terms of execution.”<sup>479</sup> After Carr left her position as DBPR Secretary, she served as a lobbyist for Commonwealth Tobacco (2008-2009).<sup>64</sup> Carr had also worked as Senior VP and Counsel at the Florida Retail Federation, a group allied with the tobacco industry.

The regulations also included establishing procedures for the DOH in responding to clean indoor air act violations. The rule established a phone number and email address for reporting violations, as well as a protocol for sending in a written complaint. The rule also established the protocol for DOH upon receiving a complaint. First, DOH was required to send a letter of notification to the proprietor of the venue in which the violation reportedly took place which described remedial steps to be taken. Proprietors were required to respond to the complaint letter within 21 days including providing a copy of their no-smoking policy. Failure to respond by the proprietor or a repeated complaint would result in the DOH’s referral of the issue the relevant county health department and an inspection of the establishment.<sup>483</sup> Penalties for violations are set forth in Table 52.

Table 51. Florida Clean Indoor Air Statutory and Constitutional Requirements 1985-2003

Changes from previous version indicated in bold				
Location	1985 FCIAA	2000 Status (reflects 1993-2000 amendments)	2002: Amendment 6 Initiative Language	2003: Implementing Legislation
Workplace	Reasonable effort to protect nonsmoking employees, taking into account proportion of smoking and non-smoking employees (without square foot limitation)	Reasonable effort to protect nonsmoking employees, taking into account proportion of smoking and non-smoking employees (without square foot limitation, <b>except common areas that may be accessible to public</b> )	<b>Enclosed indoor workplaces covered (excluding exceptions below)</b>	Enclosed indoor workplaces covered (excluding exemptions below); <b>does not include any workplace which does not meet the following: "more than 50 percent covered from above by a physical barrier that excludes rain" and "more than 50 percent of the combined surface area of its sides is covered by closed physical barriers"; does not include any facility used exclusively for noncommercial activities performed by members and guests of a membership association, including social gatherings, meetings, dining, and dances, if no person or persons are engaged in work</b>
Restaurants	Restaurants with seating for over 50 people must be nonsmoking unless customers demand a smoking area or if the proprietor posts signs indicating there are no non-smoking areas	<b>All restaurants included in the definition, smoking areas limited to 35% of seats.</b>	<b>Implicitly prohibited (as workplace)</b>	Implicitly prohibited (as workplace); architectural specifications for "enclosed indoor workplaces" enables smoking on certain patios and decks
Bars	Not covered	Not covered	<b>Explicitly exempt: "stand-alone bar" - "any place of business devoted during any time of operation predominantly or totally to serving alcoholic beverages"</b>	Expands definition to include only those bars in which the "service of food is merely incidental" and which "derives no more than 10 percent of its gross revenue from the sale of food" consumed on the premises
Hotels	Not covered	Not covered	<b>Included, but allowed in designated smoking rooms</b>	Included, but allowed in designated smoking rooms
Government Buildings	Smoking areas	<b>Addition in the legislative intent section discouraging the designation of smoking areas in gov't buildings.</b>	<b>Implicitly prohibited (as workplace)</b>	Implicitly prohibited (as workplace)
Retail stores	Smoking areas; exemption for tobacco shops	Smoking areas; exemption for tobacco shops	<b>Prohibited; maintains exemptions for tobacco shops</b>	Prohibited; maintains exemptions for tobacco shops
Schools	Smoking areas	Prohibited; <b>extended to cover school property/grounds (except in moving vehicle) extending 1,000 ft beyond school property</b>	Implicitly prohibited (as workplace)	Implicitly prohibited (as workplace)

Location	1985 FCIAA	2000 Status (reflects 1993-2000 amendments)	2002: Amendment 6 Initiative Language	2003: Implementing Legislation
Day Care Centers	Not included	Prohibited	Implicitly prohibited (as workplace)	Implicitly prohibited (as workplace)
Healthcare Facilities	Hospitals: Smoking Areas, except in emergency rooms, where it's prohibited; Prohibited in doctors/dentists waiting rooms and county public health units / exemption: patient's room in a hospital or other health care facility if d agreed to by patients in the room (limited to 1/2 of all rooms)	<b>No smoking in hospitals</b> , doctors or dentist waiting rooms, county health departments/ exemption: patient's room in a hospital or other health care facility <b>if ordered by physician</b> and agreed to by patients in the room (limited to 1/2 of all rooms)	<b>Implicitly prohibited (as workplace)</b>	Included as indoor workplaces, <b>specific exemptions for smoking cessation programs and medical or scientific research</b>
Airports	Not included	<b>Prohibited in common areas</b>	<b>Implicitly prohibited (as workplace)</b>	<b>Prohibited, with exception for customs-area smoking rooms, in which work may not be done</b>
Public Transportation	Prohibited	Prohibited	Not discussed	Not discussed
Elevators	Prohibited	Prohibited	Not discussed	Not discussed
Smoking area specifications	No larger than ½ total sq. footage of given public place; no ventilation requirements	No larger than ½ total sq. footage of given public place; no ventilation requirements	<b>None allowed</b>	None allowed, with exception of customs smoking room in airports, which may only be in in-transit lounge areas, completely enclosed, exhaust smoke directly outside and maintain negative air pressure to contain smoke and be designated by signage
Penalty	Civil, up to \$100 for 1 <sup>st</sup> offense, up to \$500 for subsequent offenses for smokers	<b>Warning</b> , followed by civil penalty, up to \$100 for 1st offense, up to \$500 for subsequent offenses for smokers <b>and proprietors</b>	Deferred to Legislature for implementation	Warning, civil penalty, <b>\$250-\$750 for 1st offense, \$500-\$2,000 for subsequent offenses for proprietors and up to \$100 for 1st offense and up to \$500 for second offense for smokers</b>
Enforcement	Dept. of Business Regulation and Dept. of Health and Rehabilitative Services	Dept. of Health and Dept. of Business and Professional Regulation, <b>in consultation with the State Fire Marshal</b>	Deferred to Legislature for implementation	Department of Health or Dept of Business and Professional Regulation, according to their regulatory authorities, working with the State Fire Marshall; employers responsible for employee behavior; public agencies responsible for relevant gov't buildings;
Preemption	Preempts all local regulation of smoking: "This act expressly preempts regulation of smoking to the state and supersedes any municipal or county ordinance on the subject" / Legislative intent: "by providing a uniform statewide maximum code"	Unchanged	Not discussed, but specifically does not "preclude the Legislature from enacting any law constituting or allowing a more restrictive regulation of tobacco smoking"	Unchanged from 1985 FCIAA

Source: Givel<sup>1</sup>; HB 63A (2003)<sup>460</sup>; Florida Constitution Article X, Section 20<sup>388</sup>; CS/ HB 281 (1985)<sup>477</sup>

Violation	First Offense	Second Offense	Third Offense
Smoking permitted in prohibited area	\$250	\$500	\$1,000
Failure to develop a no smoking policy	\$250	\$500	\$1,000
Failure to implement a no smoking policy	\$250	\$500	\$1,000
“Designated Smoking Area” or “Smoking Permitted” signs not posted in designated areas for smoking cessation / research center	\$250	\$500	\$1,000
“Smoking prohibited” signs not posted.	\$250	\$500	\$1,000

Source: Florida Administrative Code<sup>482</sup>

While numbers of complaints were unavailable until 2007, between 2007 and 2010 there were a total of 750 complaints (Table 53). The number of complaints received each year declined during that period. DOH reported in 2010 that between 2005 and 2010, up to \$10,000 was annually collected in fines for law violations, for a total of \$48,075.

The Department of Business Regulation was also in charge of enforcing the law in venues not covered by the DOH, including restaurants. DBPR reports suggest that compliance with the original and amended FCIAA in restaurants had been strong, improving nearly every year

since 2001 (Table 54). The relative percentage of FCIAA violators (as a percentage of all restaurants inspected) spiked to 2.16% in 2001, following the 2000 amendment to restaurant smoking laws (reduced smoking seats from 65% to 35%), but has since decreased, including a reduction by nearly two-thirds between 2002 and 2003, when Amendment 6 was passed and implemented.

	2005	2006	2007	2008	2009	2010
Toll-Free Calls	2081	2251	2215	1894	1763	1600
Complaints			283	195	143	125
On-Site Investigations	51	38	97	111	65	85
Administrative Fines	\$7,585	\$6,790	\$9,200	\$10,000	\$7,500	\$7,000

Source: 2009 FCIAA Summary Report<sup>484</sup>; 2010 FCIAA Annual Report<sup>485</sup>

In public lodging establishments (Table 55), which are also under the purview of DBPR, compliance with the clean indoor air act (violations as a % of inspections) stayed relatively low and consistent between 1999 and 2009.

### Compliance with the FCIAA

As mentioned above, Florida implemented Amendment 6 on July 1, 2003. The Robert Wood Johnson Foundation’s 2009 “Cigarette Smoking Prevalence and Policies in the 50 States”<sup>496</sup> shows that prior to implementation of Amendment 6, the percentages of smokers and non-smokers in Florida reporting they worked in a smokefree workplace was on par with the rest of the country. Between 2001 / 2002 and 2003, after the amendment was implemented, the percentage of non-smoking Floridians reporting that their workplace was smokefree jumped from 67.5% to 78%, an increase of 10.5% (Figure 24). Among smoking Floridians, self-reported smokefree workplace status increased from just below 56% to 74.6%, an increase of 18.6%. However, among both groups self-reports of a smokefree workplace status dropped in 2006/7, from 78% (in 2003) to 76.6% among non-smokers and from 74.6% (in 2003) to 68.6% among smokers.

Table 54. Florida Public Food Service Establishments Inspections and Violations 1999-2009

	Initial Inspections	Callback Inspections	Total Inspections	Clean Indoor Air Act Violations	Percentage of Violators of those Inspected
1999-00	-	-	144,127	1,204	0.84%
2000-01	-	-	146,278	1,383	0.95%
2001-02	-	-	154,356	3,338	2.16%
2002-03	96,689	24,408	121,097	1,014	0.84%
2003-04	81,931	13,271	95,202	311	0.33%
2004-05	98,139	21,919	120,058	165	0.14%
2005-06	79,686	22,718	102,404	109	0.11%
2006-07	81,171	26,379	107,550	133	0.12%
2007-08	89,940	19,926	109,866	113	0.10%
2008-09	106,497	20,493	126,990	107	0.08%

Sources: Florida DBPR Annual Reports 2004-2009 <sup>486-494</sup>

Table 55. Florida Public Lodging Establishments Inspections and Violations 1999-2009

	Initial Inspections	Callback Inspections	Total Inspections	FCIAA Violations	Percentage of Violators
1999-00	-	-	76,764	28	0.04%
2000-01	-	-	76,708	46	0.06%
2001-02	-	-	67,631	43	0.06%
2002-03	36,831	4,928	41,759	21	0.05%
2003-04	30,515	2,958	33,473	31	0.09%
2004-05	16,145	2,021	18,166	14	0.08%
2005-06	35,179	5,996	41,175	15	0.04%
2006-07	29,238	5,517	34,755	4	0.01%
2007-08	29,918	3,208	33,126	4	0.01%
2008-09	34,077	2,979	37,056	6	0.02%

Source: Florida DBPR Annual Reports 2004-2009 <sup>486-495</sup>

Given the narrow exemptions of the FCIAA following Amendment 6 and its implementation, these data would suggest that many non-exempt workplaces were not complying with the new law. However, Florida's self-reported smokefree workplace status in 2006/7 was similar to many other states, including California, which has the oldest state smokefree statute in the country. In 2006/7, 76.7% of non-smokers and 65.2% of smokers reported smokefree workplaces in California. Florida also had similar levels of non-smoking reports as neighboring Georgia, at 78% for non-smokers and 65.5% for smokers, despite the fact that Georgia's law is much less restrictive than Florida's.

While not required by law, the percentage of self-reported smokefree homes has continued to increase substantially since 1992 / 1993,

including a sharper increase following the passage of Amendment 6 in 2002. In 2001/2002, 81.8% of non-smokers and 31.9% of smokers self-reported that they lived in smokefree homes, similar to other states. By 2006/7, after Amendment 6 was implemented, the number of self reports increased to 91.6% among non-smokers and 50.4% among smokers, an increase of 9.8% and 19.5%, respectively. Studies have shown relationships between public smokefree policies and voluntary adoption of smokefree home policies. A 1999 study in New Zealand found that in places where smoking is banned at work, individuals were less likely to allow visitors to smoke in their homes.<sup>497</sup> Other studies have reported an increase in smokers' reports that they live in smokefree homes if they also work in smokefree workplaces.<sup>498, 499</sup> Smokefree homes are associated with increased levels of smoking cessation and decreased cigarette consumption.<sup>500-502</sup>

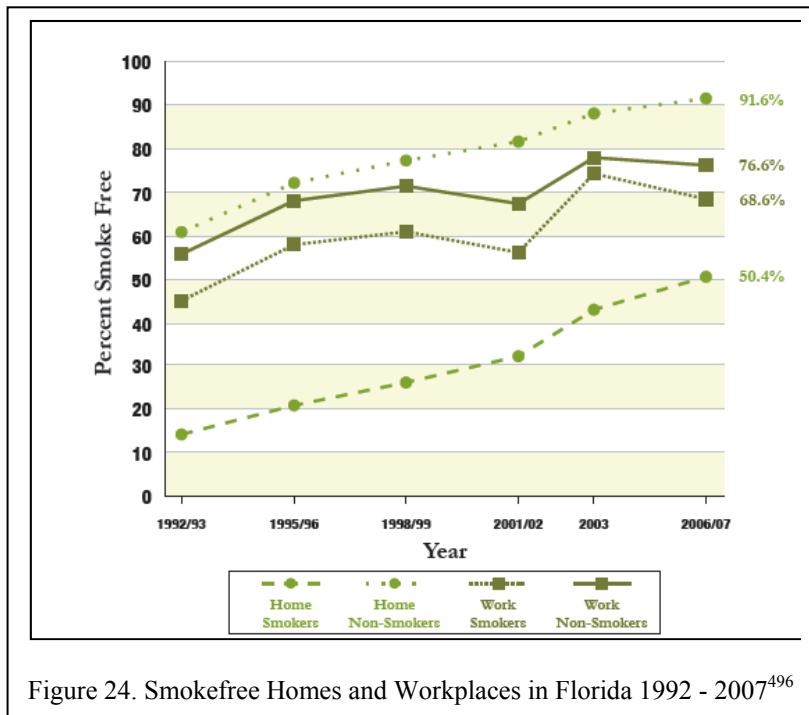


Figure 24. Smokefree Homes and Workplaces in Florida 1992 - 2007<sup>496</sup>

The less than ideal compliance with the FCIAA, as reported by RWJ, is in line with media reports as early as June 2004, suggesting that poor compliance may have been a result of poor enforcement. According to Ray Carson, spokesman for the ACS, in the *Daytona Beach News Journal* in 2004, early enforcement was incoherent and inconsistent due to slow adoption by DBPR.<sup>503</sup>

Media reports in 2008 and 2010 suggest that compliance was still weaker than it could be. Brenda Olsen, Chief Operating Officer of the ALA, reported to the *Orlando*

*Sentinel* in 2010 that enforcement in Florida is not what it should be.<sup>504</sup>

### Clean Indoor Air 1985-2003 Conclusions

While Florida was an early leader in clean indoor air through the passage of a series of increasingly strong local ordinances in the early 1980s,<sup>1</sup> this progress was arrested for 18 years with the passage of the weak preemptive state clean indoor air law in 1985. In 2002, Florida's tri-agencies, led by the American Cancer Society, organized and funded the very successful Smoke-Free for Health constitutional amendment campaign for smokefree workplaces and restaurants, passing Amendment 6 with a resounding 71% of the vote.

Tobacco control advocates stayed organized for Amendment 6's implementation, which was strong, but allowed for additional exemptions to the law. Subsequent enforcement of the law appears to be less than ideal, but is comparable with other states including California. Despite the effectiveness of the tri-agencies in passing and implementing Amendment 6, the momentum around the amendment was not sustained and there have been no attempts since 2003 to close any of the exemptions in the law, most importantly stand-alone bars.





## CHAPTER VI: ADDITIONAL SMOKEFREE ACTION 2003 – 2011

- *Despite preemption, during the 2000s, grassroots advocates demonstrated continued desire to create more smokefree space through clean outdoor air restrictions at beaches, parks, hospitals, colleges, and universities.*

### Attempts to Skirt Amendment 6: Tampa International Airport

In September 2003, less than three months after Amendment 6 was implemented, Louis Miller, Executive Director of the Hillsborough County Aviation Authority, attempted to exempt all Tampa International Airport (TIA) smoking lounges from the law. Miller told the *St. Petersburg Times*, “The idea was to give those anxious about flying a way to calm themselves.”<sup>505</sup> Under the FCIAA, smoking was allowed in customs controlled international terminals, but not allowed at domestic gates.<sup>460, 505</sup> To create smoking lounges in the domestic airport terminals, Miller planned to circumvent the law by remaking TIA lounges into tobacco shops.<sup>506</sup> According to Aaron Czyzewski, then Grassroots Advocacy Director at the Florida Division ACS, TIA planned to add cigarette machines in their lounges in order to make them into tobacco shops.<sup>344</sup> Airports were a frontline for Philip Morris’ “Options” push, because they were visible and were a lucrative venue for the tobacco industry;<sup>304</sup> smoking lounges and duty free shops are a powerful venue for advertising and maintaining the normalization of smoking.

**Airports were a frontline for Philip Morris’ “Options” push, because they were visible and were a lucrative venue for the tobacco industry; smoking lounges and duty free shops are a powerful venue for advertising and maintaining the normalization of smoking.**

After a month of promoting the idea with the support of his board and David Stempler, President of the Air Travelers Association, Miller dropped the idea.<sup>505, 507</sup> According to Czyzewski, an important turning point was when TIA was holding a meeting about the proposed smoking rooms and at the direction of Paul Hull, VP of Advocacy and Public Policy at the ACS, Czyzewski called the Miller and asked how many people the room for the meeting would hold.<sup>344</sup> The intent of the call was to suggest to the TIA that the ACS was bringing a bunch of people to the meeting to protest; Czyzewski said this was when the TIA began to backpedal on the idea.<sup>344</sup> The Hillsborough County Aviation Authority Board, did however vote 5-0 to accommodate smokers by spending \$325,000 on decks.<sup>508</sup>

A year later in July 2004, marking the one year anniversary of Amendment 6’s implementation, Smoke-Free for Health released a study which had been conducted by the University of Florida on the economic effects of the smoking restrictions. Fighting the arguments the FRA had made against the law, namely that it would be harmful to restaurants’ bottom line, the report showed that eatery sales (including restaurants, lunchrooms, and catering services) were up 7.4% since the law was put into effect. There was no significant effect on the sales of taverns, nightclubs, and bars.<sup>503, 509</sup> These findings are consistent with other studies which found the positive or neutral, effects of smoking restrictions on the hospitality business.<sup>510</sup>

In another attempt to circumvent the law, in 2005, lawmakers proposed an amendment to the FCIAA stand-alone bar definition for Sloppy Joes Bar of Key West Florida (on the National Registry of Historic Places as an ex-hangout of Ernest Hemingway). (Sloppy Joes had also tried unsuccessfully to win an amendment during implementation of Amendment 6.) SB 1348 sponsored by Senator Steven Geller (D, Cooper City, \$4,750) and HB 1297, sponsored by Representative Ken Sorensen (R, Key Largo, \$9,000) sought to amend the FCIAA to create a new stand-alone bar definition to allow stand-alone bars located in buildings listed in the National Register of Historical Places to derive 20% of their sales from food, instead of 10% then allowed under the law.<sup>511, 512</sup> The owner of Sloppy Joes claimed that he had lost \$1 million in revenue since the Amendment 6 had been enacted.<sup>513</sup>

The Committee versions of both bills (CS/SB 1348 (Senate Regulated Industries Committee) and CS / HB 1297 (House Commerce Council)), along with a separately filed SB 1308 (sponsored by Evelyn Lynn (R, Daytona Beach, \$9,500) and Frederica Wilson (D, Miami, \$3,000)), also proposed additional amendments to the FCIAA in response to a fine appeal by Old Cutler Oyster Company. Old Cutler Oyster Company appealed a \$250 fine which had been assessed on the business after patrons were repeatedly caught smoking there. Old Cutler Oyster Company argued that the FCIAA had no enforcement provisions requiring proprietors to take action to stop patrons from smoking. Michael Parrish, the Administrative Judge for the Department of Business and Professional Regulation (DBPR), which heard the appeal, issued an opinion which agreed with Old Cutler that provisions relating to proprietors were unclear.<sup>514</sup> To

**Sloppy Joes tried to argue they were primarily a bar and not a restaurant, but health groups shot down this argument by downloading Sloppy Joes menus (including a children’s menu) in order to demonstrate in Committee hearings that it was indeed a restaurant.**

resolve the issues brought forth in the appeal, these bills proposed additional provisions in the FCIAA to clarify the role for proprietors in enforcing the law. In addition, CS / SB 1348 and CS / HB 1297 also removed the requirement that stand-alone bars be audited every three years, which was put in place as a way to verify that stand-alone bars were meeting the 90% alcohol sales / 10% food sales definition in the implementing bill. Instead of the audit, the bills required bar owners to certify their 90% / 10% split via affidavit, with license suspension as

punishment for lying. CS/SB 1348 also reintroduced an exemption for theatrical performances (Table 56).

After narrowly passing the Senate Regulated Industries Committee with a vote of 4-5 and the Committee on Commerce and Consumer Services with a vote of 4-3,<sup>519</sup> SB 1348 passed the Senate in a vote of 27-10<sup>519</sup> and passed the House by a vote of 60-50.<sup>520</sup> Governor Bush vetoed SB 1348 because of its amended stand-alone bar definition on the grounds that did not want “carve-outs” in the law to benefit individual businesses.<sup>519, 521</sup> SB 1308 passed the Senate with a vote of 39-0 but then died in the House. According to Brenda Olsen, health groups fought the exemption for Sloppy Joes, but never considered it a serious threat. Olsen said that Sloppy Joes tried to argue they were primarily a bar and not a restaurant, but health groups shot down this argument by downloading Sloppy Joes menus (including a children’s menu) in order to demonstrate in Committee hearings that it was indeed a restaurant.

Table 56. Proposed Amendments to Florida Clean Indoor Air Act in 2005: SB 1348, HB 1297, SB 1308					
	Responsibilities for Proprietors	Redefine "Person"	Added Exemptions	3-yr Audit Requirement for Stand-alone bars	Penalties for false statements on stand-alone bar affidavits
SB 1348			stand-alone bars listed on registry of National Historical Places can derive 20% of sales from food		
(CS / SB 1348) / (CS / SB 1348)	proprietor may not permit smoking; must ask patron to stop and if patron does not comply, to leave	Yes	same as SB 1348; expressive activity - theatrical production	deleted	a licensee may not knowingly make a false statement on an affidavit; may be punished by license revocation
HB 1297			stand-alone bars listed on registry of National Historical Places can derive 20% of sales from food	deleted	
CS / SB 1297	proprietor may not permit smoking; must ask patron to stop and if patron does not comply, to leave	Yes	stand-alone bars listed on registry of National Historical Places can derive 20% of sales from food	deleted	a licensee may not knowingly make a false statement on an affidavit; may be punished by license revocation
SB 1308	proprietor may not permit smoking; must ask patron to stop and if patron does not comply, to leave	Yes	none	deleted	none
Source: SB 1348 <sup>511</sup> ; CS / SB 1348 <sup>515</sup> ; CS / CS / SB 1348 <sup>516</sup> ; HB 1297 <sup>512</sup> ; CS / HB 1297 <sup>517</sup> ; SB 1308 <sup>518</sup>					

### Revising Enforcement and Penalties for Stand-Alone Bars

In 2006, revisions to the FCIAA pertaining to enforcement and penalties were proposed via HB 11, SB 1536, HB 317, and SB 600. All four bills deleted the provision requiring stand-alone bars to be audited by a certified public accountant to verify their 90%/10% sales split every third year and replaced the requirement with annual affidavits. HB 11 and SB 1536 also clarified the role of and penalties for proprietors in prohibiting smoking in their venues.

HB 317 passed and was approved by the Governor on June 12, 2006.<sup>522, 523</sup> HB 11 and SB 1536 died in their respective chambers following the passage of the similar HB 317.<sup>524</sup>

### Attempts to Repeal Preemption 2007 - 2011

A few attempts were made to expand local smoking regulation powers after Amendment 6 passed in 2002, including one attempt to fully repeal preemption. Companion bills in 2007 sponsored by Senator Dave Aronberg (D, Greenacres, \$5.750) and Representative Rick

Kriseman (D, St. Petersburg, \$1,500) sought to expand localities authority to pass clean indoor air laws in areas where youth might be present; neither bill made it out of committee. In 2009, tobacco control advocate Representative James Waldman (D, Coconut Creek, \$0) sought to repeal preemption via HB 973, marking the first attempt to repeal preemption in over ten years.<sup>525</sup> However, without legislative support nor sufficient external support, the bill, as described by Representative Waldman in the *Orlando Sentinel* was, “dead on arrival.”<sup>504</sup> With little support from the Legislature, and little effort on the part of tobacco control advocates, none of the proposals have progressed past Committee.

House and Senate companion bills in 2011 sought to restore the ability of school districts to restrict smoking on school district property. The effort appears to be a response to Palm Beach County School District, which, wanting to prohibit smoking on its school property, requested an opinion on the matter from Attorney General Bill McCollum (R, \$0) in 2010.<sup>526</sup> Bruce Harris, legal counsel for the school district, asked McCollum for an opinion on whether or not the Florida Clean Indoor Air Act (FCIAA) would preclude the school district from adopting a tobacco-free campus policy which would prohibit smoking outdoors. Attorney General McCollum provided his opinion that the FCIAA did preempt local school districts from enacting outdoor smoking restrictions.<sup>526</sup> (A further discussion of clean outdoor air efforts and preemption is in the next section of this report.) In response, SB 1430, sponsored by the Senate Education

**While the passage of SB 1430 represented a victory in chipping away at clean indoor preemption in Florida, separate companion bills, SB 1070 and HB 211, which sought to limit preemption to only clean indoor air in an effort to allow localities lawfully pass clean outdoor air laws...did not have enough support to even make it out of committee.**

Pre-K-12 Committee, the Senate Regulated Industries Committee (which has historically been pro-tobacco) and Senator Thad Altman (R, Viera, \$6,500), sought to restore school districts’ authority to prohibit smoking on school property.<sup>527</sup> HB 891, which only restored the school districts authority between the hours of 6 a.m. and midnight,<sup>528</sup> was sponsored by the House Health and Human Services Committee, the House Rulemaking and Regulation Subcommittee, sponsor Representative Bill Hager (R, Boca Raton, \$0) and co-sponsors Representative

Ben Albritton (R, Wauchula, \$0) and Representative Richard Corcoran (R, New Port Richey, \$0).<sup>529</sup> The House Health and Human Services Committee replaced HB 891 with a committee substitute, then passed the bill<sup>530</sup> 16-0 before it was substituted for its Senate counterpart. SB 1430 was passed unanimously out of the Senate Education Pre-K-12 Committee, the Senate Regulated Industries Committee, and the Judiciary Committee. It then passed the Senate 39-1, with the only no vote coming from pro-tobacco Senator Evelyn Lynn (R) and then passed the House unanimously 117-0.

While the passage of SB 1430 represented a victory in chipping away at clean indoor preemption in Florida, separate companion bills, SB 1070 and HB 211, which sought to limit preemption to only clean indoor air in an effort to allow localities lawfully pass clean outdoor air laws,<sup>531, 532</sup> did not have enough support to even make it out of committee.<sup>533, 534</sup> (As will be described shortly, localities in Florida have focused on passing clean outdoor air laws because it is unclear whether state preemption covers outdoor areas.) SB 1070, sponsored by Representative Alan Hays (R, Umatilla, \$1,500), got stuck in the Senate Regulated Industries

Committee, chaired by Senator Dennis Jones (R, Seminole, \$8,750); only 8 legislators received more industry money than Senator Jones between 1998 and 2008. HB 211 was sponsored by Representative Kathleen Passidomo (R, Naples, \$0) and Representative Jimmie Smith (R, Inverness, \$0) and died in the Health and Human Services Quality Committee chaired by Representative John Wood (R, Winter Haven, \$500).

### ***Orange County Receives \$6.6 Million to Work on Preemption Repeal (2010)***

In March, 2010, the Orange County Health Department received a \$6.6 million two-year tobacco use prevention grant from the US Centers for Disease Control and Prevention Communities Putting Prevention to Work Initiative, which was part of the American Recovery and Reinvestment Act.<sup>535</sup> Orange County was to work on repealing preemption, including educating policy makers about the impact of 100% smoke free policies and expanding local smoke free outdoor air laws and smoke free policies on campuses.<sup>536</sup> Orange County also planned to use the grant funds to work to reduce youth access to tobacco, and implement Ask, Advise, Refer for tobacco use assessments by health care providers.<sup>536-538</sup> Partners with the Orange County Health Department include the Orange County Tobacco Free Partnership, local chapter of the ALA, Orange County Public Schools, and local Center for Wellness and Prevention.<sup>539</sup>

### **Other Legislative Attempts to Reduce Exposure to Secondhand Smoke**

In 2010, Representative Kevin Ambler (R, Tampa, \$4,000) sponsored HB 1141 to make it unlawful to operate a motor vehicle with someone in the car smoking if a minor is in the car.<sup>540</sup> The Senate Companion Bill SB 2596, proposed by Senator Victor Crist (R, Tampa, \$5,750) which proposed an identical prohibition on smoking in cars in the presence of minors,<sup>541</sup> was reported favorably out of the Senate Committee on Transportation with a vote of 6-0 before dying in the Criminal Justice Committee.<sup>542</sup>

**Despite continuing preemption of local clean *indoor* air ordinances, beginning in the early 2000s communities started debating and enacting local ordinances to restrict smoking in beaches and parks.**

### **Clean Outdoor Air Efforts 2002-2010**

Despite continuing preemption of local clean *indoor* air ordinances, beginning in the early 2000s communities started debating and enacting local ordinances to restrict smoking in beaches and parks. This grassroots movement had some support from local voluntary health groups, but was largely organized by local concerned citizens. The preemption clause in the Florida Clean Indoor Air Act (Fla. Stat. Ch.386.209) states, “this part expressly preempts regulation of smoking to the state and supersedes any municipal or county ordinance on the subject,”<sup>543</sup> with no clear specification of whether it applies to indoor or outdoor air and the “part” of the Florida statutes referenced regulates only indoor smoking.

The localities which have been successful in regulating outdoor smoking are concentrated in Florida’s southern tip (Table 57). Early action in 2002 included smoking prohibition at many

Broward County public outdoor spaces including Cooper City parks (2002),<sup>544</sup> Coral Springs parks (2002),<sup>544</sup> and Davies parks (2003).<sup>545</sup>

In 2005, Margate City Attorney Eugene Steinfield requested Attorney General Charlie Crist’s (R) (subsequently Governor Crist) opinion on preemption in response to his own community’s efforts to limit beach smoking. Crist’s opinion stated that the State of Florida

**Crist’s opinion stated that the State of Florida regulates smoking “inside and outside a public place” and localities may not regulate smoking themselves.**

regulates smoking “inside and outside a public place” and localities may not regulate smoking themselves.<sup>546</sup> Despite the fact that Crist’s opinion was not binding, it made many localities hesitant to enact clean outdoor air laws after 2005 for fear that the laws would be overturned in court.<sup>407, 546, 547</sup>

Year	Venue	Location	Description
2002	Cooper City Parks <sup>544</sup>	Cooper City	No details available
2002	Coral Springs Parks <sup>544</sup>	Coral Springs	No details available
2002	Davies Parks <sup>545</sup>	Davies	No details available
2005	Palm Beach County Beaches <sup>548</sup>	Palm Beach	"no smoking" signs at all beaches; no formal enforcement but city employees will ask people to stop smoking
2007	Sarasota County Beaches (an additional city law was passed in 2009) <sup>550</sup>	Sarasota County	county and city ordinances; smoking only in designated areas; Enforced by Sarasota Police Department and Sarasota County Sheriff's Office; Penalty is a fine
2009	Boca Raton Parks <sup>548</sup>	Boca Raton	"no smoking" signs in parks; no formal enforcement but city employees will ask people to stop smoking
2009	Lake County Parks (at least considered it)	Lake County	No smoking ordinance
2010	Outdoor areas at Palm Beach County's Governmental Center <sup>551</sup>	Palm Beach	No details available
2010	Sebastian Inlet State Park <sup>552</sup>	Indian River County	No ordinance; no smoking signs

Some localities have implemented policies against smoking without a formal enforceable ordinance. For example, Palm Beach County has posted no smoking signs at its beaches and, although there is no formal enforcement mechanism, city employees will ask any smoking beach-goers to stop.

Despite Crist’s ruling that state law preempted local clean outdoor air legislation, both Sarasota county (2007) and city (2009) enacted ordinances prohibiting tobacco use on its beaches outside of designated areas.<sup>548</sup> Enforcement of Sarasota’s law is handled by both the Sarasota County Sheriff’s Department and Sarasota City Police Department and includes a fine for violating the ordinance. Sarasota County also prohibited cigarette and cigar possession on popular Lido Beach.<sup>549</sup> Prohibiting possession of cigarettes on the beach is one way to circumvent the presumed preemption to achieve smokefree zones. According to the media, both the Palm Beach and the Sarasota ordinances were designed to reduce tobacco-related litter.<sup>548</sup>

None of the ordinances have resulted in a lawsuit, suggesting that pro-tobacco forces question whether preemption actually holds.

Local outdoor smoking rules not only protect people from secondhand smoke and reduce the environmental problems created by toxic cigarette butts<sup>553</sup> but they also have the effect of increasing community advocacy and movement, which had been absent in Florida since the FCIAA originally passed in 1985. According to ANR’s Bronson Frick, the movement in Florida was great because, “... it gets more of a traditional, smokefree movement model of community-by-community and kind of pure relations between these local officials.”<sup>304</sup>

### ***Cigarette Waste***

Not only are clean outdoor air laws important for protecting citizens against secondhand smoke, but also in order to minimize cigarette butt litter (and minimizing cigarette butt litter is a strong argument to secure smoking restrictions in outdoor places). Florida also has a significant amount of cigarette butt waste; according to an article in the *Bradenton Herald*, International Coastal Cleanups (ICC) reported tobacco use related litter was estimated to make up 40% of coastal litter in Florida.<sup>554</sup> Manatee County, in which tobacco use related litter is estimated at 25% of all waste, has implemented a successful cigarette litter prevention program, including placement of cigarette bins to collect waste, and an educational campaign, known as Keep Manatee Beautiful. According to the *Bradenton Herald*, the program is “designed to educate citizens of the environmental impacts of improper disposal of cigarette litter and to provide cigarette bins for proper disposal.”<sup>554</sup>

**The Cigarette Butt Pollution Project, seeks to reduce the environmental impact of cigarette filter waste in the U.S, especially in coastal areas**

Keep Manatee Beautiful attended the Keep America Beautiful National Conference in 2009, taking second place in the first-time implementation category for its program, with a prize of \$2,000 to continue implementation.<sup>554</sup> Keep America Beautiful awarded Manatee an additional \$4,000 in March 2010 for additional cigarette bins and an educational campaign. Keep Manatee Beautiful has used the money in a partnership with the cities of Anna Maria, Holmes Beach, Palmetto, and Manatee County Parks and Recreation to install cigarette bins in various locations, including trolley stops, piers, and parks.<sup>554</sup> The educational campaign was to include posting signs and distributing 1,200 portable ash trays to adult smokers to prevent them from littering.<sup>554</sup> Keep Manatee Beautiful collected initial data on cigarette butts and plans to continue to monitor levels of cigarette butt waste to measure their progress.<sup>554</sup>



A similar nationwide effort, the Cigarette Butt Pollution Project, seeks to reduce the environmental impact of cigarette filter waste in the U.S, especially in coastal areas.<sup>555</sup> The project examines the policy options available for reducing cigarette butt waste, in addition to researching the toxicity of butts, cost of butt cleanup, and tobacco industry perceptions and responses related to the butt issue.<sup>555</sup>

### ***Smokefree Hospitals and College/University Campuses 2008-2011***

Hospitals and university and college campuses started going smokefree in Florida in 2008, probably due in part to the efforts of DOH-funded county-level tobacco-free partnerships, many of which have worked on promotion of clean outdoor air laws in their communities. These local tobacco-free partnerships, which were funded by the state Department of Health from 1998-2003 and again from 2007-2011, have served as the primary local tobacco control advocacy bodies in the state (aside from local activities of the tri-agencies). One of the focal points of their policy efforts under the Bureau of Tobacco Prevention Program (the state's tobacco control program between 2007 and 2011) has been expanding second-hand smoke protections in the state.

#### *Hospitals*

Smokefree health care facility policies, through which all outdoor areas on health care facility campuses have been made smokefree, gained significant momentum in Florida since 2008 (Table 58). Estimates suggest that as of August, 2009, 44% of Florida's hospitals had become smokefree,<sup>556</sup> another measure in November, 2009, put the estimate at 70 hospitals (out of 245 in the state).<sup>557</sup>

**Smokefree health care facility policies, through which all outdoor areas on health care facility campuses have been made smokefree, gained significant momentum in Florida since 2008**

Much of this action can be attributed to county-level ordinances to require smokefree health facilities, though others are voluntary policies implemented by individual hospitals. (Preemption still explicitly prohibited localities from passing clean *indoor* air laws, but making campuses 100% smokefree was concerned with making outdoor areas smokefree.) Many smokefree hospitals were part of countywide smokefree hospital efforts, or were one of multiple hospitals in their counties to go smokefree.

#### *Colleges and Universities*

Led by Edison State College's decision in 2009 to make their Charlotte campus and Hendry/Glades Center smokefree (including all outdoor spaces), several universities and colleges in Florida have also gone smokefree or instituted outdoor smoking regulations (Table 59). At least six colleges (including all four Edison State College campuses) went 100% smokefree in 2009 and 2010, prohibiting smoking anywhere on campus grounds. The University of Florida's tobacco-free rule prohibits use of all tobacco products, not just cigarettes.<sup>569</sup> Many other colleges have restricted outdoor smoking to designated areas on campus, which are typically far from building entryways.

George Koodray, assistant director for the Citizens Freedom Alliance, a citizens' rights group for which smokers' rights are a primary issue, has opposed these policies.<sup>569</sup> The Citizens Freedom Alliance has opposed smokefree laws in many other states across the country, including

Table 58. Hospitals in Florida with Smoke Free Campus Policies (including indoor and outdoor spaces) 2008-2011		
Year	Hospital	Location
2008	The Moffitt Cancer Center <sup>558, 559</sup>	Tampa
2008	Martin Memorial Medical Center <sup>560</sup>	Stuart
2009	All Citrus County Hospitals / Health Facilities <sup>561</sup>	Citrus County
2009	All Hernando County Hospitals / Health Facilities <sup>561, 562</sup>	Hernando County
2009	All Manatee County Hospitals <sup>563, 564</sup>	Manatee County
2009	Lee Memorial Health Systems (including but not limited to: Bonita Community Health Center, Cape Coral Hospital, The Children's Hospital of SWFL, Gulf Coast Medical Center, HealthPark Care & Rehabilitation Center, HealthPark Medical Center, Lee Convenient Care, Lee Memorial Hospital, Lee Physician Group Office, Outpatient Centers, The Rehabilitation Hospital, Regional Cancer Center, Riverwalk Professional Center, Wellness Centers) <sup>556, 565</sup>	Lee County
2009	NCH Healthcare System (including 11 separate homecare facilities) <sup>556, 565</sup>	Collier County
2009	All Marion County Hospitals <sup>557</sup>	Marion County
2010	Delray Medical Center <sup>566</sup>	Boca Raton
2010	Boca Raton Community Hospital <sup>566, 567</sup>	Boca Raton
2010	Plantation General Hospital (including e-cigarettes) <sup>568</sup>	Plantation
2010	Brandon Regional Hospital <sup>558, 559</sup>	Brandon
2010	St. Joseph's Hospital North <sup>558, 559</sup>	Lutz
unknown	Bayfront Medical Center <sup>558</sup>	St. Petersburg
unknown	All Pasco County Hospitals <sup>559</sup>	Pasco County
2010	Tampa General Hospital <sup>559</sup>	Tampa
2011	All St. Joseph's Hospitals <sup>558, 559</sup>	Tampa
2011	South Florida Baptist Hospital <sup>558</sup>	Plant City

California,<sup>570</sup> Pennsylvania,<sup>571</sup> and Alabama.<sup>572</sup> The tobacco industry has a history of creating similar smoker's rights front groups in order to oppose local clean indoor air legislation.<sup>403, 573, 574</sup> There is no evidence that Koodray's opposition has made any impact in Florida.

### ***Smokefree Prisons in 2011***

While indoor areas at prisons in Florida were made completely smokefree with the passage of Amendment 6 in 2002, prisoners were still allowed to smoke during break times in designated areas outdoors through 2010. In 2011, Department of Corrections Chief Edward Buss championed an effort to make Florida prisons (indoors

**Buss pushed for a smoking prohibition in an effort to make prisons cleaner, safer, and save the state money on tobacco-related health care costs for prisoners which were estimated at \$9 million in 2010...reducing secondhand smoke exposure was also a factor.**

and out) smokefree. According to the media, Buss pushed for a smoking prohibition in an effort to make prisons cleaner, safer, and save the state money on tobacco-related health care costs for prisoners which were estimated at \$9 million in 2010.<sup>578</sup> According to the Department of Corrections website, reducing secondhand smoke exposure was also a factor. At Buss' direction, the Department of Corrections created the "Tobacco Cessation Initiative," and implementation was planned to begin in April 2011 in order to have smokefree prisons by September 2011.<sup>579</sup>

Table 59. University and College Campuses in Florida with Smoke Free Policies 2009-2010			
Year	College	Location	Description
2009	Edison State College Charlotte Campus <sup>569, 575</sup>	Punta Gorda	100% smoke free; first in the state
2009	Edison State College Hendry / Glades Center <sup>575</sup>	La Belle	100% smoke free; first in the state
2009	University of South Florida Health Buildings <sup>576, 577</sup>	Tampa	strict no-smoking zones surrounding buildings and health centers
2010	University of Florida <sup>569</sup>	Gainesville	100% smoke free, includes a ban on all tobacco product use on campus
2010	University of Miami <sup>569</sup>	Miami	100% smoke free
2010	Edison State College Collier Campus <sup>575</sup>	Naples	100% smoke free
2010	Edison State College Lee Campus <sup>575</sup>	Fort Myers	100% smoke free
unknown	Warner University <sup>577</sup>	Lake Wales	100% smoke free
unknown	Florida Hospital College of Health Sciences <sup>577</sup>	Orlando	100% smoke free
University and College Campuses in Florida with Outdoor Smoking Restrictions			
2010	Florida Atlantic University <sup>569</sup>	Boca Raton	Restricted outdoor smoking to 20 designated places; plans to become smoke free in 2010-2011
unknown	Nova Southeastern <sup>569</sup>	Davie	Restricted outdoor smoking to 12 designated places
unknown	Florida Gulf Coast University (FGCU) <sup>575</sup>	Ft. Myers	Restricted outdoor smoking to designated areas along walkways (not in entryways)
unknown	Ave Marie University <sup>575</sup>	Ave Maria	Restricted outdoor smoking to designated areas along walkways (not in entryways)
unknown	Palm Beach Community College <sup>569</sup>	Palm Beach	Restricted outdoor smoking
unknown	Broward College <sup>569</sup>	Ft. Lauderdale	Restricted outdoor smoking

## Conclusion

In addition to progress on clean indoor air laws, between 2002 and 2011, Florida had a vibrant clean outdoor air movement. Local governments passed ordinances and created policies to prohibit smoking on beaches and in parks, including very popular beaches in Palm Beach and Boca Raton. Between 2008 and 2011, many hospitals and colleges became smokefree campuses,

including smoking prohibitions both indoors and out, through city ordinances and voluntary policies. In 2011, the Department of Corrections also ended smoking outdoors.



## CHAPTER VII: TOBACCO CONTROL: SURVIVAL MODE

- *Despite the significant successes of public health groups in the 2002 passage of Amendment 6 and its subsequent strong implementation, tobacco use prevention programming in the state DOH was at its lowest levels since the tobacco settlement in the years following the Amendment 6 campaign (starting in FY 2004).*
- *Minimal tobacco programming survived through these low budget years, but was not able to effectively make progress towards program goals beyond sustaining a basic tobacco control infrastructure.*

### **FY2005: Attempts to Restore Funds are Stopped by Senate Republicans**

By the 2004 legislative session, Florida's Tobacco Prevention Program had nominally survived with very little actual programming for nearly one year on the \$1 million dollars the Legislature had appropriated for the 2004 fiscal year (July 2003 – June 2004).

Shortly after making the massive funding cut in 2003, Senate Appropriations Chair Ken Pruitt and Governor Jeb Bush claimed the funding cuts were only temporary and said they would restore funding in the next legislative session.<sup>298, 299</sup> Bush even highlighted the program's past successes in reducing youth smoking during his January 2004 State of the State Address, stating,

Florida has also had success reducing tobacco use among our young people. Since 1998, smoking rates have declined by 57% among middle school students and 37% among high school students. Budget constraints put this important program in jeopardy last year. This year we need to make the program, and the funding to support it, a permanent part of Florida's Department of Health. This money is important, but the real power comes from thousands of teens across our state who recognize the dangers of smoking and encourage their peers not to start.<sup>580</sup>

In the 2004 Legislative session, however, the Governor did not make a serious effort to restore the Tobacco Prevention Program. When Senate Democratic leadership attempted to restore the funds, nearly unanimous opposition from Senate Republicans stopped them.

**In 2004, the tobacco companies registered a combined 64 legislative lobbyists, nearly double the 35 they registered in 2003 (which was nearly double the 18 they registered in 2002).**

The tobacco industry was well equipped to influence the political process during the 2004 legislative session. In the 2004 election cycle, the tobacco industry spent \$617,700 on campaign contributions to candidates running for office in Florida; Philip Morris/Altria spent more than double the amount of R.J. Reynolds/Reynolds American and Dosal, contributing \$180,250. In 2004, the tobacco companies registered a combined 64 legislative lobbyists, nearly double the 35 they registered in 2003 (which was nearly double the 18 they registered in 2002). Dosal registered 12 lobbyists, compared to PM's 9 and RJR's 7. (Likely, Dosal's large lobbying contingent was hired to fight non-participating manufacturers legislation proposed during the session.) The tobacco companies hired 37 executive branch lobbyists, 3 more than they hired in 2003, and more than four times the 8 lobbyists they hired in 2002.

Health groups registered nine executive and legislative branch lobbyists during the 2004 session. Their contingent included Paul Hull, Curt Kiser, and Brenda Olsen (Kiser and Hull were both registered by the Tri-Agency Coalition on Smoking OR Health). Even before the Governor released his budget, health groups began calling for \$39 million for the program in the media. In an article published on January 7, 2004 in the Florida *Sun-Sentinel*, the American Lung Association called for \$39 million, the amount allocated before funds were cut to \$1 million.<sup>581</sup>

In his budget proposal, released in late January, Bush ignored the health groups' plea and requested \$16 million for the program,<sup>582, 583</sup> a substantial increase over \$1 million but still less than one-half the \$37.5 million appropriated to the program in FY2003 (before funds were cut) and less than one-fifth the \$70.5 million the program received under Governor Chiles. Governor Bush did make this money part of the DOH's "base budget,"<sup>582</sup> which would have made the funds a recurring annual appropriation request. Secretary of Health John Agwunobi defended the reduced level of funding (compared to historical levels) as adequate<sup>584</sup> because the administration planned to transform the "pilot" status of the program into a permanent fixture.<sup>583, 584</sup> Despite its strong evidence of efficacy Agwunobi noted that "truth" advertisements would not be a part of this renewed program.<sup>583</sup>

**ALA Chief Operating Officer Brenda Olsen told *The Orlando Sentinel* that the Governor had promised anti-smoking groups that he would fully fund the program, and noted, "we're very disturbed that he [Governor Bush] has not followed through on his commitment to Florida and the youth of the state."**

In a response to the Governor's budget, ALA Chief Operating Officer Brenda Olsen told *The Orlando Sentinel* that the Governor had promised anti-smoking groups that he would fully fund the program, and noted, "we're very disturbed that he [Governor Bush] has not followed through on his commitment to Florida and the youth of the state to restore that to a \$39 million program. Last year he recommended \$39 million at

a time when we were hearing how bleak the state budget was going to be. This year, we're hearing its more rosy, and yet its cut in half."<sup>584</sup> Senate Minority Leader Ron Klein (D, Boca Raton, \$3,500) told the media that Bush's proposal was "morally wrong."<sup>584</sup> Bush's response to the criticism was, "it's 16 times more than what was appropriated last year. I'm increasing the commitment by 15 or 16 times, that's the way I look at it."<sup>584</sup>

According to Brenda Olsen, then Director of Governmental Affairs at the ALA of the Southeast, the ALA mounted a very aggressive campaign for increased funds for FY2005, and felt that it was a critical year. Olsen recalled that James McDonough, the Director of the Office of Drug Control under Bush, called a committee together to study funding levels for the TPP prior to the session. The purpose of the study was to determine how much funding the program needed to be functional and effective. According to Olsen, the study concluded that the TPP needed significantly more than Bush's proposed \$16 million in funds.<sup>55</sup> (Olsen recalled the report recommending somewhere in the range of \$40 - \$60 million.<sup>55</sup>) The Office of Drug Control and Bush administration did not release the results of the study. However, in an effort to demonstrate that Bush's proposal was inadequate, public health groups held a press conference to publicize the results of the study, without the administration's approval. According to Olsen, James McDonough was "furious"<sup>55</sup> over the release of the results. The tri-agencies continued to

reiterate their request for \$39 million from the Florida Legislature for the program.<sup>582</sup> We could not locate any accounts of the administration’s study in the media.

On February 11, after the Governor released his budget, Jeffrey Wigand, a former Brown and Williamson executive who became famous by disclosing the tobacco industry’s knowledge about the harm of cigarettes on *60 Minutes* and was the subject of the motion picture *The Insider*, made a speech at the University of North Florida. Wigand accused Florida’s government of “moral treason” for not spending more of their tobacco settlement funds on tobacco control.<sup>585</sup> He called on Senate President Jim King (R, Jacksonville, \$11,150) and House Speaker Jonnie Byrd (R, Plant City, \$3,500) to fund the program. After the press contacted King and Byrd for statements, King “defended the state’s spending, saying Florida has spent vast amounts on health care for smokers who get cancer and other smoking-related diseases and that spending tobacco-settlement dollars on that care was appropriate.”<sup>585</sup> King said “What we have now is balance.”<sup>585</sup> Bush’s spokesman similarly commented that the state was taking a “morally correct path” and had spent more than \$200 million on tobacco control in the past six years. Byrd did not respond to requests from the press for an interview.<sup>585</sup> As introduced on March 26, the Senate’s bill (based on recommendations from the Senate Subcommittee on Health and Human Services Appropriations, chaired by Senator Durell Peaden) ignored health groups and Bush’s meager proposal and removed all money for tobacco control.<sup>586</sup>

**Wigand accused Florida’s government of “moral treason” for not spending more of their tobacco settlement funds on tobacco control.**

The House’s Appropriations Bill (HB 1835), as introduced on March 28, also ignored Governor Bush’s proposal of \$16 million, zeroing out the tobacco control budget.<sup>587</sup>

Three days after the House filed its appropriations bill, the Senate’s Democratic leadership (the minority) responded favorably to the health groups’ request for more funds. On March 31, in a floor amendment to the bill, Senate Democratic Leader and tobacco control advocate Ron Klein (D, Boca Raton, \$3,500), who regularly worked with the health groups, and Senate Minority Whip Frederica Wilson (D, Miami Gardens, \$3,000) proposed restoring the funding to \$39.1 million<sup>588</sup> and also requiring the Department to follow the Centers for Disease Control and Prevention’s *Best Practices for Comprehensive Tobacco Control Programs*.<sup>588, 589</sup> (The funds proposed by the Senators were contingent on anticipated changes to the Internal Revenue Code which would free up additional state funds.) The Senate defeated the amendment by a vote of 14 to 25, with all but one of the Senate’s 25 Republicans voting no (Table 60). Rudy Garcia (R, Hialeah, \$13,200), one of the top ten tobacco industry campaign contributions recipients, voted with the Democrats to restore the funds.<sup>590, 591</sup> The average campaign contributions received by Senators who voted yes on funding for the TPP was \$5,118 and for those who voted no was \$5,757.

On April 15, a Conference Committee was appointed to reconcile the House and Senates appropriations. Two weeks later, on April 30, the Conference Committee Report was adopted, allocating \$1 million to the program, the same amount as FY2004, with a clause prohibiting, “radio, television, newspaper or other advertising of any type.”<sup>592</sup> This clause, similar to provisions in the FY2004 budget which specified that money could be used only for “education



Table 60. 2004 Vote on Senate Appropriations Amendment 995099 to restore Tobacco Pilot Program / Tobacco Prevention Program funds

Name	Party	District	Total Contributions 1987-2008
<b>Yes</b>			
Dave Aronberg	D	27	\$5,750
Walter "Skip" Campbell	D	32	\$0
Mandy Dawson	D	29	\$6,000
Rudolfo "Rudy" Garcia	R	40	\$13,200
Steven Geller	D	31	\$4,750
Anthony "Tony" Hill	D	1	\$4,750
Ron Klein	D	22	\$3,500
Al Lawson	D	6	\$4,800
Gwen Margolis	D	35	\$6,400
Lesley "Les" Miller	D	21	\$6,250
Gary Siplin	D	19	\$7,250
Rod Smith	D	14	\$4,000
Debbie Wasserman Schultz	D	32	\$2,000
Fredrica Wilson	D	33	\$3,000
<b>Total Contributions</b>			<b>\$71,650</b>
<b>Average per "Yes" Vote</b>			<b>\$5,118</b>
<b>No</b>			
J.D. Alexander	R	17	\$5,000
Nancy Argenziano	R	3	\$5,250
Jeffrey Atwater	R	25	\$4,750
Michael Bennett	R	21	\$7,000
Lisa Carlton	R	18	\$1,750
Charlie Clary	R	4	\$1,500
Lee Constantine	R	22	\$6,000
Anna Cowin	R	20	\$500
Victor Crist	R	12	\$5,750
Alex Diaz de la Portilla	R	36	\$6,578
Paula Dockery	R	15	\$11,200
Mike Fasano	R	11	\$14,750
Mike Haridopolos	R	26	\$2,500
Dennis Jones	R	13	\$12,400
James "Jim" King	R	8	\$11,150
Tom Lee	R	10	\$3,500
Evelyn Lynn	R	7	\$9,500
Durell Peaden	R	2	\$0
Bill Posey	R	24	\$9,000
Ken Pruitt	R	28	\$13,250
Burt Saunders	R	37	\$3,100
Jim Sebesta	R	16	\$1,000
Alex Villalobos	R	38	\$8,000
Daniel Webster	R	9	\$0
Stephen Wise	R	5	\$500
<b>Total Contributions</b>			<b>\$143,928</b>
<b>Average per "No" Vote</b>			<b>\$5,757</b>
Source: Senate vote on Appropriations Amendment 995099 <sup>591</sup>			

and training,” demonstrated the Legislature was trying to prevent the DOH from restarting the “truth” campaign.

Senate President Jim King (R, Jacksonville, \$11,150), who played a role in early opposition to TPP, again opposed TPP funds in 2004,<sup>593</sup> claiming that he was “just a little bit skeptical about how wise it would be ... to take a bunch of money and go into a full-fledged advertising

**Senate Budget Chairman Ken Pruitt ...claimed in the *Florida Times-Union* that the funding cuts didn’t mean the program was not important, just that it was not a priority.**

campaign.”<sup>594</sup> King suggested that Florida’s universities instead develop pro-bono ads for smoking prevention.<sup>594</sup> Senate Budget Chairman Ken Pruitt (R, Port St. Lucie, \$13,250) claimed in the *Florida Times-Union* that the funding cuts didn’t mean the program was not important, just that it was not a priority.<sup>595</sup> Pruitt also said, “those running the program need to quit focusing their energy on complaining about what the Legislature didn’t do” and go after private funding.<sup>595</sup> Brenda Olsen of ALA criticized the final cuts in the media, stating that “the tobacco industry is licking its chops” and the cuts gave the industry “free reign to recruit a whole new generation of smokers.”<sup>595</sup> Bush described himself as “mystified” about the Legislature’s failure to allocate funds and stated, “if the facts would suggest that it didn’t work, I would be the first one to suggest we get rid of it. But there’s

been a dramatic reduction in teen consumption of tobacco.”<sup>594</sup> Bush, however, did not use his considerable influence in the Legislature to secure funding for tobacco control. In a 2011 interview, Curt Kiser recalled that Bush’s Secretary of Health, John Agwunobi, said that the Governor did not support raising funding for the TPP for FY2005 that year.<sup>56</sup>

The tri-agencies did work to pressure lawmakers to raise TPP funds for FY 2005, including criticizing Governor Bush’s proposal openly.<sup>584</sup> However, they did not mount a large or public enough campaign to effectively restore TPP funds. This failure may have reflected a decision at the American Cancer Society to pursue other priorities. With the help of Senate President Jim King (who spoke against raising funds for the program early in the session), the ACS secured a \$2 million appropriation for the Mayo Clinic in King’s district. (Paul Hull, the ACS Vice President of Advocacy and Public Policy had formerly worked in King’s Office.)

### **FY2006: Funding Remains at \$1 million**

In his proposed FY2006 budget, Governor Bush proposed \$4 million for tobacco control, one quarter of his proposal for FY2005, allocating \$2 million for youth and \$2 million for a more comprehensive program.<sup>596</sup> Without effective opposition from the Bush administration or health groups, the House of Representatives cut this amount back to \$1 million for the program and maintained the provision prohibiting “radio, television, newspaper or other advertising of any type.”<sup>597, 598</sup> (Health groups were beginning to gear up for a constitutional amendment to restore funds, as described below.) The Senate again zeroed out the program<sup>599</sup> then agreed to the House’s proposed amount in Conference Committee.<sup>600</sup>

### **Tobacco Prevention Program: Development of 5 Year Plan – 2005-2010**

Following the 2003 budget cuts and continuing through 2006, the Tobacco Prevention Program, managed by Gregg Smith, coordinated the remaining SWAT youth activities and operated Florida’s Quit-for-Life telephone quit line. A handful of regional coordinators managed local SWAT chapters, a few of which had been kept alive with private.

In 2004 the Center for Tobacco Policy Research at St. Louis University conducted a study comparing organizational structures of eight state tobacco control programs, including Florida’s, for state policymakers.<sup>601</sup> The research analyzed tobacco control networks to determine organizational blueprints for state tobacco control programs, including mapping out the density of and communication between state tobacco control network partners. The study concluded that Florida had the least dense network of tobacco control partners of the eight states evaluated.<sup>601</sup> Florida, along with Minnesota, had among the highest concentrations of tobacco control activities in the state DOH versus other partners.<sup>601</sup> This study suggested that Florida’s tobacco control advocacy structure was highly centralized, without as much local grassroots activity as other states. This may have been impacted by the clean indoor air preemption passed in 1985, which eliminated local tobacco control activity until the clean outdoor movement picked up in the early 2000s.

In 2005, Florida had reached the end of their five-year Comprehensive Plan<sup>194, 195</sup> that the Florida Leadership Council for Tobacco Control, the state’s tobacco advocacy coalition, prepared in the early 2000s. In February 2005, DOH created a 16 person core steering committee

to develop Florida's Tobacco Prevention and Control Strategic Plan for 2005-2010. After the steering committee initially met, a planning session took place, with more than 45 participants including the voluntary health groups, governmental agencies, allied health professional organizations, and in-state grassroots advocacy organizations.<sup>602</sup> After the initial planning phase, six goals were developed and workgroups were established for each of the six goals. The 45 stakeholders in the process reviewed the final draft.<sup>602</sup>

After several meetings with stakeholders, the Plan articulated the long-term vision of a "tobacco-free Florida"<sup>602</sup> with six goals:

- Reduce adult tobacco use from 17.3 percent in 2005 to 16.0 percent in 2010.
- Reduce exposure to secondhand smoke from 12.6 percent of Households in 2005 to 10 percent of Households in 2010.
- Reduce youth tobacco use from 15.7 percent in 2004 to 14 percent in 2010.
- Reduce access to tobacco products through enforcement of existing laws and by increasing the tobacco excise tax. (*The American Heart Association, the American Cancer Society, the American Lung Association, and other non-Department of Health partners want to increase the excise tax on tobacco products.*)
- Increase the portion of dollars from the state's tobacco settlement agreement allocated for tobacco use prevention and control, and other health-related needs in the state. (Non-Department of Health partners are also pursuing this goal.)
- Monitor and analyze data relative to tobacco consumption in Florida.<sup>602</sup>  
[emphasis in original]

**The tri-agencies did not see the Plan as a serious document.**

The tobacco use reduction goals -- reducing tobacco use by 1.3% for adults and 1.7% for children over five years were not aggressive. For comparison, in four years of the Tobacco Pilot

Program (1998 – 2002) tobacco prevalence declined among middle school students by 8.7% and among high school students by 8.4%.<sup>603</sup> The two policy goals -- increasing the tobacco tax and increasing the portion of settlement dollars for tobacco prevention -- were to be accomplished by the tri-agencies, not DOH.

The tri-agencies did not see the Plan as a serious document.<sup>301, 307</sup> The Department of Health did not take any steps to implement the Plan and did not mention it in any of its subsequent annual reports.

## **CHAPTER VIII: RESTORATION OF TOBACCO CONTROL FUNDING: AMENDMENT 4**

- *After 7 years of reduced TPP funding, Florida's tri-agencies ran the Amendment 4 campaign to restore a state tobacco control program, to be designed according to CDC Best Practices for Comprehensive Tobacco Control Programs and funded by 15% of the state's 2005 tobacco settlement payments.*

### **Advocates Pursue Tobacco Control Funding Mandate via Florida's Constitution 2005-2006**

In 2005, after 6 years of precipitous cuts to Florida's Tobacco Control Program, and three years of funding at \$1 million, the tri-agencies (American Cancer Society, American Heart Association, and American Lung Association) resolved to return to Florida's voters, this time to allocate a percentage of Florida's tobacco settlement dollars to reducing tobacco use. (CTFK was also in consultation with the tri-agencies on the Amendment, but was not a primary partner.) They planned a ballot initiative campaign for a constitutional amendment on the November 2006 ballot. They moved more quickly than in the Amendment 6 campaign because of concern about another potential ballot initiative to increase the requirement to pass a ballot initiative from 50% to a 55% or 60% supermajority. (A similar amendment had been feared and altered the advocates' planning timetable in 2002.) Early polling by the ACS suggested that voter support for the proposal would be too close for comfort under supermajority requirement.<sup>604</sup>

Florida was not the first state in which voters were asked to mandate tobacco control spending; prior campaigns to secure tobacco control funding via ballot initiative included California in 1988<sup>67</sup> (cigarette tax, Proposition 99), Massachusetts in 1992<sup>605-607</sup> (cigarette tax, Question 1), Arizona in 1994<sup>129, 608</sup> (cigarette tax, Proposition 200), and Oregon in 1996<sup>609</sup> (cigarette tax, Measure 44). In Oklahoma, in 2000, a referendum was approved by voters to constitutionally mandate and protect a trust fund of 75% of Master Settlement Agreement (MSA) monies to be spent on tobacco control and other health programs; however, the requirement that only interest and dividends from the fund be spent resulted in limited funding for tobacco control in the early years.<sup>610</sup>

#### ***Campaign Organization: Tri-Agencies***

As in the 2002 SFFH campaign, the American Cancer Society was the primary driver behind what would become Amendment 4. By late spring and early summer 2005, after the initial planning and ballot drafting phase for the Amendment, the other two tri-agencies, AHA and ALA, joined the coalition. ACS also successfully approached Washington, D.C.-based CTFK to join the effort.<sup>604</sup>

ACS, which handled the operational aspects of the campaign, hired many of the same consultants from the 2002 Smoke-Free for Health Campaign again, including David Hill of Hill Research Consultants for polling, John Sowinski of Consensus Communications for strategic and organizational support, and Stephen Grimes, former Florida Supreme Court Justice and partner of Holland & Knight, for legal advice.<sup>307, 611</sup> The ACS also hired Democratic pollster Mark Mehlman to complement the work of Republican David Hill.<sup>611</sup> They hired the media firm

Squire Knapp and Dunn for the advertising portion of the campaign, whereas media for Amendment 6 was handled by firm Languens Hamburger Stone.<sup>611</sup>

### *Drafting the Amendment*

Careful drafting of the Amendment, as it had been for the SFFH campaign, was needed to ensure approval by the Supreme Court, as well as to create a well-funded and structured tobacco control program that could function in the face of a hostile Legislature and governor. Unlike Amendment 6, neither the single subject rule nor the word limitations for the ballot title (15 words) and the ballot summary (75 words) presented any problems.<sup>604</sup> ACS prepared the first draft of the amendment and circulated it to the other core partners, AHA and ALA, along with CTFK for discussion in the summer of 2005. ACS' board made many of the initial decisions about the Amendment, but the other tri-agency organizations and CTFK were able to exercise influence over the final draft.

### *Defining the Program Based on CDC Best Practices*

A primary question in drafting the amendment was whether or not the amendment should require recreating the TPP. Certainly, TPP's history and legacy of success warranted its reconstitution. In addition, the campaign's decision to pursue a constitutional amendment was based on its inability to restore funding to TPP through the Legislature, and therefore pursuing reconstitution of TPP provided the most justification for pursuing a campaign. As described by Letitia Daniels Jackson, then Southern Region Advocacy Representative of the Campaign for Tobacco Free Kids, in an interview for this research,

ACS' board voted to proceed based on information presented: 1) the voluntaries had pushed for years to restore funding to their "popular youth program" and to fully fund it and 2) the Legislature had failed to do so after many years of trying. Their decision to go to the voters was based on the inability to get the Legislature to act and they did not want it to seem they were "opportunistically introducing something new just because we [they] can".

While ultimately the campaign did not pursue reconstitution of TPP, by name, it did decide to pursue a youth-focused program, which it felt would be justified and would allow re-creation of TPP's most successful components. Polling conducted for the ACS by David Hill demonstrated strong public support (63% - 34%) for including adults in the program but only 48% for "reinstatement of former program." Ultimately, the campaign felt they had a stronger moral argument for keeping the amendment youth focused but did not preclude adult programming. The amendment did not require reconstituting TPP by name, or reconstituting SWAT or "truth." In addition to the low public support for explicitly doing so, the tri-agencies and CTFK chose not to require recreating "truth" or SWAT programs by name because of concern that doing so would create problems when they returned to the Legislature for the implementation phase of the amendment. The intent was, however, to draft the amendment in a way that SWAT and "truth" could be part of the new program. In a 2010 interview Letitia Daniels Jackson reported that,

**Certainly, TPP's history and legacy of success warranted its reconstitution.**

demonstrated strong public support (63% - 34%) for including adults in the program but only 48% for "reinstatement of former program." Ultimately, the campaign felt they had a stronger moral argument for keeping the amendment youth focused but did

Including SWAT and Truth was discussed and the decision was made to not name specific programs, mainly because there were legislators who loathed both programs due to some controversy that had occurred in some of the actions of the youth and the legislator [sic] would have to pass implementing language for the constitutional amendment in the next legislative session. We attempted to draft the language in such a way that the type of campaign SWAT and “truth” was could be replicated without specifically naming it specifically [sic], because of the hostility to the program by the Legislature.<sup>604</sup>

Similarly, in a 2010 interview, Paul Hull stated:

My general recollection is that that would be too -- coming up with the directives on specific branding would have been too specific. But clearly everybody -- and even legislators who were supportive of what we were trying to do, particularly with SWAT -- I mean we wrote the language such that it have a youth component.<sup>162</sup>

Instead of requiring SWAT and “truth,” the campaign decided to model their new program on the US Centers for Disease Control and Prevention (CDC) 1999 *Best Practices for Comprehensive Tobacco Control Programs*,<sup>589</sup> The amendment specified that:

a portion of the money that tobacco companies pay to the State of Florida under the Tobacco Settlement each year shall be used to fund a comprehensive statewide tobacco education and prevention program consistent with recommendations of the US Centers for Disease Control and Prevention (CDC).<sup>612</sup>

The CDC’s *Best Practices* included recommendations not only for program content and structure, but also state-specific recommendations for funding.<sup>589</sup> According to representatives from the ALA and ACS, the decision to require that the new program adhere to CDC guidelines reflected their agencies’ best practices as well as a desire to create a strong amendment.<sup>301, 307</sup> ACS’s Grassroots Advocacy Director Aaron Czyzewski summed up that the consensus on why the campaign based the amendment on CDC guidelines was:

**The decision to require that the new program adhere to CDC guidelines reflected their agencies’ best practices as well as a desire to create a strong amendment.**

to help put together a proposal that would be viewed as credible science and one that would reflect the current intelligence and best practices in the tobacco control community. You know -- we wanted the strongest proposal possible that would blend the support of voters. And we didn't need the support of the Legislature. But we knew that it was important to put together a proposal that would be met with respect.<sup>301</sup>

Another advantage of including CDC *Best Practices* was the combination of the fact that the amendment would be permanently contained in Florida’s Constitution, whereas CDC’s best practices are updated regularly, which would ensure that Florida’s program was modeled on the most current *Best Practices* without a need to revisit the amendment’s language.<sup>301</sup>

The CDC's 1999 *Best Practices* contained nine programmatic areas for a comprehensive tobacco control program. The campaign required that the new program adopt five of the CDC's nine programmatic requirements, which they felt were most relevant to youth.<sup>307, 604</sup> The amendment language required the following programmatic components:

- (1) an advertising campaign to discourage the use of tobacco and to educate people, especially youth, about the health hazards of tobacco, which shall be designed to be effective at achieving these goals and shall include, but need not be limited to, television, radio, and print advertising, with no limitations on any individual advertising medium utilized; and which shall be funded at a level equivalent to one-third of each total annual appropriation required by this section;
- (2) evidence-based curricula and programs to educate youth about tobacco and to discourage their use of it, including, but not limited to, programs that involve youth, educate youth about the health hazards of tobacco, help youth develop skills to refuse tobacco, and demonstrate to youth how to stop using tobacco;
- (3) programs of local community-based partnerships that discourage the use of tobacco and work to educate people, especially youth, about the health hazards of tobacco, with an emphasis on programs that involve youth and emphasize the prevention and cessation of tobacco use;
- (4) enforcement of laws, regulations, and policies against the sale or other provision of tobacco to minors, and the possession of tobacco by minors; and
- (5) publicly-reported annual evaluations to ensure that moneys appropriated pursuant to this section are spent properly, which shall include evaluation of the program's effectiveness in reducing and preventing tobacco use, and annual recommendations for improvements to enhance the program's effectiveness, which are to include comparisons to similar programs proven to be effective in other states, as well as comparisons to CDC Best Practices, including amendments thereto.<sup>612</sup>

The decision to include the mandate to spend 1/3 of funds on advertising came from a desire to prevent the Legislature from prohibiting advertising, as they had done via the state's appropriations to the program in 2004 and 2005. According to Aaron Czyzewski,

We knew that the tobacco program that contributed to reducing youth smoking rates and a part of the program needed an extra layer of protection from legislative involvement. And so, requiring [that there was money] to use for the marketing purposes was a great way to ensure that an important part of the program would be in place.<sup>301</sup>

The one-third funding requirement was also significant in that it exceeded the CDC recommended 20% funding for counter-marketing.

The four components not mandated were chronic disease programs to reduce the burden of tobacco-related diseases, statewide programs, cessation programs, and administration and management.<sup>589</sup> The amendment did, however, allow additional components to be added as long as doing so did not undermine the five specified components.<sup>612</sup>

### *Setting the Funding Level Significantly Lower than CDC's Recommendation*

A contentious decision among the founding partners for the amendment, the tri-agencies and CTFK, was to mandate funding well below CDC's recommended funding level. Ultimately, the campaign decided to include the following language in the amendment:

In every year beginning with the calendar year after voters approve this amendment, the Florida Legislature shall appropriate, for the purpose expressed herein, from the total gross funds that tobacco companies pay to the State of Florida under the Tobacco Settlement, an amount equal to fifteen percent of such funds paid to the State in 2005; and the appropriation required by this section shall be adjusted annually for inflation, using the Consumer Price Index as published by the United States Department of Labor.<sup>612</sup>

15% of Florida's 2005 tobacco settlement money amounted to \$57.9 million, compared to the \$91.7 to \$258.9 million in 2005 dollars CDC recommended. While not meeting the CDC minimum, the amendment was the first to ensure that the purchasing power available for the tobacco control program would be protected from the effects of inflation and the possibility that income from the Florida settlement could decline over time.

**"It was just a number that the principals could all agree on was sufficient and would not unduly be attacked by the Legislature."**

Many explanations have been offered for the decision to mandate less funding than CDC recommended, which was inconsistent with the requirement that the new program adhere to *Best Practices*. In a 2010 interview, Paul Hull, Vice President of Advocacy and Public Policy, argued that requiring the CDC's minimum level of funding would have resulted in,

mandating state legislative responsibility to a federal entity and ... given the CDC's penchant for giving you ... what they really ideally believe is the right number sort of jeopardized passage. I want to make clear that's where we were coming from on that. We were trying -- we tried to balance the need, the ability and the need for this program to be restored and successful and to also be able to sell it to the voters.

Hull suggested that the CDC's recommended funding level was an ideal which was not passable by voters. Aaron Czyzewski, ACS' Grassroots Advocacy Director, added that they wanted to choose a funding level that would be "acceptable" to voters and the Legislature.

It was just a number that the principals could all agree on was sufficient and would not unduly be attacked by the Legislature, would meet with approval of the voters and at the same time could pass for what would be required for a credible, effective tobacco control program based on the experience in Florida. But something that I recognized, the CDC number that so many people like to hold out as the goal clearly included things that were beyond the scope of what was contemplated in Florida. And so it would introduce some risks to the success of the overall proposal had we been viewed as overreaching. And so I think we put up a winning proposal...<sup>301</sup>

Brenda Olsen also reported that the decision was based on an interpretation of what level of funding was acceptable, but that the issue was heavily debated among the campaign's partners.



I can tell you that there was significant debate about whether or not to go for restoring the amount plus some increase in the market index versus what the CDC minimum recommendations were. And there were people that were making the decisions that felt like we could not be asking for more than what was already being provided since that was already successful and somehow that message would not carry over. There were others that debated heavily to go with the CDC minimum so that it also incorporated some of the adult cessation in particular that CDC Guidelines included.<sup>307</sup>

CTFK pushed the ACS to aim for a 22% of settlement monies, which would have met the CDC’s minimum. Daniels Jackson pointed out that the campaign’s own polling concluded that the CDC minimum (22%) was just as passable with voters as 15%. She confirmed that ACS’s decision to aim lower was more a consideration of the Legislature’s reaction than what the voters would support:

**“ACS’ initial initiative language draft included the 15%. TFK tried unsuccessfully to get them to ask for the CDC minimum...(and they agreed it would be likely just as passable with the electorate).”**

ACS’ initial initiative language draft included the 15%. TFK tried unsuccessfully to get them to ask for the CDC minimum...(and they agreed it would be likely just as passable with the electorate). However, they felt there were political considerations with the Legislature that would put them to their “tipping point” and would push them to put their own amendment on the ballot.<sup>604</sup>

The CDC was not consulted about including their *Best Practices* in the Amendment or the funding level.<sup>604</sup>

The tri-agencies and CTFK all approved the amendment language.

The amendment’s Staff Management Committee (Table 61) was established and included the primary players in drafting the amendment.<sup>611</sup> As during the drafting phase, each organization had one member on the Staff Management Committee, but ACS was the dominant voice because it provided the largest financial contribution to the campaign.<sup>307</sup> Letetia Daniels Jackson, Southern Region Advocacy Representative for CTFK, was not only the Steering Committee but was invited to the Steering Committee meetings to provide CTFK’s input.<sup>344</sup>

Table 61. Staff Management Committee for Constitutional Amendment to Restore Tobacco Control Funds (2005)		
Name	Organization	Position
Paul Hull	Florida Division American Cancer Society	Vice President of Advocacy and Public Policy
Brenda Olsen	American Lung Association of Florida	Director of Governmental Affairs
Brian Gilpin	American Heart Association, Florida/Puerto Rico Affiliate	Vice President of Public Advocacy
Source: Damien Filer <sup>611</sup>		

Money for the 2006 campaign came primarily from the tri-agencies and CTFK, but also included other non-profit groups and individual donors, such as the Mayo Clinic (Table 62).

Table 62. Florida Amendment 4 Campaign Contributions	
American Cancer Society	\$2,276,016
American Cancer Society, Florida Division	\$1,550,000
American Heart Association Florida/ Puerto Rico Affiliate	\$1,000,000
American Lung Association of Florida	\$275,000
Other Sponsors	\$56,546
Jacob Baime	\$25
Commission to Restore Voter Dignity	\$1,351
Freedom High School PTSA	\$50
Paul Harvill	\$20
Paul Hull	\$100
Mayo Clinic	\$25,000
Tobacco Free Kids Action Fund	\$175,090
Wachovia - Interest Payments	\$8,599
<b>Total Contributions</b>	<b>\$5,311,251</b>
Source: Florida Department of State Division of Elections <sup>613</sup>	

### ***Petition Gathering and Supreme Court Review***

To lead the campaign, the founding partners of the initiative established a Political Action Committee, Floridians for Youth Tobacco Education (FYTE). Officers of FYTE included John Chaperon of ACS, the Chairman, Michael Kasper, a local Radiation Oncologist, as the Treasurer, and Mark Holcomb, the registered agent of the

campaign.<sup>614</sup> Overseeing the PAC was a board of directors, which was comprised of representatives from the national offices of the tri-agencies, and doctors and other professionals who were prominent and well respected in tobacco related fields.<sup>611</sup> The campaign filed the initiative petition for Amendment with the Secretary of State on July 20, 2005. The Amendment was assigned the number 4.

### ***Floridians for Youth Tobacco Education***

To win a place on the ballot the campaign needed 611,000 valid signatures collected by February 1, 2006.<sup>615</sup> The campaign used paid petition signature gatherers for five months (August – December 2005) (at a cost of \$1.9 million<sup>616</sup>) and delivered 830,000 signatures to state election officials in early January 2006. The signatures were validated on January 24<sup>th</sup>; with 682,000 valid signatures (82%), the initiative easily qualified for the 2006 ballot.<sup>617</sup>

The Supreme Court unanimously approved the Amendment 4 ballot question seven weeks later on March 16, 2006 with no opposition.<sup>618</sup>

### ***Coalition Building***

By the time of the 2002 election, FYTE won endorsements from over 50 organizations, 17 news / media outlets, 4 political candidates, and 24 civic leaders (Table 63). February 1, 2006.<sup>615</sup> The campaign used paid petition signature gatherers for five months (August – December 2005) (at a cost of \$1.9 million<sup>616</sup>) and delivered 830,000 signatures to state election officials in early January 2006. The signatures were validated on January 24<sup>th</sup>; with 682,000 valid signatures (82%), the initiative easily qualified for the 2006 ballot.<sup>617</sup>

The Supreme Court unanimously approved the Amendment 4 ballot question seven weeks later on March 16, 2006 with no opposition.<sup>618</sup>

Table 63. Yes on Amendment 4 Supporters	
<p style="text-align: center;">Organizational Supporters</p> <p>American Cancer Society, Florida Division  American Heart Association, Florida / Puerto Rico Affiliate  American Lung Association of Florida  Campaign for Tobacco Free Kids  Alachua County Democratic Executive Committee  American College of Cardiology, Florida Charter  American College of Physicians, Florida Chapter  ASPIRA of Florida  Brevard Board of County Commissioners  City of West Melbourne  Collier County Democratic Club  Committee to Restore Voter Dignity, Inc.  Community Connections of Jacksonville, Inc.  Cuban American National Council, Inc.  Democratic Women's Club of St. Lucie County  Englewood Community Health Action Team  Florida Academy of Family Physicians  Florida Dental Association</p> <p>Florida State AFL-CIO  Florida Coalition for Promoting Physical Activity  Florida C.H.A.I.N.  Florida Education Association  Florida Laryngectomy Association  Florida National Organization for Women PAC/CCE  Florida Public Health Association  Florida State Conference NAACP  Florida Thoracic Society  Florida Youth Democrats  GASP of Florida  GFWC North Pinellas Women's Club, Inc.  Green Party of Hillsborough County  Hispanic Chamber of Commerce of Metro Orlando  IGNITE Florida  Indian River Medical Center  League of United Latin American Citizens (LULAC)  Mayo Clinic  National Hispanic Medical Association  National Latino Council on Alcohol and Tobacco Prevention  Pine Island Ladies  Pinellas County Tobacco-Free Coalition  Puerto Rico Cultural Center of South Florida, Inc.  St. Lucie Medical Center  Santa Rosa County School Board  Smoke-Free Jacksonville  Smoke Free Society Education Corporation  Southeast Florida Cancer Control Collaborative  UMSylvester Cancer Center, University of Miami  We Care Jacksonville, Inc.  Volusia County Medical Society</p>	<p style="text-align: center;">News Media</p> <p>Bonita Daily News  Bradenton Herald  Herald Tribune  Fernandina Beach News Leader  Florida Times Union  Florida Today  Gainesville Sun  The Ledger  Naples News  The News-Press  Ocala Star-Banner  Palm Beach Post  Pensacola News Journal  Salud Al Dia Magazine  South Florida Sun-Sentinel  Tallahassee Democrat</p> <p style="text-align: center;">Candidates</p> <p>Willis K.C. Bowick, House of Representatives, Dist. 59 (lost)  Jim Davis, candidate for Florida Governor (lost)  Bill McCollum, candidate for Attorney General (won)  Alex Sink, candidate for Chief Financial Officer (won)</p> <p style="text-align: center;">Civic Leaders</p> <p>Representative Mary Brandenburg  Representative Susan Bucher  Representative Joyce Cusak  Representative Carl Domino  Representative Anne Gannon  Congressman Kendrick Meek  Representative Curtis Richardson  Senator Burt Saunders  Bill Barnett, Mayor, City of Naples  Anne Castro, City Commissioner, Dania Beach  Bishop Ben Feliz, Church of God of the Prophecy  Pastor Jairo Garcia  Dr. Luis J. Herrera, MD, MD Anderson Cancer Center  Ron Littlepage, Columnist, the Times Union  Pastor Israel Martinez, Iglesia Cristiana  Pat Mulieri, Pasco County Commissioner  Misionera Poinciana  Patrick Reynolds, Foundation for Smokefree America  Pastor Jorge Navaruez, Iglesia Cristiana  Pastor Hector Santiago, Iglesia Cristiana Orlando Norte  Mike Thomas, Orlando Sentinel Columnist  Rvdo Florencio Torres, Iglesia de Dios de Kissimmee  Carlie Ward  Luz Weinberg, City Commissioner, Adventura</p>
<p>Source: Yes on 4 Campaign<sup>619</sup></p>	

### ***FY2007: The Legislature Responds to the Campaign by Ramping up Funding***

In response to the initiative, the Legislature modestly increased funding for the Tobacco Prevention Program in spring 2006 (for FY2007). The original Senate appropriations bill, under the new leadership of President Tom Lee ( R, Brandon, \$3,500), proposed \$5 million in spending for the Tobacco Prevention Program with no restriction on advertising,<sup>620</sup> which was subsequently increased to \$10 million.<sup>621, 622</sup> (Although the Senate under President Lee appeared to be more favorable to tobacco control spending, Lee himself had been an opponent of strong implementation of Amendment 6 in 2003.) According to Richard Polangin, Special Projects Coordinator for the Department of Health at the time, Senator Burt Saunders, member of the Health and Human Services Appropriation Committee, recognized that Amendment 4 would likely pass, and so he helped convince the Senate to increase funding from \$5 to \$10 million to prepare for an influx of money the following year.<sup>329</sup> News articles indicated that for FY2007, Saunders originally pushed for \$57.9 million for the program, with a required advertising component,<sup>623</sup> but was unsuccessful. Polangin described Saunders as the “single strongest advocate in the Legislature looking at both chambers for tobacco prevention.”<sup>329</sup>

The House, under Speaker Marco Rubio (R, Industry Contributions 1998-2008 \$4,250), continued to appropriate only \$1 million and maintained the restriction on advertising.<sup>624</sup>

A Conference Committee agreed on \$5.6 million for FY2007 comprised of \$1 million in recurring tobacco settlement funds, \$2 million in recurring general revenue funds, and \$2.6 million in non-recurring tobacco settlement funds.<sup>625, 626</sup> The bill no longer prohibited advertising expenditures and required that the \$2.6 million be spent on tobacco awareness and use reduction education programs.<sup>625, 626</sup>

### ***No Direct Tobacco Industry Opposition***

Amendment 4 does not appear to have had any direct industry opposition. None of the strategies the industry routinely used to attack other campaigns, including Supreme Court oral arguments, a vote “no” campaign, or a competing initiative<sup>68, 421</sup> materialized. Perhaps the tobacco industry’s hesitation to waste money challenging Amendment 4 resulted from their failure to successfully garner much support for their opposition to Amendment 6.

**“Another example of people going around the process. They say the Legislature was not responsive. We were responsive. We said, ‘no, we don’t think this is the funding formula.’”**

There was some opposition from Governor Bush and members of the Legislature who had been expressing reservations about amending the Constitution for the initiative.<sup>618</sup> Florida State Representative Dennis Baxley (R, Dist. 24, Industry Contributions \$0) reported to the press that Amendment 4 was, “another example of people going around the process. They say the Legislature was not responsive. We were responsive. We said, ‘no, we don’t think this is the funding formula.’”<sup>627</sup>

As the health groups had anticipated, another amendment on Florida’s ballot (Amendment 3) sought to increase the vote requirement to pass a ballot initiative from 50% to 60%. Amendment 3 originated in a 2005 Joint Resolution (Florida permits referendums)

sponsored by the House Judiciary Committee and Representative David Simmons (R, Maitland, \$1,500).<sup>628</sup> Although it would not have imposed a supermajority vote for Amendment 4, the debate over Amendment 3 raised questions about what should and should not be in the Constitution, which was not favorable for Amendment 4. (Amendment 3 passed, though ironically with only 58%<sup>629</sup> of the vote, making Florida one of only two states to require a supermajority to pass constitutional amendments.<sup>630</sup>)

### ***Voter Education and Media***

Floridians for Youth Tobacco Education spent a little over \$5 million on the Amendment 4 campaign (Table 64), with advertising being the largest single item (43.6%). Until the final few months of the campaign, FYTE relied primarily on earned media to spread awareness of their issue and campaign. Strategies included recruiting support of local and statewide media outlets and holding press conferences, direct mail, a website, and even a Facebook page.

Table 64. Floridians for Youth Tobacco Education Campaign Expenditures	
Calls to Voters	\$28,806
Campaign Materials (banners, buttons, etc.)	\$6,651
Consulting (paid campaign staff)	\$432,860
Direct Mail	\$21,677
Legal Fees & Services	\$24,189
Loan Repayment	\$181,191
Media Advertising & Consulting	\$2,285,277
Office Expenses*	\$93,988
Petition Gathering	\$1,905,789
Petition Verification	\$84,573
Polling and Research	\$63,777
Public Relations	\$11,035
Research	\$26,837
Travel	\$63,793
Voter File & Mailing Service	\$15,312
<b>Total Campaign Expenditures</b>	<b>\$5,245,753</b>
Source: Florida Department of State Division of Elections <sup>616</sup>	
*office expenses include rent, printing, data management, reimbursed ACS staff time, etc.	

Their primary paid media messaging was a “Yes on 4” television ad, which Campaign Manager Filer described as “really a very straightforward [ad], just educational, deliver the message, and encourage people to vote yes on Amendment 4.”<sup>611</sup> In addition to running the Amendment 4 TV ad in the few months prior to the election, a few additional messages were aired immediately prior to the election. In the week before the election, a statewide 30-second radio spot featuring Charlie Ward, Florida State Heisman trophy winner, was aired and focused on the importance of keeping youth tobacco free given statistics

about teen initiation and tobacco industry advertising.<sup>631</sup> To reinforce Ward’s message, on Saturday, November 4, three days before the election, banners were flown over Doak Campbell Stadium in Tallahassee during a Florida State vs. University of Virginia game with the slogan, “Charlie Ward says vote yes on 4.”<sup>631</sup>

The campaign was able to keep the final messaging so streamlined, in part because of the lack of organized opposition to the campaign and broad voter support. According to Damien Filer, advertising in Florida is typically more complicated, given the existence of an above average number of distinct media markets with diverse voters. As Filer described,

In Florida, depending on how you count it, there are eight to ten distinct media markets and really different ways that you need to communicate with people in those different regions. So that was a big part of our consideration. And then also the population concentration in the state is very large along a band in Central Florida of what's called I4 Corridor between basically Orlando and Tampa Bay, and then the three large counties in South Florida, which are Broward, Palm Beach, and Miami-Dade.<sup>611</sup>

Filer felt that while such media market dynamics would have typically complicated messaging, the FYTE campaign, because of its wide support, was able to focus messaging on education and voter turnout, rather than tailoring messages to change minds in fragmented media markets.<sup>611</sup>

### ***Success of Amendment 4***

Amendment 4: “Protect People, Especially Youth, From Addiction, Disease and Other Health Hazards of Using Tobacco,” passed with a 61% “yes” vote on November 7, 2006. The 2006 election also brought Florida a new Governor, Republican Charlie Crist. Crist’s background included serving in the Florida State Senate from 1992 – 1998, followed by a race for U.S. Senator Bob Graham’s Senate seat in 1998, in which he lost. Crist was elected Florida’s Commissioner of Education and served from 2000 – 2003 and then was elected Attorney General, serving until he assumed the Governorship in January 2007. (As discussed above, Attorney General Crist had issued an unfavorable opinion on preemption of local outdoor clean air laws.) In 2010, while completing his last year as Governor, Crist ran for the U.S. Senate, but lost to former Florida Speaker of the House Marco Rubio (R) (Crist ran as an independent).

Relatively large campaign contributions from the tobacco industry, as well as tobacco industry internal documents extending back to Crist’s early political career as a Senate Senator, demonstrate a history of warm relations between Crist and the tobacco industry. Between his first term in the Florida Senate in 1992 and his US Senate bid in 2010, Crist accepted campaign contributions totaling \$40,050 from the tobacco industry.<sup>1, 81, 83</sup> Between 1998 and 2008, only three Florida politicians received more tobacco industry money than Crist for in-state elections<sup>81</sup> and in the 2010 US Senate election, only 4 candidates received more.<sup>83</sup> (Two of the four candidates which received more money than Crist were running against him, former Speaker of the House Marco Rubio (R, West Miami, \$53,600) and former Representative Kedrick Meek (D, Miami, \$96,442). This suggests the importance of Florida to the tobacco industry and the willingness of Florida’s politicians to take large sums of tobacco money.) Previous research demonstrates that tobacco industry campaign contributions are associated with policy decisions favorable to the industry.<sup>72, 73</sup>

**Previous research demonstrates that tobacco industry campaign contributions are associated with policy decisions favorable to the industry.**

Tobacco industry documents also reveal a long history of mutual support between the tobacco industry and Crist.<sup>632-635</sup> In a 1994 letter then-State Senator Crist wrote to Tobacco Institute lobbyist Guy Spearman III,<sup>636</sup> “I deeply appreciate all of the support and assistance that you have extended to me in the past. I am certainly looking forward to working with you in the future... As always, if I can ever be of assistance to you, please feel free to call me.”<sup>635</sup> Spearman represented Philip Morris/Altria an executive branch lobbyist since at least 2001,<sup>65</sup>

coinciding with Crist's entire term as governor, and made the maximum legal personal campaign contribution (\$4,800) to Crist's 2010 US Senate campaign.<sup>637</sup>

## CHAPTER IX: TOBACCO CONTROL ADVOCATES INFORM IMPLEMENTATION OF AMENDMENT 4

- *Implementing legislation for Amendment 4 created a strong legal foundation for the new program, but earmarked \$10 million of the programs funds annually for Area Health Education Centers (AHECs). The tri-agencies were unwilling to fight the earmark from FYs 2007-2011, because its champion, Senator Durell Peaden (R, Crestview), Chair of the Senate Health and Human Services Appropriations Committee, was very powerful.*

The tri-agencies and CTFK lobbied the Florida Legislature for proper implementation of Amendment 4 during the 2007 legislative session. CTFK provided a \$40,000-\$60,000<sup>344</sup> grassroots advocacy grant to the tri-agencies which freed up money to be spent on a lobbying team to work with the Legislature. The tri-agencies reported spending \$70,000 - \$200,000 on legislative branch lobbying<sup>106</sup> and \$70,000 - \$180,000 on executive branch lobbying<sup>136</sup> in 2007. (These amounts include all lobbying activity, not just Amendment 4 implementation.) Executive lobbying expenditure reports were not available prior to 2007, but expenditures in 2007 were slightly less in comparison to 2008 – 2010 expenditures.

Health groups registered 17 lobbyists for both the legislative and executive branches in 2007; the contingencies completely overlapped with the exception of one lobbyist for each chamber.<sup>64, 65</sup> They had similarly registered 17 lobbyists for each branch in 2006, but their lobbying contingencies increased by 5 – 10 lobbyists in 2008 – 2010. Key lobbyists in 2007

**Wendy Smith Hansen was used to lobby Senator Durell Peaden, with whom she had a good relationship.**

included Paul Hull and Curt Kiser for ACS, Nikole Souder-Schale and James Mosteller for AHA, and Brenda Olsen and James Daughton for ALA. According to Nikole Souder-Schale, Vice President of Advocacy at the American Heart Association, the tri-agencies also hired Wendy

Smith Hansen to work exclusively on implementation of the Amendment during the session.<sup>638</sup> Olsen reported that Wendy Smith Hansen was used to lobby Senator Durell Peaden, with whom she had a good relationship.<sup>55</sup>

In 2007, the tobacco industry registered 75 legislative lobbyists, 9 more than they had registered in 2006, and more than quadruple the number employed by health groups that year. The tobacco companies registered 52 executive branch lobbyists in 2007, roughly the same number as were registered in other years between 2006 and 2010. In terms of legislative lobbying expenditures, then industry spent between \$1.2 and \$2.4 million in 2007, more than they spent in 2006 (\$1.1 to \$2.0 million). 2007 was the first year in which executive branch lobbying compensation reports were available; the tobacco companies spent between \$480,000 and \$1.2 million in 2007, more than they spent in 2008, and less than they spent in 2009 (\$730,000 - \$1.7 million, the year of the cigarette tax, non-participating manufacturers' fee, and Engle's appeals bond cap legislation). Implementation of Amendment 4 appears to have been the only significant piece of tobacco control legislation facing the industry in 2007.



### ***Implementing Legislation: SB 1126, SB 1908, HB 1757 in 2007***

On February 6, 2007, more than three weeks before the 2007 legislative session began, the House Committee on Health Quality (HCHQ) began to hear testimony on recommendations for programmatic structures and spending for the new program. Terry Pechacek, the Associated Director for Science at the CDC Office on Smoking and Health (OSH), and Pall Hull, Vice President of Advocacy and Public Policy at the Florida Division ACS, testified.<sup>639</sup> Pechacek suggested the Legislature expand the amendment's programmatic requirements to design a comprehensive program including targeting adults and advocated for increasing funds to the program for better results.<sup>639</sup> Hull recommended that the Legislature establish an oversight board for the program, including providing annual reports to the Legislature.<sup>639</sup> This oversight committee was based on the oversight committee (which included the tri-agencies) for state's the James and Esther King Biomedical Research Program.

According to the *Florida Times-Union* the other ideas raised at the first committee hearing included having a tobacco prevention advocate in every county, starting a toll-free quitline, and running a community-based program that worked through schools. The *Times-Union* reported that both Pechacek and Hull reiterated to the HCHQ that the tobacco industry reacted to cuts to Florida's Tobacco Pilot Program (TPP), by boosting their advertising by 120%,<sup>639</sup> highlighting the importance of effective tobacco control.

The first bill introduced on February 7, 2007, to implement Amendment 4, SB 1126, was a shell bill offered by Senator Durell Peadar (R, Crestview, \$0), who was chair of the Health and Human Services Appropriations Committee (HHSAC).<sup>640</sup> The bill simply stated the intent of the Senate to implement the constitutional amendment and was not substantive until replaced by the HHSAC committee substitute on March 23.<sup>640</sup>

Shortly after SB1126 was filed, on February 21, Senator Burt Saunders, who had been responsible for increasing tobacco control funding for FY2007, proposed SB 1908.<sup>641</sup> SB 1908 created the Florida Comprehensive Tobacco Prevention and Education Program in the DOH, including the five programmatic components in Amendment 4: counter-marketing/advertising, evidence-based curricula, community-based partnerships, enforcement, and evaluations (all youth focused). It also expanded the programmatic requirements to require creating a cessation program to be administered by county health departments (CHDs) and a statewide cessation telephone help line.<sup>642</sup> The bill specified that preference for the media contract be given to a university consortia as long as it could demonstrate high quality.<sup>642</sup>

SB 1908 created a Tobacco Policy Oversight Board, following Hull's recommendation to the HCHQ.<sup>639</sup> The oversight board was to be headed by the state's Surgeon General. The Surgeon General was to appoint a Director of Tobacco Control. In addition to the Surgeon General and new Director, the Oversight Board was to be comprised of various state agency heads, the CEO's of Florida's tri-agencies, as well as Governor, Senate, and House appointees experienced in tobacco control (Table 65). The Oversight Board was charged with guiding the DOH on implementation of the new program, making recommendations to the Governor and Legislature on funding and effective programming, advising on outcomes measures, conducting research on other state programs and CDC recommendations, and ensuring the approach to tobacco was synergistic (including coordination between the public and private sector).<sup>642</sup> On

March 7, this bill was referred to committees on Health Policy, Regulated Industries, Governmental Operations and Health and Human Services Appropriations.<sup>641</sup>

Table 65. Florida Amendment 4 Implementing Legislation: Evolving Membership on the Tobacco Advisory Committee						
Tobacco Advisory Council Members (or appointing authority)						
Bill	Number	Chair	Health Groups Membership	State / County Agency Membership	Government Membership / Appointees	AHEC membership
SB 1908	21	Secretary of Health/ Surgeon General* (1)	CEO of Florida Division ACS,* ALA of Florida,* and AHA Greater Southeast Affiliate* (3)	Director of the Office of Planning and Budgeting; Director of Tobacco Control; Attorney General; Secretary for Health Care Administration; Commissioner of Education; Secretary of Business and Professional Regulation (6)	9 Governor Appointees**; 1 Senator; 1 Representative (11)	none
HB 7045	14	Secretary of Health/ Surgeon General* (1)	CEO of Florida Division ACS,* ALA of Florida,* and AHA Greater Southeast Affiliate* (3)	none	4 Governor Appointees; 2 Commissioner of Education Appointees;** 2 Senate President Appointees;** 2 House Speaker Appointees** (10)	none
CS / SB 1126	14	Secretary of Health/ Surgeon General* (1)	CEO of Florida Division ACS,* ALA of Florida,* and AHA Greater Southeast Affiliate* (3)	none	1 Governor Appointee; 1 House Speaker Appointee (student); 1 Senate President Appointee (3)	Deans of Univ. of Miami School of Medicine;* Florida College of Medicine;* South Florida College of Medicine;* Florida State University College of Medicine;* Nova Southeastern College of Osteopathic Medicine;* Lake Erie College of Osteopathic Medicine;* Charles E. Schmidt College of Biomedical Science (7)
CS / SB 1126 (Final Legislation)	23	Secretary of Health/ Surgeon General* (1)	CEO of Florida Division ACS,* ALA of Florida,* AHA Greater Southeast Affiliate,* Campaign for Tobacco Free Kids,* American Legacy Foundation* (5)	County Health Department Director (1)	4 Governor Appointees; 2 Commissioner of Education Appointees;** 2 Senate President Appointees;** 2 House Speaker Appointees** (10)	Deans of Univ. of Miami School of Medicine;* Florida College of Medicine;* South Florida College of Medicine;* Florida State University College of Medicine;* Nova Southeastern College of Osteopathic Medicine;* Lake Erie College of Osteopathic Medicine* (6)
<p>* Ex Officio Member  **At least half of these appointees must have experience in tobacco control  Sources: SB 1908;<sup>642</sup>CS/SB 1126,<sup>643</sup>HB 7045,<sup>644</sup>CCSB/SB 1126 Enrolled<sup>645</sup></p>						

On March 21, the House of Representatives Health Care Council, sponsor Gayle Harrell (R, Stuart, \$500) and co-sponsors Tom Anderson (R, Dunedin, \$2,000) and Juan Zapata (R, Miami, \$10,000) filed HB 7045<sup>646</sup> to create a comprehensive tobacco control program, including advertising/counter-marketing, evidence-based curricula, community based partnerships, and evaluation components specified in Amendment 4, but not its requirement for “enforcement of laws, regulations, and policies against the sale or other provision of tobacco to minors, and the possession of tobacco by minor.”<sup>612</sup> (The bill had originated in the House Council, and received a unanimous favorable vote before being filed;<sup>647</sup> Council sponsorship allowed the bill to be filed after the filing deadline in early March.) The bill also included a cessation program and training for health care providers and cessation counselors.<sup>644</sup>

Significantly, HB 7045 also included the tri-agencies’ suggested grants administration process that required that any program grants be awarded in an “open, competitive, peer review process, that ensures objectivity, consistency, and high quality.”<sup>644</sup> All grants were to be awarded by the Secretary of Health in consultation with a tobacco advisory council (described below) and a to-be-created peer review panel.<sup>644</sup> The peer review panel was to be a separate body of “independent, qualified experts in the field of tobacco control to review the content of each proposal and establish its priority.”<sup>644</sup> According to Brenda Olsen, the ALA “worked hard to educate the Legislature about the importance of nonbiased competitive grants model” which was based on the grants model for the DOH’s biomedical research program (which had been strongly supported by the tri-agencies).<sup>307</sup>

**ALA “worked hard to educate the Legislature about the importance of nonbiased competitive grants model.”**

HB 7045 also established a 14-member Tobacco Education and Prevention Advisory Council of people with tobacco control expertise to advise the DOH. The proposed members of the Council were similar to those in SB 1908, including the Secretary of Health, the CEOs of Florida’s tri-agencies, and government appointees with experience in tobacco control, but did not include the same government agency heads (Table 65, above).<sup>644</sup> The Council was given many responsibilities through this bill including the grants administration mentioned above; advising the Secretary of Health on the scope of the program; providing advice on priorities, budgets, evaluation, and administration; assisting in the development of guidelines promoting quality and fairness; assisting in the development of peer review panels; and recommending outcome measures; and recommending policies.

Brenda Olsen of the ALA saw Senator Burt Saunders and Representative Gayle Harrell, sponsors of SB 1908 and HB 7045, respectively, as working hard to ensure that public health interests were protected in designing their implementing legislation. According to Olsen,

Both of them were certainly instrumental in helping us. Gayle Harrell in particular worked very, very hard to stay true to the constitutional amendment and she worked both publicly and behind the scenes.... Gayle Harrell was really committed to the tobacco program, and of course went against many of her colleagues, even before the amendment, because of her commitment to the program.<sup>307</sup>

In an interview for this research, former Representative Harrell (she was termed out in 2008) said that it was her intent to make sure that the money was expended as effectively as possible.<sup>648</sup>

HB 7045 was referred to the House Policy & Budget Council. The Policy & Budget Council passed the bill in a unanimous vote of 26-0 (eight Council members missed the vote) on March 30.<sup>649</sup>

On April 4, on the House floor, HB 7045 sponsor Representative Gayle Harrell, along with Representative Loranne Ausley (D, Tallahassee, \$2,500) and Representative Kelly Skidmore (D, Boca Raton, \$500),<sup>650</sup> introduced an amendment to their bill to include pregnant women in the bill's intent, which was adopted after the bill's second reading on April 11. The new intent would read: "To reduce the prevalence of tobacco use among youth, adults, and pregnant women..."<sup>650</sup> Focusing on pregnant women, although important, limits a campaign to the small population of women who are pregnant (less than 1% of the total population). Limiting campaigns to the pregnant demographic has been done in other states, including Arizona, as a way to restrict the campaign from pursuing more impactful, anti-industry messaging.<sup>651</sup>

#### *An Earmark for the Medical Schools' Area Health Education Centers (AHECs)*

A week later, on March 23, 2007, the Senate's HHSAC substituted shell bill 1126 with its committee substitute (CS/SB 1126). While CS/SB1126 included the necessary programmatic components specified by Amendment 4 and created a tobacco advisory council per health groups' recommendation, it also earmarked an unspecified amount of money for Area Health Education Centers (AHECs) to administer part of the program. The AHECs, formed in the 1960s with affiliation to Florida's medical schools, provided health care support to rural communities (using Florida's medical school students as community health educators).<sup>652</sup> AHECs exist across the U.S. and are supported by the National Area Health Education Center Organization. Before 2007 they had only minimally been involved in tobacco control. CS/SB 1126 specified that the money set aside for AHECs would have to be used for tobacco related programs. CS/SB 1126 stated, "The department [DOH] shall contract with the AHEC network to disseminate information about smoking cessation...The department [DOH] shall expand the existing AHEC smoking cessation initiative to each county in the state."<sup>643</sup> This specification was just the kind of noncompetitive earmark that the tri-agencies were trying to avoid by pressing to use an open competitive grants model.

The idea for AHEC's contract was championed by SB 1126's sponsor, Senator Durell

**The idea for AHEC's contract was championed by...Senator Durell Peaden...It is unclear what motivated Peaden to fight for the AHECs, possibly a combination of his own personal preference for the work done by the centers (including their rural focus) and influence from AHEC lobbyists.**

Peaden, who was a physician from rural Florida.<sup>307, 653</sup> It is unclear what motivated Peaden to fight for the AHECs, possibly a combination of his own personal preference for the work done by the centers (including their rural focus) and influence from AHEC lobbyists. Wayne McDaniel, AHEC lobbyist and former Deputy Secretary of Health under Governor Jeb Bush, made it clear in an interview for this report that he worked with Senator Peaden on securing money for the AHECs.<sup>653</sup> This

collaboration and resulting appropriation for AHEC led McDaniel to describe Peaden as, “singlehandedly one of the strongest Republican proponents of this program...”<sup>653</sup> McDaniel’s lobbying firm, McDaniel Consulting LLC, received between \$30,000 and \$60,000 lobbying for the AHECs in 2007 alone.<sup>106</sup> AHECs also paid R. Dale Patchett Management Inc. \$30,000 - \$50,000 in legislative lobbying expenses in 2007, for a total of \$60,000 - \$110,000 spent on trying to influence the Florida Legislature.<sup>106</sup> Patchett, a former member of the Florida House of Representatives (R, 1976 –1990, Vero Beach, Industry Contributions 1987-2008 \$2,900) was a registered lobbyist for the AHECs during the session. During the 1987-88 election cycle, Patchett received more tobacco industry money than any other Representative in the state.<sup>1</sup> Previously secret tobacco industry documents suggest the Tobacco Institute contributed money to Patchett’s political races as early as 1982<sup>654, 655</sup> which was part of an ongoing relationship between the Representative and the TI. In a letter from 1982, Tobacco Institute Vice President and Director of Field Activities Roger Mazingo congratulated Patchett on re-election stating, “We are delighted the citizens of Florida recognized your positive leadership and look forward to supporting your objectives in the upcoming legislative session.”<sup>656</sup> In 1987, Patchett (who was then House Minority Leader) wrote a personal note to TI lobbyist Guy Spearman, requesting that he and other industry representatives attend a function to honor freshman House members, remarking that he remembered the industry executives describing attendance at a similar event in 1985 (the year Florida passed the Florida Clean Indoor Air Act with preemption) as very beneficial.<sup>657</sup> Industry documents suggest the Tobacco Institute anticipated support from Patchett on multiple pieces of tobacco control legislation, including opposing the Florida Clean Indoor Air Act in 1985.<sup>658</sup> In 2003 and 2004, Patchett served as a legislative lobbyist for Philip Morris/Altria.

In addition to the tobacco control experts that had been specified in earlier bills, CS/SB 1126 added the 6 deans of medical schools affiliated with AHECs to the Tobacco Advisory Council (Table 65, above). Membership was divided in half between the AHEC-affiliated medical schools and non-AHEC public health representatives and government appointees. The duties of the Council were to provide advice on the scope of the program, review the AHEC contract, and provide advice on budgets, copyrighted material and broadcast material.<sup>643</sup>

Health groups opposed the AHEC carve-out, because, as mentioned above, they did not feel like it comported with the competitive grants process they were advocating (which had been included in the House’s bill 7045). In an interview for this report, ACS lobbyist Curt Kiser described the AHEC earmark as “siphoning” of tobacco funds by the Legislature in an effort to direct the dollars to other programs.<sup>56</sup> According to Brenda Olsen at the ALA, “...what they [the

**Health groups opposed the AHEC carve-out, because...they did not feel like it comported with the competitive grants process they were advocating.**

AHECs] were funded for was outside the scope of the work that they really have done in the past.”<sup>307</sup> Brenda Olsen said the American Lung Association, “fought having the ten million dollars allocated to the AHECs because we felt like they should compete just like anybody else ... if they were qualified and could provide an

outstanding proposal, then they should ... win the money, just like any competitive grant process.”<sup>307</sup> According to Aaron Czyzewski, ACS looked at county-level smoking data and compared it to the counties in which AHECs had smoking programs to determine whether AHEC smoking programs were having any effect.<sup>659</sup> ACS determined that AHECs programs

were not having an effect.<sup>659</sup> (This information was not used externally.<sup>659</sup>) The health groups worked through lobbyist Wendy Smith Hansen to lobby Senator Peaden on taking the earmark out of the legislation. According to Brenda Olsen of the ALA, Senator Peaden was not a fan of the tri-agencies but respected Wendy Smith Hansen who had worked with him in the Senate previously.

Despite health groups' opposition to many provisions in the bill, CS / SB 1126 passed HHSAC with a vote of 5-0 on March 28.<sup>640</sup>

#### **Final Implementing Legislation for Amendment 4**

After passing through Committee, the Senate passed SB 1126 with a vote of 40-0 and certified to move onto the House where it was substituted for HB 7045. After both chambers refused to concur with or pass the other chambers version of the legislation (SB 1126 and HB 7045), a Conference Committee was appointed.<sup>640</sup> Senator Burt Saunders bill 1908 was withdrawn for its similarities to SB 1126.<sup>641</sup>

The Conference Committee's final provisions implementing Article X, Section 27 of the Florida Constitution were adopted on May 3, 2007. The legislation provided for a "Comprehensive Statewide Tobacco Education and Use Prevention Program" in the DOH. The intent of the new program would be "to reduce the prevalence of tobacco use among youth, adults, and pregnant women; reduce per capita tobacco consumption; and reduce exposure to environmental tobacco smoke." The final legislation's provisions reflected both SB 1126 and HB 7045, providing for eight programmatic components; creation of a Tobacco Advisory Council (TAC); a merit-based grants award system; and a \$10 million per year, two-year contract with Area Health Education Centers (AHECs).

**Funding for the AHECs was a "bitter pill" that the health groups were forced to swallow.**

Ultimately, the health groups were unable to defeat the earmark for Florida's AHECs. According to Brenda Olsen, funding for the AHECs was a "bitter pill" that the health groups were forced to swallow. She described any efforts to remove the AHEC appropriation since as "futile" because of Peaden's strong leadership position as chair of the Senate Subcommittee on Health and Human Services Appropriations.<sup>55</sup> Table 66 provides a summary of the provisions of SB 1908, SB 1126 and HB 7045, as well as the final provisions of the CCSB / SB 1126 as determined by the Conference Committee.

#### ***Programmatic Elements Compared to CDC Best Practices***

Amendment 4 required that the new program adhere to CDC *Best Practices* and specified five programmatic requirements for the program most relevant to youth. The final implementing legislation provided in CS/SB 1126 expanded the five programmatic elements to eight, and was largely consistent with the CDC's recommendations (Table 67).

Table 66. Evolution of Implementing Legislation for Amendment 4

x - Included															
Bill	Sponsor(s)	Date Filed	Key Dates	Intent	Comprehensive Program Components*								Tobacco Advisory Council	Grants Administration	Area Health Education Centers
					Counter-marketing / Advertising	Cessation	Surveillance and Evaluation	Youth School Programs	Community Programs/Chronic Disease Prevention	Training	Administration, Statewide Programs, County Health Dept.	Enforcement			
Article X, Sec. 27 <sup>012</sup>	Floridians for Youth Tobacco Education (FYTE)	7/20/2005	11/7/2006 approved by 61% of FL voters	Protect people, especially youth, from health hazards of using tobacco, including addictive disorders, cancer, cardiovascular diseases and lung diseases	x	x	x	x	x	x	x	x	none	none	none
CS/SB 1126 <sup>643</sup>	Senator Durell Peaden, Health and Human Services Appropriations	2/7/07 Shell Bill Filed 3/28/07 Replaced with CS	5/24/07 Approved by Governor (refer to CCSB/SB 1126)	Reduce the prevalence of tobacco use among youth and adults, reduce per capita tobacco consumption, and reduce exposure to environmental tobacco smoke	x	x	x	x	x	x	x	x	Yes	No Specifications other than AHEC contract	DOH shall contract with AHEC to disseminate information about smoking; expand smoking cessation program; implement ad campaign





Table 67. Constitutional and Statutory Programmatic Requirements for Florida’s Comprehensive Statewide Tobacco Education and Prevention Program and CDC *Best Practices for Comprehensive Tobacco Control Programs*

Programmatic Area	Programmatic Requirements			
	Amendment 4: Florida Constitution Article X, Section 27 (2006)	CDC's <i>Best Practices</i> (1999)	Implementing Legislation (2007)	CDC's <i>Best Practices</i> * (2007)
Funding Level	15% of 2005 settlement (\$57.9 million), adjusted for inflation	\$78.4-\$221.3 million	Not included	\$210.9 million
Advertising / Counter-marketing Campaign	All media; 1/3 of annual appropriations	All media; 1/5 of annual budget	All media; 1/3 of annual appropriations	All media; 1/5 of annual budget
Cessation Programs	Not included	Population-based; medical systems change; underserved populations	Population-based; chronic disease prevention; train health care practitioners, smoking cessation counselors, and teachers in prevention and cessation	Population-based; medical systems change; underserved populations
Area Health Education Centers (AHECs)	Not included	Not included	AHEC smoking cessation initiative in 2007-2008 and 2008-2009**	Not included
Surveillance and Evaluations	Yes	Yes	Yes	Yes
School Programs	Evidence-based curricula	Evidence-based curricula; tobacco free policies, training, parental involvement, cessation; link to statewide efforts	Evidence-based curricula	Youth programs focus on policy change
Community Programs	Community-based partnerships; emphasis on youth involvement	Community-based partnerships; emphasis on education and policy change	Community-based partnerships; emphasis on chronic disease prevention	Community-based partnerships; emphasis on disparities, youth, and chronic disease programming (coupled with Statewide programs)
Chronic Disease	Not included	Community focus on tobacco-related diseases	Part of cessation and community programs	Part of community and statewide programs
Administration and Management	Not included	Statewide coordination; strong staffing and management	Not included	Statewide coordination; strong staffing and management
Statewide Programs	Not included	Building capacity statewide	Not included	Planning, supporting, and coordinating local and regional efforts (coupled with community programs)
Enforcement	Minors' access; Minors possession	Minors' access; clean indoor air	Minors' access; clean indoor air	(As part of state and community policy change)
*CDC <i>Best Practices</i> were updated shortly after the implementing legislation passed. Implementing legislation requires DOH to follow the most recent version of CDC Best Practices.				
**This requirement was extended for FY2010 via SB 1664 in 2009 and again extended indefinitely via HB 5309 in 2010.				

### *The Tobacco Advisory Council*

The implementing legislation created the Tobacco Education Use Prevention Advisory Council (informally called the Tobacco Advisory Council or TAC) that the health advocates wanted. The 23-member committee was charged to:

Advise the Secretary of Health as to the direction and scope of the Comprehensive Statewide Tobacco Education and Use Prevention Program. The responsibilities of the council include, but are not limited to:

- (a) Providing advice on program priorities and emphases.
- (b) Providing advice on the overall program budget.
- (c) Providing advice on copyrighted material, trademark, and future transactions as they pertain to the tobacco education and use prevention program.
- (d) Reviewing broadcast material prepared for the Internet, portable media players, radio, and television as it relates to the advertising component of the tobacco education and use prevention program.
- (e) Participating in periodic program evaluation.
- (f) Assisting in the development of guidelines to ensure fairness, neutrality, and adherence to the principles of merit and quality in the conduct of the program.
- (g) Assisting in the development of administrative procedures relating to solicitation, review, and award of contracts and grants in order to ensure an impartial, high-quality peer-review system.
- (h) Assisting in the development and supervision of peer-review panels.
- (i) Reviewing reports of peer-review panels and making recommendations for contracts and grants.
- (j) Reviewing the activities and evaluating the performance of the AHEC network to avoid duplicative efforts using state funds.
- (k) Recommending meaningful outcome measures through a regular review of tobacco-use prevention and education strategies and programs of other states and the Federal Government.
- (l) Recommending policies to encourage a coordinated response to tobacco use in this state, focusing specifically on creating partnerships within and between the public and private sectors.<sup>645</sup>

The TAC was to meet quarterly.

The health groups succeeded in making commitment to or expertise in tobacco control a requirement for 9 of the members, most notably winning ex officio membership for the CEOs (or their designees) of the American Cancer Society, American Lung Association, American Heart Association and Center for Tobacco Free Kids (Table 68). TAC also included the CEO of the American Legacy Foundation, which was created pursuant to provisions in the national Master Settlement Agreement, and had launched its own “truth” campaign based on Florida’s model. The Legislature also appointed the 7 deans of Florida medical schools (affiliated with AHECs), which troubled the health groups. According to Brenda Olsen, the American Lung Association made a concerted effort to ensure that the composition of the board was balanced, especially to limit power of the AHECs. “I think we were able to get some pieces in there that helped keep the medical schools from having a majority vote.”<sup>307</sup> Other members were appointed by the governor and legislative leadership for 3-year terms with a 2-term limit.

**The health groups succeeded in making commitment to or expertise in tobacco control a requirement [for the Tobacco Advisory Council].**

Member	Appointing Authority
Secretary of Health (Chair)	Ex officio
Florida Division ACS CEO	Ex officio
ALA of Florida CEO	Ex officio
Greater Southeast Affiliate of the AHA CEO	Ex officio
Campaign for Tobacco Free Kids CEO	Ex officio
Legacy Foundation CEO	Ex officio
Member (experience in tobacco-use prevention or cessation)*	Appointed by Governor
Member (experience in tobacco-use prevention or cessation)*	Appointed by Governor
Member (experience in tobacco-use prevention or cessation)	Appointed by President of the Senate
Member (experience in tobacco-use prevention or cessation)	Appointed by Speaker of the House
County Health Department Director	Appointed by the Secretary of Health
School District Superintendent	Appointed by Commissioner of Education
Member (no experience required)	Appointed by Commissioner of Education
Member (no experience required)*	Appointed by Governor
Member (no experience required)*	Appointed by Governor
Member (no experience required)	Appointed by President of the Senate
Member (no experience required)	Appointed by Speaker of the House
Dean of the University of Miami School of Medicine	Ex officio
Dean of the University of Florida College of Medicine	Ex officio
Dean of the University of South Florida College of Medicine	Ex officio
Dean of the Florida State University College of Medicine	Ex officio
Dean of Nova Southeastern College of Osteopathic Medicine	Ex officio
Dean of Lake Erie College of Osteopathic Medicine	Ex officio
*One of the Governor’s appointees had to be between the ages of 16 and 21	
Note: Ex Officio Members, except for the Secretary of Health, could also appoint a designee	

The oversight responsibilities given to the TAC did however raise concern within the DOH. According to Robert Polangin, former DOH legislative coordinator,

The first major issue was the language creating the advisory council, and it having very strong language about overseeing the competitive-grant process. And thus kind of circumventing the department's ability to make decisions and handle a grant review process, which is what we do according to Florida Law.<sup>660</sup>

The DOH viewed the TAC as a body that circumvented their authority and to prevent its creation, the DOH considered going to the Governor to ask for a veto in May 2007<sup>660</sup> but did not.

### *Creation of a Merit-Based Contracts and Grants Awards Process*

The legislation included the tri-agencies' system of contracts and grants administration that sought to guarantee a merit-based system with a strong oversight role for the TAC. The law required that "contracts or grants for the program components or subcomponents ... shall be

**All contracts and grants were to be awarded by the DOH...by October 1 of each fiscal year... The October 1 deadline was chosen to, "make sure that the money was allocated out quickly..."**

awarded by the Secretary of Health, after consultation with the council, on the basis of merit, as determined by an open, competitive, peer-reviewed process that ensures objectivity, consistency, and high quality."<sup>645</sup> The process would begin with a grants proposal review by a peer-review panel, to be appointed by the Secretary of Health, with assistance from TAC, comprised of

"independent, qualified experts in the field of tobacco control."<sup>645</sup> The panel was to review all grant proposals, assign them a priority score, and then forward them to TAC to be considered in deciding which proposals would be recommended for funding.<sup>645</sup> The review process was to be governed by "rigorous guidelines for ethical conduct."<sup>645</sup> Ethical guidelines included strict conflict of interest rules, including a limitation that a university of medicine represented on the council was not eligible to receive a grant (because of AHECs). This provision was advocated by the tri-agencies. According to Brenda Olsen, "we didn't believe at the time that the medical school deans were necessarily an unbiased group and so we worked to make sure that the legislation included as much safety nets as possible to keep it from being biased by the medical schools."<sup>307</sup> All contracts and grants were to be awarded by the DOH (after completing this review process) by October 1 of each fiscal year.<sup>645</sup> According to Olsen, the October 1 deadline was chosen to, "make sure that the money was allocated out quickly. There was a little bit of money allocated the year before for the Department of Health to actually get themselves organized and get prepared for the money, and we certainly felt like they needed to cut through a lot of their bureaucracy so that they could get the money out in the field and get the work started."<sup>307</sup>

### *FY2008: Appropriations Further Deemphasize Statewide Coordination and Administration*

The Legislature also made the first appropriation to the new program during the 2007 legislative session for FY2008. With the funding level secure in the constitution, this was the

first legislative session in which the Governor and Legislature did not have the option to reduce funds to the program. According to the constitutional funding formula, the program was to receive 15% of 2005 settlement dollars, a sum of \$57.9 million.

Governor Crist recommended \$57.9 million for the Tobacco Education and Use Prevention Program,<sup>661</sup> comprised of \$2 million of recurring general revenue funds, \$54 million of recurring tobacco settlement trust fund money, and \$1 million of recurring tobacco settlement trust funds monies for administration.<sup>661</sup> Although Governor Crist’s lump sum allocation was consistent with Amendment 4’s constitutional requirement, he did not specify that one third of funds should be used for countermarketing.<sup>661</sup>

The Senate’s recommended appropriations, offered via SB 2800, of \$57.9 million included a \$5 million diversion to “fixed capital outlay.” SB 2800 broke down appropriations to the program into \$52,898,788 of tobacco settlement trust fund money for the tobacco education and use prevention constitutional amendment and \$5 million for fixed capital outlay, “to improve the infrastructure of the county health departments to implement the Comprehensive Statewide Tobacco Education and Prevention Program.”<sup>662</sup> The fixed capital outlay was consistent with the implementing legislation’s allowance of funds to be distributed to county health departments for infrastructure building,<sup>645</sup> but not with CDC *Best Practices* nor with the intent of the Amendment. The Senate’s appropriations did not allocate the one-third requirement for marketing.

According to Brenda Olsen, the fixed capital outlay funds, similar to the AHEC appropriation, was an idea of Senator Durell Peaden. (The House’s health care appropriations recommendations originated in the

Subcommittee on Health and Human Services Appropriations, of which Peaden was chair.) In an interview for this report, Olsen said that the funds were “something that Senator Peaden wanted – insisted on it being in as they went through negotiations. And the idea was for the local health departments to be able to use it for facilities to create smoking cessation activities with the local health departments.”<sup>307</sup> The sum of \$5 million was based on a calculation for building AHEC infrastructure inside county health departments. (15 AHEC offices, including 5 program offices and 10 regional centers, each received their own 1,500 sq ft county health department office, which at \$220 per square foot, equaled \$4,959,000. Ultimately the money was spent on teleconferencing equipment for county health departments.) Health groups attempted to fight the \$5 million in a diversion of fixed capital outlay funds, lobbying the Legislature that it was not the intent of the amendment. According to ACS lobbyist Curt Kiser, the \$5 million appropriation was “laughable” and had “nothing whatsoever to do with a youth prevention program.”<sup>315</sup> The health groups fought this appropriation in 2007 and again in 2008. It was not removed until 2009.

**... the \$5 million appropriation was “laughable” and had “nothing whatsoever to do with a youth prevention program.”**

The House’s proposed budget also totaled \$57.9 million (Table 69).<sup>663</sup> Funding for statewide coordination suggests the House recognized the importance of statewide programming in creating a comprehensive program. The House did not explicitly set aside funds for training or

enforcement,<sup>663</sup> which were required in the implementing legislation. The House did not fund fixed capital outlay.<sup>663</sup>

Program Area	Appropriation
Media interventions	\$19,300,000
Youth programs	\$9,972,100
Cessation programs	\$9,972,100
Community Interventions	\$9,972,100
Surveillance and evaluation	\$5,789,880
Statewide Coordination	\$2,892,608
<b>Total</b>	<b>\$57,898,788</b>

Source: Conference Committee Report on SB 2800<sup>664</sup>

A Conference Committee reconciled the House and Senate appropriations bills,<sup>665</sup> allocating a total of \$57,896,788 (Table 70).<sup>664</sup> The final appropriations language included the \$10 million allocation for AHECs, to comport with the implementing legislation, along with \$5 million in fixed-capital outlay.

The final appropriations, although allocating adequate funds to media, reinforced a

de-emphasis on statewide programming and administration in favor of funding the program through county health departments. The provisions contained \$5 million for county health department infrastructure in addition to \$4.6 million for program administration (at the state or county level), statewide funding, and county health department core funding. Perhaps more significantly, while the DOH had requested 10 additional full time equivalent (FTE) state positions for the new BTPP to run this new large program, the Legislature only approved two new positions to the program.<sup>664</sup> According to Richard Polangin, “The Legislature gave us two additional positions when the \$57 million, the first large appropriation was made. We asked for 10. And they gave us two.”<sup>660</sup> The two staff would be in addition to the existing 11 state tobacco control staff already in place.

Program Area	Appropriation
Countermarketing / advertising	\$19,299,596
Youth school programs	\$5,911,200
AHEC cessation information program	\$4,000,000
AHEC training program	\$6,000,000
Cessation treatment and counseling	\$4,350,000
Other cessation and training programs	\$1,084,919
Chronic disease prevention	\$1,701,709
Surveillance and evaluation	\$5,789,879
Administration, statewide programs, core funds	\$4,585,399
Staff	\$174,086
Fixed capital outlay	\$5,000,000
<b>Total</b>	<b>\$57,896,788*</b>

Source: Conference Committee Report on SB 2800<sup>664</sup>  
 \*There is a \$2,000 discrepancy between the \$57,896,788 that is the sum of the line-item appropriations above and \$57,898,788 which is commonly reported as the amount of the appropriation for this year.

According to a comment from ACS CEO Don Webster following the amendment’s implementation and legislative appropriations, the ACS was happy with the outcome. Webster commented, “we have restored an effective youth tobacco prevention program, which includes a substantial appropriation for smoking cessation.”<sup>666</sup> DOH legislative coordinator Richard Polangin, however, felt that public health was weak in advocating for the interests for the program, allowing the Legislature to act on

the “heartburn” it had from being circumvented via the ballot initiative process. This heartburn was evident in the minimal funds for administration and the AHEC earmark.

## **Restoration of Tobacco Control Funding Conclusion**

After four years of extremely limited funding for state tobacco use prevention efforts in Florida, the tri-agencies embarked on their second large constitutional amendment campaign in under five years. The Floridians for Youth Tobacco Education campaign sought 15% of 2005 tobacco settlement dollars to fund a youth-focused tobacco education program modeled on CDC *Best Practices for Comprehensive Tobacco Control Programs*. Ultimately, without any direct opposition from the tobacco industry, Amendment 4 successfully garnered 61% of the vote. Implementation of the amendment was largely guided by tobacco control advocates and included creation of an advisory council and merit-based grants administration process; however, despite the grants provisions, \$10 million was earmarked for Area Health Education Centers and \$5 million was diverted to infrastructure building. However, overall, a solid fiscal and programmatic structure for Florida's new comprehensive tobacco control program was in place, setting the program up for success.

## **CHAPTER X: TOBACCO CONTROL: BUREAU OF TOBACCO PREVENTION PROGRAM (2007 – 2011)**

- *In 2007, the Bureau of Tobacco Prevention Program was created in Governor Charlie Crist's Department of Health to administer Amendment 4. Despite the program's strong legal structure, poor staffing and low-impact programming, including an ineffective media campaign, restricted its success. As of 2011, the biggest threat to the program is its focus on cost-ineffective cessation programming.*
- *The tri-agencies did not use their strong voter mandate to demand a high quality, high impact tobacco control program. As of 2010, the program had no measurable impact on youth smoking rates, in sharp contrast to the earlier TPP.*

Despite the promising framework around the renewal of funding, the DOH was unprepared to receive such an influx of funds, setting the stage for a series of implementation issues. Poor staffing and politicization added to unpreparedness, hobbling the program in its first few years.

In 2006, before Florida's Legislature met to implement Amendment 4, the DOH proposed a packet of legislation to Governor Bush to give DOH authority to implement the program and establish a trust fund for unused dollars appropriated to the program, which were anticipated for the first fiscal year.<sup>660</sup> Since the program had a small staff, and was likely going to need time to start-up, a trust fund would have relieved some of the pressure to spend the money before a program structure was in place.<sup>660</sup> (Without a trust fund, unused dollars would revert.) The Governor's Office rejected DOH's proposal.<sup>660</sup>

### **FY2007: Preparing County Health Departments for an Influx of Funds**

After only nominally remaining in operation from FY2004 through FY2006, when the program limped along with \$1 million in state funding, in FY2007, the Legislature appropriated \$5.6 million to tobacco control efforts to help the DOH prepare for the anticipated influx of Amendment 4 funds. With the funds, DOH began rebuilding the remnants of the local county health departments (CHDs) tobacco control efforts by providing "core funding," mostly for 39 of Florida's 67 CHDs for a county-level tobacco prevention specialist (TPS) position plus \$20,000 for programs.<sup>667</sup> Seven of these 39 counties had tobacco prevention programs in place that they had sustained with local funds during the \$1 million years. These seven counties received money to fund their TPS positions for 12 months,<sup>667</sup> with the other 32 counties given three months to prepare for funding and then 9 months of funding.<sup>668</sup> The 28 counties which did not receive "core" funds received \$10,000 for tobacco programming as part of a larger chronic disease component.<sup>667</sup> None of the \$5.6 million available in FY2007 was used to restart any media efforts.<sup>329</sup>

According to an email dated September 22, 2006, sent by Dr. Alan Rowan, newly appointed Director of the Division of Health Access and Tobacco (overseeing the tobacco program), to Directors of CHDs in the state, "the major objective of this spending plan is to begin to create an infrastructure in the county health departments for the delivery of a comprehensive tobacco prevention program, directed to both youth and adults, that is based on



**“...the major objective of this spending plan is to begin to create an infrastructure in the county health departments for the delivery of a comprehensive tobacco prevention program ... based on CDC best practices and on language in the proposed constitutional amendment.”**

CDC best practices and on language in the proposed constitutional amendment.<sup>667</sup> However here were no deliverables for the CHDs in FY2007, leading many of them to spend little or no money on tobacco control.<sup>307</sup> The result appears to be poor infrastructure building and preparation, foreshadowing the rough initial implementation of Florida’s new Tobacco Prevention Program.

### **Establishing the New Bureau of Tobacco Prevention Program (FYs 2008 – 2011)**

The \$57.9 million the Legislature appropriated for the new Amendment 4 tobacco control program for FY2008 became available to DOH on July 1, 2007. This money was administered by DOH’s Division of Health Access and Tobacco (DHAT) through its Bureau of Tobacco Prevention Program (BTPP).

The landscape for tobacco control in the state was not only changing because of the influx of \$57.9 million, but also because the new governor, Republican Charlie Crist, assumed office in January 2007. Crist quickly appointed new Department of Health leadership: He appointed Dr. Ana M. Viamonte Ros Surgeon General (a new title replacing the the Secretary of Health title, as head of the Department of Health) and Kimberly Berfield, a former Florida State Representative (R, Clearwater, \$2,000), Deputy Secretary of Health after she lost her 2006 bid for a state Senate seat. Berfield was put in charge of the tobacco program, among other programs. Reporting to Berfield was Dr. Alan Rowan, who had worked as a manager in the DOH Bureaus of Epidemiology, Environmental Epidemiology, and Laboratory Services as well as at the National Cancer Institute before becoming Director of the Division of Health Access and Tobacco in summer 2006.<sup>669</sup> Gregg Smith, a veteran of the original Tobacco Pilot Program (TPP), continued to serve as the Program Manager of the (BTPP) and reported to Rowan.

### **Staffing Problems at the DOH**

#### ***High Staff Turnover Suggests Success was a Low Priority 2007 – 2011***

**A pattern of promoting individuals without public health and/or tobacco control experience emerged at the BTPP.**

Beginning with the appointment of former State Representative Kimberley Berfield as Deputy Secretary of Health over the BTPP, despite her lack of public health experience, a pattern of promoting individuals without public health and/or tobacco control experience emerged at the BTPP. For 2007-2011, staff turnover was widespread, particularly in management positions.

In June, 2008, after the program had been running for one year, Dr. Lori Westphal, who had served as the tobacco program’s epidemiologist since February 2005,<sup>670</sup> was promoted to be the first Chief of the Bureau of Tobacco Prevention Program. Dr. Westphal’s experience prior to joining the BTPP included three years working at the Guide to Community Preventive Services

at the CDC on the youth tobacco program reviews.<sup>670</sup> Westphal's promotion into the Bureau Chief position was seen as a positive change and was supported by the CDC.<sup>670</sup> Gregg Smith, who had been the Program Manager, took on the role of overseeing community activities, including managing the community grants, and regional staff. Shortly thereafter, Dr. Alan Rowan, Director of the Division of Health Access and Tobacco (DHAT), was asked to tender his resignation. Dr. Rowan was replaced in October 2008 by DOH Senior Attorney Janine Myrick. Myrick had extensive experience providing legal expertise to the DOH, but did not have any public health administration or tobacco control experience.<sup>671</sup> In December 2008, two months after Myrick was put in charge of DHAT, Bureau Chief Westphal was fired.

Between December 2008 and May 2009, the Bureau Chief position was unfilled. Janet Baggett was hired in May 2009 as the new Bureau Chief over BTPP, managed by Division Director Myrick. According to a DOH newsletter, Janet Baggett had worked in the DOH for 30 years, including as the Deputy Chief of the Bureau of Chronic Disease Prevention for six years.<sup>672</sup> In spring 2010, Terrie Fishman, from the Florida Department of Agriculture and Consumer Services, was hired as Deputy Bureau Chief, despite no prior experience in tobacco control and what appears to be no public health experience.<sup>673</sup> In September 2010, Baggett resigned her position as Bureau Chief and left the DOH completely; Fishman served as interim Bureau Chief following Baggett's resignation.<sup>674</sup>

Staff turnover continued in spring, 2011. Jan Myrick submitted her resignation in 2011 with the incoming administration of Governor Rick Scott; all state agency division directors and executive staff are required to tender their resignations with new gubernatorial administrations. While resignations are rarely accepted at the division director level, Myrick's was accepted. In early April of 2011, acting Bureau Chief Fishman resigned her position.

**Staffing patterns...suggest that tobacco control (or sometimes even public health experience) was neither a requirement for higher level appointments in the DOH ...**

Staffing patterns at the DOH suggest that tobacco control (or sometimes even public health experience) was neither a requirement for higher level appointments in the DOH by the executive branch, nor for hiring and promoting within the BTPP, and provides a backdrop for understanding many of the missteps made by DOH, during the first years of the program.

It is noteworthy that a few state level staff, including Gregg Smith (State and Community Interventions Manager) and Laura Corbin (Youth and Young Adult Prevention Manager as of 2010) had extensive experience. In addition, the BTPP's regional coordinators along with many county staff were experienced, including a history of working with the former TPP.

## **The Tobacco Advisory Council (TAC)**

### ***Appointing Tobacco Advisory Council Members***

The Tobacco Advisory Council (TAC) was fully appointed (Table 71) by August 28, 2007,<sup>675</sup> 3 months after implementing legislation had been passed and 2 months after it had been enacted.

Table 71. Initial Membership of the Tobacco Education and Use Prevention Advisory Council (September 2007)		
Member	Appointing Authority	Initial Appointees
Secretary of Health	Board Chairperson	Dr. Ana M. Viamonte Ros
CEO of the Florida Division ACS	Ex officio	Mr. Donald A. Webster
CEO of the Florida Affiliate ALA	Ex officio	Ms. Brenda Olsen
CEO of the Greater Southeast Affiliate of the AHA	Ex officio	Alan Geiger, Esq.
CEO of the Campaign for Tobacco Free Kids	Ex officio	Mr. Mathew L. Myers
CEO of the Legacy Foundation	Ex officio	declined to participate
Member (experience in tobacco-use prevention or cessation)*	Appointed by Governor	Dr. Mae Waters
Member (experience in tobacco-use prevention or cessation)*	Appointed by Governor	Ms. Erin Sylvester
Member (experience in tobacco-use prevention or cessation)	Appointed by President of the Senate	Ms. Jennifer Harris
Member (experience in tobacco-use prevention or cessation)	Appointed by Speaker of the House	Mr. Javier Berezdivin
County Health Department Director	Appointed by the Secretary of Health	Dr. Jean Malecki
School District Superintendent	Appointed by Commissioner of Education	Mr. Michael Lannon
Member (no experience required)	Appointed by Commissioner of Education	Ms. Penny Detscher**
Member (no experience required)*	Appointed by Governor	Ms. Robin Peters (Wonnell)**
Member (no experience required)*	Appointed by Governor	Vacant
Member (no experience required)	Appointed by President of the Senate	Commissioner Wayne "Chip" Withers
Member (no experience required)	Appointed by Speaker of the House	John Brown, Esq.
Dean of the University of Miami School of Medicine	Ex officio	Dr. Richard Bookman
Dean of the University of Florida College of Medicine	Ex officio	Dr. Bruce C. Cone
Dean of the University of South Florida College of Medicine	Ex officio	Dr. Mathis L. Becker
Dean of the Florida State University College of Medicine	Ex officio	Dr. J. Ocie Harris
Dean of Nova Southeastern College of Osteopathic Medicine	Ex officio	Dr. James Howell
Dean of Lake Erie College of Osteopathic Medicine	Ex officio	Dr. Robert A. J. Fernandez
*One of these individuals had to be between the ages of 16 and 21. Erin Sylvester filled the requirement.		
** These individuals had tobacco experience despite no requirement.		
Note: Ex Officio Members Could also appoint a designee, except for the Secretary of Health. Also, dates of resignation for any members are unknown.		
Source: Florida Department of Health <sup>676</sup> ; SB 1126 (enrolled) <sup>645</sup>		

Unfortunately, Florida's broad public records law resulted in the resignation of two potentially important TAC members. Dr. Cheryl Heaton, CEO of the American Legacy Foundation, resigned because, according to Ellen Vargyas, Legacy's General Counsel and Corporate Secretary,

Applicable Florida law includes broad sunshine requirements which could apply to limit communications between or among even two Advisory Council members at times other than at meetings, broad open records laws which could have required that Legacy make public a number of its records which pertained to matters being considered by the Council, and conflict of interest rules which could have made it difficult for Legacy to collaborate with the state on non-Advisory Council initiatives.<sup>677</sup>

According to Marshall Deason, the TAC representative from the ALA, similar concerns resulted in his appointment to the TAC following the first meeting, to replace Chief Operating Officer of the ALA of the Southeast, Brenda Olsen. One appointee of the Governor also resigned his or her membership before the first meeting, but reasons for this resignation are unclear.

### ***TAC's Exclusion from the Grant's Administration Process***

According to the implementing legislation for Amendment 4, one of the TAC's primary responsibilities was to assist the DOH in the contracts and grants review and awards process for the new BTPP, specifying the following responsibilities:

- 1) Assisting in the development of administrative procedures relating to solicitation, review, and award of contracts and grants in order to ensure an impartial, high-quality peer-review system.
- 2) Assisting in the development and supervision of peer-review panels [to review the grants].
- 3) Reviewing reports of peer-review panels and making recommendations for contracts and grants.<sup>678</sup>

As described earlier in the report, the grants and contracts award process required that all contracts and grants be awarded “by the Secretary of Health (Surgeon General), after consultation with the Council (TAC), on the basis of merit...”<sup>678</sup> The Surgeon General and TAC were required to, “appoint a peer-review panel of independent, qualified experts in the field of tobacco control to review the content of each proposal and establish its priority score.”<sup>678</sup> Priority scores (signifying funding priority) were to be forwarded to the TAC and “considered in determining which proposals will be recommended for funding.” Awards were to be finalized by October 1 of each fiscal year, a deadline imposed by public health groups to get the program up and running quickly.

**The DOH, meanwhile, had moved ahead with the grants and contracts process internally, without any consultation from TAC.**

Despite these statutory responsibilities, the TAC was not fully appointed until August 28<sup>675</sup> (3 months after the implementing legislation was in place and 2 months after it had been enacted) and was not convened until September 24, one week before the October 1 procurement deadline. The DOH, meanwhile, had moved ahead with the grants and contracts process internally, without any consultation from TAC.

At the first TAC meeting, on September 24, 2007, then-Senior Attorney with the Office of General Council at the DOH Janine Myrick, presented the DOH's decision to move ahead with the grants and contracts process before convening the TAC. Myrick explained, “the statute

requires that the contracts be executed no later than October 1<sup>st</sup>. So the Department has rushed forward.”<sup>675</sup> Immediate reactions by Council members including Javier Berezdivin, Robin (Peters) Wonnell, Dr. Richard Bookman, John Brown, Dr. Mathis Becker, and Matthew Myers (see Table 71 above for a list of Council members) called into question the decision.<sup>675</sup> Dr. Bookman described the move as putting the TAC “out of business.”<sup>675</sup> Robin (Peters) Wonnell, in an interview for this research, said she perceived TAC’s exclusion from the procurement process as a signal that Council members were just figureheads; she recalled, “I think it was implied, we’re running the show. You’re just figureheads, and we’re going to do what we want to do. But, to placate us, the next time we’ll attempt to have a meeting and have your input.”<sup>679</sup>

Significantly, the DOH had not only proceeded with the procurement process without the TAC’s input, but had chosen to award the majority of the grants for 33-month terms. Although the 33-month awards could be revisited annually, members of the Council, including Matthew Myers, President of the Campaign for Tobacco Free Kids (CTFK), expressed concern that the TAC would be unable to move the BTTP in the right direction given the extended term of the grants. Myers stated in the meeting,

I think there’s enormous sympathy for the need to get the program up and running. I didn’t hear anybody say not to do it. The concern is truly the ability to take a look once you have gotten that one out the door the first year, to ask hard questions, so that you can make important, significant changes beginning in year two. And just to be certain to make contracts obligations that the Department is working on, we need to get it up and running, so don’t bind us so that we are three years before we can move the direction if it needs to be moved, and no one has any input. We are assuming you have done an amazing job. I guess that’s the core question.<sup>675</sup>

**“We are assuming you have done an amazing job. I guess that’s the core question.”**

According to a statement made by Myrick at TAC’s first meeting, because of Sunshine Law requirements, with the TAC constituted on August 28, the earliest the TAC could have convened was September 21<sup>st</sup>, which would have made it impossible to award the contracts and grants by the deadline.<sup>675</sup> There was no discussion at the meeting of why the TAC was not constituted before August 28. While political appointment of some members may have delayed the first meeting, there is no indication that the DOH tried to involve the 11 ex-officio members of the TAC (Table 71, above). It does appear that DOH, at least for the media contract, attempted to involve some experienced individuals including Eric Ashe, Senior VP of Marketing at the American Legacy Foundation, Michael Reich, VP of Communications at the Florida Division ACS, and Danny McGoldrick, VP of Research at the Campaign for Tobacco Free Kids in the decision-making process.<sup>680</sup> Documents provided to authors by the DOH indicated that these individuals were to be part of the review process, though the final evaluations for the media contract (on which final scoring was based) did not appear to include their input.<sup>681</sup> The final review panel for the media contract included three DOH employees, Amber McDowell of CTFK, and Ann Forsythe, a media expert at CDC.<sup>681</sup>

Richard Polangin, DOH Legislative Coordinator at the time, in any interview for this research, noted that it was, “impossible to establish an advisory council and have the advisory council oversee a competitive grant-review process -- make recommendations and have funding

awarded by October 1.”<sup>660</sup>The DOH felt they had a choice to either miss the October 1<sup>st</sup> deadline or exclude the TAC in the decision making process. According to Brenda Olsen, in an interview for this research, the timeline, “... turned out to be too tight because of the lack of foresight in the Tobacco Control Program.”<sup>307</sup> Ultimately, the DOH’s exclusion of the TAC from the first round of procurements was not an isolated instance; rather it marked the beginning of a trend in which the DOH attempted to marginalize the TAC and their oversight of the BTPP.

### ***DOH’s Attempts to Marginalize TAC’s Statutory Authority***

Stronger evidence that the DOH attempted to limit the TAC includes two attempts, during the 2009 and 2010 legislative sessions, to undermine their statutorily mandated oversight of the BTPP. Through pieces of legislation in both years (Table 72), the DOH attempted to amend the statutory provisions governing TAC to particularly limit members’ oversight of grants administration and broadcast materials.<sup>682</sup> (As will be discussed below, the TAC became increasingly interested in reviewing media materials after their poor performance.)

In 2009, the DOH proposed limits on the TAC via House and Senate versions of an omnibus health care bill to codify the DOH’s chronic disease prevention role, HB 1471 and SB 2614. HB 1471 was sponsored by the Full Appropriations Council on General Government and Health Care and Representative Sandra Adams (R, Orlando, \$1,750), along with co-sponsors Representative James Frishe (R, St. Petersburg, \$750), Representative Thomas Anderson (R, Dunedin, \$2,000), Representative Denise Grimsley (R, Sebring, \$5,000), Representative Doug Holder (R, Sarasota, \$1,500), and Representative Juan Zapata (R, Miami, \$10,000).<sup>688</sup> SB 2614 was sponsored by the Health and Human Services Appropriations Committee, the Health Regulations Committee and Senators Don Gaetz (R, Destin, \$0) and Senator Evelyn Lynn (R, Daytona Beach, \$9,500).<sup>689</sup> The legislation included significant changes to the statutory requirements for the tobacco control program (Chap. 381.84) (Table 72, above), including a larger role for the DOH in grants administration, review of broadcast material, evaluations, and oversight of the AHEC, among other things, in a way that would have directly limited the Tobacco Advisory Council’s oversight of these programmatic elements. In an interview for this research, Paul Hull, Vice President of Advocacy and Public Policy at the American Cancer Society (ACS), described the proposed changes to the TAC as an irritant. Neither bill passed.<sup>688, 689</sup>

**In 2009, the DOH proposed limits on the TAC...**

In 2010, legislation was filed in February (HB 1023, sponsored by Representative Juan-Carlos “J.C.” Planas (R, Miami, \$4,000)) and March (SB 2744, sponsored by Senator Charles “Charlie” Dean (R, Inverness, \$10,000)) proposing similar changes to TAC’s authority as well as an \$11 million earmark for Area Health Education Centers (only in HB 1023) which was not tied to any requirements that the funds be used for tobacco control programming.<sup>686</sup> In addition to limiting the oversight of the TAC, most notably in the realms of media and grant oversight, the two pieces of legislation also proposed replacing the requirement that the State Surgeon General serve as chair of TAC, with a requirement that the Deputy Secretary of Health (Berfield) or the Director of the Division of Health Access and Tobacco (Myrick) serve as chair. When asked about this legislation by TAC members at the March 1, 2010 Tobacco Advisory Council meeting, the DOH (represented by Surgeon General Dr. Ana M Viamonte Ros, Deputy Secretary

Table 72. Proposed Changes to Membership and Statutory Authority of the Tobacco Advisory Council  
 HB 14711/SB 2614 (2009) and HB 1023 (2010) and SB 2744 (2010)

Provision	Original Statutory Authority		Proposed Changes	
	2007 Statutes / Implementing Legislation <sup>683</sup>	HB 1471 <sup>684</sup> ;SB 2614 <sup>685</sup> (2009)	HB 1023 <sup>686</sup> (2010)	SB 2744 <sup>687</sup> (2010)
Tobacco Advisory Council Membership	23 members; State Surgeon General is Chair	none	Deputy Secretary of Health or Director of the Division of Health Access and Tobacco is Chair	Deputy Secretary of Health or Director of the Division of Health Access and Tobacco is Chair
Assistance of the DOH	The DOH shall provide Council members with information and assistance to assist the council in carrying out its responsibilities	<i>Deleted</i>	<i>Deleted</i>	<i>Deleted</i>
Overall Responsibilities	Responsibilities of the council include, but are not limited to:	Responsibilities of the council <b>may</b> include, but are not limited to:	Responsibilities of the council <b>may</b> include, but are not limited to:	Responsibilities of the council <b>may</b> include, but are not limited to:
Media Materials	Reviewing broadcast material prepared for the internet, portable media players, radio, and television as it relates to the advertising component of the program	As requested by the DOH	As requested by the DOH	As requested by the DOH
Program Evaluation	Participating in periodic program evaluation	As requested by the DOH	As requested by the DOH	As requested by the DOH
Programmatic Guidelines	Assisting in the development of guidelines to ensure fairness, neutrality, and adherence to the principles of merit and quality	As assistance to the DOH	As assistance to the DOH	none
Grants	Assisting in the development of administrative procedures relating to solicitation, review, and award of contracts and grants in order to ensure an impartial, high-quality peer-review system	As assistance to the DOH	As assistance to the DOH	Only as assistance to the DOH
Grants	Assisting in the development and supervision of peer-review panels	As assistance to the DOH	As assistance to the DOH	As assistance to the DOH
Grants	Reviewing reports of peer-review panels and making recommendations for contracts and grants	As assistance to the DOH	As assistance to the DOH	As assistance to the DOH
AHECs	Reviewing the activities and evaluating the performance of the AHEC network to avoid duplicative efforts using state funds	As assistance to the DOH	<i>Deleted</i>	<i>Deleted</i>

Kimberly Berfield, and Division Director Jan Myrick) said it was aware of the legislation but uninvolved in it. However, in an interview for this research, an aide to SB 2744's sponsor, reported that Deputy Secretary Berfield had requested the bill herself.<sup>690</sup> After the TAC was informed about the 2010 legislation, TAC ALA Representative Marshall Deason, acting as the chair of the Health Communications Subcommittee, made a recommendation to the TAC that TAC members be briefed by the DOH on all legislation altering their responsibilities.<sup>691</sup> It is unclear the extent to which the DOH followed up on this recommendation. Neither HB 1023 nor SB 2744 passed,<sup>692, 693</sup> but exemplify the steps taken by the DOH to try to limit oversight and involvement in the BTPP by the Tobacco Advisory Council.

**An aide to SB 2744's sponsor, reported that Deputy Secretary Berfield had requested the bill herself.**

In combination, the actions of the Department of Health suggest that its leadership staff did not want the TAC looking over their shoulders and pursued multiple courses of action in an effort to marginalize TAC's authority. As described earlier, even before Amendment 4 was implemented, the DOH requested from the Governor that they be given authority to implement the program as they saw fit. After the tri-agencies pushed for creation of TAC, based on their successes with an advisory council over their biomedical research programs, the DOH reacted by excluding TAC from their statutory authority, trying to hamstring their communications, and authoring legislation to eliminate the responsibilities of TAC from Florida's statutes. The implications of the DOH's underutilization of TAC are evident in the poor programmatic results achieved by their program beginning at its inception.

## **Avoiding "Truth"**

### ***Implementation of the New Media Campaign***

The most high profile element of the new BTPP's programming was the advertising campaign funded with one-third of its budget, roughly \$20 million per year (FYs 2008-2011). The DOH could have restored Florida's ground-breaking and proven-effective "truth" campaign,<sup>204, 206-209, 217</sup> but opted not to. Instead, the DOH hired a media contractor inexperienced in tobacco control to implement a campaign which was then kept tame by Governor Charlie Crist's Office.

The DOH solicited bids for the 33-month (October 1, 2007 – June 30, 2010) media contract using an Invitation to Negotiate (ITN) process, announcing the contract in mid-August 2007.<sup>694</sup> The ITN procurement process in Florida includes an initial proposal phase and subsequent round of negotiations to contract vendor services. An ITN allowed the DOH discretion to negotiate with potential vendors and use criteria outside of the initial proposal and price to award the contract. The media ITN set the value of the contract at between \$12,825,000 and \$17,100,000 annually<sup>694</sup> and called for production, media buying, a website, and a public relations campaign to be focused on prevention and cessation of cigarette use and smokeless tobacco use, and reducing secondhand smoke exposure.<sup>694</sup>



Six firms submitted initial proposals for the contract, including Kidd Group, Tampa Bay Lighting/St. Pete Times Forum, Golin Harris, Uzzell Advertising, the Wolf Agency, and The Zimmerman Agency.<sup>695</sup> DOH did not invite Kidd Group and Tampa Bay Lightning /St. Pete Times Forum to move into the negotiation round because they only scored 24/935 and 168/935 on their written proposals (firms' proposals were measured for quality of proposed marketing, production, media buying, public relations, etc.).<sup>695</sup> The remaining four firms (Uzzell

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Advertising, scoring 523, The Wolf Agency, 641, Zimmerman, 694, and Golin Harris,<sup>745</sup> were selected for further negotiations.<sup>695</sup>

The top two score recipients in the initial round were Golin Harris, a firm with extensive tobacco control experience in 16 states and Europe, including with the original Florida “truth”

campaign<sup>696</sup> and Zimmerman, a media firm which specialized in planning, advertising, digital, public relations, and social marketing, but which had no tobacco control experience.<sup>697</sup> Golin Harris had proposed building on the successful “truth” campaign and messaging, including using “truth” branding.<sup>696, 698</sup> In subsequent negotiations, DOH questioned Golin Harris about their proposed use of “truth” branding and expressed concern about the political implications of using “truth.”<sup>699</sup> Golin Harris indicated flexibility in using “truth,” depending on market research.<sup>699</sup> Zimmerman proposed a new campaign, branded “I don’t care if I smoke.”<sup>700</sup> Final cost proposals by the agencies were \$14.3 million for Golin Harris<sup>701</sup> and \$17.1 million for Zimmerman.<sup>701</sup> Despite its lower initial score and higher cost, DOH awarded the contract to Zimmerman in late September 2007. DOH justified this decision in part because it wanted the new media campaign to be “set apart from the ‘truth’ campaign.”<sup>702</sup>

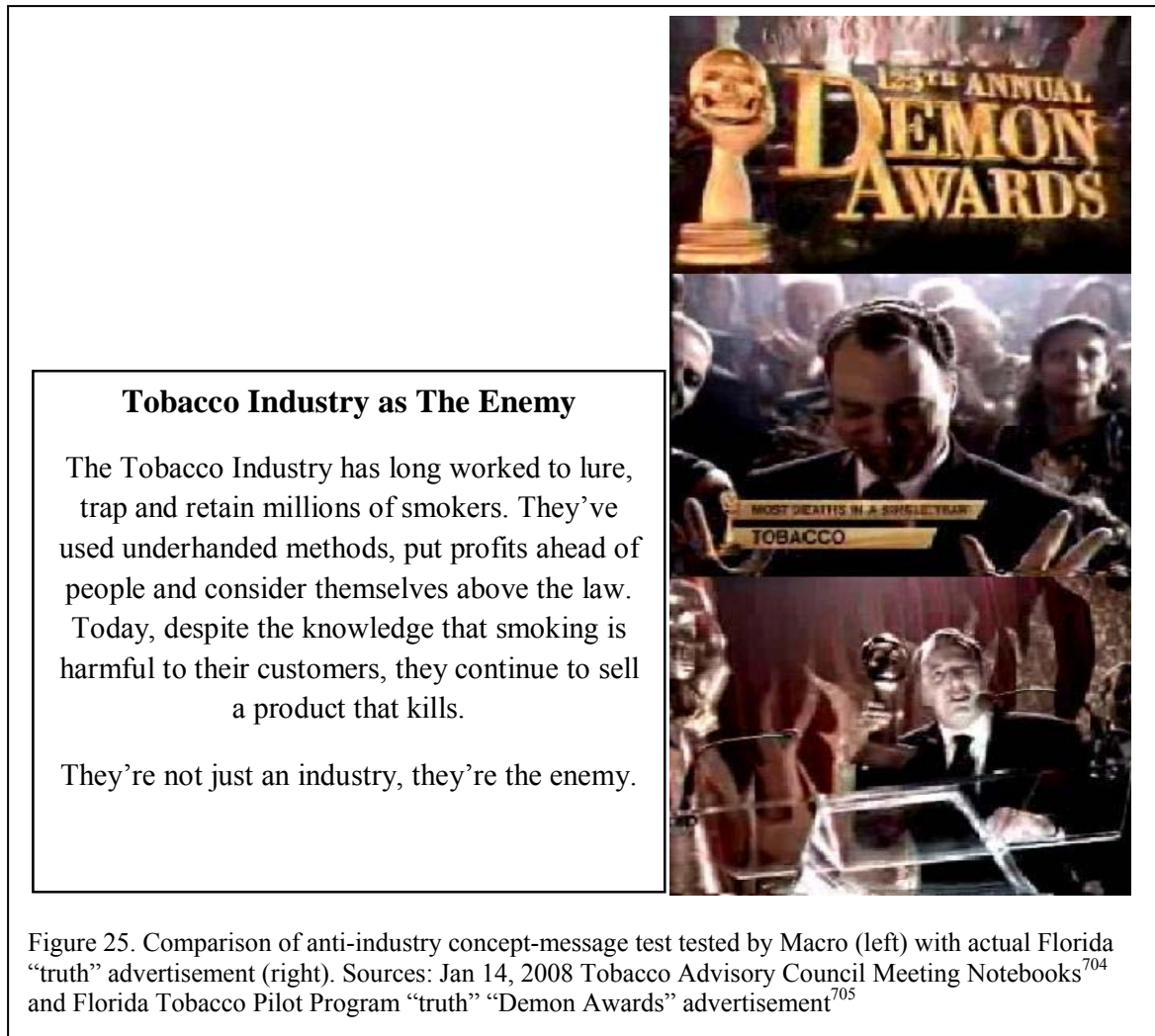
**Rather than using an actual “truth” television advertisement, Macro conducted a static text-only concept-message test, which did not capture the salience and creative value of a full advertisement.**

Testing of the “truth” campaign (to determine whether or not it remained compelling) had been requested by the TAC as well as the House Committee on Health Quality, which, under the leadership of Representative Gayle Harrell, had authored HB 1757 to implement the new program in 2007.<sup>703</sup>

DOH relied on its market research firm, Macro International (“Macro”) to justify

abandoning “truth.” In December 2007, Macro conducted pre-market research to determine whether or not the “truth” message was still effective. Rather than using an actual “truth” television advertisement, Macro conducted a static text-only concept-message test, which did not capture the salience and creative value of a full advertisement (Figure 25). Furthermore, Macro only tested the anti-industry message among adult audiences (including only two young adult focus groups, 18-24 years old),<sup>706</sup> not the youth audiences for which industry denormalization messaging, including “truth,” had been shown to be effective.<sup>203-206, 208-218, 707</sup> The aggregated adult audiences responded unfavorably to the message, expressing pro-industry attitudes, including that tobacco use is a personal choice and the industry should not be blamed.<sup>706</sup> Consistent with other research,<sup>208, 217, 219, 220</sup> the anti-industry message resonated strongly with the two young adult (18-24 year old) focus groups.<sup>706</sup> The young adult participants classified the

tobacco industry as profit-driven and willing to do anything to sell cigarettes, including advertising to kids.<sup>706</sup> They considered the “truth” message to be in-your-face and appealing and concluded that it helped shift blame from the smoker to the tobacco industry.<sup>706</sup> The young adult findings were omitted from Macro International’s conclusions when they were submitted to the DOH in December, 2007.<sup>706</sup>



Zimmerman and Deputy Secretary of Health Berfield presented the “truth” test findings (along with other media materials) at a Florida House of Representatives Committee on Health Quality oversight hearing in January 2008, the first time program market research was presented to the Legislature.<sup>703</sup> Curtis Zimmerman, founder of The Zimmerman Agency, reiterated the Macro International results, without mentioning that the test was conducted only among adults, to justify a media campaign very different from “truth”:

One of the things that we discovered during that [testing] process, was that people wanted to take responsibility. They no longer wanted to blame big tobacco. They'd heard it. They'd seen it.<sup>703</sup>

As further justification, Zimmerman also incorrectly claimed that the American Legacy Foundation was moving away from the “truth” anti-industry messaging:

The original message platform for “truth” was anti big tobacco. What we learned in our focus groups were [sic] people were ready to take responsibility for their own actions and felt like they needed to take responsibility for their own actions. Actually, American Legacy is finding out the same thing.<sup>703</sup>

When questioned in 2009 about Zimmerman’s statement, Legacy responded, “most important, Zimmerman misstates what Legacy staff told Zimmerman – which was that anti-industry messaging was not effective *with respect to adults in the cessation context*. We clearly stated [to Zimmerman] that all of our research shows that anti-industry messaging remains compelling with teens.”<sup>708</sup> [emphasis in original]

Zimmerman’s and DOH’s presentation of these results was used to justify the launch of Zimmerman’s new campaign.

### ***Market Research on New Media Messages***

Beginning in December, 2007, Macro conducted 109 focus groups and 21 in-depth interviews to gather qualitative data about Zimmerman’s proposed logo, as well as TV, print, billboard and radio messaging to guide DOH in selecting final media messages. Macro conducted their research in multiple waves, the first wave included no youth audiences and was the wave in which they evaluated the “truth”-like message. Macro tested two campaigns developed by Zimmerman: “I don’t care if I smoke” and “Smoking is not okay” from December 2007 to March 2008, including youth prevention, adult cessation and adult secondhand smoke messaging.<sup>709</sup> They concluded that “I don’t care if I smoke” was “not the preferred campaign” for cessation and secondhand smoke audiences because it was not seen to be appealing, motivational, and did not present a serious tone. Prevention audiences were divided between the two campaigns.<sup>706, 710</sup> Macro International concluded that “Smoking is not okay” was the preferred campaign because the message was direct and provided facts; cessation and secondhand smoke audiences said the message would make them stop and think about smoking.<sup>710</sup> Macro International’s research also indicated that prevention audiences (11-17 and 18-24 years old) had mixed reactions to the proposed prevention campaigns, “I care. I don’t smoke” and “I don’t care. I dip.”<sup>710, 711</sup>

In a 2010 interview for this research, Curtis Zimmerman reported that the research strategy and methodology used by Macro were developed without any input from his agency. Zimmerman felt his firm’s lack of involvement in choosing which ads were tested, was a detriment to the results’ applicability.<sup>712</sup> He felt the research did not give Zimmerman the information it needed to understand positioning messages and targeting audiences.<sup>713</sup>

A comparison of the ads Macro tested from January – March 2008 and the ads Zimmerman launched in 2008,<sup>714, 715</sup> reveals that DOH disregarded some of Macro’s recommendations. Ultimately, messages from both tested platforms were launched, including some which received mixed or negative reactions from focus groups or were only well liked by a few segments of the target audience.<sup>706, 710, 711</sup>

**Governor Charlie Crist's Deputy Chief of Staff, Lori Rowe, reviewed all storyboards for ads (or in some cases produced ads) proposed by the Zimmerman Agency and disallowed ads she deemed "controversial" regardless of how well they resonated with target audiences.**

Macro's research did determine that some ads developed by Zimmerman would resonate with target audiences.<sup>706</sup> The decisions of which ads and messages to use were not, however, made by DOH, or according to the market research they conducted, or advice provided by TAC. (In 2008 and 2009, TAC's role in the media campaign was to review and comment on Zimmerman's ads, but its members did not play a substantial role in shaping the ads / determining which would be launched.) Instead, the ads run

were chosen by the Office of Florida's Governor Charlie Crist. Governor Charlie Crist's Deputy Chief of Staff, Lori Rowe, reviewed all storyboards for ads (or in some cases produced ads) proposed by the Zimmerman Agency and disallowed ads she deemed "controversial" regardless of how well they resonated with target audiences.<sup>712, 713</sup>

One advertisement Zimmerman proposed was a billboard (Figure 26) which depicted a drooping cigarette to imitate erectile dysfunction, with the phrase "I don't care if I'm impotent." Despite the relatively positive response of target audiences to these ad,<sup>706, 710</sup> it was not launched because Lori Rowe felt it was "too controversial."<sup>712</sup>

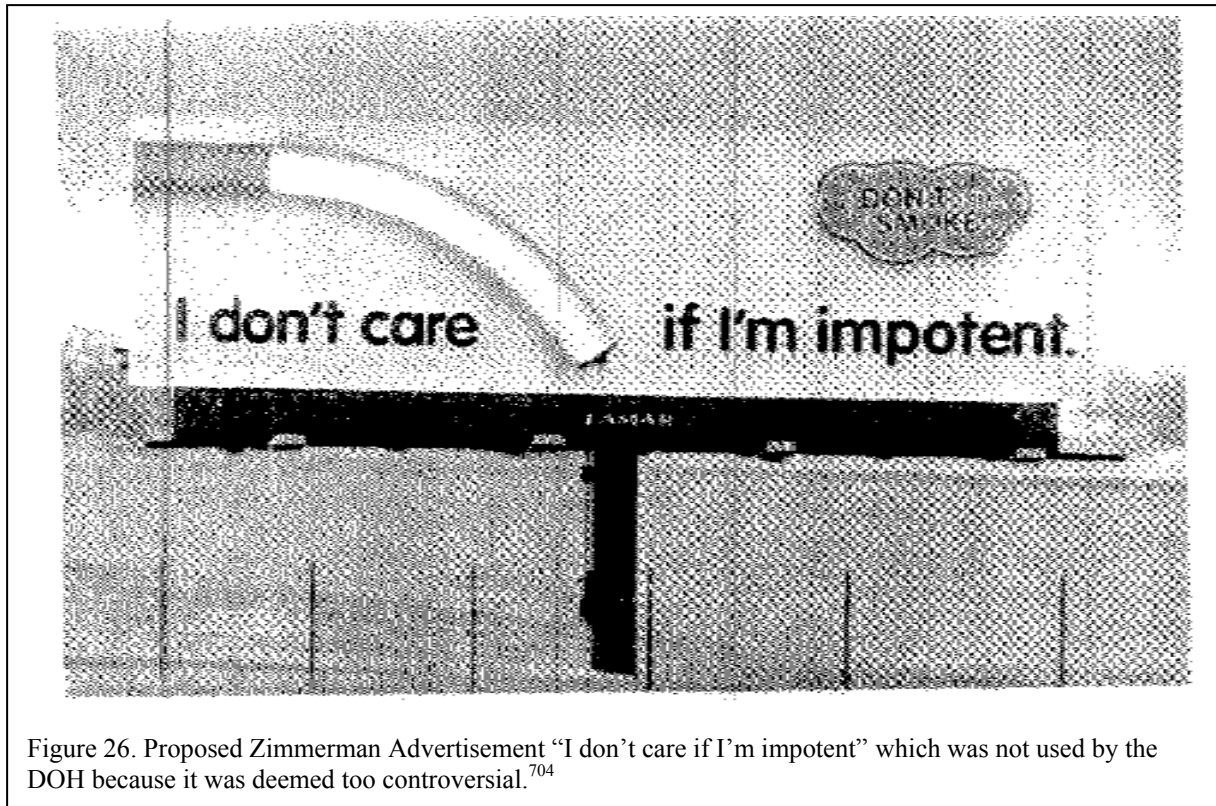


Figure 26. Proposed Zimmerman Advertisement "I don't care if I'm impotent" which was not used by the DOH because it was deemed too controversial.<sup>704</sup>

According to Zimmerman, one of the findings from Macro's research was that young adults ages 18-24 were responsive to messages about the social implications of smoking, namely that smoking would make you less attractive to the opposite sex because you would smell bad,

have yellow teeth, or have ugly hair.<sup>712</sup> Zimmerman’s TV spot “Ash” which was a play on a cologne commercial, attempted to depict this message; the ad showed a bikini-clad woman walking down a beach toward a man, and upon reaching him, she became instantly turned-off because he smelled of “ash” (cigarette) cologne. The ad, which was tested by Macro and had mixed reviews<sup>706</sup> (Zimmerman said the ad did resonate well with 18-24 year olds<sup>712</sup>) was apparently approved by the DOH for launch, before consultation with the Governor. The Zimmerman Agency produced the TV spot and planned to launch it during the 2008 Superbowl. According to Zimmerman, three days before the Superbowl, his agency received a call from the Governor’s Office saying that they did not want the ad to run because the woman in the bikini made the ad “too controversial.”<sup>712</sup> Zimmerman thought the ad was controversial because it was going to be effective:

Now, please. This is Florida. We have beaches everywhere. People are in bathing suits on streets here. They felt it was too controversial because it ...showed something that was controversial in nature and that's the fact that if people don't smell good, they're going to become less attractive to the opposite sex.<sup>712</sup>

The “Ash” spot, which cost \$400,000 to produce, was never allowed to air in Florida.<sup>712</sup>

**In the original version of the ad, the tagline said that each year cigarettes killed more people than handguns. However, the Zimmerman Agency was instructed by the Governor’s Office to remove any references to handguns because they would be offensive to the National Rifle Association.**

In a 2011 interview,<sup>712</sup> Zimmerman provided another example of what the Governor’s Office deemed “controversial.” One of Zimmerman’s advertisements from 2008, known as “video game,” depicted a violent video game scene and concluded when the game’s main character smoked a cigarette, coughed, and then dropped dead.<sup>716</sup> The tagline in the version of the ad that aired said, “Each year smoking kills over 400,000 people. Don’t be your own worst enemy. Don’t Smoke.”<sup>716</sup> Zimmerman said that in the original version of the ad, the tagline said that each year cigarettes killed more people than handguns. However, the Zimmerman Agency was instructed by the Governor’s Office to remove any references to handguns because they would be offensive to the National Rifle Association (NRA).

Zimmerman, in a 2010 interview for this research, commented on the Governor’s Office review:

There were certainly findings in that research [Macro’s research] that helped us change some of our thinking. There were some findings in the research that validated thinking that later despite the research, we did not follow. Not by our own choice. But we were directed. As an example, we were directed not to make our messages as controversial as they were.<sup>713</sup>

The highly politicized process through which the Governor’s Office reviewed Zimmerman’s ads appeared to remove any potential “edgy” elements of the ads. Zimmerman reported that Deputy Chief of Staff Rowe

...told me that when ...the Department [of Health would send] storyboards to her, she would sometimes take them out into the hallways of the Capitol and ask media consultants for their opinion. So at no point in time did the media consultants or Lori know what the research said.<sup>712</sup>

It is unclear who was actually acting as Rowe’s “media consultants.” Zimmerman went on to say that,

They did not know what the objectives of the campaign were. In some cases they didn't know which audience the messages were targeted to. And so the decisions were basically, you know, sort of seat-of-the-pants decisions based on what Lori believed was, in the best interests of the constituents in the state. And I don't know how you create a campaign that is meant to provoke people to stop a certain behavior...unless those messages are provocative.<sup>712</sup>

Deputy Chief of Staff Rowe worked as an Associate at the Tallahassee branch of Gray, Harris & Robison, P.A. (later shortened to Gray Robinson, P.A.), a large Florida law firm, from 2000 – 2003, prior to joining the Office of the Attorney General under Attorney General Charlie Crist in 2003.<sup>717</sup>

Tobacco industry documents suggest that the Tampa Branch of Gray, Harris, Robinson, Shackelford and Farrior (as it was known at the time) served as legal counsel for Brown & Williamson during multiple lawsuits against them in Florida in the early 2000s.<sup>718-721</sup>

Gray Robinson’s clients at their Tallahassee branch have included Dosal Tobacco from at least 2007 – 2010.<sup>106</sup> Rowe was appointed to Florida’s First District Court of Appeals in September, 2009, following her position as Deputy Chief of Staff.<sup>717</sup>

**“...she would sometimes take them out into the hallways of the Capitol and ask media consultants for their opinion. So at no point in time did the media consultants or Lori know what the research said.”**

### ***Evaluations of the BTPP’s Media Campaign FYs 2008 – 2010***

DOH’s “I don’t care, I smoke” campaign ran from February through December 2008. Subsequent evaluations of the campaign suggested it was ineffective at reaching target audiences. In addition to the pre-market testing, Macro International conducted pre-wave (January/February 2008) and post-wave (July/August 2008) measurement of the “I don’t care / I care” media campaign. Macro found a positive attitude shift after the first six months of the campaign, with significantly more people perceiving that smoking is disgusting, unattractive, makes you smell bad and that it bothers other people and that, while awareness of the advertisements was low, people received the advertisements favorably.<sup>722</sup> However, in terms of outcomes (Table 73), Macro concluded:

The results of this analysis are negative: for most of the outcome measures in the study, the advertising (as measured by pre-post difference [in behaviors] had no significant effect—or, in many cases, *a significant effect in the wrong direction* (e.g. the change was an increase). This was true both of the raw effect [changes in outcome measures] and after controlling for changes in demographic, background and behavioral variables.<sup>722</sup> [emphasis added]

The results showed no changes in smoking prevalence, quit attempts or quit intentions, with people smoking cigarettes and using snuff statistically significantly more intensely (Table 73).

Significantly, adults recognized “truth” ads more than any of DOH’s current advertisements. A “truth” website was the most frequently mentioned by youth when they were questioned about anti-tobacco websites.<sup>722</sup>

Outcome	Raw Effect		Controlling Demographics		Controlling Media Behavior	
	Size	Significance*	Size	Significance*	Size Signi	ficance*
Cigarette Smoker?	+0%	30%	+1%	84%	+1%	79%
Smoke Anything?	+1%	82%	+2%	100%	+2%	100%
Tried to Quit? (Smokers)	+3%	87%	+2%	79%	+2%	79%
Intend to Quit? (Smokers)	+2%	60%	+0%	7%	+0%	14%
Total Smoked per Month	+6.832	90%	+12.013	100%	+11.093	99%
Total Cigarettes per Month	+5.584	83%	+10.697	99%	+9.779	99%
Total Flavored Cigarettes Per Month	+1.373	98%	+1.325	98%	+1.309	98%
Total Packs of Snuff per Month	+0.077	91%	+0.103	98%	+0.107	98%
Total Cigars per Month	-.308	99%	+.278	97%	-.288	98%
Total Bidis per Month	+0.070	90%	+0.090	96%	+0.090	96%
Total Smoked per Month (Smokers)	+10.008	55%	+25.729	96%	+24.246	95%
Total Cigarettes per Month (Smokers)	+22.064	89%	+34.621	99%	+32.905	99%
Total Cigars Per Month (Smokers)	-8.032	100%	-6.370	98%	-6.749	99%

\*Macro International reported “significance” as a percentage which appears to be a confidence level rather than as a P value as is commonly done, i.e., a reported “significance” of 98% corresponds to P<.02.  
Source: Macro International, Florida Anti-Tobacco Media Campaign Assessment Study<sup>722</sup>

Later evaluations in 2008 and 2009 conducted by Dr. Noella Dietz at the University of Miami, under contract to DOH, suggested that television, radio, internet, and promotional advertisements failed to reach youth and adult target audiences. Among youth ages 12-17, the “I don’t care/ I care” television campaign had low reach and markedly low theme confirmation.<sup>723</sup> Weak confirmed awareness suggests that DOH’s ads did not resonate strongly with youth. Of the three television ads tested (“Hero,” “Catch” and “Buckle-Up”), only “Hero” was considered to be youth targeted, though levels of confirmed awareness for this ad were still well under 30%.<sup>723</sup> Radio, internet, and promotional advertising had very low reported and confirmed awareness.<sup>723</sup> In mid-2009, The University of Miami suggested a creation of a stronger youth focus with a

gender and age balance, including development of a strong youth tagline or logo to help a campaign atmosphere resonate with youth. They also recommended sustained media over a longer time to boost reach and resonance.<sup>723</sup> Likewise, among adults “I don’t care / I care” (2008) generated low levels of confirmed awareness, with levels of reach described by the University of Miami as “very weak at best,”<sup>724</sup> The primary issue with the campaign appeared to be limited exposure by target audiences, shaped by poor placement, timing, and short ad flights.<sup>724</sup>

In early 2009, perhaps because of the negative Macro International evaluation (because the University of Miami’s evaluations had not yet been completed) of the “I care / I don’t care” campaign, DOH replaced it with Zimmerman’s new “Be Free” campaign (a campaign for which there appears to have been no pre-market research). The “Be Free” campaign in 2009 generated even lower reach among youth than the previous campaign and failed to resonate with adult populations.<sup>724, 725</sup> In their 2009 evaluation of Florida’s media efforts, DOH’s

**The poor media evaluations reflected not only interference from the Governor’s Office...but also the Zimmerman Agency’s ... lack of knowledge about how to run a successful tobacco control campaign.**

contractor for overall program evaluation, RTI International, compared four of Florida’s “Be Free” adult cessation television advertisements to four of New York State’s cessation ads. New York’s ads, with hard-hitting and graphic health messages, outscored Florida’s by anywhere from 5-25 percentage points on measures related to the salience and impact.<sup>726</sup> The lower salience of DOH’s advertisements was exacerbated by what the University of Miami and RTI International saw as a lack of a coherent and comprehensive message strategy or a “conceptual message umbrella,”<sup>723, 727</sup> due to disparate message themes and content across advertisements. RTI International also reported that the media campaign was not delivered intensively enough or consistently enough over time to build brand awareness and reach.<sup>725</sup> The poor media evaluations reflected not only interference from the Governor’s Office to make the ads less edgy but also the Zimmerman Agency’s inexperience and lack of knowledge about how to run a successful tobacco control campaign.

In the campaign’s first 6 quarters, it reached only 40% of CDC’s Target Rating Points (TRPs) recommendation for prevention messaging, and 50% of CDC’s TRP target for cessation and secondhand smoke messaging.<sup>726</sup> RTI reported in 2011 that in FY2010, the advertising campaign similarly failed to reach CDC’s TRP recommendation across all target audiences.<sup>728</sup> The DOH appeared not to have reacted to these negative results until the expiration of Zimmerman’s 33-month contract in June 2010. When asked in a 2010 interview for this research what she looks for in a media campaign, Division Director Myrick said,

Well, you know, I'm almost always looking for something I like or don't like, or something that strikes me or doesn't strike me. You know, I don't really have like a list of criteria that I run through like, "Oh, do I like the color? Ooh, do I like the picture?" It's somewhat difficult for me to articulate what exactly--I don't have anything specific that I look for.<sup>671</sup>



Many of the negative findings about the campaign, including negative results of the media efforts, were presented to the Tobacco Advisory Council at their December 2009 meeting. According to Brenda Olsen of ALA, at the time of this meeting, the media campaign had already begun making changes in response to these results. In an interview for this report, Olsen did not provide any details on what those changes were.<sup>55</sup>

At the January 2010 TAC meeting, TAC members raised the question of why the DOH was using ads that were less edgy than recommended by reviewers and whether or not the media campaign's ineffectiveness could be attributed to the ad approval process and limits imposed by the Governor's Office.<sup>729-731</sup> ALA's TAC representative, Marshall Deason, suggested that DOH's review process bypassed TAC's statutory responsibility<sup>731</sup> to "review broadcast material prepared for the internet, portable media players, radio, and television as it relates to the advertising component of the tobacco education and use prevention program"<sup>683</sup> and requested that TAC review the advertisements before they were sent to the Governor's Office.

TAC supported Deason with a second motion and a voice vote, recommending that TAC review all advertising prior to being sent to the Governor's Office.<sup>731</sup> (The TAC Surveillance and Evaluation Subcommittee, chaired by Florida Division ACS CEO Ralph DeVitto also made a formal recommendation at the meeting that a vendors past performance on tobacco-related initiatives should be considered as part of the vendor selection process.<sup>731</sup>) In March 2010, DOH informed TAC members that they could view the DOH's online media hub; it is unclear if and at what stage in the process this material was made available.<sup>732</sup> Brenda Olsen reported that the media campaign changed per these TAC's recommendations to be more hard-hitting.<sup>55</sup> As described above, DOH also responded to this request (without success) by seeking legislation in 2010 to limit TAC's authority over the media campaign.

It does appear that Zimmerman's campaign improved in 2010, although evaluations of the ads they ran in 2010 were not available to authors. One ad which was well liked by the TAC<sup>732</sup> was "Vampire Moon," a TV ad which played on the vampire theme of shows like "Twilight" and "Vampire Diaries" and exposed the tobacco industry's advertising in movies.<sup>716</sup>

Curtis Zimmerman said he had also been asked by Representative Alan Hays (R, Umatilla, \$1,500) why his agency was not running more hard-hitting messages. Zimmerman informed Representative Hays about the Governor's review process, at which point Hays arranged a meeting between himself, Zimmerman, and Deputy Chief of Staff Lori Rowe. According to Zimmerman, Lori Rowe explained to the Representative that, "it was - part of the role of the Governor's Office to make sure that messages that were being distributed to the state were not controversial."<sup>712</sup> (Again, Zimmerman's lack of experience was also undoubtedly a key contributor to the media campaign's failure.)

### ***Changes to the Media Campaign for FY2011***

In June 2010, Zimmerman's 33-month contract ended and DOH awarded a new three-year media contract, via a competitive bid, valued at up to \$25,000,000 annually,<sup>733</sup> to Alba DDB, a media firm which specializes in reaching Hispanic populations. The Zimmerman Agency bid for the contract, and according to Curtis Zimmerman, received a higher score than Alma DDB.<sup>712</sup> Zimmerman said he was reassured by the Department of Health that his agency would receive the contract, and that the Governor's Office supported its renewal.<sup>712</sup>

Nevertheless Alma DDB was awarded the contract. Both Zimmerman and St. John & Partners, another bidder for the contract, protested in the award in state administrative court,<sup>734</sup> but Zimmerman ultimately dropped its protest at its parent company's request.<sup>712</sup> As reported by the *Florida Tribune*, one of St. John's & Partners' allegations in their protest was that Alma DDB should have been disqualified for failing to disclose that its parent company did work for Brown & Williamson.<sup>734</sup> In addition to this work, Hispanic PR Wire reported that Isaac Mizrahi, who was appointed to Senior Vice President – Managing Director at Alma DDB in 2009, had extensive experience working at British American Tobacco (BAT).<sup>735</sup>

Despite this industry tie, DOH awarded Alma DDB the contract. At the September 13, 2010, TAC meeting, Alba DDB, along with partners Golin Harris and OMD, presented their strategy for BTTP's media efforts.<sup>736</sup> It is unclear if Golin Harris and OMD were also awarded part of the media contract, or if Alma DDB is subcontracting with the firms. Alba DDB's specialty in Hispanic marketing suggests the BTTP would be able increase reach to Hispanic populations, which under Zimmerman's campaign had been very low. Even so, Hispanics only constitute 18.5% of Florida's population, so a Hispanic focused campaign would miss most of the population. In addition, the tobacco control and PR experience brought by Golin Harris and the media buying and planning expertise brought by OMD appeared to be direct responses to many of the problems which plagued the DOH's 33-month campaign run by Zimmerman.

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At the March-2010 TAC meeting,<sup>691</sup> in what appears to be a response to recommendations from the TAC and RTI, DOH announced that would start exclusively using ads from the CDC Office on Smoking and Health's (OSH) Media Resource Center (that provides access to most anti-tobacco ads produced in the US and some foreign ads) for its media campaign. Doing so would save production costs to provide more funds for ad placement. (In December, 2009, RTI had recommended using CDC ads in an effort to save resources.<sup>726</sup>) At the March 2010 TAC meeting, ACS CEO Ralph DeVitto also made a motion for youth to be involved in the media review process, which was approved by a voice vote.<sup>691</sup>

In September 2010, TAC members were asked to rate several ads that DOH had obtained from CDC (Table 74) on a scale of 1-5 after they reviewed each spot. It appears that some of the ads the DOH was considering were part of Australia and New York States' cessation campaigns,<sup>737</sup> which have been considered very effective. In addition, they considered ads from Massachusetts' emotionally hard-hitting "Rick Stoddard" campaigns well as the Pam Laffin campaign that uses both industry denormalization and health messaging. DOH staff noted in their presentation at the TAC meeting, that they were looking for graphic and emotionally charged ads, which was in-line with CDC's recommendations.<sup>738</sup> In late 2010, the BTTP began running New York state's "reverse the damage" campaign which includes graphic imagery and messaging about immediate health improvements of quitting smoking.<sup>739</sup> Other ads being run by

Table 74. Cessation and Secondhand Smoke Spots for Florida Tobacco Advisory Council Review (2010)	
Spot	Description
Baby Seat	A small child is crying and fussing in her car seat. The child is in a closed, moving car, and the mother is smoking a cigarette while driving. The smoke from her cigarette is billowing to the back seat, surrounding the child, and making the baby cry and cough.
Brain	A brain is cut in half to show the clot that has formed due to cigarette smoke.
Cigarettes are Eating You Alive (Cessation)	An announcer explains that every time you smoke, cigarettes are eating you alive because smoking eats away at nearly every vital organ and tissue of the body. Images of vital organs are shown to display the damage caused by smoking.
Eye	The blood vessels in an eye are damaged by tobacco smoke. An announcer explains how every cigarette compromises the human eye and can lead to blindness.
Gangrene	A physician explains that every time a person inhales tobacco smoke toxic chemicals enters their bloodstream and travels to every part of the body. This explains why his patient has gangrene.
Little Girl	A young girl tells her parent that she hates breathing secondhand smoke. She gets up the courage to tell her parent how she really feels about parental smoking in the hopes that her parent will stop smoking in her presence.
Lung	A woman stands and smokes outside her office building. The camera follows the smoke that she inhales into her lungs, illustrating the damage that each puff of smoke does to the human lung.
Pam Laffin Series	
Pam - Abuse	Pam Laffin, is a 31-year-old emphysema and lung transplant patient who is in obvious physical distress. The narrator states that while tobacco companies may be donating money to victims of domestic abuse, they have done nothing to protect victims of their own actions.
Pam - Difference	Footage of Congressional hearings intersperse with scenes from the life of emphysema patient Pam Laffin. The announcer states that the tobacco company made a horrible impact on the quality of Pam's life.
Pam - Kids	Scenes from a cigarette manufacturing facility intersperse with images of the children of Pam Laffin, a 31-year-old woman who died of smoking-related emphysema. The narrator notes that the tobacco industry has done nothing to help the children of cancer and emphysema
Pam - Krystell Memorial	Pam Laffin's daughter, Krystell, talks about how she doesn't want to grow up to be like her mom. It scares her to imagine what her life would be like if she were dying from emphysema.
Pam - Last Goodbye Memorial	Pam Laffin speaks directly to the camera as she shares her fears about dying from emphysema. Shots of her two daughters are interspersed.
Rick Stoddard Series	
Rick - Emergency Room	Rick Stoddard is tearfully reminiscing about his wife, Marie, who died of smoking-related cancer. He recalls the day he took her to the emergency room and learned that the cancer had spread to her brain.
Rick - Fish Out Water	Rick Stoddard reminisces about his late wife Marie, who died of smoking-related cancer. He describes the actual moment that she died.
Rick - Happy Face	Rick Stoddard speaks about his wife Marie, who died of smoking-related cancer. He finds it ironic that her cigarette lighter had a happy face on it.
Rick - Heart In Sky	Rick Stoddard tearfully recounts his wife Marie, who died of smoking-related cancer. On the day she died he saw a heart-shaped cloud in the sky and took it as a sign from Marie.
Rick - Lesions Mask	Rick Stoddard talks about his wife Marie, who died of smoking-related cancer. He explains her fear of the radiation therapy that was used to treat the lesions on her brain.
Rick - Seizures	Rick Stoddard talks about the devastating day that his wife Marie, who died of smoking-related cancer, experienced a series of seizures that left her unable to use her hand and arm.
Source: Tobacco Advisory Council Meeting Notebooks <sup>737</sup>	

the BTPP in 2011 included the emotionally charged “separation” ad, developed as part of Australia’s anti-smoking efforts, which depicts the feelings of a young boy after losing his mother for only a few moments (then compared to how he would feel if he lost her for life).

Although the DOH appeared to be making many positive changes in terms of media, the media contract suggests that the DOH was shifting its focus significantly toward cessation and away from youth prevention. FY2011 contracts increased the resources devoted to cessation advertising including a requirement that the contractor focus 70% of media efforts on cessation (up to \$17.5 million of the annual \$25 million media contract).<sup>733, 740</sup> Concerns about this emphasis on cessation were raised by TAC members, including ALA’s Marshall Deason, at the January 2011 TAC meeting. Matt Farrelly, the overall program evaluator with RTI, addressed these concerns, saying that the 70/30 split was based on its recommendations<sup>726</sup> and that in practice the ads used by the campaign should be focused on a general audience and thus have broad appeal across audiences (meaning the 70/30 split did not have much practical significance.)<sup>741</sup> In an interview for this report, Brenda Olsen of ALA said that the ALA was in support with the program’s allocations to cessation.<sup>55</sup>

Although health groups played a role in re-shaping the media campaign via recommendations on TAC, they allowed the ineffective media program to persist for 3 years, including allowing political interference from the Governor’s office, without any effective pressure for change. As mentioned above, both ALA’s TAC member Marshall Deason, and ACS’ TAC member, Ralph DeVitto, recommended resolutions on the TAC to redirect the media campaign. These include Deason’s recommendation that the TAC be allowed to review media materials before they were sent to the Governor’s office and DeVitto’s recommendations that youth be involved in reviewing media and that successful tobacco control experience be included in the criteria used to pick contract vendors for the program.<sup>478, 731, 732</sup> According to Brenda Olsen, the TAC had also played a role in pushing the DOH toward using already produced advertisements and spending more of their resources on buying ad time to ensure a sustained campaign.<sup>55</sup> However, when asked for specific examples of their efforts to push a more effective media campaign outside of the TAC, leaders from ALA and ACS did not provide any concrete examples.<sup>55, 137</sup> The media campaign from FY2008-2010 operated with little impact, wasting over \$60 million of the new program’s money.

## **Community Programming Efforts**

### **Update to CDC *Best Practices* in October 2007**

In October 2007, CDC published an updated *Best Practices for Comprehensive Tobacco Control Programs*<sup>738</sup> that consolidated the nine 1999 components<sup>589</sup> into five: State and Community Interventions, Health Communication Interventions (media efforts), Cessation Interventions, Surveillance and Evaluation, and Administration and Management “to reflect the need for integrated approaches and the actual practices of state programs.”<sup>738</sup> The CDC deemphasized school programs, a shift that was relevant to Florida. Instead of promoting education and school programs as the primary youth tobacco use intervention, the CDC 2007 *Best Practices* recommended “a comprehensive approach toward eliminating tobacco use initiation by linking schools with the broader community and using policy change as the underpinning to support education and intervention efforts.”<sup>738</sup> The CDC also updated its

recommended funding levels to \$210.9 million for Florida (in 2007 dollars). In FY2007, in accordance with Amendment 4, the Florida Legislature appropriated \$57.9 million for the BTPP, 27.5% of the CDC's new recommended level. The DOH organized their programming (at least nominally) around the updated document.

### ***Implementing Community Programs Grants***

Following CDC *Best Practices*, the Amendment 4 implementing legislation required DOH to fund county health departments for youth programming component and a community programming/chronic disease component. The combined resources for this programming for FY2008 were up to \$12.2 million.<sup>664</sup>

Allocation of the Amendment 4 funds built on the funding for county health departments started in FY2007 (when \$5.6 million was available for tobacco control). For FY2008, DOH continued core funding for tobacco prevention specialists for the same 39 CHDs that had received core funds for FY2007 but, even though DOH had significant new resources for FY2008, it did not provide core funding for the remaining 28 CHDs.<sup>742</sup> CHDs and nongovernmental community-based organizations (CBOs) in all of Florida's counties (regardless of "core" funding status) were also eligible for 33-month community-based systems grants. Grants were awarded to create or enhance community tobacco prevention and control partnerships, youth programs, and chronic disease programs to address the impact of tobacco use on diabetes, asthma, cardiovascular disease including stroke, and chronic obstructive lung disease).<sup>742</sup> The community programs grant was advertised on August 17, 2007, and due by September 7, giving CHDs and CBOs approximately 3 weeks to complete their applications.<sup>742</sup>

### ***Dropping Statewide SWAT***

The funding and structure of the community grants included a youth programming component, but DOH appears to have had little interest in reconstituting a statewide SWAT youth empowerment program despite county-level SWAT infrastructure some counties had maintained during the \$1 million years (FYs 2004 – 2006). While DOH allowed counties to use some of their Amendment 4 grant money for local SWAT programs, the DOH did not require that localities rebuild SWAT programs and did not provide statewide coordination for SWAT or any other youth programming.<sup>742</sup> Although SWAT, coupled with "truth," had been successful and its reconstitution was supported by the Yes on 4 campaign,<sup>743, 744</sup> CDC *Best Practices* did not recommend such large-scale youth empowerment programs.

Evidence that the state was attempting to distance itself from the politically-controversial SWAT includes its failure to provide statewide coordination for the program, including failure to organize youth summits or statewide SWAT meetings early on in the program. (This appears to have changed as the program matured). According to DOH legislative coordinator Richard Polangin, who played a large role in shaping the new program's priorities, "there was no interest in reconstituting SWAT as a large scale statewide program. There was support for local SWAT programs, but not support for revitalizing a large scale statewide program. Or the truth campaign. There wasn't support for that."<sup>329</sup>

A smaller scale youth advocacy movement, which the DOH instead pursued, was more in line with the comprehensive nature of CDC's *Best Practices* and their emphasis on

accomplishing policy change. The idea was that a smaller, more dedicated group of students could be more effective than a large scale youth empowerment program that focused too much on recruiting large numbers of kids and not enough on affecting change. CDC engaged in conversations with the DOH on how to organize their new SWAT program in-line with CDC's recommendations; Alan Rowan recalled being told explicitly by CDC staff that SWAT was not a *Best Practice*.<sup>745</sup> According to Brenda Olsen at ALA, the ALA also engaged in similar conversations with the DOH. Olsen said there was a push from some BTPP staff who had been involved in SWAT previously to reconstitute the program as it had once been. Olsen said the ALA advocated for a smaller scale program concentrated on changing policies and social norms.<sup>55</sup>

While DOH's initial de-emphasis on SWAT and youth programs appears to be in line with recommendations from CDC and ALA, it was also consistent with the BTPP's arguable intent to design a program that was less controversial than the TPP (for example avoiding the "truth" campaign). SWAT had been a very controversial (and effective) component of the TPP, one which was disliked by hostile legislators, and so

**SWAT had been a very controversial component of the TPP... and so avoiding re-creation of the former SWAT model was also consistent with keeping the program politically safe.**

avoiding re-creation of the former SWAT model was also consistent with keeping the program politically safe. (Although, ensuring the new program did not anger the Legislature shouldn't have been a concern, given its constitutionally protected funding.)

The BTPP's support for youth programs appears to have increased beginning in 2009 and 2010. In spring 2009, community grants were pulled one year early and restructured (this will be described below). One important change in the requirements of community grantees was a requirement to establish local SWAT chapters (although the manifestation of these chapters was consistent with the smaller-scale and policy-oriented model prescribed by CDC). The grant also required that counties create or maintain a tobacco-free partnership, with required a 25% youth and young adult representation. In terms of statewide coordination for the youth component, one important change was the promotion of Laura Corbin, a TPP veteran and Regional Coordinator (managing all community grantees in a region) in 2010 to the manager of all "youth and young adult prevention" activities for the state. According to the BTPP's website, Corbin's responsibilities include overseeing SWAT, which works on both the "local and state level" to meet the objectives of the youth program component.<sup>674</sup> (Conversations with county-level staff suggest that Corbin has always done great work.)

Supporting youth programming was a frequent topic discussed at Tobacco Advisory Council meetings, and the subject for one of TAC's three subcommittees – the Youth Program subcommittee. At the March 2008 TAC meeting, the TAC identified opportunities to strengthen tobacco control in the state, and one of their two top priorities was "re-energize youth/utilize their expertise" and "re-engaging" youth was also identified as a program gap.<sup>746</sup>

### *Funding Issues, Lack of Statewide Coordination and Technical Assistance*

The 2007 community grants were administered in two rounds, with the first round awards in October 2007 and the second in March 2008. In round one 39 CHDs (servicing 40 counties) and 12 CBOs in 12 counties were funded; 15 counties were rejected for funding (13 of which were in one multi-county grant proposed by Leon County).<sup>704</sup> As mentioned above, the requirements for the community level grants were to establish community partnerships to work to strengthen local tobacco control (including programming, policies, coordination, and integration), work on youth prevention, and address chronic disease.

According to Alan Brock, a then Leon County Health Department employee, and a former SWAT youth, he had been involved in submitting multi-county grant from the Boys and Girls Club of Big Bend (BGCBB). According to Brock, in an interview for this research, the proposal was submitted and subsequently rejected on the grounds that proposing services for multiple counties was not permitted.<sup>747</sup> However, the Community Based Grants Q&A (a formal opportunity for potential grant applicants to ask questions about the request for proposal), issued by the DOH one week before proposals were due, addressed specifically the allowance of multi-county grants. According to the document, “yes, a regional proposal can be submitted. The proposal must include designation of a “lead agency.”<sup>748</sup> Ultimately, after BGCBB threatened a formal protest of awards against DOH, multi-county grants were permitted.<sup>747</sup> However, instead of reinstating the BGCBB proposal, the DOH rejected all proposals submitted by any agency (governmental or nongovernmental) in each of the 13 counties.<sup>747</sup>

The fifteen counties which did not receive a round one grant as a result of the multi-county proposal included Calhoun, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Hamilton, Jefferson, Leon, Liberty, Madison, Martin, Okeechobee, Taylor, and Wakulla. These counties were eligible for a second-round community-based systems grant, but the award was delayed until March 2008, putting these counties at a 6 month funding disadvantage. As with the media campaign, the first round of community grants were advertised and awarded prior to the TAC meeting for the first time. After two funding rounds (October 2007 and March 2008), 49 CHDs (31 of which had core funding) and 17 CBOs received grants, creating some local tobacco programming in all but one county.<sup>704, 749, 750</sup> Although nearly all of the counties were funded, the funding process included different awards for “core funding” for staff and grant funding for programming. This resulted in some counties having money for staff but no money for programming and other counties having no money for staff (unless it came out of their grant money) but money for programming. The result of this convoluted funding structure was unclear responsibilities for core staff, a lack of funds for programming in some counties with staff, and overall uneven development of tobacco control activities across the state. For FY2009 (the

**Grantees identified training and coordination as areas in which they initially lacked state support**

second year of the three-year funding period) grantees received flat funding when they had been expecting to receive an increase in funding.<sup>751</sup> The TAC consistently tried to support community grantees and ensure that they were being properly funded.

In addition to some initial funding hurdles, community grantees identified training and coordination as areas in which they initially lacked state support. In their first evaluation of

community programs, in spring 2008, Robertson Consulting, the community program evaluator, measured the community grantees' activities against CDC *Best Practices*, identifying strengths and weaknesses of the program after its first six months. Community grantees reported working on the following areas: youth, secondhand smoke, chronic disease, and tobacco-related disparities. They reported progress in rebuilding youth programs, increasing awareness of secondhand smoke, chronic disease education, and reaching out to minority populations in their educational activities. Across these components, grantees requested additional training and guidance to assist them in developing strong community programs and accomplishing their goals.<sup>751</sup>

Robertson's evaluation also addressed counter-marketing, which although not directly a focus of community grantees, was raised as an issue by grantees during Robertson's research.<sup>751-753</sup> Grantees requested open communication with Zimmerman and the state regarding marketing activities. They asked for improved coordination between Zimmerman's media messages and the goals they were trying to accomplish locally. Robertson recommended better coordination between local grantees and the Quitline, to create an "effective interface" between communities and the Quitline administration. In terms of program evaluation, grantees were required to contract with their own evaluators, leading some of them to express to Robertson their preferences for standardizing evaluation of community program statewide. Robertson identified "administrative barriers to program success" including insufficient communications with state offices, funding challenges and lack of guidance.<sup>751</sup> Similar to the DOH's decentralization of SWAT, they were initially hands off in guiding local programming.

In spring 2009, DOH announced without warning that it would be terminating all 33-month community grants on June 30 (the end of FY2009), just 17 months into the grant period. The new request for applications (RFA) for community programs was announced on March 9, 2009, with applications due a month later.<sup>754</sup> According to Division Director Myrick, in an interview for this research, she decided to terminate the grants early after becoming Division Director (October 2008) to make the grants more competitive.<sup>671</sup> (Myrick said that county health departments had received an unfair advantage over community based organizations in the original round of grants awards.<sup>671</sup>) Significantly, DOH decided to provide staff funding to grantees instead of providing "core" funding for staff independent of receiving a grant (as they had done initially). There was little warning that the grants would be pulled, and core funded staff, some of whom had at least three years of experience, faced the possibility of suddenly losing their jobs because the CHD was defunded under the new funding rules (which happened in a few counties).

This time, the only involvement that the TAC had in selecting grants for funding was setting a minimum fundable score (scores were determined by an outside contractor – the Lytmos group – who sent the proposals out for peer review)<sup>755</sup> without any knowledge of the actual content of the grants or whether experienced staff were in place among applicants to implement the proposed programs. The result was that some experienced TPS staff did not get their grants renewed and therefore lost their jobs, sometimes by a very small score margin, while CBOs in the same counties received the funding.



### *Positive Community Programs Changes*

Although pulling the county-level grants a year early was disruptive and unexpected, the requirements of the new grant were more specific than they had been for the initial community grantees and included more of a focus on policy change, in addition to a better funding structure.

**Under the new grants the work plans for community grantees became much more prescriptive.**

According to RTI, under the new grants the work plans for community grantees became much more prescriptive.<sup>725</sup> Policy and systems change replaced education and cessation as the primary focus and the new

grant also had a heavier emphasis on CDC *Best Practices* and on more effective population level interventions versus individual level interventions.<sup>725</sup> The new grant required grantees to perform services to accomplish the following four goals:

1. Creating or maintaining standalone county tobacco-free partnership including local SWAT chapters
2. Establishing local policy and systems changes to prevention initiation of tobacco use among youth and young adults
3. Establishing policy and systems changes to eliminate secondhand smoke exposure
4. Establishing local policy and system changes to promote cessation of tobacco use<sup>754</sup>

Part of a new work plan for grantees enabled them to choose strategies and outcomes to accomplish their goals (Table 75). Choices for policy objectives provided by the DOH (and chosen most often by grantees) included policies requiring youth access restriction compliance checks for retailers, policies to restrict the sale of candy flavored tobacco, and policies to create tobacco free grounds. While youth access restrictions have not been shown to be effective,<sup>320, 321</sup> clean indoor or outdoor air laws and policies are a very effective way to encourage social norm change and reduce tobacco use among youth and adults,<sup>756-761, 762</sup> and are recommended as an area of concentration in CDC's *Best Practices*.<sup>738</sup>

A September 2010 presentation by Gregg Smith to the TAC suggested that grantees were making progress on their policy objectives. The grantees secured laws to require retailer assisted tobacco sales in 22 localities, to restrict free sampling of tobacco products in 11 localities, to increase youth access compliance checks in 11 localities, and to restrict the sale of candy flavored tobacco in 34 localities.<sup>763</sup> Grantees made strides on local clean indoor air policies, including making 12 college campuses, 34 health care facilities, 40 businesses (presumably bars which were not covered by the law), and six multi-unit dwellings smokefree.<sup>763</sup> However, in 2010, Attorney General Bill McCollum (R) issued an opinion<sup>526</sup> re-affirming then-Attorney General Charlie Crist's opinion in 2005, which said that the state preempted both clean indoor air and clean out door air regulation. According to M.R. Street, a Healthy Communities Analyst at the DOH, in response to the opinion, the DOH instructed localities to focus on voluntary policies rather than passing local clean outdoor air laws.<sup>197</sup> In its first two years, Florida's community grantees faced funding issues, lack of technical assistance and poor statewide coordination, which initially hindered their development. However, community programs improved with a new grant in Spring, 2009, which not only eliminated previous funding issues but also provided grantees with more programmatic direction. From 2009 – 2011, grantees focused on impactful policy change objectives, including working on policies to create smokfree grounds.

Outcomes	Policy outcomes on which round-one grantees chose to focus (N=54)	N (%) 1st choice	N 2nd choice	N 3rd choice
Prevention Initiation of Tobacco Use Among Youth and Young Adults (Increased Restrictions on Minors' Access to Tobacco)	Policy requiring retailer assisted tobacco sales	17 (35.4%)	0	0
	Policy to restrict/prohibit free sampling or distribution	13 (27.1%)	0	0
	Policy to control the location, number, and density of retail outlets	1 (2.1%)	0	0
	Policy to increase the number of compliance checks by enforcement agencies	17 (35.4%)	2	1
Prevention Initiation of Tobacco Use Among Youth and Young Adults (Reduced Tobacco Industry Influences)	Policy prohibiting tobacco industry sponsorship of events (i.e., bars, rodeos, concerts, county fairs, etc.)	4 (8.5%)	3	0
	Policy prohibiting tobacco industry contributions to organizations	3 (6.4%)	0	0
	Policy prohibiting/limiting tobacco industry advertising at retail outlets (i.e., indoor/outdoor advertisements)	7 (14.9%)	0	0
	Policy prohibiting/limiting tobacco industry advertising - media (i.e., print/web advertisements)	1 (2.1%)	0	0
	Policy to limit youth exposure to tobacco use in movie scenes	2 (4.3%)	0	0
	Policy to restrict the sale of candy flavored tobacco products	30 (63.8%)	3	1
Elimination of Exposure to Secondhand Smoke (Creation of Tobacco-Free Policies)	Policy to create tobacco-free college campuses	8 (17%)	0	0
	Policy to create tobacco-free grounds (i.e., health care facilities, businesses, and schools)	29 (61.7%)	0	0
	Policy to create tobacco-free bars	0	0	0
	Policy to create tobacco-free non-profit organizations (i.e. bingo/fraternal organizations)	0	0	0
	Policy to create tobacco-free outdoor jurisdictions (i.e., parks/beaches)	5 (10.6%)	0	0
	Policy to create tobacco-free multi-unit dwellings (i.e., condominiums and apartments)	5 (10.6%)	0	0

Source: RTI 2009 Independent Evaluation Report <sup>725</sup>

### Hookah

In addition to working to increase the number of smokefree grounds policies in Florida (via community grantees), the BTPP, as of 2010, also began to work on the issue of Hookah use in Florida. Hookah, also known as shisha or nargeela, is an ancient Persian water pipe typically used to smoke specialty flavored tobacco. (Hookah smoke contains higher levels of harmful chemicals even than cigarette smoke; one hookah session is equivalent to chain smoking 15 cigarettes.<sup>764</sup>) Florida's hookah bars are concentrated in cities with Florida's major universities.<sup>765</sup> Although the FCIAA prohibits smoking in bars and restaurants (with the exception of stand-alone bars that derive most of their revenues from alcohol), there were an estimated 300 hookah bars in the state in 2006<sup>478</sup> which allowed smoking indoors regardless of food sales. According to the FCIAA, smoking is defined as, "inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigarettes, cigars, pipe tobacco,

and any other lighted tobacco products.”<sup>543</sup> Operation of a hookah involves filling the bowl at the top of the pipe (Figure 27) with tobacco, then placing burning coals on top it, separated from the

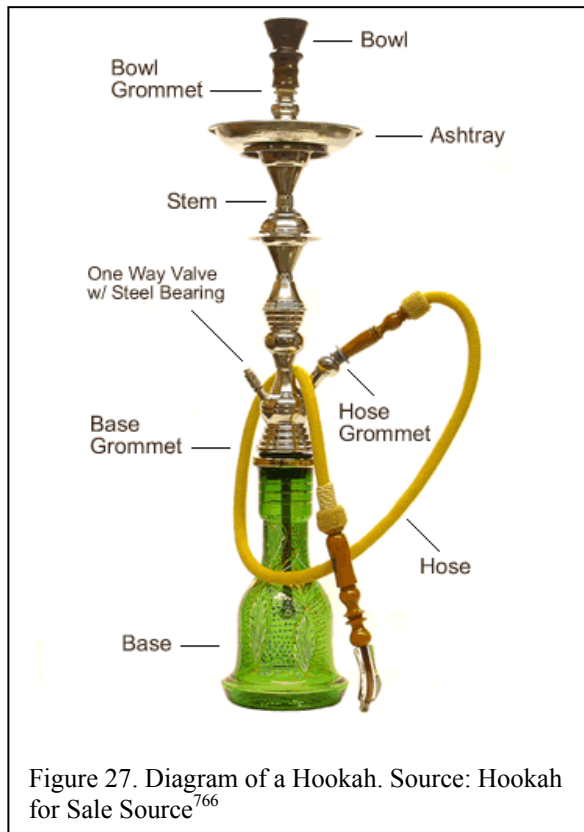


Figure 27. Diagram of a Hookah. Source: Hookah for Sale Source<sup>766</sup>

tobacco by a perforated sheet of aluminum foil. Hookah bar owners claim that the tin foil prevents the tobacco from being directly ignited because but the coals heat the tobacco to the point of combustion and keeps it burning, so the FCIAA does not apply “since it [the tobacco] is not technically on fire, it does not fall under the definition of a “lighted” tobacco product.”<sup>767</sup> Despite the fact that accepting this assertion would mean that a cigarette lit using an electric cigarette lighter (such as those in cars) would not be considered a “lit tobacco product” under this definition, the Florida Department of Health and Department of Business and Professional Regulation (which handle FCIAA enforcement, depending on the venue) have not challenged this claim and created a *de facto* exemption for the FCIAA not included in the law.

The 2010 Florida Youth Tobacco Survey (FYTS) showed increasing rates of Hookah use among middle and high school students. Among middle school students, “ever use” of hookah in 2010 was 3.5% compared to in 3.1% 2009.<sup>768, 769</sup> For comparison, “ever tried” rates for cigarettes among middle school students were 18.4% in 2009 and 16.8% in 2010.<sup>11, 770</sup> Rates were much higher among high school students, who experienced “ever use” of hookah rates at 15.8% in 2009 and 16.6% in 2010.<sup>768, 769</sup> For comparison, “ever tried” rates for cigarettes among high school students were 39.7% in 2009 and 37.3% in 2010.<sup>11, 770</sup> FYTS data from 2009 showed particularly high hookah use among White high school populations, with the lowest rates among non-Hispanic Black populations,<sup>478</sup> which is consistent with cigarette smoking.<sup>770</sup> For 2009, as data was not available at the time this report was published for 2010, Florida’s Young Adult Tobacco Survey (FLYATS) indicated that rates among young adults were lower than those among high school youth and continued to decrease with age. Hookah use among 19 year olds was measured at 16.1%, while among 24 year olds it was measured at 4.2%.<sup>771</sup>

**The Florida Department of Health and Department of Business and Professional Regulation... created a *de facto* exemption for the FCIAA not included in the law.**

Given the rising usage rates and significant health risks of hookah use, the Florida Tobacco Education and Use Prevention Advisory Council (TAC, reported on in more detail in subsequently, motioned to include hookah smoking in the scope of their work during their March 2010 meeting.<sup>772</sup> At their June 2010 meeting, BTPP presented a plan to TAC to identify and address hookah use in Florida including identifying the key issues, partners, timelines, and

outcomes (Table 76). Neither the DOH nor TAC even mentioned challenging hookah bars' interpretation of the FCIAA by enforcing the FCIAA.

Activity	Task List	Partners	Timeline for BTPP Activities	Outcome
Assess the prevalence of hookah use in Florida.	1. Review the hookah questions on DOH surveillance instruments to ensure hookah use is being measured.	Grantees, Universities, Department of Business and Professional Regulation (DBPR), Area Health Education Centers (AHEC), Florida Clean Indoor Air Act (FCIAA), Department of Education (DOE), DOH Epidemiology Program, RTI	1. July 2010	FY 10-11: Establish a statewide baseline for current youth and adult hookah use to direct program activities and frame need for policy change; FY 11-12: Identify counties with a high use of hookah. Provide assistance in developing state and local program policies and activities.
	2. Determine procedure and deadline for adding/making changes for each survey instrument needed to establish a baseline.		2. July 2010	
	3. Add hookah questions to the Florida Youth Tobacco Survey (FYTS), and Florida Adult Tobacco Survey (FLATS).		3. TBD	
	4. Implement surveys with new hookah questions.		4. (FYTS)- Spring 2011, Statewide Collection, Spring 2012, County Level Collection, (YRBS) TBD, (FLATS) TBD	
	5. Review current research regarding hookah being conducted at UF and nationally.		5. April-December 2010	
Provide training and technical assistance to community grantees, partners and stakeholders.	1. Host a statewide webinar on hookah use to raise awareness of the practice, outline practical policy development and implementation, review current data collection efforts and available prevalence data.	Community Intervention Grantees, DBPR, AHECs, DOE, and Universities.	1. July 2010	1. Increase the number of people trained and aware of hookah use.
	2. Provide ongoing and timely training, surveillance, and education on hookah.		2. As needed and required.	2. Gain support of stakeholders.

Implement local policy strategies to restrict the sale of candy flavored hookah tobacco in conjunction with candy-flavored tobacco products not covered by the Food and Drug Administration.	1. Conduct a review of 10-11 grantee work plans to determine the number of counties addressing hookah use through policy development.	DPBR, Community Intervention Grantees	1. July - September 2010.	1. All grantee work plans will address hookah in candy-flavored tobacco policy work.
	2. Provide ongoing technical assistance to local grantees and Tobacco Free Partnership members.		2. As needed and requested.	2. Policy successes will be tracked via ATACS and reported quarterly.
Identify state level policy strategies to address the hookah retail environment.	1. Collaborate with DPBR to understand the licensing process for hookah retailers.	DPBR, DOE, Universities, AHECs,	1. May-July 2010	FY 10-11: Identify and describe the need for a statewide policy to standardize and regulate hookah retail establishments; FY 11-12: Educate and support statewide partners and stakeholders and pursue a policy to standardize and regulate hookah retail establishments.
	2. Create a list of establishments that are currently licensed to sell hookah and assess how these establishments are licensed.		2. June 2010	
	3. Meet with partners and stakeholders to explain the hookah impact in the state and collaborate on a statewide plan to address use, access and enforcement.		3. June 2010 and ongoing	
Develop a media plan and tool kit.	1. Discuss with the Bureau evaluators the need for hookah only media.	Contact other state tobacco prevention programs, Campaign for Tobacco Kids, American Legacy, BACCHUS, media contractor, BTTP contract evaluators.	1. July 2010 and ongoing	FY 10-11: Identify what type of media is necessary and how to best reach the target audience (18-24); FY 11-12: Develop hookah media messages appropriate for the target audience and integrate into the statewide marketing strategy
	2. Contact other state and national organizations (Campaign for Tobacco Free Kids, Boosting Alcohol Consciousness Concerning the Health of University Students (BACCHUS), etc.) for hookah media campaigns that have already been developed and implemented.		2. September 2010 and ongoing.	
	3. Research and develop appropriate media messages focused on hookah data and policies the Bureau is addressing.		3. December 2010 and ongoing.	
Source: Florida BTTP <sup>773</sup>				

## Florida's Tobacco Quitline

The Florida Department of Health contracted operation of a tobacco cessation Quitline in October 2007 for 33 months, for \$3,525,000-\$4,700,000 annually to the national American Cancer Society, the only bidder.<sup>774</sup> A Quitline had been part of Florida's adult cessation programming since the DOH Florida Tobacco Prevention Control Program (FTPCP) had established a Quitline in 2001 with money from the CDC's National Tobacco Control Program. Quitline services included cessation counseling offered in English, Spanish and Haitian Creole, based on CDC *Best Practices*, along with 4-8 weeks of nicotine replacement therapy (NRT) The quitline covered costs of NRT in the first two years, but for FY2010 the Legislature appropriated an additional \$2 million of unused "fixed capital outlay" funds to cover NRT and pharmacotherapy including Chantix and Zyban to aid callers.<sup>774</sup> In 2007, funding for the Quitline was shifted to Amendment 4 money.

### Evaluations of Florida's Quitline

Under a 2008 contract with the Florida BTPP, Professional Data Analysts (PDA) evaluated Florida's Quitline efforts going back to 2002. This time period allowed comparison of the state's Quitline efforts before and after the influx of Amendment 4 funds in FY2008, which increased annual funding for the Quitline significantly.

The conclusions of PDA's first evaluation of Florida's new Quitline included a comparison of call volume in FYs 2002 – 2007 (when the Quitline was operating on minimal funds) and call volume for FY2008. Call volume for FY2008 was nearly 10-fold larger than that from FY2007 (Figure 28) PDA attributed this increase in call volume from 2007 to 2008 to the advent of the Florida tobacco education media campaign.<sup>776</sup> (Many of the media messages were tagged with a line about free NRT, which also helped increase call volume.) Between FY2008 and FY2010, call volume remained higher than FYs 2002 – 2007 levels, but in FY 2009 call volume was about half of its FY 2008 and FY 2010 levels. During FYs 2008 and 2009, the Quitline also experienced large temporary spikes in call volume associated with media

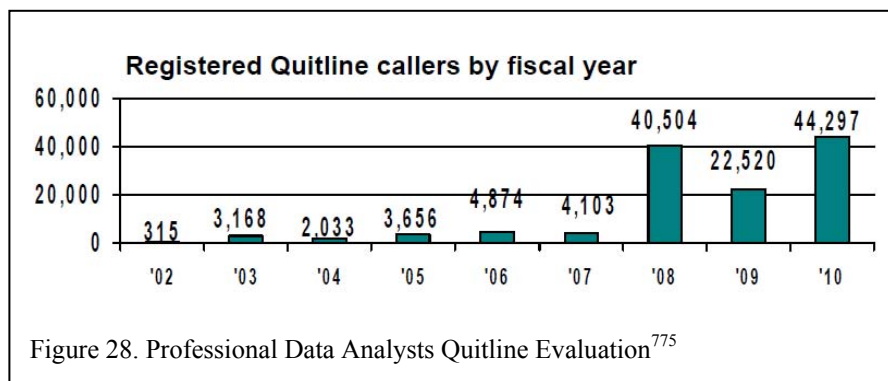


Figure 28. Professional Data Analysts Quitline Evaluation<sup>775</sup>

campaigns. These spikes resulted in NRT suspension (and lower levels of caller enrollment in counseling) and decreased quality of service.<sup>775</sup> The spikes were reduced in FY2010.<sup>775</sup> In 2009, PDA recommended that media efforts be more

steady to avoid producing temporary spikes in call volume and overwhelming the Quitline. They also recommended encouraging callers to enroll in cessation counseling even when NRT was unavailable.

Although calls to the Quitline increased dramatically, the overall reach (the percentage of smokers in Florida who called the Quitline to help them quit or stay quit) of the Quitline for

FY2008 and FY2009 was still significantly lower than CDC and NAQC targets. For FY2008, actual reach was 1.3% and for FY2009, it was .7% (Figure 29). Reach in FY2010 was 1.37%.

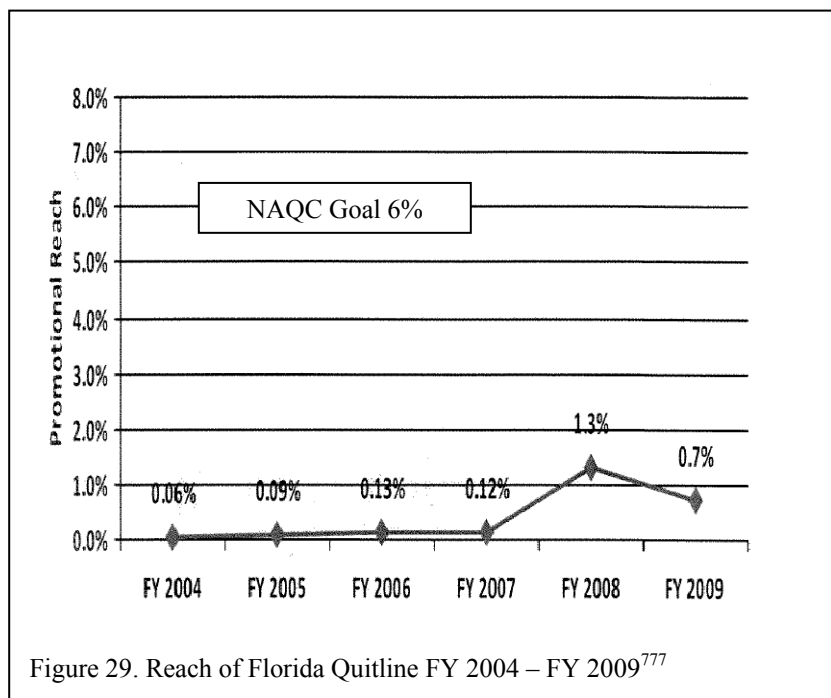


Figure 29. Reach of Florida Quitline FY 2004 – FY 2009<sup>777</sup>

CDC *Best Practices* suggest that with sufficient promotion and clinician referral, a state Quitline could attain a reach of 8%.<sup>738, 778, 779</sup> The North American Quitline Consortium (NAQC) goal for Quitline reach is 6%.<sup>778-780</sup> Florida's Quitline reach in FY2008 and FY2010 exceeded the estimated national average reach of Quitline's 1%, although for FY2008,<sup>778</sup> Florida spent \$1.58 per smoker on media to attract these individuals to the Quitline, ranking Florida 11<sup>th</sup> highest in spending amounts among 36 states responding to the 2008 NACQ survey.<sup>777</sup>

In both FY2008 and FY2009, reach for African Americans and Hispanics was exceptionally low, with fewer targeted ads for these populations.<sup>777, 778</sup>

A significant component of the Quitline was allotted to Nicotine Replacement Therapy (NRT), available to Quitline callers from FY2008 – FY2011. For FY2010, the Legislature made a line item appropriation (at the request of the American Cancer Society) for an additional \$2 million in NRT funds on top of the cost of the quitline contract. This appropriation resulted in more availability for and usage of NRT. In FY2009, 38% of Florida's Quitline users obtained NRT but in FY2010 this increased to 69%.<sup>775</sup>

**Ranking Florida 11<sup>th</sup> highest in spending amounts among 36 states responding to the 2008 NACQ survey.**

The quit rate, defined as 30-day abstinence at a 7 month follow-up), for Quitline counseling enrollees (for August –2008 – November 2009, when the Quitline was operated by ACS) was 37.2%, exceeding NAQC's 30-36% goal.<sup>777</sup> From November 2009 – March 2010, when Quitline was under the operation of Free and Clear, the Quitrate was 31.6%, also within NAQC's goal. In 2009,

PDA reported that awareness of cessation media advertisements was not correlated with quitting outcomes,<sup>777</sup> another indication of the low quality of the DOH media campaign. Similar to other BTTP programs, the Quitline also suffered from lack of statewide coordination. For the first two years of the new program (FY2008 and FY2009) the Florida Quitline and the AHECs which were providing in-person cessation services had different cessation telephone numbers that were promoted independently. The resulting confusion likely reduced the demand for both the Quitline and AHEC's counseling services. In July 2009, the telephone lines were integrated so

that individual callers could have access to either over-the-phone counseling provided by the Quitline or in-person counseling provided by the AHECs.

To improve reach and aid other identified shortcomings of the Quitline, PDA recommended that the BTPP increase the financial resources dedicated to the Quitline.<sup>777</sup> BTPP accelerated resources for the Quitline, beginning in FY2010, when they more than doubled Quitline funds from \$4.5 million for FY2009 to \$9.3 million for FY2010.

BTPP's contracts for FY2011 continued to increase the Quitline contract, for up to \$15 million per year, up to 22.8% of the total program budget.<sup>781</sup>

BTPP's allocation to direct cessation programming was consistent with the increases requested in the Crist administration's annual budget requests from FY2008 to FY2010,<sup>661, 782, 783</sup> a period in which the Legislature increased the annual appropriation for cessation from \$15.4 million to \$23.8 million,<sup>664, 784</sup> amounting to 37.3% of the state appropriation for the program. (CDC recommends 32.5% of the total budget for cessation.) According to Paul Hull, Vice President of Advocacy and Public Policy at the Florida Division ACS, the ACS lobbied for an increased appropriation for cessation for FY2010 to accommodate anticipated increased demand for the state's cessation services following the 2009 state (\$1.00) and federal (\$0.62) cigarette tax increases.<sup>137</sup> Significantly, Hull also described the Legislature's high appropriations to cessation versus prevention as the "path of least resistance" politically, avoiding the offensive messaging that had been part of Florida's former "truth" campaign.<sup>137</sup>

**BTPP's contracts for FY2011 continued to increase the Quitline contract, for up to \$15 million per year...**

In October 2009, the American Cancer Society and competitor Free and Clear announced that they would merge and co-brand their Quitlines under Free and Clear's Quit for Life trademark.<sup>785</sup> The press release noted that the financial terms of the agreement were not disclosed, although the ACS would receive a fee for every enrollee in Quit for Life's services (because ACS' powerful brand name would be used).<sup>785</sup> Shortly before the merger, Free and Clear was purchased by Alere LLC, a division of parent company Inverness Medical Solutions (NYSE: IMA) (in 2010, all IMA brand moved under the Alere umbrella, (NYSE: ALR)), so Florida's Quitline would be run using a for-profit model.<sup>785, 786</sup> For Quitline users, the transition was smooth, with no interruption of services.

Overall, Florida's Quitline efforts appear to have been moderately successful between FYs 2007 and 2011. The Quitline significantly improved call volume from pre-Amendment 4 days, and callers have experienced high rates of successful cessation. Although reach was low compared to CDC and NAQC goals, it was around the U.S. average. Despite the Quitline's success, the BTPP, with guidance from Governor Charlie Crist and the Florida Legislature, dramatically increased resources allocated to direct cessation services.

### **Area Health Education Centers' (AHECs) Expensive Low-Impact Programs**

Because of the requirement the Senate included in the Amendment 4 implementing legislation (along with appropriations language), DOH awarded a noncompetitive two-year



contract to Area Health Education Centers (AHECs) for \$10 million per year for FYs 2007 and 2008 for cessation and training services. During the 2009 legislative session this requirement was extended and during the 2010 legislative session this requirement was again extended indefinitely without any opposition from the health groups, who thought that there was no way to eliminate the AHECs' allocation. According to FYs 2008-2011 appropriation legislation,<sup>664, 784, 787, 788</sup> \$6 million of the annual \$10 million appropriation was to be spent on an AHEC's training initiative to better train Florida's healthcare work force in effective clinical tobacco use interventions and \$4 million on AHEC's cessation initiative to provide direct one-on-one and group counseling to smokers and other tobacco users who were trying to quit.

As described earlier, Florida's AHECs were a network of 10 regional health care centers focused on improving health care for rural and underserved populations. The Centers were supported by AHEC programs at Florida's five medical schools (see Table 77 below for a list of the medical schools). AHECs operate in many states throughout the U.S. and receive support from the National Area Health Education Center Organization. AHECs create a mutually beneficial link between resource-rich medical schools in Florida and underserved and under-resourced communities in Florida. For example, one of AHECs functions is matching the clinical education needs of medical professions faculty and students (at the medical schools) with opportunities to gain this clinical experience by working in underserved communities (service learning). In return, the underserved communities benefit from increased health care support offered by the training clinicians.<sup>789</sup>

**During the 2009 legislative session this requirement [to fund AHECs] was extended and during the 2010 legislative session this requirement was again extended indefinitely without any opposition from the health groups.**

The AHEC system is organized as a network of five medical school Program Offices, and ten smaller AHEC Regional Centers which directly serve each of Florida's 67 counties (Table 77). The \$10 million in tobacco funds was accordingly disbursed to each medical school, with \$800,000 for each Program Office located at a medical school plus \$600,000 for each Regional Center supported by that Program Office. For example, the University of Florida received \$3.2 million, \$800,000 for the USF Program Office, plus \$600,000 for each of the four AHEC Regional Centers USF operated.

Before the Amendment 4 funding, the AHECs did have some limited tobacco control experience through the Partners in Prevention of Substance Abuse (PIPSA) program they administered, which included an AHEC-led one day of training for medical students on tobacco after which the medical students would educate secondary school students in their communities on the dangers of tobacco use.<sup>791</sup> ACS' internal evaluation of AHEC's PIPSA program suggested that their program was not effective, and there was little justification for them receiving an earmark of tobacco control dollars.

With the \$6 million of the funds annually, AHEC incorporated training on clinical-cessation services (based on the US Public Health Service *Treating Tobacco Use and Dependence Clinical Practice Guidelines*) into the medical and nursing school curricula and

Table 77. Florida Area Health Education Centers Organization and Funding			
Medical School / Program Office	AHEC Centers	Counties Served	Total Funding*
Nova Southeastern University	Central Florida	Brevard, Hardee, Highlands, Lake, Orange, Osceola, Polk, Semiole, Sumter	
	Everglades	Broward, Collier, Glades, Hendry, Indian River, Lee, Martin, Okeechobee, Palm Beach, St. Lucie	<b>\$2,000,000</b>
University of Florida	Big Bend	Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, Washington, Wakulla	
	Northeast Florida	Baker, Clay, Duval, Flagler, Nassau, St. Johns, Volusia	
	Suwannee River	Alachua, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Marion, Putnam, Suwannee, Union	
	West Florida	Escambia, Okaloosa, Santa Rosa, Walton	<b>\$3,200,000</b>
University of Miami	Miami-Dade	Miami-Dade	
	Florida Keys	Monroe	<b>\$2,000,000</b>
University of South Florida	Gulfcoast North	Citrus, Hrenando, Hillsborough, Pasco, Pinellas	
	Gulfcoast South	Charlotte, Desoto, Manatee, Sarasota	<b>\$1,200,000</b>
Florida State University	none	none	<b>\$800,000</b>
<b>Total Funding</b>			<b>\$10,000,000</b>
* \$800,000 for each program office and \$\$600,000 for each additional center			
Sources: www.ahectobacco.com <sup>790</sup> Tobacco Advisory Council Meeting on Jan. 14, 2008 <sup>682</sup>			

trained private health care providers not affiliated with the medical schools on these clinical guidelines.<sup>791</sup> In addition to the individual training, the AHECs worked on establishing tobacco medical care provider systems, or formal protocol and reminder systems for health care clinics and hospitals on how to identify and treat tobacco users. As described below, the return on this investment was low.

The AHECs delivered direct cessation services, funded at \$4 million annually, through county-level cessation courses (Quit Smoking Now) in conjunction with the CHDs. The cessation courses included six 1.5 hour in-person group sessions, or in the case of busy smokers, shorter “tools to quit” workshops have been offered by some AHECs.<sup>792, 793</sup> Like their training program, the AHECs cessation program followed the US Public Health Service (PHS) *Treating Tobacco Use and Dependence Clinical Practice Guidelines*<sup>726, 794</sup> as recommended by CDC *Best Practices*.<sup>738</sup> However, the QSN classes were taught by Tobacco Program Managers at the AHEC Centers who received

**The QSN classes were taught by Tobacco Program Managers at the AHEC Centers...rather than by medical students, an overall AHEC mission.**

additional training in order to be able to teach the courses,<sup>794</sup> rather than by medical students, an overall AHEC mission.

### ***Evaluations of AHECs Programming***

DOH contracted with RTI International, to evaluate AHECs provider training and with PDA, the Quitline evaluator, to evaluate AHEC's cessation classes.<sup>793</sup>

According to RTI International's preliminary evaluation of the AHECs in December 2009, 26 months after the AHECs received their contract, the primary issues with AHECs services included no standardization of trainings for health care providers across the state and little emphasis on systems change (which was not emphasized in the DOH contracts).<sup>795</sup> Systems change, which is recommended by CDC and PHS guidelines,<sup>726, 738</sup> is described by CDC's 2007 *Best Practices*<sup>738</sup> as "implementing a system of tobacco use screening and documentation, linking tobacco users to Quitline services, and providing insurance coverage for proven treatments." Systems change includes implementing reminder systems (such as cues for physicians) to treat tobacco dependence. Seven months later, in June 2010, RTI presented its formal evaluation of AHECs activities to the TAC. RTI reported that the AHECs were working toward standardizing trainings and outreach efforts and that, while there was still variability in systems-level understanding and involvement, focus on systems-level interventions was improving.<sup>795</sup> Overall, RTI International concluded that AHEC program offices and centers were well equipped to provide the kind of cessation and training services in their contract, and had strong motivation and enthusiasm, but had been hampered from the outset from a lack of clarity about their role in the BTTP. RTI recommended to standardize services, increased focus on systems-level changes, focus internal evaluations on outcomes, and improve statewide coordination with DOH.<sup>795</sup>

PDA also presented their evaluation of AHECs direct cessation interventions – their Quit Smoking Now (QSN) program – at the June 2010 TAC meeting. PDA similarly found that AHEC struggled to launch their cessation program, but that it had grown rapidly with the help of dedicated and passionate staff in the last two years.<sup>793</sup> Although quit data for AHECs was not available at the time of PDA's report, they found that existing evidence suggested AHECs cessation model was effective. For example, PHS recommends person-to-person cessation treatment for four or more sessions; AHECs Quit Smoking Now classes were exceeding this recommendation with six sessions.<sup>793</sup> AHEC also provided NRT, which is recommended by PHS and CDC, though they did experience shortages of their NRT supplies. PDA also determined that AHECs were administering promising relapse-prevention programs, single-session interventions, work with priority populations, leveraging funds of partner organizations, and implementing systems change.<sup>793</sup>

PDA recommended more integration (statewide coordination) with other BTTP programs, including dual enrollment (enrollment in both programs) with Quitline and Quit Smoking Now (AHECs cessation program) clients.<sup>793</sup> According to Mary Dailey, AHECs did help promote the Quitline through their own materials, but there appears to have been little coordination in media efforts or the Quitline. According to Leila Martini, AHECs were directed by their DOH contract manager not to communicate with The Zimmerman Agency in the first year of their contract, hampering early communication and media coordination.<sup>791</sup> This situation has since improved.

PDA made a subsequent presentation to the TAC in January 2011, including reach of the QSN classes and quit rates. PDA reported that in FY2009, with \$4 million, AHEC provided cessation services to 5,211 individuals,<sup>796</sup> a cost of \$768 per individual. While in FY2010 this number increased to 7,254<sup>796</sup>

**AHEC provided cessation services to 5,211 individuals, a cost of \$768 per individual.**

(an increase of 39.2%)the cost remained high at \$551 per individual. At the January 2010 TAC meeting, PDA reported a quit rate (30 day abstinence measured at 7 months) of 33.5% for FY2010 for AHECs,<sup>741</sup> making the cost per quitter of AHECs' cessation programs was \$1,646.

RTI International's June 2010 evaluation similarly provided an estimate of reach for health care professionals (Table 78) suggesting that in addition to being expensive, AHECs provider training only reaching a very small fraction of Florida's health care professionals. These high costs suggest either inefficiency or diversion of funds to other services provided by the AHECs or Florida's medical schools.

Table 78. Reach of AHEC Tobacco Training for Health Care Professionals in Florida FY2009

Profession	Number Trained FY2009*	Estimated Percent Reached
Physician	616	1.3%
Physician Assistant	41	0.9%
Registered Nurse	863	0.5%
Dentist	71	0.7%
Dental Hygienist	596	2.8%
Pharmacist	253	1.4%

Source: RTI International Preliminary Findings<sup>795</sup>

\* Please note, the numbers provided by RTI are slightly different than those provided in AHEC's annual report<sup>792</sup>

The larger question of whether spending \$10 million annually on the AHECs represented the most effective use of Amendment 4 monies to reduce and prevent smoking does not appear to have<sup>797-799</sup> media and

been addressed. AHECs money could instead be spent on more cost effective<sup>800</sup> community based interventions to promote unassisted cessation attempts.

**Results: BTPP Impact on Youth and Adult Smoking Rates**

**[Among middle school students] smoking prevalence fell by -2.28/year during the "truth" campaign...slowed significantly ...to 0.43%/year after the "truth" campaign ended, with essentially no change in the rate of decline... after the BTPP's campaign began.**

In order to determine whether or not the Bureau of Tobacco Prevention Program had any effect on youth smoking, we analyzed the Florida Youth Tobacco Survey (FYTS) data from 1998 – 2010 using an interrupted time series multiple linear regression with smoking prevalence (high school or middle school) as the dependent variable and time as the independent variable, allowing the slope of the line to change in 2003 after the "truth" campaign ended and again in 2008 when the Bureau of Tobacco Prevention Program media campaign started.

Smoking prevalence among high school students was dropping at  $-2.42 \pm .15$  (SE) %/year ( $P < .0005$ ) during the “truth” campaign (Figure 30), consistent with other findings on the impact of “truth.”<sup>204, 206-209, 217</sup>

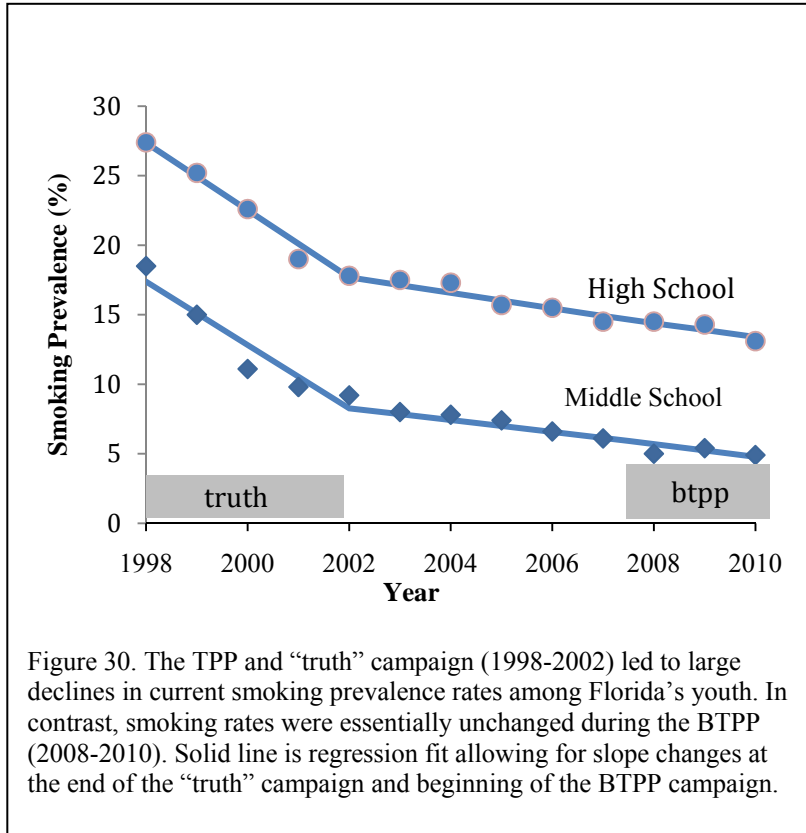


Figure 30. The TPP and “truth” campaign (1998-2002) led to large declines in current smoking prevalence rates among Florida’s youth. In contrast, smoking rates were essentially unchanged during the BTTP (2008-2010). Solid line is regression fit allowing for slope changes at the end of the “truth” campaign and beginning of the BTTP campaign.

This rate of decline slowed significantly ( $P < .000$ ) by  $1.86 \pm .23\%$  /year, to  $-0.56\%$ /year ( $-2.42\% + 1.86\%$ ) after the “truth” campaign ended. There was essentially no change in the rate of decline (the rate of decline slowed by a non-significant  $0.06 \pm .28\%$ /year;  $P = .848$ ) after the BTTP began in 2008. Results for middle school students were essentially the same. Smoking prevalence fell by  $-2.28 \pm .23\%$ /year during the “truth” campaign ( $P < .0005$ ), slowed significantly ( $P = .001$ ) to  $0.43\%$ /year after the “truth” campaign ended, with essentially no change in the rate of decline (accelerated by a nonsignificant  $-0.03 \pm .45\%$ /year;  $P = .949$ ) after the BTTP’s campaign began. We

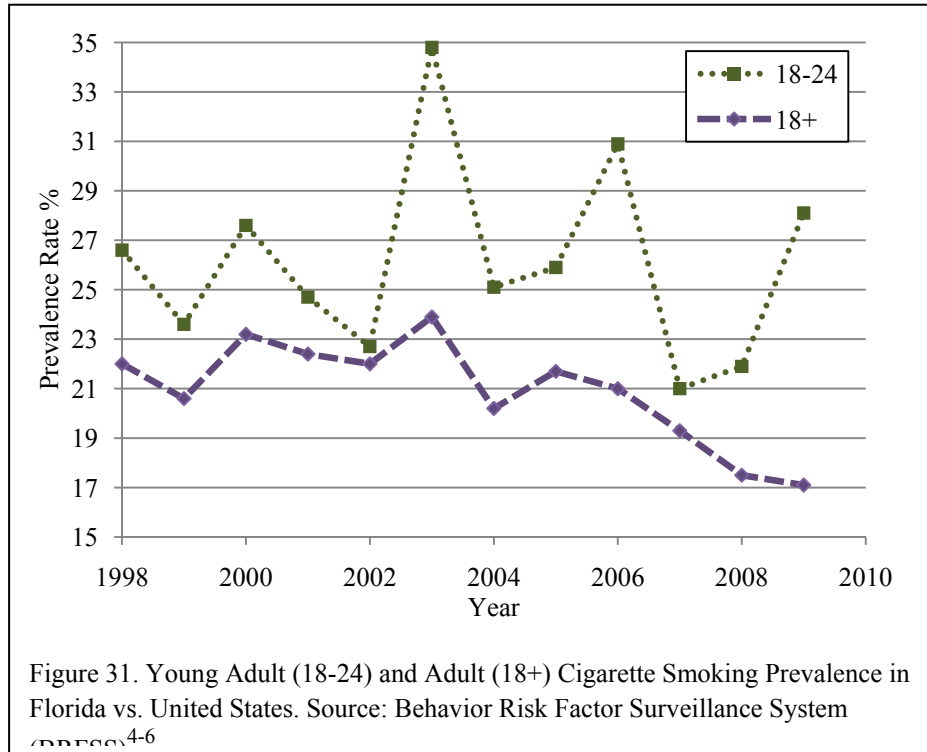
also analyzed the data using logarithmic models and including real price of cigarettes (in both linear and logarithmic models) and found essentially the same results.

Because young adult and adult smoking data was not available for 2010, an analysis similar to the one above was not feasible to conduct for young adults and adults. Although it effectively reduced youth smoking rates, the TPP was not associated with reductions in adult smoking but adult smoking rates do appear to have declined during the BTTP, from 19.3% in 2007 to 17.1% in 2009 (a reduction of 11.3%) (Figure 31). The decline may be attributable to both the BTTP’s adult cessation activities in addition to the \$1.62 tobacco tax increase passed in 2009. Other research suggests cigarette consumption is reduced from 3-5% for every 10% increase in price, which includes reduced smoking prevalence. Young adult tobacco use declined between 1998 and 2002 (during the TPP) but appears to have increased substantially, from 21% in 2007 to 28.1% in 2009 (an increase of 33.8%).

RTI, BTTP’s overall program evaluator, in a January 2010 presentation, attributed declines seen in adult smoking prevalence in Florida between 2007 and 2009 to activities of the Bureau of Tobacco Prevention Program.<sup>801</sup> RTI claimed 497,306 fewer adult smokers as a result of the programs activities.<sup>801</sup>

## Limitations

Authors have been limited in gathering information on the BTPP by DOH's refusal to provide documents and access to key staff for interviews. A public records request concerning a minor payment dispute between Zimmerman and the DOH Bureau of Financial Services submitted by authors in January 2010 prompted the DOH to block authors' access to requested records



and refuse all subsequent requests. As described earlier, Governor Charlie Crist's Chief of Staff had been reviewing all of Zimmerman's advertisements before launch and not approving some of the advertisements because they were "too edgy" and the Department of Financial Services was refusing to pay Zimmerman for ads that were not used. This routine payment dispute<sup>713</sup> was important, however, because it revealed the direct involvement of the Governor's Office in restricting the content of the media campaign. They also revealed poor contract management. The involvement of the governor's office is important because tobacco industry's history of working through the executive branch to impose limits on media campaigns.<sup>160, 310, 802</sup>

Until requesting this material, authors had a working relationship with the BTPP and other public records requests had been fulfilled. After BTPP said that requested payments dispute documents did not exist (authors already had the documents "off the record"), authors revised their request to be more broad, prompting BTPP to respond with a requirement that authors pay \$15,487 in "search and review" and "review and redact" fees, not authorized by law, to DOH to access the documents.<sup>803</sup> DOH subsequently refused to process any more documents requests until these fees were paid. This response not only had the effect of preventing authors' access to further information about the payments dispute, but blocked all other documents requests which included communications between the DOH and Zimmerman and Macro International regarding approval or rejection of Zimmerman's proposed advertisements and testing of the "truth" campaign, and story boards, video cuts, and finished advertisements submitted by Zimmerman to DOH and subsequently rejected. Requests for detailed budget information were also not fulfilled.

**...BTPP said that requested documents did not exist (authors already had the documents "off the record").**

Subsequently, Division Director Myrick instructed DOH staff, including CHD staff (who worked for DOH),<sup>804</sup> as well as TAC members, not to participate in interviews for this research. (Prior to this there had been a temporary prohibition on speaking with authors imposed on staff after Myrick incorrectly informed DOH staff that our research had not been approved by the Florida DOH Institutional Review Board (IRB).) Even before this point, an unusually large number of people only agreed to talk off-the-record (12) and numerous others agreed to on-the-

**An unusually large number of people only agreed to talk off-the-record (12) and numerous others agreed to on-the-record interviews, but spoke extensively off-the-record. Additionally, some interviewees withdrew their consent months after interviews were conducted.**

record interviews, but spoke extensively off-the-record. Additionally, some interviewees withdrew their consent months after interviews were conducted. The response that authors received from many current and former employees of the DOH along with outsiders intimate with the operation of the program suggested the internal culture was very much one of fear. The inner politics observed within the DOH are unlike any authors' research group have seen before in studying 25 other states<sup>805</sup>

and undoubtedly limit the success of DOH staff and the program. Behavior of the BTTP leadership in restricting authors' access to key documents was evidence of the program's lack of transparency and politicization.

On February 26, 2010, author of this report Dr. Stanton Glantz sent a letter to Surgeon General Dr. Ana M. Viamonte Ros and members of the Tobacco Education and Use Prevention Advisory Council (TAC) outlining the issues authors had with public records and interview requests to the program. Surgeon General Dr. Ana M. Viamonte Ros and BTTP dismissed the concerns raised in the letter at the subsequent March 1, 2010 TAC meeting. TAC members allied with the Department of Health, commenting that they did not feel the issues raised by authors should be addressed by TAC. Ralph DeVitto, CEO of the Florida Division ACS, commented that he had seen nothing but good faith efforts from Myrick.<sup>691</sup> Surgeon General Dr. Viamonte Ros also sent a response letter not to Dr. Glantz, but to Dean of the University of California at San Francisco's School of Medicine, Dr. Sam Hagwood.<sup>806</sup> The letter appeared to be an additional attempt to stall authors research.

## **Bureau of Tobacco Prevention Program Conclusions**

The success of the Florida Department of Health's Bureau of Tobacco Prevention Program in its first three years (FYs 2008 – 2010) was limited by ineffective staffing and implementation of low-impact tobacco control strategies. An ineffective media campaign and emphasis on expensive adult cessation programming have resulted in a program that had no impact on youth smoking rates in its first three years. The DOH made some improvements to the program beginning in FY2010, including restricting community grants focusing on policy change. In FY2011, a new media contractor was hired and the DOH began using other states' salient media spots in an effort to dedicate resources to running sustained advertising campaigns. Despite these improvements, the DOH continues to increase their emphasis on low-impact cessation strategies which are consistent with running a politically safe program.

## CHAPTER XI: LEGISLATIVE APPROPRIATIONS OF AMENDMENT 4 FUNDS FISCAL YEARS 2009-2011

- *In 2008 and 2010, the Florida House of Representatives attempted to divert significant dollars away from BTTP, but were effectively stopped by Florida's tri-agencies.*
- *The tri-agencies remained unwilling to challenge earmarked dollars for AHECs.*
- *The Legislature has continued to accelerate funding for politically safe cessation programming.*

One of the strengths of Amendment 4 was that it protected funding for the tobacco control program against inflation, by allocating 15% of 2005's settlements dollars to the program annually, with a required adjustment for inflation. Appropriations to the Bureau of Tobacco Prevention Program from FYs 2008 –2011 honored this requirement. Between FYs 2008 and 2011, health groups fought proposed diversions of the tobacco program funds for biomedical research programs and mental health. However, health groups did not effectively fight the continued earmark for Area Health Education Centers (AHECs). Health groups were limited in their opposition to AHECs because of their relationship with the powerful Senate Health and Human Services Appropriations Chair Senator Durell Peaden, who had championed the AHECs funding. In addition, between FY2009 and FY2011, the Legislature greatly accelerated resources for cessation, directing money away from more cost effective media and community-based interventions.

### **FY2009: House Attempts to Divert Majority of Tobacco Funds to Biomedical Research and Physicians**

For FY2009, Governor Crist's budget proposed tobacco control spending totaling \$59.3 million on BTTP, with specific allocations based on the updated October 2007 CDC *Best Practices*,<sup>782</sup> (Table 79) with the exception of the \$10 million for AHEC.<sup>782</sup>

The Senate appropriations bill, SB 2900, made allocations very similar to FY2008 appropriations, based on programmatic areas in CDC's 1999 recommendations (Table 79). The Legislature had limited the growth of the state administration of the BTTP in the FY2008 budget by limiting the program to two additional full time equivalent (FTE) positions (although DOH had requested 10); funding for these two additional positions was preserved by the Senate for FY2009.<sup>807</sup> The Senate also set aside another \$5 million for fixed capital outlay, as had been appropriated by the Legislature for FY2008, and increased the earmark for the AHEC contract from \$10 million to \$11 million. The increased appropriation for AHECs corresponded to conforming legislation (SB 1856) sponsored by Senator Durell Peaden to increase AHECs contract to \$11 million and eliminate the limit on the length of their contract. (This "conforming legislation" would have altered the statutory requirements of the tobacco program to make the AHEC contract of \$11 million permanent.) However, SB 1856 died in the Senate.<sup>809</sup> Peaden subsequently made another unsuccessful attempt to increase the allocation and length of AHECs contract in an amendment to HB 5091 (a bill to be discussed below) but was again unsuccessful.<sup>810</sup>



Component	Governor Crist's Budget	Senate Bill 2900	House Bill 5001 (remaining funds after earmarks)	Final Conference Committee Appropriations
State and Community Interventions	\$7,993,554		\$4,626,297	\$11,200,943
Health Communication Interventions	\$22,284,218		\$9,381,079	\$19,838,001
Cessation Interventions	\$7,434,919		\$6,448,183	\$4,553,017
Surveillance and Evaluation	\$5,789,879	\$5,789,879	\$5,189,533	\$5,951,995
Administration and Management	\$5,785,399	\$4,587,399	\$2,419,021	\$2,800,252
AHECs	\$10,000,000	\$11,000,000		\$10,000,000
Countermarketing		\$19,920,762		
Youth School Programs		\$5,911,200		
Cessation Treatment and Counseling		\$4,350,000		
Other Cessation and Training		\$1,084,919		
Chronic Disease		\$1,701,709		
Fixed Capital Outlay		\$5,000,000		\$5,000,000
Additional FTE positions		\$175,746	\$175,746	\$175,746
<b>Total</b>	<b>\$59,287,969</b>	<b>\$59,521,614</b>	<b>\$28,239,859</b>	<b>\$59,519,954</b>

Sources: Governor Crist's Proposed Budget FY2009<sup>782</sup>; SB 2900<sup>807</sup>; HB 5001<sup>808</sup>; Conference Committee Report on Appropriations FY2009<sup>787</sup>

The House of Representatives' appropriations (HB 5001) included significant diversions of tobacco control funds to health care providers, biomedical centers and universities (Table 80) leaving only \$28.2 million for tobacco control. The House's recommended appropriation of \$59.3 million, although broken-down according to the CDC's 2007 recommended five areas of spending, contained \$31.3 million in earmarks, including \$10.3 million for the Agency for Health Administration to be paid out to physicians and dentists; \$10 million for the H. Lee Moffitt Cancer Research Institute; \$6 million for AHECs; \$4 million for medical schools; and \$1 million for the Shands Cancer Center. The House also appropriated only \$9.4 million to Health Communications Interventions, 52.5% less than the \$19.8 million which would have satisfied the 1/3 of funds for media requirement specified in the Amendment.<sup>811</sup> HB 5001 also continued the funding for only two state FTE positions, to be funded by \$175,746.<sup>811</sup>

**The House's recommended appropriation of \$59.3 million ... contained \$31.3 million in earmarks [for biomedical research, medical schools and payouts to physicians and dentists].**

HB 5091, sponsored by Representative Ray Sansom (R, Destin, \$1,000) and the Policy and Budget Council,<sup>812</sup> of which Representative Sansom was Chair, was a conforming bill including the funding diversions described above (Table 80). This conforming legislation would have changed the statutory requirements of the BTPP to require spending money on the above diversions and would have made the House's diversions permanent. (Sansom was subsequently Speaker of the House for a short period in 2009 before an ethics scandal, in which he allegedly

funneled millions of dollars in funds to Northwest Florida State College and subsequently accepted an unadvertised job as VP of Development and Planning, forced him to resign.)

Table 80. Florida House of Representatives Proposed Bureau of Tobacco Prevention Program Appropriations FY2009			
Component	Budget Request	Diversion(s)	Remaining
State & Community Interventions	\$26,626,297	<b>\$5</b> million to Agency for Health Care Administration to distribute to physicians and dentists who participate in Medicaid program; <b>\$6</b> million to AHEC for cessation; <b>\$10</b> million to H. Lee Moffitt Cancer Research Institute; <b>\$1</b> million to University of Florida Shands Cancer Center to implement chronic disease prevention	\$4,626,297
Health Communications Interventions	\$9,381,079		\$9,381,079
Cessation Interventions	\$15,728,278	<b>\$4</b> million to be equally awarded to each state recognized accredited medical school; <b>\$5,280,095</b> to Agency for Health Care Administration to distribute to physicians and dentists who participate in Medicaid program	\$6,448,183
Surveillance & Evaluation	\$5,189,533		\$5,189,533
Administration and Management	\$2,419,021		\$2,419,021
2 FTE Staff Positions	\$175,746		\$175,746
<b>Total</b>	<b>\$59,519,954</b>	<b>\$31,280,095</b>	<b>\$28,239,859</b>
Source: House of Representatives General Appropriations Act FYs 2008-2009 <sup>808, 811</sup>			

Health groups opposed provisions of both the House and Senate appropriations. As they did in 2007, health groups argued that the \$5 million in “fixed capital outlay” funds earmarked by the Senate to build county health department infrastructure, was not consistent with the Amendment. However, the money for fixed capital outlay had been championed by Senator Durell Peaden. According to ACS lobbyist Curt Kiser, health groups had to strike a delicate balance in opposing both the fixed capital outlay appropriation and funding for the AHECs, in an effort not to anger Peaden and compromise his support on other provisions of the funding, program, or other priorities. He said that the AHEC allocation was particularly difficult to challenge because it was so new, and there was no evidence to show that their programs were not working.<sup>56</sup> More important, however, health groups adamantly opposed the biomedical diversions proposed in the House. Curt Kiser, testified to the Policy and Budget Council during their hearing on HB 5091 on April 3, 2008. Kiser read the language of the Amendment to Council members in an effort to demonstrate that allocating funds for cancer research would not fulfill the requirements of the amendment.<sup>56</sup> ALA’s Brenda Olsen also solicited a legal opinion on the diversion from former Florida Supreme Court Justice Stephen Grimes (who had worked with health groups in drafting the language for Amendment 6 and Amendment 4 and lobbied for the tri-agencies) on the proposed diversions.<sup>307, 813</sup> Grimes wrote a letter to Chair Sansom

Table 81. 2008 Policy and Budget Council Vote on HB 5091, Conforming Legislation for the House Budget Diversion			
Name	Party	District	Total Contributions 1987-2008
Yes			
Kevin Ambler	R	47	\$4,000
Frank Attkisson	R	79	\$3,750
Aaron Bean	R	12	\$2,750
Ellyn Bogdanoff	R	91	\$2,850
Marsha "Marty" Bowen	R	65	\$5,500
Dean Cannon	R	35	\$7,250
William Galvano	R	68	\$3,000
Michael Grant	R	71	\$1,750
Adam Hasner	R	87	\$8,750
Dorothy Hukill	R	28	\$5,500
Will Kendrick	D	10	\$3,500
Dick Kravitz	R	19	\$2,000
Carlos Lopez-Cantera	R	113	\$6,550
Joe Pickins	R	21	\$0
Ron Reagan	R	67	\$5,500
David Rivera	R	112	\$6,000
Ray Sansom	R	4	\$1,000
Anthony Trey Traviesa	R	56	\$4,500
Baxter Troutman	R	66	\$4,000
Will Weatherford	R	61	\$1,000
Juan Zapata	R	119	\$10,000
<b>Total Contributions</b>			<b>\$89,150</b>
<b>Average Contributions for "Yes" Voters</b>			<b>\$4,245</b>
No			
Loranne Ausley	D	9	\$2,500
Dorothy Bendross Mindingall	D	109	\$2,000
Mary Brandenburg	D	89	\$3,500
Matthew Meadows	D	94	\$7,500
Curtis Richardson	D	8	\$3,500
Yolly Roberson	D	104	\$2,500
Burt Saunders	R	37	\$3,100
John Seiler	D	92	\$2,700
Rochelle Vana	D	85	\$2,000
<b>Total Contributions</b>			<b>\$29,300</b>
<b>Average Contributions for "No" Voters</b>			<b>\$3,256</b>
Source: Policy and Budget Council Vote on HB 5091 <sup>814</sup>			

providing his legal opinion that the diversions were not consistent with the amendment. Curt Kiser, in an interview for this research, recalled working closely with Grimes (the two were partners at the law firm Holland and Knight) on arguing against the diversions. Kiser delivered Grimes' letter to the Council during their hearing on the bill.<sup>56</sup>

Despite health groups' efforts, Sansom's Policy and Budget Council voted 21 – 9 in favor of the HB 5091 with the diversions (Table 81), with representatives voting yes receiving on average \$998 more in tobacco industry campaign contributions than those voting no. There was a very clear partisan divide on the vote, with Republicans voting to divert the funds (except for Representative Burt Saunders) and Democrats voting against the diversions (except for Representative Will Kendrick). The bill ultimately died in Conference Committee after it was amended by Senator Durell Peaden to increase the length and price of AHECs contract.

Ultimately, the Conference Committee that reconciled the Senate and House bills dropped all of the House's diversions, retained the Senate's \$5 million for fixed capital outlay and continued funding at \$10 million for the AHECs. It also limited the DOH to funding for two new state positions, which ACS lobbyist Curt Kiser described as a legislative effort

not to grow state bureaucracy, leaving the state starved for the people it needed to administer the program<sup>787</sup> (Table 79, above).

### **FY2010: Increased Funds for Cessation**

The Governor's budget for FY2010 was fairly consistent with the previous year, except for the absence of AHEC funding, given the expiration of their contract (the 2007 implementing

legislation only guaranteed AHECs contract for two years). The Governor requested \$62.5 million for the program (Table 82), in line with the inflation adjustment required by the amendment. Notably, the Governor’s budget request included \$10.8 million for cessation interventions, an increase of 46% from his request of \$7.4 million a year prior. This request represented the beginning of an increase in funds for cessation appropriated by the Legislature and expended by the program. Paul Hull noted in an interview that ACS had requested additional cessation funds for the program in FY2010 in an effort to handle what they anticipated as increased demand for the state’s cessation services following a cigarette tax increase that was expected to pass. However, he also said that appropriations for cessation, rather than prevention programming, were the “path of least resistance” politically.<sup>137</sup> The Governor’s budget also included a marked reduction in funds for state administration, from the year prior.

Programmatic Recipient	Governor Crist's Budget	Senate Bill 2600	House Bill 5101	Final Conference Committee Appropriations
AHEC Cessation Program		\$4,500,000		\$4,000,000
AHEC Training Program		\$6,500,000		\$6,000,000
Staff Positions		\$179,010	\$179,010	\$303,313
Fixed Capital Outlay		\$5,000,000		
State and Community Interventions	\$19,479,492	\$10,000,000	\$14,073,319	\$10,860,519
Health Communications Interventions	\$20,833,298	\$20,613,744	\$20,613,744	\$20,532,122
Cessation Interventions	\$10,831,565	\$5,951,303	\$17,831,565*	\$13,768,879*
Surveillance and Evaluation	\$8,230,543	\$6,184,123	\$8,230,543	\$5,355,029
Administration and Management	\$3,124,995	\$2,913,052	\$2,913,051	\$2,776,505
<b>TOTAL</b>	<b>\$62,499,893</b>	<b>\$61,841,232</b>	<b>\$63,841,232*</b>	<b>\$61,596,367*</b>

\* includes \$2 million in unused fixed capital outlay funds for Nicotine Replacement Therapy  
Source: Governor's Budget Request;<sup>783</sup> SB 2600;<sup>815</sup> HB 5101;<sup>816</sup> Conference Committee Report on SB 2600<sup>784</sup>

The Senate’s SB 2600 appropriated \$56.6 million to fund programmatic elements, \$5.0 million to fixed capital outlay, and \$179,010 to fund two positions for the program, for a total of \$61.8 million (Table 82, above).<sup>815</sup> The Senate earmarked \$11 million for AHECs, although their contract had expired, which was consistent with an additional attempt by Durell Peaden to secure additional funds for AHECs in conforming legislation, SB 1664. SB 1664, sponsored by Senator Peaden and the Health and Human Services Appropriations Committee (HHSAC, of which Peaden was chair), was a bill to distribute cigarette tax revenues to biomedical research programs (discussed below) which also included a provision to extend the contract for the AHECs.<sup>817, 818</sup> The bill removed the provision limiting the AHEC’s contract for FY2008 and FY2009,<sup>819</sup> which would have allowed the contract to extend indefinitely. The language also increased the earmark for AHECs to \$11 million annually to provide cessation services to the DOH. However, while the bill was in Conference Committee, the AHEC contract extension was limited to FY2010 and reduced to \$10 million dollars.<sup>820</sup> This bill passed.<sup>818</sup> Including the AHEC contract extension in SB 1664 restricted health groups ability to

**...Appropriations for cessation, rather than prevention programming, were the “path of least resistance” politically.**

oppose it. SB 1664 was very important to health groups as it distributed the cigarette tax revenues from the \$1 cigarette tax they successfully passed in 2009 to their priority programs. This bill was another example of health groups accepting the AHEC earmark in exchange for legislation which otherwise met their priorities.

The House's appropriations bill, HB 5101, funded the program at a similar \$61.6 million with \$179,010 for funding two tobacco program positions (Table 82, above).<sup>816</sup> The bill was unique in that it also designated \$2 million dollars in unused fixed capital outlay money to be appropriated for nicotine replacement therapy (NRT) for the program,<sup>816</sup> which had been requested by the DOH.<sup>307</sup> As described above, the DOH had struggled with running out of NRT for quitline callers, which had impeded the quality of service offered by the quitline. According to Paul Hull, the ACS had lobbied for this increase in NRT in anticipation of the cigarette tax passing and an increased demand for smoking cessation services.<sup>137</sup> However, with the \$2 million in NRT funds, the House allocated a total of \$17.8 million in funds to cessation, an increase of 177% from FY2009. Although health groups had advocated for this increase, including the increase for NRT funds, it represented a significant focus on less cost-effective direct cessation services rather than more impactful media and community-based interventions. The House bill did not include funding for AHEC, nor fixed capital outlay.

**The House allocated a total of \$17.8 million in funds to cessation, an increase of 177% from FY2009... it represented a significant focus on less cost-effective direct cessation services rather than more impactful media and community-based interventions.**

The Conference Committee convened to reconcile the bills to produce a final budget, which was favorable for tobacco control and demonstrated health groups' success in securing additional funds for cessation. Health groups successfully removed the earmark for fixed capital outlay, but the earmark for AHECs was preserved. The numbers of new staff funded for the program went from 2 to 4, with an increase in funding to \$300,583 (Table 82, above).<sup>784</sup>

### **FY2011: AHEC Contract Extended Indefinitely**

Governor Charlie Crist's budget for FY2011 again reflected the constitutional requirements for the program, along with allocating nearly \$8 million in reverted BTPP funds back to the tobacco program's budget (Table 77). Crist recommended an appropriation of \$69.5 million for the program, including \$303,313 for program staff, Governor Crist did not include funds for AHECs, as the statutes did not require an AHEC contract for FY2011. According to the Governor's Budget recommendation, "to maintain compliance with funding provisions in Section 27, Article X of the State Constitution [Amendment 4]" \$7,962,725 was also allocated for FY2011 from unused FY2008 and FY2009 funds (which had reverted back to Florida's tobacco settlement fund).<sup>821</sup> Florida law does not allow unspent funds to be carried over, but instead requires they be reverted back to the state coffers and then re-appropriated.<sup>277</sup> Florida law requires that appropriated funds which are not expended by the end of each fiscal year (June 30) revert back to the fund from which they came, unless the funds have been obligated/encumbered, in which case the deadline for spending the funds is September 30, or if they were allocated for fixed capital outlay.<sup>277</sup>

Programmatic Recipient	Governor Crist's Budget	Senate Bill 2700	House Bill 5001	Final Conference Committee Appropriations
AHEC Cessation Program		\$4,000,000	\$4,000,000	\$4,000,000
AHEC Training Program		\$6,000,000	\$6,000,000	\$6,000,000
Staff Positions	\$303,313	\$303,313	\$303,313	\$303,313
Fixed Capital Outlay				
State and Community Interventions	\$21,292,025	\$10,679,950	\$1,860,519	\$10,860,519
Health Communications Interventions	\$21,634,835	\$20,613,744	\$20,532,122	\$20,532,122
Cessation Interventions	\$16,631,565	\$11,831,565	\$11,768,879	\$11,768,879
Surveillance and Evaluation	\$6,176,317	\$5,376,317	\$5,355,029	\$5,355,029
Administration and Management	\$3,459,723	\$2,791,478	\$2,776,505	\$2,776,505
<b>TOTAL</b>	<b>\$69,497,778</b>	<b>\$61,596,367</b>	<b>\$52,596,367</b>	<b>\$61,596,367</b>
Source: Governor's Budget Request <sup>821</sup> ; SB 2700 <sup>822</sup> ; HB 5001 <sup>823</sup> ; Conference Committee Report on HB 5001				

The Senate alternatively earmarked \$10 million for AHECs and did not appropriate any of the reverted funds back to the BTPP (Table 83), for a total appropriation of \$61.6 million.

Significantly, the House's budget recommendations, HB 5001, totaling \$52.6 million for tobacco control, additionally included a diversion of \$9 million in funds from the State and Community money to community mental health, proposing to leave only \$1.9 million to cover all of the state's local programming efforts. The House also incorporated \$10.0 million for AHECs and, like the Senate, did not allocate the nearly \$8 million in reverted tobacco control funds to the BTPP.

The conforming bill for the House's \$9 million diversion to community mental health and \$10 million AHEC earmark, HB 5309, was sponsored by Representative Denise Grimsley (R, Grimsley, \$5,000) and the House Health Care Appropriations Committee.<sup>824</sup> HB 5309 provided for amendments to the statutory requirements for the BTPP, including broadening the focus of many of the components from smoking to tobacco-use.<sup>825</sup> Additionally, the bill included a provision which made the Department of Children and Family Services (DCF) eligible for a portion of annual BTPP funds to administer cessation services to individuals with mental illness (though it did not specify the amount of funds – this would have made DCF eligible for the \$9 million).<sup>825</sup> However, the bill also deleted the \$10 million funding for AHECs.<sup>825</sup> The bill was unanimously passed out of both the House Health Care Appropriations Committee on March 16 and the House Full Appropriations Council on Education and Economic Development on March 23,<sup>824</sup> before passing the House 116-1 with the only no vote coming from Representative Luis Garcia (D, Miami Beach, \$1,500) on April 1.<sup>824, 826</sup>

All three tri-agencies and members of TAC responded to the House's proposed diversion of \$9 million in funds. In early April 2010, after the House had passed HB 5309, Brenda Olsen, Chief Operating Officer at ALA Southeast wrote a letter to sponsor Representative Grimsley arguing that diverting the tobacco funds to DCF would seriously harm the tobacco program and undermine *Best Practices* to serve only a very narrow population. Olsen wrote,

HB 5309 allocates \$9 million from the current \$11 million community intervention portion of the tobacco control program to serve an estimated .001% of Florida's population (approx. 186, 000 people). Diverting money from the local tobacco partnerships established in 64 counties and specifically targeting mental health patients would result in over 81 percent of the community intervention program focused on an important, but narrow population.<sup>827</sup>

**The \$9 million diversion to DCF did not “comport with the intent of the constitutional amendment, nor... meet the standard of CDC *Best Practices*.”**

A few days later, Ralph DeVitto, CEO at the ACS Florida Division, wrote a letter to both Representative Grimsley and Senator Peaden (Chair of the Senate's Health and Human Services Appropriations Committee) echoing the concerns raised by the ALA. DeVitto said in his letter that the \$9 million diversion to DCF did not “comport with the intent of the constitutional amendment, nor...

meet the standard of CDC *Best Practices*.”<sup>828</sup> The ACS requested that the diversion in the House budget, along with the provision making DCF eligible for BTPP funds be amended out of HB 5309.<sup>828</sup>

In addition, AHA opposed the diversion and TAC members sent letters and wrote editorials concerning the DCF diversion.

The Senate was unwilling to accept the House's version of HB 5309, and a conference committee was appointed. In conference committee, the \$10 million for AHECs was reinserted into the bill's language and their contract was extended indefinitely, however, language in the bill from the House had deleted the requirement that AHECs spend the money on tobacco control. Final appropriations did require the AHECs spend the money on tobacco control, but the change in implementing language would make a diversion of funds to AHEC (for purposes other than tobacco) easier in the future. In a response to pressure from the tri-agencies and TAC members, the line-item appropriation for DCF was removed from the appropriations language and its conforming language was removed from HB 5309. The final appropriations for FY2011 included \$61.6 million for the program (Table 83).<sup>788</sup> The nearly \$8 million in reverted funds were not appropriated back to the program, and instead were reverted back to the tobacco settlement trust fund.

### **Summary of Appropriations FYs 2009 – 2011**

Attempts to divert FYs 2009 – 2011 funds from BTPP were largely unsuccessful, with health groups opposing diversions to biomedical programs in FY 2010 and mental health services in FY 2011. AHECs, however, received an earmark for \$10 million in funds beginning for FY 2008 which was extended in 2010 indefinitely. The tri-agencies were unwilling to aggressively fight this earmark because AHECs largest proponent was Senator Durell Peaden, chair of the important Senate Health and Human Services Appropriations Committee, which handles funding for several of the tri-agencies programmatic priorities, including tobacco control. As Curt Kiser summed up in an interview:

Peaden is the guy that can make you or break you. If he takes your position and supports basically what you're after, you've got a pretty good chance that's going to happen. And likewise, if he's against something you want ...he can doggone sure make it happen that you don't get what you want. So you do have to dance with him, even though you might not want to dance this one. And on AHECs, he knew we didn't like them. He knew we thought they were a diversion that wasn't necessary...It's like a lot of things that, when they're first proposed, you're not really sure how it's going to work.<sup>56</sup>

The BTTP failed to receive any of its unspent and reverted funds, but has otherwise received the amount of dollars (15% of the 2005 settlement payments) required by the constitutional amendment for FYs 2009 – 2011, broken down according to CDCs 2007 *Best Practices*. (Table 84).

	FY2009	FY2010*	FY2011
Program Element	Appropriations HB 5001 <sup>787</sup>	Appropriations SB 2600 <sup>784</sup>	Appropriations HB 5001 <sup>788, 829</sup>
Counter-marketing, advertising, and internet resources			
Youth School and After School Programs			
AHEC Cessation Information Community Program	\$4,000,000	\$4,000,000	\$4,000,000
AHEC Training Program	\$6,000,000	\$6,000,000	\$6,000,000
Cessation Treatment and Counseling			
Other Cessation and Training Community Programs			
Chronic Disease Prevention Programs			
Surveillance and Evaluation			
Administration, Statewide Programs, County Health Department Core Funding			
Staff Positions	\$175,746	\$300,583	\$303,313
Fixed Capital Outlay	\$5,000,000		
State and Community Interventions	\$11,200,943	\$10,927,545	\$10,860,519
Health Communications Interventions	\$19,838,001	\$20,613,744	\$20,532,122
Cessation Interventions	\$4,553,017	\$13,831,565*	\$11,768,879
Surveillance and Evaluation	\$5,951,995	\$5,376,317	\$5,355,029
Administration and Management	\$2,800,252	\$2,791,478	\$2,776,505
<b>TOTAL</b>	<b>\$59,519,954</b>	<b>\$63,841,232*</b>	<b>\$61,596,367</b>

\*\$2,000,000 in unexpended fixed capital outlay funds from FYs 2008-2009 were also dedicated to nicotine replacement therapy.

### Tobacco Program Budget Allocations and Expenditures FYs 2000-2011

Resources available for tobacco control in the state of Florida and corresponding expenditures for FYs 2000-2011 are contained in Table 85. Annual appropriations were collected by authors from state appropriations bills, and expenditures were provided to authors by the Florida Department of Health. If conflicting or incomplete information was available to authors, authors opted for the information provided by the DOH.

Allocations to the program include state appropriations in addition to federal funds from the Centers for Disease Control and Prevention and private funds from the American Legacy Foundation and Robert Wood Johnson Foundation Expenditures of this CDC money were



estimated where they were unavailable or unclear. Authors were not provided access to expenditures of American Legacy Foundation and Robert Wood Johnson Foundation funds.

**The \$10 million appropriated for fixed capital outlay in FY2008 and FY2009 was spent on teleconferencing equipment for county health departments...**

As described above, appropriated funds which are not expended by the end of each fiscal year (June 30) are reverted back to the fund from which they came.<sup>277</sup> Prior to 2002, this provision was not in place and therefore unexpended funds in FY2001 were presumably carried over to FY2002 (Table 85). Authors have assumed that all unspent funds after 2002 were reverted and not carried over.

The \$10 million appropriated for fixed capital outlay in FY2008 and FY2009 was spent on teleconferencing equipment for county health departments (\$8 million) and the FY2010 appropriation for Nicotine Replacement Therapy (NRT, \$2 million).

Overall, expenditures suggest that the Florida Department of Health concentrated their resources on advertising and community programs from FYs 2001 – FY 2010. Expenditures from FYs 2001 – 2003 reflect the state’s concentration on SWAT and youth programming, in addition to running the Florida “truth” campaign. As resources were reduced to \$1 million for FY2004, the concentration shifted to keeping the core administration of the program running, supporting SWAT, and for FY2005 and FY2006, working on youth access laws. As mentioned earlier, restricting youth access to tobacco has not been shown to effectively reduce youth smoking,<sup>320, 321</sup> and it is curious that the DOH would have focused their efforts here. Expenditures since the 2006 constitutional amendment passed (FYs 2008-2010) adhere closely to appropriations, following CDC’s *Best Practices*. However, starting in FY2009, increasing appropriations to cessation programs threaten youth prevention programming and may be less cost-effective than focusing on policy change.<sup>797</sup>

Table 85. Florida State Tobacco Control Resources and Expenditures FYs 2000-2011 (in millions of dollars)												
Fiscal Year (July 1 - June 30)	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
<b>State Resources Available for Tobacco Control</b>												
Master Settlement Agreement \$ (dedicated)												
<b>Pilot Program</b>												
Marketing / Advertising	12.00		13.00	15.00								
Education / Training	7.00		4.70									
Youth and Community Partnerships (SWAT)	5.60		7.90									
Minority Programs	4.00		1.00									
Evaluation	4.00		1.44									
Administrative Funding / Staff Salaries	1.00		1.80									
Allocations not specified (no advertising)						1.00	1.00					
Allocations not specified or unavailable		44.10		22.50				3.60				
Funds earmarked for non tobacco control	-1.93	-4.25	-2.50	-0.50								
<b>BTTP (CDC 1999 program areas)</b>												
Countermarketing / Advertising									19.30			
Youth School /After School Programs									5.91			
Cessation Treatment and Counseling									4.35			
Other Cessation / Training Programs									1.08			
Chronic Disease Prevention									1.70			
Surveillance and Evaluation									5.79			
Admin., Statewide Programs, CHD Core									4.59			
AHEC Cessation Info. Community Program									4.00			
AHEC Training Program									6.00			
Admin. / Salaries / State FTEs									0.17			
<b>BTTP (CDC 2007 program areas)</b>												
State and Community Interventions										11.20	10.93	10.86
Health Communications Interventions										19.84	20.61	20.53
Cessation Interventions										4.55	11.83	11.77
Surveillance and Evaluation										5.95	5.38	5.36
Administration and Management										2.80	2.79	2.78
AHEC Cessation Info. Community Program										4.00	4.00	4.00
AHEC Training Program										6.00	6.00	6.00
Fixed Capital Outlay										5.00		
Admin. / Salaries / State FTEs										0.18	0.30	0.30
State General Funds or other non-MSA sources								2.00				
Enforcement	5.10											
Education and Training					1.00							
<i>Total State Funds</i>	36.77	39.85	27.34	37.00	1.00	1.00	1.00	5.60	57.90	59.52	61.84	61.60
<b>Federal Resources Available for Tobacco Control</b>												
CDC (NTCP)* - Tobacco**	0.75	0.75	0.75	0.75	0.75	0.99	1.05	0.94	0.71	0.53	1.87	1.87
CDC (NTCP)* - Quiltline									0.24			
CDC American Recovery and Reinvestment Act - Quiltline												1.77
CDC American Recovery and Reinvestment Act - Media												.53
<i>Total Federal Funds</i>	0.75	0.75	0.75	0.75	0.75	0.99	1.05	0.94	0.94	0.53	1.87	4.17

Fiscal Year (July 1 - June 30)	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
<b>Private Resources Available for Tobacco Control</b>												
American Legacy Foundation ***		0.06	0.02	0.20	0.12							
Robert Wood Johnson Foundation		0.22										
<i>Total Private Funds</i>	0.00	0.29	0.02	0.20	0.12	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<i>Total New Funds</i>	37.52	40.89	28.11	37.95	1.87	1.99	2.05	6.54	58.84	60.05	63.72	65.77
<i>Prior Year Carryover</i>			2.44							5.00		
<i>Prior Year Carryover earmarked for NRT</i>											2.00	
<b>Total Available Funds</b>	37.52	40.89	30.55	37.95	6.67	1.99	2.05	6.54	58.84	65.05	65.72	65.77
<b>State Tobacco Control Expenditures</b>												
State and community interventions****		19.50	13.90	15.20				3.80		11.20	10.93	
Youth Access Enforcement						1.00	1.00					
Health communication interventions		14.50	12.40	13.40	1.00					19.60	20.61	
Cessation interventions**		0.75	0.75	0.75						4.60	13.83	
Surveillance and evaluation		2.60	2.80	2.70						5.30	5.30	
Administration and management		1.10	1.10	1.10	0.75	0.99	1.05	1.80		3.29	2.79	
AHEC Cessation Info. Community Program									4.00	4.00	4.00	
AHEC Training Program									6.00	6.00	6.00	
Countermarketing / Advertising									19.30			
Youth School / After School Programs									4.97			
Cessation Treatment and Counseling									4.41			
Other Cessation / Training Programs									0.79			
Chronic Disease Prevention									1.67			
Surveillance and Evaluation									0.76			
Admin., Statewide Programs, CHD Core									4.69			
Fixed capital outlay / Teleconferencing in CHDs										8.00		
Other Earmarks												
<b>Total State Tobacco Control Expenditures</b>		38.45	30.95	33.15	1.75	1.99	2.05	5.60	46.58	61.99	63.47	
<b>Holdover Fixed Capital Outlay</b>									5.00			
<b>Calculated Unexpended Funds (no fixed capital outlay)</b>		2.44	-0.40	4.80	.12	0.00	0.00	0.94	7.25	3.06	2.25	
Notes: Unless otherwise noted, funding cycles conform to Florida's FY of July 1 - June 30 (i.e. July 1, 2000 - June 30, 2001 is FY2001), in the case that multiple sources for the above information were available but conflicting, state DOH provided numbers were used (i.e. federal and private fund allocations were provided by the state but in some cases did not match the numbers in CDC's State Tracking system); the state did not provide authors with federal and private funds expenditures information for some years and assumptions were made for FY2001 - 2006 (CDC fund expenditures only) although they may not be exact (CDC fund expenditures are not included for FY2007); in FY2011, Florida also received \$2.1 million in ARRA funds to be shared by obesity and tobacco which is not included above; FY2010 expenditures are based on expended and obligated funds as of 6/1/2010 and it is unclear if they include federal and private funds (presumably not); based on Florida statutes, an assumption was made that unexpended funds in FY2001 were carried over to FY2002												
* The cycle for CDC funds was 6/1 - 5/30 for FYs 2001-2005; the cycle for 2009 funds was 7/2008 - 3/2009, the cycles for 2010 and 2011 funds was 4/2009 - 3/2010												
** From FYs 2000 - 2003 this money was allocated to and expended by the Florida Tobacco Prevention and Control Program in the Bureau of Chronic Disease												
*** The cycle for 2001 Legacy funding was 10/2000 - 9/2001												
**** Unless otherwise noted, until 2006 State and Community Interventions expenditures include education, youth access enforcement, minority programs, and SWAT												
Sources: Florida DOH <sup>30</sup> , The Florida Office of Economic Recovery <sup>31</sup> ; January 2010 TAC meeting <sup>32</sup> ; June 2010 TAC meeting <sup>33</sup> ; BTPP 2009 Annual Report <sup>34</sup> ; Givel <sup>1</sup> ; SB 2500 (1999) <sup>37</sup> ; Florida State Appropriations Bills FYs 2001-2011												

## CHAPTER XII: YOUTH ACCESS LAWS AND TOBACCO PRODUCT PLACEMENT

- *In 2002, the tobacco industry tried to preempt localities' authority to regulate tobacco product placement but were effectively stopped by health groups.*

### Youth Access Laws

As they do in many states, Florida's statutory restrictions on youth access to tobacco date back to the early 1900s.<sup>835</sup> The provisions of the law were amended in 1971, 1985, and four times during the 1990s; the 1990s were an active time for youth access laws across the country. As of 2010, selling or otherwise furnishing youth in Florida under age 18 with tobacco products was punishable by up to 60 days in prison and a \$500 fine for the first offense, and, if it was within one year of the first offense, up to one year in prison and a \$1000 fine for the second offense.<sup>835-837</sup> Since 1997, it has also been unlawful for a minor to possess any tobacco products, punishable by 16 hours of community service or a \$25 fine along with attendance in a school-approved anti-tobacco program for the first violation, \$25 fine for the second violation, and drivers license suspension in the case of the third violation, if it was within 12 weeks of the first violation.<sup>838</sup>

In 1992, the federal Alcohol, Drug Abuse and Mental Health Administration (ADAMHA) Reorganization Act, including the Synar Amendment, named for its sponsor, Congressman Mike Synar (D, OK), was enacted.<sup>21, 839</sup> The Synar provision encouraged states to enforce, and document enforcement of youth tobacco access laws. In order to be eligible for Federal Substance Abuse Prevention and Treatment funds, states were required by Synar to keep violations of youth access laws under 20%. The Tobacco Institute used The Synar Amendment to promote its agenda of state tobacco control preemption. TI misrepresented requirements of The Synar Amendment to convince some state Legislatures that The Synar Amendment required the state to pass additional youth access laws and ensure a uniform statewide youth access code.<sup>21</sup> Indeed, The Synar Amendment required neither uniform application of youth access laws nor passage of additional legislation. The industry used Synar as an opportunity to pass youth access law preemption (a statewide law with a prohibition on passage of local laws) and preemption of other tobacco control efforts in some states. Youth access preemption was not passed in Florida.

Enforcement of youth access laws is both a responsibility of the state and localities in Florida.<sup>840</sup> Synar inspections in Florida are conducted by the Division of Alcoholic Beverages and Tobacco, along with the Department of Business and Professional Regulation (DBPR).<sup>840</sup> The Department of Children and Families coordinates and reports on The Synar Amendment compliance.<sup>839</sup> The National Cancer Institute's Tobacco Control Monograph No. 14 suggests that in 1998, Florida had very strong enforcement provisions for compliance with Synar, and had the best rate of compliance (above 90%) in the country.<sup>841</sup> According to the Annual Synar Report issued by the Department of Health and Human Services on the State of Florida's Synar compliance for FY2010, 304 citations for youth access restrictions were issued in FY2010, 18 fines were assessed, and 1 retail license was suspended.<sup>840</sup> A report presented by the Florida Department of Children and Families (DCF) at a 2007 Prevention Conference noted that the percentage of retail Synar violations in Florida between 1997 and 2006 declined from 40.1% to 10.9%.<sup>839</sup> In 2006, DCF reported that 30 states had lower violations percentages than Florida

while 20 states had similar or worse violations levels than Florida.<sup>839</sup> As mentioned above, a September 2010 presentation to the TAC suggested that working on local youth access compliance was one area of focus for county health department community programs grantees. This included pursuing local laws to require retailer assisted tobacco sales, to restrict tobacco sampling, to control the location, number and density of retail outlets selling tobacco, and to increase required compliance checks for youth tobacco access laws.<sup>725</sup>

## **Restrictions on Tobacco Placement and Marketing**

### ***SB 434 and HB 555 to Regulate Tobacco Product Placement in 2000***

In 2000, Senator John Laurent (R, Bartow, \$0) and Representative Debby Sanderson (R, Ft. Lauderdale, \$0) sponsored companion bills, SB 434 and HB 555, to require tobacco retailers to display tobacco products in a way that they were inaccessible to minors.<sup>842, 843</sup> According to the Florida Division ACS' 2000 legislative report, both the ACS and the ALA testified in the House Regulated Services Committee on March 14, 2000, in favor of the House bill.<sup>844</sup> In

**In opposition to the bill, testimony was heard from the Florida Retail Federation (a strong tobacco industry ally in Florida), the Petroleum Institute, Gate Corp, S & S Stores, Tom Thumb Stores, and the Tobacco Wholesalers.**

opposition to the bill, testimony was heard from the Florida Retail Federation (a strong tobacco industry ally in Florida), the Petroleum Institute, Gate Corp, S & S Stores, Tom Thumb Stores, and the Tobacco Wholesalers.<sup>844</sup> After significant testimony and debate, HB 555 was passed by the House Regulated Services Committee; however, the bill was subsequently held in the committee, pending a compromise between health groups and tobacco retailers.<sup>844</sup> When a compromise was not reached, both HB 555 and its Senate companion, SB 434, died in committee.<sup>844</sup>

### ***Attempt to Preempt Local Regulation of Tobacco Placement and Marketing is Defeated***

In 2002, Senator Durell Peaden (R, Crestview, \$0) and the Senate Commerce and Economic Opportunities Committee sponsored SB 1902, a bill to prevent localities from requiring employers to pay a minimum wage above the federal minimum wage.<sup>845, 846</sup> On March 21, 2002, after the bill had passed out of two committees, it was placed on the Senate's Special Order Calendar. While on the Special Order Calendar, Senator Diaz de la Portilla (R, Miami, \$6,578) a smoker with an established relationship with the tobacco industry,<sup>135</sup> filed an amendment to the bill which would have granted sole authority to regulate the display and marketing of cigars, fine cut tobacco, and pipe tobacco by retailers to the Division of Alcoholic Beverages and Tobacco.<sup>847</sup>

Senator Diaz de la Portilla's amendment would have preempted all local authority to regulate the display and marketing of these products, with an explicit exception for localities which already had laws in place.<sup>847</sup> As with clean indoor air preemption, preemption of regulation on the display and marketing of tobacco products is a strategy used by the tobacco industry to prevent localities from enacting strong laws and to keep the issue in state arenas in which the industry has the most power.<sup>848</sup> The Division of Alcoholic Beverages and Tobacco is part of Florida's Department of Business and Professional Regulation (DBPR), which was under

Secretary Kim Binkley-Sayer in 2002. Binkey-Sayer was replaced by Diane Carr in 2003; Carr was a vocal opponent of the 2002 Smoke-Free for Health Amendment<sup>479</sup> and became a tobacco lobbyist after leaving her position as DBPR Secretary.<sup>65</sup> She had formerly worked for the Florida Retail Federation.

On March 22, the day after Senator Diaz de la Portilla filed his amendment, the Florida Division ACS sent out a legislative alert to their volunteers in an effort to stop the amendment. The legislative alert described the amendment as, “a last minute amendment to a bill that would severely weaken the ability of local communities to protect kids from tobacco” and noted that the attempt to add the amendment at the last minute was “often done with the hope that no one will notice.”<sup>849</sup> The ACS asked its volunteers to contact Senator Diaz de la Portilla and urge him to withdraw his amendment by reminding him that his “preemption” amendment takes authority away from local communities that want to protect kids from the death and disease caused by tobacco.”<sup>849</sup> The day after the ACS sent out its’ legislative alert, SB 1908 died.

**The legislative alert described the amendment as “a last minute amendment to a bill that would severely weaken the ability of local communities to protect kids from tobacco.”**

### **Youth Access Laws and Tobacco Product Placement Conclusions**

Florida law prohibits sales of tobacco products to minors. Florida has had a historically high compliance with the Synar provision which encouraged states to enforce youth access laws in order to be eligible for Federal Substance Abuse Prevention and Treatment funds. In 2002, working with their ally Senator Alex Diaz de la Portilla, the tobacco industry attempted to preempt local authority to regulate display and marketing of tobacco products. The ACS helped to effectively block this preemption through mobilization of their grassroots network.



## CHAPTER XIII: TOBACCO TAXES AND NON-PARTICIPATING MANUFACTURERS' FEE

- *In 2009, Florida's tri-agencies capitalized on a budget deficit to raise the state's historically low cigarette tax by \$1, to \$1.339. Passing the tax through the Legislature represented a significant victory over Florida's traditionally anti-tax fiscal conservatism, and appears to have reduced per capita cigarette consumption by 29.4% by 2010.*
- *Major U.S. tobacco companies have tried unsuccessfully to pass a "non-participating manufacturers" fee in Florida, to be assessed on companies not party to the 1997 Medicaid fraud settlement, including Dosal.*

Cigarette tax increases reduce cigarette consumption, and so are a cost-effective tobacco control intervention.<sup>850-853</sup> In adults a 10% increase in the price of cigarettes results in a 3-5% decrease in consumption.<sup>850, 851, 854, 855</sup> The evidence on youth is more variable, but most think

**The 2009 increase...represented the first time Florida's tobacco control advocates had successfully pushed a major piece of tobacco control legislation through Florida's Legislature.**

that they are more responsive to price increases than adults, with a 10% price increase associated with a 7% reduction in smoking.<sup>850, 852, 856</sup> Cigarette taxes also raise revenue. This need for revenue, not the health benefits of reducing smoking, remains the primary reason state Legislatures raise cigarette taxes.<sup>857</sup>

In 2008, only five states had a cigarette tax lower than Florida's \$ .3499 (Virginia, \$.30; Kentucky, \$.30; Mississippi, \$.18; Missouri, \$.17; and South Carolina, \$.07).<sup>859</sup> The ACS internally considered advocating for a tobacco tax increase for years and informally floated the idea of a cigarette tax increase with some legislators,<sup>162</sup> but decided to prioritize clean indoor air and funding for a state tobacco control program until a worsening state budget started making a cigarette tax increase seem feasible. This effort culminated in increasing the cigarette tax by \$1 and the tax on smokeless tobacco from 25% to 85% of wholesale price. The 2009 increase brought Florida's cigarette tax rate to the national average. It also represented the first time Florida's tobacco control advocates had successfully pushed a major piece of tobacco control legislation through Florida's Legislature.

### Cigarette and Cigar Taxes 1944-2008

The first state cigarette tax in Florida was passed in 1943 at 3¢ per pack of cigarettes (38¢ in 2010 dollars) (Table 86). From 1943 until 2009, cigarette taxes in the state were increased seven times, but never by more than 10¢. The most substantial increase was in 1990, when the cigarette tax was raised by 9.9¢ to 33.9¢.

Table 86. Cigarette Taxes in Florida 1955-2010 (per pack)

Year*	Rate	Average Retail Price
1944	\$0.030	-
1950	\$0.050	-
1964	\$0.080	\$0.297
1968	\$0.150	\$0.320
1972	\$0.170	\$0.468
1978	\$0.210	\$0.663
1987	\$0.240	\$1.208
1991	\$0.339	\$1.748
2009	\$1.00	\$5.48

\* specifies the year the tax went into effect (it was typically passed the year before).

Sources: Tax Burden on Tobacco<sup>9</sup>; 2008 CS/SB 2790 Staff Analysis<sup>858</sup>



According to Paul Hull, VP of Advocacy and Public Policy at the ACS Florida Division, the 1990 increase in the cigarette tax was prompted by a weak state economy.<sup>162</sup> At the time, many of Florida's lobbyists worked on contingency fees (they would not get paid unless the outcome was in their employer's favor), including tobacco industry lobbyists. Knowing that Florida's

**He was told that Florida's Legislature did not tax little cigars because the state wanted to protect in-state cigar manufacturing.**

struggling economy would likely result in them having to accept some cigarette tax increase during the 1990 session, tobacco industry lobbyists pushed for a 9.9¢ cap on the tax, below the 10¢ level at which they could no longer claim their contingency fees.<sup>162</sup> The tax remained at 33.9¢ until 2009.

According to Curt Kiser, there was also a tax on little cigars passed by the Florida Legislature in 1973, although due to a challenge from the tobacco industry the tax was never implemented. Kiser, as a freshman Representative in 1973, sponsored the tax on little cigars at a rate equivalent to the cigarette tax (\$.17), which he intended to have apply to R.J. Reynolds' Winchester brand little cigars.<sup>315</sup> Winchesters were developed by RJR in the late 1960s in response to growing threats to the cigarette industry, including the 1964 Surgeon General's Report that concluded smoking caused lung cancer, a potential advertising ban, and increased cigarette taxes.<sup>860</sup> Little cigars, which were seen as a close substitute for cigarettes, were also perceived to be less harmful to health.<sup>860</sup> Following RJR's development and promotion of Winchesters, little cigar sales grew rapidly.<sup>860</sup> According to Kiser, he was told that Florida's Legislature did not tax little cigars because the state wanted to protect in-state cigar manufacturing. Kiser believed that not only were these little cigars essentially cigarettes in different packaging, but also learned that they were produced not by local manufacturers, but by a large out of state manufacturer (R.J. Reynolds) which led him to propose the tax. Kiser said he successfully got the bill passed, which was remarkable because he was a Republican freshman representative in a Democrat majority Legislature. Kiser said the little cigar bill was the first bill to make it to the floor during the session and the first to pass.<sup>315</sup>

After the bill passed, tobacco industry representatives filed a lawsuit against the bill, saying that the definition of the little cigars provided by the legislation actually made them exempt from the law. The issue raised was whether or not the little cigars had tobacco in their brown wrapping. If tobacco was present in the wrapping, then the product was considered a cigar and therefore exempt from the tax. On the other hand, if the wrapper did not contain tobacco than it was a considered a cigarette and could be taxed. According to Kiser, the court decided that as long as the tobacco manufacturer submitted an affidavit to the court certifying that the little cigars indeed had tobacco in their brown wrappers, than they would be exempt from the tax. Kiser said he worked on revising the questioned language in the next few legislative sessions, but was unsuccessful.<sup>315</sup>

### ***2000: Senate Attempts to Backstop Settlement Revenues with an Increased Tobacco Tax***

In 2000, the Legislature was concerned with the potential that the industry would go bankrupt or no longer be able to afford their multi-million dollar annual settlement payments. This concern was fanned by industry claims that the Engle litigation (discussed earlier) would bankrupt the cigarette companies and eliminate the flow of settlement funds.<sup>861</sup> To address this, a

10-member Senate panel was created to draft legislation to help Florida sustain the flow of money won in the 1997 settlement.<sup>862</sup> The Senate panel proposed eight bills during the session on a variety of conditional tax schemes and other measures to protect the state from disruptions in the settlement fund flow.<sup>861</sup> One measure, proposed by Senator Jim Horne (R, Orange Park, \$500), one of the Senate's most fiscally conservative lawmakers, and Senator Locke Burt (R, Ormond Beach, \$3,000) suggested legislation to automatically increase the state's cigarette tax in the case that one of the settling tobacco companies went bankrupt.<sup>861</sup> The House killed the bill. House Speaker John Thrasher commented to the *St. Petersburg Times* that to "even talk about taxes is sending the wrong signals."<sup>863</sup> Thrasher had also pushed for cuts to the TPP in 1999 and served as Lorillard Tobacco lobbyist from 2003-2005 after leaving his House seat.

**House Speaker John Thrasher commented to the *St. Petersburg Times* that to "even talk about taxes is sending the wrong signals."**

### ***2007: Representative Waldman's First Cigarette Tax Proposal is Defeated by Opposed Leadership***

In 2007, after six years of no attempts to increase the cigarette tax, Representative James "Jim" Waldman (D, Coconut Creek, \$0), who also championed efforts to repeal preemption in the FCIAA, proposed raising the cigarette tax from \$.339 to \$1.00 based on the public health benefit of the tax (reducing youth smoking) rather than just raising revenue for the state.<sup>525</sup> Waldman informally polled members of the Legislature and a majority said they would support increasing the cigarette tax.<sup>525</sup> His proposal, HB 1555, was co-sponsored by Representative Yolly Roberson (D, Miami, \$2,500). The Senate companion bill, SB 2640, was sponsored by Senator Alfred "Al" Lawson (D, Tallahassee, \$4,800), and also proposed increasing Florida's cigarette tax from 33.9¢ per pack to \$1.00 per pack.<sup>864</sup> Although they supported the idea of the tax, legislators were not willing to vote for Waldman's proposal, perhaps because of strong opposition from the House leadership, particularly Speaker of the House Marco Rubio (R, West Miami, \$4,250). (Rubio also received \$35,200 in industry contributions during his 2010 bid for U.S. Senate.<sup>83</sup>), HB 1555 and SB 2640 both died without even receiving committee hearings.<sup>865</sup><sup>866</sup> According to Waldman, he pushed to have the HB 1555 heard in the House Jobs and Entrepreneurship Council but the Council's Chair, Representative Ronald Reagan (R, Dist. 67, Industry Contributions 1998-2008 \$5,500) would not hear the bill.<sup>525</sup> Representative Waldman attributed the bill's defeat to the leadership's opposition to tax increases, stating "that is the mantra of the leadership in power -- no new taxes, no tax increases."<sup>525</sup>

Despite failing, this attempt laid the groundwork for similar attempts in 2008 and 2009. While Representative Waldman proposed the tax without initial involvement from tobacco control advocates including the tri-agencies, they immediately supported it.<sup>525</sup> Representative Waldman recalled in a 2010 interview,

All of a sudden I had the American Cancer Society here. The Lung and Heart Associations. I had public interest groups. I have all of these people saying, you know, where have you been? Or -- you know. It was my first session. I didn't even know who they were or anything like that. So, it was quite nice to find that I had a lot of support, and it worked out very well. They worked the bill very hard.<sup>525</sup>

**Governor Crist's response to the proposal was that the tax was an "innovative idea" but that "I am not for raising taxes, as you know."**

The *Orlando Sentinel* reported that in July 2007, after the regular session ended, Don Webster, then CEO of the Florida Division ACS, asked Governor Crist to consider hiking Florida's cigarette tax, with the argument that, "if you raise the price of anything, consumption goes down...with tobacco, especially among youth, it dramatically impacts consumption."<sup>867</sup>

Governor Crist's response to the proposal was that the tax was an "innovative idea" but that "I am not for raising taxes, as you know."<sup>867</sup> Webster reported to the *Orlando Sentinel* that the ACS was considering taking the measure to voters.<sup>867</sup>

**2008: Another Cigarette Tax Proposal Gains More Traction and Builds Momentum for 2009**

Representative Waldman again proposed to increase the cigarette tax increase by \$1.00 per pack to \$1.339<sup>868</sup> in 2008 with active support from ACS, ALA, AHA and CTFK, among other public health groups. Because of Florida's severe budget situation in 2008, the proposal gained much more traction than it had in 2007 because the deficit put pressure on lawmakers to

find revenue. Despite projections that the proposed \$1 additional tax would raise up to an additional \$1 billion in revenue to help offset Florida's budget deficit, Governor Charlie Crist, House Speaker Marco Rubio, and Senate Finance and Tax Chair Mike Haridopolos opposed the tax.

Table 87. Co-sponsors for Cigarette Tax Bill 299 in 2008

Name	Party	District	Total Contributions 1987-2008
Loranne Ausley	D	9	\$2,500
Mary Brandenburg	D	89	\$3,500
Ronald Brise	D	108	\$500
Charles Chestnut	D	23	\$2,000
Joyce Cusack	D	27	\$2,500
Keith Fitzgerald	D	69	\$1,500
Rudolfo "Rudy" Garcia	R	40	\$13,200
Bill Heller	D	52	\$2,000
Ed Homan	R	60	\$1,000
Evan Jenne	D	100	\$1,000
Rick Kriseman	D	53	\$1,500
Peter Nehr	R	48	\$2,250
J.C. Planas	R	115	\$4,000
Ari Abraham Porth	D	96	\$1,500
Julio Robaina	R	117	\$5,000
Yolly Roberson	D	104	\$2,500
Darryl Ervin Rouson	D	55	\$500
Ron Schultz	D	32	\$0
Elaine Schwartz	D	99	\$0
Kelly Skidmore	D	90	\$500
Darren Soto	D	49	\$500
Geraldine Thompson	D	39	\$0
Perry Thurston Jr.	D	93	\$1,000
<b>Total Contributions</b>			<b>\$48,950</b>
<b>Average per Sponsor</b>			<b>\$3,765</b>

Source: HB 299<sup>869</sup>

Waldman filed HB 299 in November 2007, nearly four months before the 2008 legislative session began.<sup>869</sup> The ACS and other health groups mounted a large effort to round up cosponsors early in the 2008 session, and helped Waldman recruit 23 cosponsors (out of 120 House members) for his bill (Table 87),<sup>162</sup> especially as it became clear that the 2008 bill would likely be used to tee-off for the 2009 session.<sup>162</sup>

HB 299's Senate companion bill, SB 2790, proposed on March 3, would have also increased the cigarette tax by \$1.00, to \$1.339.<sup>870</sup> It was sponsored by Senator Ted Deutch (D, Boca Raton, \$500) and co-sponsored by Senators Jeremy Ring (D, Margate, \$500), Nan Rich (D, Weston,

\$3,750), Michael Bennett (R, Bradenton, \$7,000), Arthenia Joyner (D, Tampa, \$1,500), Mandy Dawson (D, Ft. Lauderdale, \$3,500), and Alfred "Al" Lawson. (D, Tallahassee, \$4,800).<sup>871</sup> In early March, near the beginning of the legislative session, Senator Deutch proposed using the

money for health care; he told the Florida Ocala Star-Banner, “we’re not looking to increase the cigarette tax simply to fill a budget deficit. The dollars will be used very specifically in the health care area.”<sup>872</sup>

A few weeks later, Senator Deutch subsequently told the media, “Look this is not just like any other year in Tallahassee where political philosophies trump how things affect people in the real world. This [tax increase] is desperately needed in the worst budget year that the Legislature has seen in ages.”<sup>873</sup> SB 2790’s co-sponsor Senator Ring supported the tax for similar reasons, he stated, “I see a cigarette tax as an absolute win-win. Any time we can try to get new revenue and at the same time try to halt people from smoking, to me it’s an absolute no-brainer.”<sup>872</sup> The language of SB 2790 couched the bill as an economic measure (and not a health measure), which would cover the state’s health care costs related to smoking. The bill stated that,

**“I see a cigarette tax as an absolute win-win. Any time we can try to get new revenue and at the same time try to halt people from smoking, to me it’s an absolute no-brainer.”**

The Legislature finds that cigarette consumption dramatically impacts the state’s Medicaid budget and a substantial deficit has been created between what consumers pay in related excise or privilege fees and what the state actually incurs in health care costs. The Legislature further finds that the imposition of a user fee on cigarettes should at least be commensurate with the projected governmental costs associated with the consumption of cigarettes.<sup>870</sup>

SB 2790 also referred to the tax as a “user fee” in an effort to mitigate anti-tax sentiment.

SB 2790 also made specific disbursements of the generated tax revenue to biomedical research programs and state health care programs. Included among the proposed recipients of the funds was the Biomedical Research Trust Fund (for distribution to the Biomedical Research Advisory Council to grantees of the James and Esther King Biomedical Research Program and the Bankhead-Coley Cancer Research Program).<sup>870</sup> These two biomedical research programs were focused on cancer and other tobacco related diseases and were heavily supported by the tri-agencies which helped create them. The fact that the tax proposal allocated revenues to these biomedical research programs suggested the importance of the proposals to the tri-agencies, and perhaps was the reason why they were willing to dedicate so much political capital to having the tax passed.

In addition to lobbying, the tri-agencies supported the bills by generating letters to the editor and making comments in the media to publicize the potential public health impact of the tax<sup>872, 874, 875</sup> and commissioned a poll that showed that 79% of likely voters supported the tax.<sup>873</sup> Health groups released the results of the poll on March 24 at the Capitol.

Additionally, on March 3, Florida’s Tobacco Education and Use Prevention Advisory Council (TAC) passed a resolution supporting the cigarette tax. They determined that raising Florida’s cigarette tax should be the number one priority for tobacco control advocates in the state and drafted a resolution recommending to Surgeon General Ana M. Viamonte Ros that the state cigarette tax be increased by \$1.00 per pack.<sup>746</sup>

*Opposition from the Tobacco Industry and Key Legislative Leadership*

With increased support from the Legislature, the tax became a more serious possibility in 2008 than it had been in 2007, which generated heavy opposition from the tobacco industry. In addition to a large lobbying contingent of 84 lobbyists in 2009, the tobacco industry and its allies mounted opposition to the tax in the media. Dosal Tobacco and Philip Morris/Altria, joined by the National Association for Tobacco Outlets and Associated Industries, propagated typical industry arguments<sup>876-878</sup> in newspaper articles and editorials, that the tax would drive smokers to purchase their cigarettes across state lines or on tribal lands, that cigarette taxes are an unreliable source of revenue, and that cigarette taxes are regressive.<sup>872, 879, 880</sup>

In addition to strong tobacco industry opposition, the bill had opposition from the Governor and legislative leadership. According to Curt Kiser, the tax was a painful issue for many legislators, many of whom had pledges to not raise taxes. Kiser said the standard line for many legislators was, "I'm not for any new taxes. We-we're going to have to stay within our budget. We're going to have to appropriate with the funds we've got. You know, new taxes are not part of that equation."<sup>315</sup> Consistent with Kiser's assessment, in January, before the session began, Senator Mike Haridopolos, Chair of the Senate Finance and Tax Committee, (and subsequently Senate President in 2011) reported to the media that he would adhere to his pledge not to raise taxes.<sup>881</sup> In early March, House Speaker Marco Rubio said, "I'm not against it [the tax] if it's designed to get people to stop smoking...but I don't think it's a way to balance your budget."<sup>872</sup> In late March, Governor Charlie Crist reported to the *Orlando-Sentinel* that he was not "favorably inclined toward" the bill.<sup>873</sup> The proposal also faced some opposition from unlikely sources, such as Representative Gayle Harrell (R, Stuart, \$500) who had fought adamantly for strong implementation of Florida's 2002 clean indoor air constitutional amendment. Harrell commented in the press that she would not support the tax. She said, "I am opposed to raising taxes. Even on something like cigarettes."<sup>872</sup>

On April 15, the Senate Health Policy Committee passed the bill (as a substitute CS/SB 2790 with minor changes) with a 4-1 vote (Table 88), with health groups and supporters of the

Table 88. Senate Health Policy Committee Vote on Cigarette Tax Bill SB 2790 in 2008

Name	Party	District	Total Contributions
<u>Yes</u>			
Paula Dockery	R	15	\$11,200
Arthenia Joyner	D	59	\$1,500
Victor Crist	R	12	\$5,750
Mandy Dawson	D	29	\$6,000
<b>Total Contributions</b>			<b>\$24,450</b>
<b>Average per "Yes" Voter</b>			<b>\$6,113</b>
<u>No</u>			
Charlie Dean	R	43	\$10,000
<u>Did Not Vote</u>			
Rudy Garcia	R	40	\$13,200
Burt Saunders	R	37	\$3,100
<b>Total Contributions</b>			<b>\$16,300</b>
<b>Average per Absent Voter</b>			<b>\$8,150</b>
Source: Senate Health Policy Committee Vote Record <sup>884</sup>			

bill filling the chambers with stickers that read, "Don't Let Florida's Health Go Up in Smoke."<sup>882</sup> Senator Charlie Dean (R, Inverness, \$10,000), who voted against the tax in committee echoed tobacco industry arguments when asked why he voted no, saying that raising cigarette taxes would only push smokers to go the Internet, Indian reservations, or other states to buy smokes.<sup>883</sup>

Even after the tax was passed by the Senate Health Policy Committee, with bi-partisan support, Governor Charlie Crist remained in opposition to the tax. When asked by

the Florida *Sun-Sentinel* whether he supported the tax, Crist told the paper “no.”<sup>885</sup>

The same day CS / SB 2790 passed, Health Policy Committee member Senator Paula Dockery offered an amendment which would have exempted from the tax any cigarettes produced by tobacco companies which were signatories to the Florida Settlement Agreement.<sup>886</sup>

This would have been equivalent to passing a non-participating manufacturers tax on tobacco companies which were not party to the 1997 Florida settlement, which the larger manufacturers had long fought for. Senator Dockery subsequently withdrew her proposed amendment.<sup>871</sup> SB 2790 died in the Higher Education Committee, and HB 299 died in the Jobs and Entrepreneurship Council as HB 1555 had the year before.<sup>869, 871</sup> Representative Ron Reagan (R, Bradenton, \$5,500), chair of the Jobs and Entrepreneurship Council, opposed the measure as he had the year before, reporting to the press, “if we were going to go into a tax-raising

**Curt Kiser...admitted to them [the legislators] that he knew the tax was not going to pass in 2008, but used the opportunity to tell key legislators that he knew the budget situation in 2009 would worsen and require new revenues.**

mode, this would be a good one to do. But I think the flavor of the House is we won't want to raise taxes.”<sup>882</sup> Although the proposals did not have the support from legislative leadership that advocates needed to succeed, the bills built on the groundwork of 2007, raising awareness of the tax and generating increased support that would form the foundation for success in 2009. Curt Kiser, who was a lobbyist for the ACS during the session, reported in a 2011 that he laid groundwork with legislative leadership during 2008. He admitted to them that he knew the tax was not going to pass in 2008, but used the opportunity to tell key legislators that he knew the budget situation in 2009 would worsen and require new revenues.<sup>315</sup> Kiser said that because he had 18 years of experience as a legislator, including a position as the House Minority (Republican) Leader, he was in a position to advise many legislators, who respected his experience and expertise. Kiser said he advised legislative leadership to not demonize the tax, so that if they were forced to support the tax in 2009, they would not have to contradict their earlier words. Adam Hasner (R, Delray Beach, \$8,750), who was the Majority Leader in the House in 2008, was among the legislative leaders with whom Kiser met. (Representative Hasner had been one of the key supporters for strong implementation of Amendment 6 for smokefree workplaces and restaurants in 2003.) Kiser advised Representative Hasner that 2009 would be a tough year and might require the passage of a new tax, like the cigarette tax, to patch up the budget and to speak to junior Representatives about how they might need to support the tax.<sup>315</sup>

In 2008, Kiser was chair of the LeRoy Collins Institute at Florida State University, a non-partisan think tank which conducted research on state issues including state budgets and revenue shortfalls.<sup>887</sup> In 2005, the Institute issued a report entitled “Tough Choices: Shaping Florida's Future and Facing Florida's Revenue Shortfall,”<sup>887</sup> which according to Kiser, included important

**“This [2008] is really the first year that the legislators are not running from us when they see us coming.”**

information about projected budget shortfalls. Kiser was able to use this report as an advocacy tool to demonstrate to legislators that the budget situation in Florida was poor and would remain poor, and therefore might require some tax and fee increases.<sup>315</sup> According to Brenda Olsen of ALA, in a statement published in the *Ocala Star-Banner* in the middle of the legislative session, “This [2008] is really the

first year that the legislators are not running from us when they see us coming.”<sup>872</sup>

The tobacco industry likely played a role in defeating the tax in 2008. In 2008, the industry registered 88 legislative branch lobbyists, more than they registered in any other year between 2001 and 2010 (11 more than they registered in 2007 and 21 more than they registered in 2006). Dosal Tobacco registered 28 lobbyists and UST (US Smokeless Tobacco) registered 17 lobbyists. R.J. Reynolds/Reynolds American, Lorillard and Philip Morris/Altria all registered Keith Teel, of Covington and Burling, a very powerful industry lobbyist. In terms of executive branch lobbyists, the industry registered 59, more than they registered in any year prior to 2008 and roughly the same number they registered in 2009. (For comparison, in 2001, the industry registered less than one quarter that number of executive branch lobbyists, at 14.) During the 2008 election cycle, tobacco companies contributed \$1.1 million to political campaigns in Florida, 24% more than they contributed during the 2006 cycle (\$891, 318).

### **2009: Passage of a \$1 Cigarette Tax Increase to Fix Florida’s Budget**

#### ***ACS Launches the “Pass the Buck” Campaign***

Building on the momentum of 2007 and 2008, the tri-agencies pushed for a \$1 cigarette tax increase in the Florida Legislature during the 2009 session. Florida’s dire budget situation (projected budget deficits of \$6 billion over two years<sup>888</sup>), together with budget cuts to education, health care and other programs the previous few years, created an ideal climate for tobacco control advocates to generate the support they need to pass the tax.<sup>162</sup> According to Kiser, the

**Florida’s dire budget situation...together with budget cuts to education, health care and other programs the previous few years, created an ideal climate for tobacco control advocates to generate the support they need to pass the tax.**

groundwork he laid in 2008 began to pay off early in the session as legislators realized the budget situation had worsened and that voting for taxes might be necessary.<sup>315</sup>

To generate public support and advocate for the tax, the ACS launched the “Pass the Buck” campaign in fall 2008, to build up for the tax proposal. According to Brenda Olsen, the ALA focused their efforts on lobbying specific legislators, while the ACS operated “Pass the

Buck.”<sup>55</sup> Between the health groups there were 27 registered legislative branch lobbyists and 22 registered executive branch lobbyists. The groups decided to again push for a \$1 increase because, while aggressive, it would put Florida at the national average.<sup>162, 889</sup> Between 2005 and 2008, eight other states had passed \$1 tax increases (Iowa, Maine, Maryland, Massachusetts, Montana, South Dakota, Texas and Wisconsin) as well as Washington, D.C., demonstrating the political viability of a \$1 increase. (The only state to pass an increase of over \$1 at the time was New York (\$1.25 in 2008).<sup>9</sup>) According to Kiser, a \$1 tax was also attractive amount because it was more sellable and easy for bumper stickers and ads.<sup>315</sup>

#### ***HB 11***

With the support of the “Pass the Buck” campaign, Representative Jim Waldman filed the House’s cigarette tax proposal, HB 11, in November 2008, several months before the session convened. Many of HB 11’s co-sponsors (Table 89) were the same as in 2008, including

Representative Peter Nehr and Representative Julio Robiana, the two Republican co-sponsors of the bill. According to Representative Waldman, Representative Peter Nehr’s (R) co-sponsorship of the bill, as the first Republican co-sponsor, was very important because it gave the bill bipartisan support.<sup>525</sup>

Name	Party	District	Contributions 1987 - 2008
Ronald Brise	D	108	\$500
Dwight Bullard	D	118	\$0
Keith Fitzgerald	D	69	\$1,500
Bill Heller	D	52	\$2,000
Ed Homan	R	60	\$1,000
Evan Jenne	D	100	\$1,000
Martin David Kiar	D	97	\$2,000
Rick Kriseman	D	53	\$1,500
Janet Long	D	51	\$2,000
Peter Nehr	R	48	\$2,250
Mark Pafford	D	88	\$0
Kevin J. G. Rader	D	78	\$0
Michelle Rehwinkel Vasilinda	D	9	\$0
Julio Robaina	R	117	\$5,000
Yolly Roberson	D	104	\$2,500
Darryl Ervin Rouson	D	55	\$500
Elaine Schwartz	D	99	\$0
Kelly Skidmore	D	90	\$500
Darren Soto	D	49	\$500
Richard L. Steinberg	D	106	\$0
Priscilla Ann Taylor	D	84	\$1,000
Geraldine Thompson	D	39	\$0
Perry Thurston Jr.	D	93	\$1,000
Alan Williams	D	8	\$1,000
<b>Total Contributions</b>			<b>\$25,750</b>
<b>Average per Sponsor</b>			<b>\$1,030</b>
Source: HB 11 <sup>890</sup>			

HB 11 proposed increasing the cigarette tax (again calling it a “user fee”) by \$1 to \$1.339 for a standard pack (with proportional taxes for other package sizes) dedicating the funds to health care and biomedical research programs (Table 90).<sup>891</sup> The health groups did not propose using any of HB 11 funds for the Bureau of Tobacco Prevention Program (BTPP) or other tobacco control efforts. The allocations included 6.01% to be split between the James and Esther King Biomedical Research Program and Bankhead-Coley Program, which were significant priorities for the tri-agencies. According to Representative Waldman, targeting the money for health care and cancer research helped the campaign get doctors and hospitals on board and broaden the base of support for the tax.<sup>525</sup> (Health groups often partner with hospital and physician groups for similar reasons, including the rarely realized hope that these wealthy interests will provide additional resources to the campaign.<sup>421</sup>) Associations including the Florida Hospital Association (FHA) and the Florida Dental Association (FDA) were major supporters.<sup>525</sup> HB 11 did not assess taxes on cigars or smokeless tobacco, or alter any provisions governing the sale of cigarettes on Native American lands, issues which would become important during the session.

### *Early Support*

Since HB 11 was filed so early, it raised early awareness and debate on the tax; comments in the media suggested that the tax proposal would be received more favorably than it had been in prior years. In November 2008, Governor Crist appeared to be moderating his position on the tax with projections the state would be facing a \$2.14 billion shortfall, commenting to the *St. Petersburg Times* that he did not want to be dogmatic because the state



Table 90. Evolution of House and Senate Cigarette Tax Bills in 2009

Bill	Sponsor	Provisions					
		Cigarette Tax Increase	Smokeless Tax Increase	Cigar Tax Increase	Sales on Native American Lands	Allocation of Revenues	Additional
HB 11	Rep. Jim Waldman	\$1; other surcharge for cigarettes of non-standard size in varying quantities	none	none	none	extensive allocations for biomedical research, health care, etc.	amending statutory requirements for biomedical research programs
HB 887	Rep. Juan Zapata	\$.651; other surcharge for cigarettes of non-standard size in varying quantities	none	none	none	extensive allocations for biomedical research, health care, etc.	amending statutory requirements for biomedical research programs
SB 1840	Sen. Ted Deutch	\$1; other surcharge for cigarettes of non-standard size in varying quantities	none	none	none	extensive allocations for biomedical research, health care, etc.	amending statutory requirements for biomedical research programs
CS / SB 1840	Senate Finance and Tax Committee	\$1; other surcharge for cigarettes of non-standard size in varying quantities	\$1 per ounce	small cigars same as cigarettes (6.69¢ per cigar); large cigars same as smokeless tobacco	none	Health Care Trust Fund	none
CS / CS / SB 1840 #1	Senate Policy Steering Committee on Ways and Means	\$1; other surcharge for cigarettes of non-standard size in varying quantities	\$1 per ounce	small cigars same as cigarettes (6.69¢ per cigar); large cigars same as smokeless tobacco	must be labeled "Indian cigarettes" and possession by non-Native Americans results in \$1,000 fine	Health Care Trust Fund	none
CS / CS / SB 1840 (passed)	Conference Committee	\$1; other surcharge for cigarettes of non-standard size in varying quantities	From 25% to 85% of wholesale price	none	tribes receive coupons, 5 packs per person for a tax exemption	Health Care Trust Fund	youth access restrictions on mail-order cigarettes

Sources: HB 11<sup>891</sup>; HB 887<sup>892</sup>; SB 1840<sup>893</sup>; CS / SB 1840<sup>894</sup>; CS / CS / SB 1840 #1<sup>895</sup>; CS / CS / SB 1840<sup>896</sup>

was facing challenging times.<sup>897</sup> This was perceived as a positive sign from Governor Crist, who had been very anti-tax since his days as a State Senator in the 1990s. Crist's decision not to oppose the tax allowed the campaign to continue building momentum,<sup>889</sup> while leaving the door open for Crist to later support and possibly take credit for the tax.<sup>162</sup> Kiser reported in a 2011 interview that he worked with Governor Crist's Chief of Staff, Eric Eikenberg, to try and get Governor Crist to tone down his earlier strong rhetoric against the cigarette tax and not make any statements about vetoing the tax. Kiser thought that more evasive language from the Governor would not only be beneficial for the Governor in case he was ultimately in a position of supporting the tax, but also for legislators who were concerned that even if they supported the bill, that the Governor would veto it.<sup>315</sup> Kiser said he continued to speak to Eikenberg throughout the session to inform Eikenberg of the growing support for the tax in the Legislature and continually gauge Governor Crist's position on the tax.<sup>315</sup> ACS had early concern that not only the Governor, but also the President of the Senate and Speaker of the House, would publicly oppose the tax.<sup>889</sup> However, Senate President Jeffrey Atwater (R, North Palm Beach, \$4,750) supported the tax and played an instrumental role in its passage.<sup>889</sup> Atwater's support of the tax proposal, including a statement of support before the session began, was, according to Representative Waldman, "...absolutely critical. Without his support, it wasn't going anywhere. Because it was his leadership that allowed it to be heard in a committee, actually, a number of committees in the Senate."<sup>525</sup>

**Governor Crist appeared to be moderating his position on the tax ... [because] he did not want to be dogmatic because the state was facing challenging times.**

Like the Governor, House Speaker Larry Cretul (R, Ocala, \$2,000) expressed neither early support nor opposition. As the session got underway, ACS met with Speaker Cretul who said that he would not take an early position. Other members of House leadership, however, aggressively and vocally opposed the tax. According to the ACS' February 28, 2009 weekly campaign update report just before the session began in early March, House Majority Leader Adam Hasner (R, Delray Beach, \$8,750) and Finance and Tax Council Chair Ellyn Bogdanoff (R, Ft. Lauderdale, \$2,850) were the biggest hurdles to passage of the tax.<sup>898</sup> ACS' naming of these representatives publicly was atypical for the agency, which had not previously publicly called out specific legislators opposed to strong tobacco control policy. According to Curt Kiser, Representative Hasner's opposition to the tax reflected his position as House Majority Leader, a position responsible for toeing the party line on major policy issues and representing the opinion of House leadership, which at that point was opposed to the tax. According to Hull, the House was recalcitrant on the tax, but the Senate's leadership set a strong and influential example. Hull attributed the House's lack of early support for the proposal to many newly-elected members who had not experienced such a bad budget situation.<sup>162</sup>

**ACS' naming of these representatives publicly was atypical for the agency, which had not previously publicly called out specific legislators opposed to strong tobacco control policy.**

Kiser's first clue that the tax might have more support in 2009 was a conversation he had with Senator Durell Peaden. A few weeks before the session, Peaden told Kiser, "Well, Curt. If

my wife has her way, you're going to get your cigarette tax this year." Senator Peaden reportedly told Kiser that the pieces for the tax were falling into place, and that legislators were grudgingly coming to the conclusion that if they were going to get out of the bad budget situation, they might have to embrace the cigarette tax.<sup>315</sup>

**PM, RJR, and Lorillard "signaled to lawmakers that they'd be more than willing to accept some tax [on smokers] – but only if Dosal gets hit with the settlement fee [on the Dosal corporation] as well."**

Even the major tobacco companies, which had opposed the tax increases in 2007 and 2008, suggested to the Legislature before the session began that they would be open to an increased tax in return for a non-participating manufacturers' (NPM) fee. According to the *Miami Herald*, in December 2008, PM, RJR, and Lorillard "signaled to lawmakers that they'd be more than willing to

accept some tax [on smokers] – but only if Dosal gets hit with the settlement fee [on the Dosal corporation] as well."<sup>888</sup> Increasing the non-participating manufacturers (NPM) fee was an issue for the large tobacco companies since the 1997 settlement with Florida. Because Dosal was not a party to the settlement and did not have to make millions of dollars in payments to the state every year, they could keep their prices lower than the major cigarette companies in the settlement. (The settling companies could have absorbed the increased cost by lowering profits, but instead passed the cost on to smokers in the form of increase prices.) This situation increased Dosal's price advantage and helped it increase its Florida market share from 3% in 1997 (prior to the settlement) to nearly 20% in 2009. Increasing the NPM fee (discussed later) remained an issue for the major tobacco companies throughout the 2009 session.

Independent polling released by Quinnipiac University in mid-January 2009 indicated strong early support for the tax among Florida voters, with 71% approving it.<sup>899</sup> A poll conducted and released by the tri-agencies in March 2008 showed higher levels of support at 79%.<sup>873</sup>

### ***House Action***

HB 11 was referred by House Speaker Larry Cretul to the Finance and Tax Council, the Health and Family Services Policy Council, the Full Appropriations Council on Education and Economic Development, and the Full Appropriations Council on General Government and Health Care.<sup>890</sup> The first Council to receive the bill, in early March 2009, was Finance and Tax,<sup>890</sup> which was chaired by Representative Ellyn Bogdanoff, who was strongly opposed to the tax.<sup>898, 900, 901</sup>

In mid-February 2009, a few weeks before the legislative session began, another House bill to increase the cigarette tax, HB 887, was filed by Representative Juan Zapata (R, Miami, \$10,000), Chair of the House Health and Human Services Appropriations Committee and many co-sponsors (Table 91), a few of whom had sponsored HB 299 in 2008. HB 887 was similar to HB 11, including the allocation of generated funds, but proposed a smaller tax increase: 65.1¢ instead of \$1.00 (Table 86, above).<sup>892</sup> House Speaker Cretul also sent HB 887 was sent to the same committees as HB 11, with the Finance and Tax Council the first to receive the bill.<sup>902</sup>

Table 91. Co-sponsors for Cigarette Tax HB 887 in 2009			
Name	Party	District	Contributions 1987 - 2008
Tom Anderson	R	45	\$2,000
Evan Jenne	D	100	\$1,000
Ari Abraham Porth	D	96	\$1,500
Julio Robaina	R	117	\$5,000
Yolly Roberson	D	104	\$2,500
<b>Total Contributions</b>			<b>\$12,000</b>
<b>Average per Sponsor</b>			<b>\$2,400</b>
Source: HB 899 <sup>902</sup>			

### *The Senate*

Less than a week after HB 887 was filed, on February 18, Senator Ted Deutch (D, Delray Beach, \$500) and co-sponsor Senator Nan Rich (D, Weston, \$3,750) filed the Senate’s tax proposal, SB 1840. As originally filed, SB 1840 assessed a \$1 cigarette “surcharge” on a standard pack of cigarettes, in addition to taxes for nonstandard size packs.<sup>893</sup> Similar to HB 11 and HB 887, the bill allocated the revenue to

various biomedical research and health care programs (Table 90, above).<sup>893</sup> It did not contain surcharges for smokeless tobacco products or cigars. Unlike the two House bills which did not allocate any money to tobacco control, SB 1840 allocated a small portion (.2% or \$1,763,511) of the projected \$871.3 million generated by the tax<sup>903</sup> to the BTPP for pharmaceutical cessation aids and included broadened cessation treatment eligibility and benefits.<sup>893</sup>

Members of the Senate, including sponsor Senator Deutch and co-sponsor Senator Rich, along with Senate Finance and Tax Committee Chair Senator Thad Altman, and Senate Health and Human Services Appropriations Chair Durell Peaden, held a press conference on March 30 to publicize their support for the tax proposal.<sup>904</sup>

SB 1840 was referred to multiple committees, beginning with the Senate Finance and Tax Committee. On March 31, the Committee substituted the bill with a version that maintained the \$1/pack cigarette tax increase in addition to levying a 5¢ tax per cigar on small cigars (the same as the tax per cigarette in a pack of 20), and a \$1/ounce tax on large cigars and all smokeless tobacco.<sup>894</sup> The amended bill, which they titled the “Protecting Florida’s Health Act,” deposited all revenue into the Health Care Trust Fund (the state’s health care expense related trust), rather than allocating it to particular programs. (A separate bill, SB 1664 discussed below, allocated the revenues.) According to Paul Hull, cigars were included as a bargaining chip, with Senate members assuming the House would not be willing to impose a tax on cigars. Hull saw cigars as a “political non-starter” because convincing delegations from Miami, Tampa, Orlando, and Jacksonville (homes of Florida’s 27 cigar manufacturers) would have been very difficult.<sup>162</sup>

**Cigars were included as a bargaining chip, with Senate members assuming the House would not be willing to impose a tax on cigars.**

The Finance and Tax Committee bill (CS/SB 1840) passed Committee 5-0 on March 31, demonstrating the early strong political support the bill had in the Senate (Table 92). Thad Altman (R, Viera, \$6,500), Chair of the Committee, was a key supporter who led the bipartisan effort supporting it. Two members of the Finance and Tax Committee, Senator Michael Bennett (R, Bradenton, \$7,000) and Senator Jeremy Ring (D, Margate, \$500), showed their second year of support for the tax, having also co-sponsored Senator Deutch’s bill in 2008. Senator, and

former Senate President 2006-2008, Ken Pruitt, also voted for the bill. Senator Pruitt, who had consistently supported the industry since as early as 1991, receiving \$13,250 in industry contributions, further confirmed the support of the tax among a wide spectrum of key legislative players.

Name	Party	District	Total Contributions
Michael Bennett	R	21	\$7,000
Ken Pruitt	R	28	\$13,250
Jeremy Ring	D	32	\$500
Charlie Justice (Vice Chair)	D	16	\$2,500
Thad Altman (Chair)	R	24	\$6,500
<b>Total Contributions</b>			<b>\$29,750</b>
<b>Average per "Yes" Voter</b>			<b>\$5,950</b>
Source: Finance and Tax Committee Vote Record on CS / SB 1840 <sup>905</sup>			

The Senate strengthened its support for the cigarette tax increase by including it in the Senate budget package. According to Hull, the Senate tied the tax into Medicaid and federal draw-down dollars, so there were “many domino effects in the Senate budget if you pulled the anticipated revenue from the cigarette tax out.”<sup>162</sup> In addition, if the tax were to pass, tying the tax into the budget proposal would have made it nearly impossible for Governor Crist to line-item veto it. Senators Durell Peaden, Chair of Health and Human Services Appropriations, and J.D. Alexander, Chair of Policy Steering Committee on Ways and Means, were responsible for weaving the tax into the budget.

With CS/SB 1840’s passage out of the Finance and Tax Committee on March 31, gubernatorial support for the initiative appeared to be growing. In a April 1 statement in the *Miami Herald*, Crist revealed that he was warming to the idea of taxing cigarettes; he said, “I’m not particularly fond of any taxes, user fees may be a different item.”<sup>906</sup> At the same time, Crist made clear that he opposed a cigar tax because, “obviously that’s an industry in Florida that has a great tradition, especially in the Tampa Bay area and probably some other parts of the state” and wanted the provisions taxing cigars removed from the Senate Bill 1840.<sup>906</sup>

The House appeared to still be largely opposed to the initiative, though the Speaker had not taken a public position. On March 30, as the Senate Finance and Tax Committee was preparing to hear the bill, both House Speaker Larry Cretul and Finance and Tax Council Chair Representative Bogdanoff reportedly met with the tobacco industry to hear their thoughts on the tax.<sup>900, 907</sup>

***Opposition from the Tobacco Industry and its Allies***

While the bill moved through the Senate and gained the Governor’s support, the tobacco industry intensified its ongoing efforts to defeat the tax. As in 2008, the tobacco industry opposed the tax in the media with their usual arguments that cigarette taxes are regressive and that cigarette tax money is an unreliable source of revenue for governments.<sup>876-878</sup> They claimed that increased taxes would decrease cigarette consumption and ultimately lead to fewer collected tax dollars, and that people would buy their cigarettes in other states across the border to avoid the tax. (While it is true that theoretically one could increase the price enough to have a net reduction in revenues, such a tax would have to be *much* larger than Florida was proposing. While the price increase would reduce consumption, revenues to the state would still increase substantially. The estimate that the tax would bring an \$871.3 million in FY2010 alone.<sup>903</sup>)

Advocates pointed out that such behavior was unlikely since Florida is a peninsula with its population concentrated at the southern tip.<sup>162</sup> The industry's lobbying contingent during 2009 included 83 registered lobbyists, including 12 for Philip Morris/Altria, 16 for R.J. Reynolds/Reynolds American, and 34 for Dosal. In the year prior, 88 legislative lobbyists had been employed. Swisher International hired 3 lobbyists presumably to fight the proposed cigar tax increase and UST hired 6 lobbyists to fight the proposed smokeless tobacco tax increase. The industry employed 58 executive branch lobbyists, roughly the same number as were registered in 2008 and 2010. During the 2008 election cycle (the last cycle for which data was available), the industry spent \$1.1 million on campaign contributions, more than double the amount the spent in 2000, and about a quarter more than they spent during the 2006 cycle.

David Sutton, a Vice President at Philip Morris, described the tax in the *Orlando Sentinel* on April 1 as, "highly regressive on Florida's adult smokers. It's an unreliable source of revenue for states given that cigarette sales by volume continue to decline from year to year." Philip Morris lobbyist John French echoed the sentiment in the *Miami Herald*, criticizing the budget projections for the tax, "you can't get there from here."<sup>906</sup> French argued in the media that the cigarette tax would result in neither reduced Medicaid expenditures nor a drop in cigarette consumption, another typical industry argument.<sup>876, 906</sup> Cigar manufacturer Swisher International used its lobbying contingent to assert that Swisher was "concerned about our employees and jobs" especially in light of a federal cigarette tax increase which had just passed.<sup>32</sup> The industry's usual allies supported its position. The Florida Retail Federation, and their lobbyist Randy Miller, publicized the view point that the tax would only cost small businesses, as smokers would continue to buy cigarettes and instead reduce their expenditures elsewhere.<sup>907</sup> James Smith, President of the Florida Petroleum Marketers and Convenience Store Association, similarly argued in the media that the tax would hurt small retailers more than it would help curtail smoking and that "people in Orlando will seek out a Native American smoke shop where they can buy cigarettes tax free. Or they will use one of the 600 sites on the Internet where they can do the same thing."<sup>906</sup> The Associated Industries of Florida (AIF) sent a representative to testify against the bill.<sup>162</sup>

**Representative Bogdanoff ...told the *St. Petersburg Times*, "twenty two percent of all sales in convenience stores are cigarettes. We need to look at everything. If they don't buy the cigarettes, they don't buy the coke. They don't buy the chips."**

Key members of the House who were opposed to the tax also echoed many of the tobacco industry's arguments. Representative Bogdanoff (R, Ft. Lauderdale, \$2,850) made many statements to the press expressing concern that the tax would negatively impact convenience stores. For example, on March 31, as the Senate Finance and Tax Committee was hearing the bill, Bogdanoff told the *St. Petersburg Times*, "twenty two percent of all sales in convenience stores are cigarettes. We need to look at everything. If they don't buy the cigarettes, they don't buy the coke. They don't buy the chips."<sup>900</sup> She also echoed the industry in the *Palm Beach Post*, "people are not going to stop smoking because you raise it a dollar a pack."<sup>901</sup> An article from *Florida Today* in mid-April suggested that Representatives Steve Crisafulli (R, Merritt Island, \$0), Ritch Workman (R, Melbourne, \$500), and John Tobia (R, Melbourne, \$500) were also strongly opposed, citing common industry arguments of fuzzy numbers on revenue, black market activity and impact on small businesses as their reasons for opposition.<sup>908</sup>

At the same time the industry was opposing the cigarette tax, it was pushing for the non-participating manufacturers' tax and working on a bill to cap the cost of appeals bonds for the Engle Progeny cases. The large cigarette manufacturers positioned themselves as willing to accept the \$1 cigarette tax increase in exchange for an additional fee increase of \$.40 per pack on NPMs.<sup>909</sup> According to Representative Waldman, in an interview for this research, tobacco industry lobbyists had approached him to incorporate the NPM fee into HB 11, but he said he wouldn't do it because Dosal was not ultimately included in the settlement because of their smaller market share and less egregious marketing practices.<sup>525</sup> Ultimately, Paul Hull felt that the industry's concentration on the NPM issue as well as the Engle's appeals bond cap, "helped us with a very, very heavy [lift] on the dollar tobacco tax."<sup>137</sup>

Despite lobbying by the tobacco industry and its allies, Paul Hull said the ACS never felt compelled to try and negotiate a lower tax in an effort to bargain with the industry.<sup>162</sup>

**CS /CS /SB 1840**

SB 1840 next moved to the Senate Policy Committee on Ways and Means, chaired by Senator J.D. Alexander (R, Lake Wales, \$5,000).

In response to the argument that smokers would buy their tobacco products on tribal lands to avoid the tax, the Committee incorporated a requirement that all tobacco products sold on tribal lands be labeled as Indian cigarettes or Indian tobacco products.<sup>895</sup> Non-tribal members caught in possession of the Indian-labeled tobacco products would be subject to a \$1,000 fine.<sup>895</sup> After making this change, the Committee passed the substituted bill CS/CS/SB 1840 (Table 90, above) passed 16-1 on April 7. The only Committee member to vote no was Rudy Garcia (R, Hialeah, \$13,200),<sup>910</sup> who told the *Miami Herald* in December 2008 that he opposed the tax because it could put Dosal out of business. Dosal employed roughly 150 people in Garcia's district at the time.<sup>888</sup>

***"Pass the Buck" Continues Building Support for the \$1 Cigarette Tax***

Even as the cigarette tax proposal moved forward with strong support in the Senate, the two House proposals remained stalled in Representative Bogdanoff's Finance and Tax Council. ACS mounted a public relations campaign, "Pass the Buck," (Figure 32) to rally support for the tax and recruit additional organizational supporters throughout the session (Table 93). (According to Hull, an organization which was conspicuously absent of support for the tax was the Florida Medical Association.<sup>162</sup>) "Pass the Buck" differed from the tobacco control advocates' other large public campaigns, Smoke-Free for Health (2002) and Floridians for Youth Tobacco Education (2006), because it was focused on mobilizing public pressure on legislators, not convincing voters to support an initiative.

Table 93. Supporters of the "Pass the Buck" Campaign in 2009
Florida Hospital Association <sup>162</sup>
Florida Dental Association <sup>525</sup>
Safety Net Hospital Alliance of Florida <sup>912</sup>
League of Women Voters
Florida Association of Counties <sup>913</sup>
American Association of Retired Persons <sup>914</sup>
Christian Coalition of Florida <sup>915</sup>
Mount Sinai Seventh-Day Adventist Church <sup>915</sup>

“Pass the Buck” demonstrated public support for the tax through a petition drive, calls to legislators, and rallying volunteers at the Capitol. During the session, the “Pass the Buck” campaign collected over 32,000 voter-signed petitions in favor of the tax.<sup>162</sup> In February, ACS held an advocacy day in which 400 volunteers came to the Capitol and made personal visits to legislators offices in Tallahassee to express support for the tax.<sup>916</sup> In late March, as Senate committees began hearing the bill and it was expected to go to the House, the ACS recruited volunteers to call legislators and urge them to support the tax.<sup>917</sup> The ACS extensive grassroots advocacy efforts focused on legislative committee members and key leadership. The volunteers stressed that tobacco use is a public health issue, that tobacco use causes health problems, suffering and death, that tobacco use costs the state millions in tax dollars, and that young children are drawn to tobacco use because of flavored cigarettes marketed to attract them.<sup>917</sup> ALA and AHA also published opinion editorials on the benefits of the tax, both public health and economic.<sup>918, 919</sup> An independent poll released in early April 2009 by a bipartisan alliance of former state politicians and political consultants, demonstrated that 71% of registered voters were in favor of the tax,<sup>920</sup> the same as it had been in January, indicating that the campaign had maintained high levels of support for the tax.

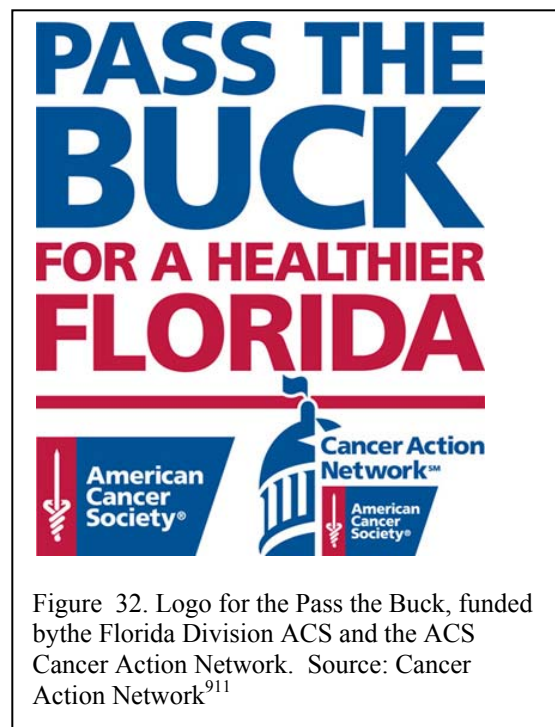


Figure 32. Logo for the Pass the Buck, funded by the Florida Division ACS and the ACS Cancer Action Network. Source: Cancer Action Network<sup>911</sup>

### ***Senate Passes HB 1840 Unanimously***

Senator Deutch proposed a Senate floor amendment to alter provisions on sales of cigarettes and other tobacco products on tribal lands. HB 1840 required an “Indian” stamp on all tribal-sold tobacco products and set forth a \$1,000 fine for non-tribal members caught in possession of such labeled products, but these provisions were seen to be difficult to enforce. Senator Deutch successfully amended the bill, revising the provisions. Instead of requiring an “Indian” stamp on all products, tribal governments would be provided with five coupons per tribal member per day with which tribal cigarette sellers could buy tax-free cigarettes from wholesalers.<sup>921</sup> Tribal members could then purchase these cigarettes tax-free from the cigarette seller. Senator Victor Crist (R, Tampa, \$5,750) sponsored two amendments<sup>922, 923</sup> to try and preserve the sale of tribal cigarettes to non-tribal members (they would have still been labeled “Indian” but possession by non-tribal members would not have been a violation) but was defeated in a House voice vote in which he appeared to be the only yes vote.<sup>924</sup> The amendment was adopted and remained a permanent feature of the bill.

Also on the Senate floor, Senator Deutch sponsored an amendment limiting internet tobacco sales to minors, with extensive age verification provisions.<sup>925</sup> An unsuccessful amendment by Senator Chris Smith (D, Oakland Park, \$7,250) attempted to include a



requirement that the tax would have to go to a popular vote during the next election in order to remain valid,<sup>926</sup> but withdrew the proposal.

Multiple amendments were also proposed to eliminate the tax on cigars but were defeated or withdrawn after the amendment's sponsors were reassured that exempting cigars would be a priority in the Senate's budget negotiations. The Senate wanted to retain the cigar tax provisions for posturing in the House.<sup>924</sup> On April 16 the Senate passed CS/CS/SB 1840 39-0,<sup>927</sup> demonstrating very strong bipartisan support for the tax.

**The Senate passed CS/CS/SB 1840 39-0, demonstrating very strong bipartisan support for the tax.**

### ***House Remains Opposed***

Although the Senate had demonstrated strong support for increasing the tax, including it as an integral part of their budget package, House members remained opposed. The House's two bills, HB 11 and HB 877, remained stalled in Bogdanoff's Finance and Tax Council. Resisting the cigarette tax, the House instead favored balancing the state's budget on other increased fees and cuts to state workers' wages and higher education. The House was also considering a package to expand Seminole gambling, which would have generated hundreds of millions of dollars in new revenue, though not as much as the tobacco tax.<sup>928</sup> On April 18, after the Senate had passed CS/SB 1840, Governor Crist stated in the *Miami Herald* that he preferred the House's approach to balancing the budget without the tax.<sup>929</sup>

Once the House received the bill from the Senate, on April 17, the House amended the bill to delete everything after the enacting clause, then unanimously passed it.<sup>927, 930</sup> The Senate refused to concur and a conference committee was appointed.<sup>927</sup>

### ***Final Budget Negotiations in Conference Committee***

Final budget negotiations between Senate budget chief Senator J.D. Alexander, Senate President Jeffrey Atwater, Speaker Larry Cretul, and Speaker-designee Dean Cannon, who was tapped by Cretul to join budget talks, occurred in the two weeks following the Senate's approval of the cigarette tax and budget proposal.<sup>931</sup> In the second half of April, as negotiations continued, House opposition to the tax slowly began dissipating. Ultimately, unable to forgo the revenue generated by the tax, House leaders accepted the \$1 cigarette tax as part of the budget negotiation process. As the Senate had anticipated, they conceded the tax on cigars which was removed from the final version of the bill.<sup>932</sup> Speaker Cretul and Representative Cannon were

**Ultimately, unable to forgo the revenue generated by the tax, House leaders accepted the \$1 cigarette tax as part of the budget negotiation process.**

instrumental in securing House support for the measure.

Following acquiescence of the House, House Speaker Cretul and other House members were criticized by Americans for Tax Reform (ATR), a national

anti-tax group led by Grover Norquist that has a history of working with the tobacco industry.<sup>51</sup> ATR had previously recruited 22 House members, eight Senators, and the Governor to sign its

“Taxpayer Protection Pledge” to vow that they would not support new taxes. Norquist wrote multiple letters in Florida press regarding the tax<sup>933</sup> and in late April sent a letter to House members saying that they should remain opposed to the tax. Cretul responded in the press that he did not remember signing ATR’s “Tax Payer Protection” pledge and that sometimes lawmakers needed to be flexible to be responsible.<sup>934</sup> ATR’s state affairs manager, Nathan Pick, responded that “responsible legislators don’t raise taxes on their constituents...”<sup>934</sup> Alan Cobb, National Director of State Operations for Americans for Prosperity, a similar group that has also worked for the industry,<sup>935</sup> also wrote an article in the *Gainesville Sun* opposing the tax.<sup>936</sup>

The final tax bill produced by the conference committee was passed on May 8 by the Senate with a unanimous 40-0 on the House 85-30 (Table 94).<sup>927</sup> According to Paul Hull, in the waning days of the negotiations, Speaker-designee Representative Cannon spoke to the Republican Caucus, telling them that they could either vote for the cigarette tax or the proposed Seminole gambling package.<sup>162</sup> Many young Republicans were more inclined to vote for the tax than to vote to expand gambling in Florida and only a small minority of Republican Representatives bucked leadership and voted for neither.<sup>162</sup>

Table 94. Florida House of Representatives Votes on CS / CS / SB 1840 Cigarette Tax Bill (2009)							
Yes							
Name	Party	District	Total Contributions 1987-2008	Name	Party	District	Total Contributions 1987-2008
Joeseeph Abruzzo	D	85	\$0	Stan Mayfield	R	80	\$3,000
Sandra Adams	R	33	\$1,750	Charles McBurney	R	16	\$0
Kevin Ambler	R	47	\$4,000	Seth McKeel	R	63	\$2,750
Tom Anderson	R	45	\$2,000	Peter Nehr	R	48	\$2,250
Gary Aubuchon	R	74	\$0	Mark Pafford	D	88	\$0
Esteban Bovo	R	110	\$500	Pat Patterson	R	26	\$10,250
Mary Brandenburg	D	89	\$3,500	Scott Plakon	R	37	\$0
Oscar Braynon II	D	103	\$0	Juan Carols Planas	R	115	\$4,000
Ronald Brise	D	108	\$500	Ralph Poppell	R	29	\$5,000
Dwight Bullard	D	118	\$0	Ari Abraham Porth	D	96	\$1,500
Dean Cannon	R	35	\$7,250	Stephen Precourt	R	41	\$2,000
Charles Chestnut	D	23	\$2,000	Scott Randolph	D	36	\$1,500
Gwyndolywn Clarke-Reed	D	92	\$0	Lake Ray	R	17	\$500
David Coley	R	7	\$2,500	Ron Reagan	R	67	\$5,500
Larry Cretul	R	22	\$2,000	Michelle Rehwinkle			
Faye Culp	R	57	\$8,467	Vasilinda	D	9	\$0
Chris Dorworth	R	34	\$1,000	Ronald "Doc" Renuart	R	18	\$0
Adam Fetterman	D	81	\$0	David Rivera	R	112	\$6,000
Keith Fitzgerald	D	69	\$1,500	Julio Robaina	R	117	\$5,000
Anitere Flores	R	114	\$4,250	Yolly Roberson	D	104	\$2,500
Clay Ford	R	3	\$1,000	Hazelle Rogers	D	94	\$0
Erik Fresen	R	111	\$500	Darryl Ervin Rouson	D	55	\$500
James Frishe	R	54	\$1,000	Maria Sachs	D	86	\$500
William Galvano	R	68	\$3,000	Franklin Sands	D	98	\$4,250
Joseph Gibbons	D	105	\$500	Ray Sansom	R	4	\$1,000
Audrey Gibson	D	15	\$1,500	Ron Saunders	D	120	\$6,500
Richard Glorioso	R	62	\$3,500	Ron Schultz	R	43	\$0
				Michael Scionti	D	58	\$500

Table 94. Florida House of Representatives Votes on CS / CS / SB 1840 Cigarette Tax Bill (2009)							
Eddy Gonzalez	R	102	\$1,850	Kelly Skidmore	D	90	\$500
Denise Grimsley	R	77	\$5,000	Darren Soto	D	49	\$500
Alan Hays	R	25	\$1,500	Kelli Stargel	R	64	\$500
Bill Heller	D	52	\$2,000	Richard Steinberg	D	106	\$0
Ed Hooper	R	50	\$0	Dwayne Taylor	D	27	\$500
Dorothy Hukill	R	28	\$5,500	Priscilla Ann Taylor	D	84	\$1,000
Evan Jenne	D	100	\$1,000	Geraldine Thompson	D	39	\$0
Mia Jones	D	15	\$500	Nicholas Thompson	R	73	\$2,500
Kurt Kelly	R	24	\$0	Perry Thurston	D	93	\$1,000
Martin David Kiar	D	97	\$2,000	James "Jim" Waldman	D	95	\$0
Paige Kreegel	R	72	\$3,750	Will Weatherford	R	61	\$1,000
Rick Kriseman	D	53	\$1,500	Mike Weinstein	R	19	\$1,000
John Legg	R	46	\$3,250	Alan Williams	D	8	\$1,000
Marcelo Llorente	R	116	\$5,000	Trudi Williams	R	75	\$2,500
Janet Long	D	51	\$2,000	Juan Zapata	R	119	\$10,000
Carlos Lopez-Cantera	R	113	\$6,550				
<b>Total Contributions</b>							<b>\$180,617</b>
<b>Average per "Yes" Voter</b>							<b>\$2,125</b>
No							
Name	Party	District	Total Contributions 1987-2008	Name	Party	District	Total Contributions 1987-2008
Janet Adkins	R	12	\$1,250	Mike Horner	R	75	\$500
Leonard Bemby	D	10	\$0	Matt Hudson	R	101	\$500
Ellyn Bogdanoff	R	91	\$2,850	Dave Murzin	R	2	\$7,750
Debbie Boyd	D	11	\$4,250	Marlene O'Toole	R	42	\$500
Rachel Burgin	R	56	\$0	Jimmy Theo Patronis Jr.	R	6	\$1,250
James Bush III	D	109	\$1,500	Kevin J. G. Rader	D	78	\$0
Jennifer Carroll	R	13	\$1,000	Betty Reed	D	59	\$500
Steve Crisafulli	R	32	\$0	Ken Roberson	R	71	\$500
Carl Domino	R	83	\$4,500	Robert Schenck	R	44	\$2,500
Eric Eisnaugle	R	40	\$0	Elaine Schwartz	D	99	\$0
Rudolfo Garcia	R	40	\$13,200	William Snyder	R	82	\$1,000
Greg Evers	R	1	\$5,000	John Tobia	R	31	\$500
Tom Grady	R	76	\$0	Charles Van Zant	R	21	\$500
Adam Hasner	R	87	\$8,750	John Wood	R	65	\$500
Doug Holder	R	70	\$1,500	Rich Workman	R	30	\$500
<b>Total Contributions</b>							<b>\$60,800</b>
<b>Average per "No" Voter</b>							<b>\$2,027</b>
Source: House vote on CS / CS / SB 1840 <sup>937</sup>							

The final provisions of the bill levied a surcharge increase of \$1 per standard pack of cigarettes (for a total of \$1.3499), with other surcharge amounts for cigarettes of a nonstandard size in varying quantities. It increased the tax rate on tobacco products from 25% to 85% of the wholesale price (which is less favorable to the tobacco industry than a flat rate), with the exception of cigars (Table 90, above). The bill also retained the five coupons per day per tribal member scheme for exempting Native Americans from the imposed taxes. In addition, the final bill included the youth access mail order provisions. The money from the surcharge was deposited into the Health Care Trust Fund within the Agency for Health Care Administration to be used for health care and research programs.<sup>896</sup>

CS/CS/SB 1840 did not allocate cigarette tax revenues to specific programs (Table 90), instead putting all funds in the Health Care Trust Fund. Another Senate Bill, 1664, sponsored by Senator Durell Peaden and the Health and Human Services Appropriations Committee (which Senator Peaden chaired with Senator Nan Rich as Vice Chair) sought to allocate the funds; this bill was discussed earlier as the vehicle for extending the AHEC contract into FY2010. The bill called for the allocation of 5% (and a limit of up to \$50 million) of generated tobacco tax revenues deposited into the Health Care Trust Fund, to be dedicated to biomedical research on tobacco-related or cancer-related illnesses.<sup>817</sup> For FY2010, the bill split this allocation in half at 2.5% for the James and Esther King Biomedical Research Program and 2.5% for the William G. “Bill” Bankhead Jr., and David Coley Cancer Research Program.<sup>817</sup> The bill passed the Senate unanimously and passed the House in a vote of 86-32.<sup>818</sup>

### ***Success***

CS/CS/SB 1840 became law with Governor Crist’s signature on May 27, 2009.

### ***Reductions in Per-Capita Cigarette Consumption***

After the federal cigarette tax increase in April 2009 of \$0.62, followed by Florida’s increase of \$1.00 in July 2009, Florida experienced a significant decrease in cigarette consumption per capita. Per capita cigarette consumption decreased from 70.6 packs per capita in FY2009 (pre-tax) to the national average of 50 packs per capita in FY2010 (a decrease of 29.2%).

### **Attempts to Pass a Non-Participating Manufacturers Fee Shows Power of Small In-State Manufacturers’ Lobby**

#### ***Background on NPM Fee***

Florida was the third state to settle its lawsuit against the major cigarette companies, in 1997. In 1998, the remaining 46 states that had sued the companies agreed to a common settlement, the Master Settlement Agreement (MSA).<sup>25</sup> The smaller tobacco companies were not defendants in any of the cases (because they were not part of the conspiracy that the cases alleged), so were not parties to the settlements, including Florida’s settlement. As a result, these small companies, who were called non-participating manufacturers’ (NPM) in the MSA, enjoyed a price advantage over the major cigarette companies who had to make billions of dollars in payments to the states as a result of the individual state settlements (including in Florida) and the MSA. (The major cigarette companies raised cigarette prices increased \$.45/pack nationally the day the MSA was signed to cover these costs rather than absorbing them out of profits.<sup>938</sup>) The MSA contained multiple provisions to neutralize the NPMs cost advantages including a model law requiring NPMs to pay into escrow accounts an amount equal to the payments the NPM would have had to have made if sued or included in the MSA to protect the major cigarette companies’ profits from price competition from the NPMs. The model statute required that every tobacco company doing business in the specific state either pay into the escrow account, or participate in the MSA. According to the National Association of Attorneys General, all MSA states adopted some form of the escrow model statute.<sup>938</sup> After 25 years, the escrow money is

returned to the NPM unless the state had otherwise secured the funds via litigation.<sup>938</sup> Forty-five tobacco manufacturers have joined the MSA as subsequent participating manufacturers.<sup>938</sup>

As one of four states that settled before and so did not participate in the MSA, Florida had no such law for the NPMs. As a result, non-signatories to the Florida settlement had a cost advantage in the Florida cigarette market, most notably Dosal Tobacco. Although estimates vary, it appears Dosal's market share in Florida increased from 3% to nearly 20% between the 1997 Florida settlement and 2009. Dosal's market share had increased while overall cigarette sales decreased.

The major cigarette companies gave a high priority to erasing this advantage, which created a very hostile relationship between the big companies and in-state Dosal. The big companies pushed an addition per pack fee on NPMs as equitable and necessary for Florida to protect its future settlement payments. Dosal has painted a picture of itself as an in-state mom and pop employer who did not practice the deception of the major manufactures as a way to ward off the fee. Estimates based on the settling manufacturers 2004 payments to Florida suggested that a fee increase of \$.40/pack for NPMs would equalize the market.<sup>938</sup>

**The major cigarette companies gave a high priority to erasing this advantage, which created a very hostile relationship between the big companies and in-state Dosal.**

***2001: Fee proposal would have encouraged adoption of voluntary advertising and marketing restrictions***

The first NPM fee was proposed in 2001; SB 2214, sponsored by the Senate Finance and Tax Committee, the Judicial Committee, and Senator Locke Burt (R, Ormond Beach, \$6,000). SB 2214 proposed an additional (above and beyond the then-current cigarette tax) \$.36 per pack fee on all cigarettes, regardless of whether or not the manufacturer of the cigarettes had been party to the Florida settlement<sup>939</sup> while providing a tax credit (essentially an exemption) to Florida settlement signatories and any additional manufacturers who would enter into a voluntary agreement with the state limiting their advertising and marketing including catalogue and direct mail sales.<sup>938, 939</sup> These advertising restrictions were similar to those in the Florida settlement. The bill, after unanimously passing the Senate, died in the House.<sup>940</sup>

A handful of bills similar to SB 2214 were proposed between 2001 and 2004, but none were successful.

***2004: NPM Fee is Strongly Opposed by Smaller Manufacturers***

In 2004, Senate and House companion bills were proposed to assess a fee on only the NPMs of \$.50 without any way out (i.e., the beneficial advertising and marketing restriction requirements in SB 2214). SB 2112 was proposed by industry-ally Senator Paula Dockery (R, Lakeland, \$11,200) and its companion HB 405 was sponsored by Representative Frank Farkas (R, St. Petersburg, \$9,500). The proposal would have generated between \$50 and \$86 million.<sup>938, 941</sup>

These bills did not gain much traction because of the intense opposition of NPMs. In-state Dosal Tobacco more than doubled the number of lobbyists it sent to the Florida Legislature in 2004, from 5 to 12.<sup>64</sup> (Dosal's lobbying contingent continued to grow, to as large as 34 in 2010, greatly exceeding the lobbying contingents of the large manufacturers.) In addition, Commonwealth Brands, Liggett Tobacco, and in-state General Tobacco all ramped up their lobbying contingencies presumably to fight against the fee.<sup>64</sup> Campaign contributions from Dosal had also risen from the 1998 election cycle when they did not make any contributions to the 2004 election cycle in which they spent \$87,500 (about half as much as PM but equivalent to RJR). Between the 1998 and 2008 election cycles, Dosal spent a total of \$741,217 in campaign contributions. Other NPMs including Commonwealth Brands, Vector Group (Liggett) and Vibo Corp. (General Tobacco) spent a combined \$481,500 in campaign contributions in Florida between the 1998 and 2008 election cycles, including \$132,500 in 2004.

HB 405 was passed by the House Subcommittee on Trades, Professions and Regulated Business; in committee, a failed amendment, sponsored by Representative Tim Ryan (D, Dania, \$500) would have allocated \$40 million or 20% of generated funds (whichever was greater) to the "truth" campaign.<sup>941</sup> The bill was then heard in the Committee on Business Regulation, chaired by Representative Manuel Prieguez (R, Miami, \$500) who publically opposed the bill and did not expect it to pass.<sup>942</sup> (In 2006, following his tenure in the House, Prieguez became a lobbyist for Dosal Tobacco.<sup>64</sup>) The Committee on Business Regulation killed HB 405 on a 19-19 tie vote. After the hearing, Representative Farkas said that Committee members were subjected to "threats and arm twisting" by the tobacco industry lobbyists.<sup>943</sup> Lobbyists from Dosal and General Tobacco companies presented evidence to the committee about big tobacco's increase in advertising spending since the MSA settlement and how the big companies targeted youth. Brown and Williamson countered with outrage over the NPMs ability to endanger public health because they're the "little guy."<sup>943</sup> According to the media, Representative Manuel Prieguez played a role in helping to defeat the proposal.<sup>942, 944</sup>

**The Senate Committee on Regulated Industries compiled a report on the issue of NPMs, concluding that the Legislature should impose an NPM fee if it believed the NPMs were not paying for their share of tobacco-induced medical costs.**

Senate Bill 2112 made it through the first committee, the Senate Regulated Industries Committee chaired by Alex Diaz De La Portilla, with a vote of 7-5.<sup>945</sup> Diaz de la Portilla's (R, Miami, \$6,578) wife Claudia Diaz De La Portilla had served as a lobbyist for R.J. Reynolds/Reynolds American in 2009 and he himself was a smoker.<sup>64</sup> After the House bill died, the Senate Bill was amended to assess NPM packs with a fee of only \$.20 for the first year, and \$.40 one year later.<sup>946</sup> The Senate voted 28-8 in favor of the fee, but four days later, at the end of the 60-day legislative session, the bill died in the Senate.<sup>945</sup>

Following the 2004 session, the Senate Committee on Regulated Industries compiled a report on the issue of NPMs, concluding that the Legislature should impose an NPM fee if it believed the NPMs were not paying for their share of tobacco-induced medical costs and if they believed the NPMs were causing an erosion of market share that would be detrimental to Florida's tobacco settlement payments.<sup>938</sup> Between 2004 and 2009 there were a few additional attempts to increase the NPM fee by \$.40 per pack, none of which gained sufficient traction.

### ***2009: NPM Fee is not Supported by Legislative Leadership***

As mentioned above, the NPM fee became a central issue in the 2009 cigarette tax increase debate with the large manufacturers suggesting they would accept the tax in exchange for a \$.40 fee to be assessed on NPMs. The session’s proposal, SB 2474 sponsored by Senator Thad Altman (R, Melbourne, \$6,500), who had also supported the \$1 increase cigarette tax, proposed a \$.40 per pack fee on NPMs. The 2009 battle over the NPM fee showcased the hostility between Dosal and the large domestic manufacturers with Dosal framing the NPM debate as “David vs Goliath.”<sup>947</sup> For example, Dosal sent all 165 of their employees to rally in Tallahassee on the tax,<sup>948</sup> to demonstrate they were a family business.<sup>525</sup> In an article in the *Palm Beach Post*, Dosal’s CEO Yolanda Nader was quoted saying that the NPM tax was an “arrogant attempt [by the big national cigarette companies] to regain market share,” and “maybe Floridians

**Butterworth explained that the egregious marketing practices of the major cigarette companies was only one reason for the 1997 lawsuit, and that the lawsuits primary purpose had also been to recover tobacco-related health care costs incurred by the state.**

don’t want to reward bad corporate behavior by applying a court settlement agreements retroactively to dismissed parties that obey the law.”<sup>949</sup> To reinforce this message in-state Dosal retained 34 legislative lobbyists during the 2009 session and made over \$300,000 in campaign contributions during the 2008 election cycle, more than both Philip Morris/Altria and R.J. Reynolds/Reynolds American.

According to Curt Kiser, when he talked to legislators about the \$1 cigarette tax in 2009, he would also suggest to them that they support the NPM fee, but most legislators were very hesitant to do so.<sup>315</sup> The tri-agencies were not involved in supporting the NPM fee outside of these lobbying efforts. Although Lawton Chiles III (son of late Governor Chiles) along with former Attorney General Bob Butterworth were also quoted in the media supporting the NPM fee.<sup>36, 950</sup> According to Kiser, Butterworth, who was the state’s Attorney General during the 1997 suit against the major tobacco companies, gave impassioned legislative testimony in support of the NPM fee in 2009. Contrary to what Dosal had argued, Butterworth explained that the egregious marketing practices of the major cigarette companies was only one reason for the 1997 lawsuit, and that the lawsuits primary purpose had also been to recover tobacco-related health care costs incurred by the state. Butterworth made clear that Dosal was originally exempted from the suit because of their small market share more than anything, but since Dosal’s market share had risen from 3% in 1997 to 18% in 2010, it was time for them to pay their share of the state’s tobacco-related health care costs. According to Kiser, Butterworth’s testimony was very powerful in refuting claims made by Dosal and played an important role in the debate.<sup>315</sup> The Florida Retail Federation was among the allies with big tobacco to support the NPM fee.<sup>35, 951</sup>

Unlike the \$1 increase in the cigarette tax, House Speaker Larry Cretul and Speaker-designate Dean Cannon decided ultimately not to support the NPM fee.<sup>948</sup> When asked why he thought the NPM tax hadn’t passed, Kiser explained,

when you have a number of people that are in key legislative positions that are in favor of a particular issue even though if you opened up the board and let everybody vote on it, it

might pass, there's still parliamentary maneuvers and other parts of the legislative process that a few key people in high spots can keep the issue from getting to the floor.<sup>315</sup>

SB 2474 died in committee.<sup>952</sup>

Subsequent attempts to pass an NPM fee were made by Senator Thad Altman (R, Melbourne, \$6,500) in 2010 via SB 2344<sup>953</sup> and Representative John Tobia (R, Melbourne) in 2011 via HB 1207<sup>954</sup> but neither bill made it out of committee.<sup>953</sup> In 2010, the media reported that Senate President Atwater did not support the NPM fee.<sup>955</sup> Supporters of the NPM fee attempt in 2010 included Associated Industries, an ally of the major cigarette manufacturers, which conducted a released a poll showing public support for the fee, in addition to voicing their support for the tax in the media.<sup>314</sup> Associated Industries continued to support the fee in 2011 through letters to the editor,<sup>956</sup> while Dosal continued to use the media to argue that Dosal should be exempt from the fee because it is different from big tobacco.<sup>957</sup>

## **Other Tax Legislation**

### ***Gray Market Cigarettes***

Multiple bills to prohibit the sale of “gray market” cigarette bills were also proposed between 1999 and 2006. “Gray market” cigarettes are cigarettes produced domestically for export but subsequently smuggled back into the U.S. to undercut the market. According to CTFK,

starting in 1998, the cigarette companies have been increasing the prices they charge wholesalers and distributors for American-made cigarettes destined for sale in the United States-- thereby increasing the price difference between the U.S. brands manufactured and sold for domestic sale and those made in the United States for export or made overseas for foreign sale as this price differential has grown, the number of imported gray market cigarettes has increased, most notably in the second half of 1999.<sup>958</sup>

According to a 2000 Tri-Agency Coalition on Smoking OR Health Report, one notable problem with gray market cigarettes was that they do not comply with federal health warning label or ingredient disclosure requirements.<sup>844</sup> CTFK reported that estimates suggest that “gray market sales may have accounted for 16 percent or more of all cigarette sales in some parts of Florida,” though they constitute less than 1% of sales nationwide.<sup>958</sup>

In 2000, HB 1941, banning the sale of gray market cigarettes, was sponsored by Representative George J. Albright III (R, Ocala, \$2,000). The bill passed without controversy, prohibiting the possession, transportation, and sale of any cigarettes in the state of Florida which were originally destined to be sold abroad.<sup>959, 960</sup>

### ***2007 Tax Credit for Films Without Smoking***

In 2007, Florida’s Legislature also expanded its tax credits for the entertainment industry to include “family friendly films” which did not include smoking.<sup>961</sup> The change, enacted via HB 1325, specified that family friendly film had to be suitable for audiences over the age of 5 (and hence rated G or PG) and could “not exhibit any act of smoking, sex, nudity, or vulgar or profane language” to qualify for an additional expenditure reimbursement, on top of the tax credit of , up



to 2% of total expenditures.<sup>961</sup> The benefit for producers of family friendly films was increased in 2010 via SB 1752 to a tax credit equal to 5% of total expenditures on top of the standard tax credit.<sup>962</sup> It is likely that the “family film”

**Forty-one U.S. states provided \$1.3 billion in subsidies to movie producers, including \$830 million for movies that depicted tobacco use.**

reimbursement was offered for Disney which is an active children’s film producer in Florida. The impact on smoking in the movies was likely minimal, given that in order to qualify for the credit the movie had to be suitable for audiences young as five and typically PG and G movies do not contain

smoking. Research conducted by the Smoke Free Movies Campaign found that in 2008 alone, 41 U.S. states provided \$1.3 billion in subsidies to movie producers, including \$830 million for movies that depicted tobacco use.<sup>963</sup>

### **Tobacco Tax Conclusion**

The health advocates’, led by ACS, success in increasing the tobacco tax in the Legislature in 2009 was the result of several factors. The tri-agencies and legislative champions effectively capitalized on a year in which a severe budget deficit would result in more reception in the Legislature for the proposal. According to sponsor Representative Waldman, “the only reason the tax passed is because the state needed the money, and that was it. And, as I say, it was not my great oratorical skills; it was not my great advocacy; it was not because it was a health care initiative. That was the rationale they used, but it was solely for the purposes of raising the money necessary to balance the state budget...”<sup>525</sup> The validity of Waldman’s analysis of the tax’s passage was evident in a comment made by Gov. Charlie Crist, in a departure from his usual anti-tax rhetoric, after the bill was approved by the Legislature, “The cigarette tax is appropriate and I really view it more as a health issue than I do as a tax issue.”<sup>964</sup> Many of the bills’ supporters ultimately tried to couch the bill as a public health issue, so they could retain their reputations as anti-tax, which was helped by calling the tax a “user-fee” or “surcharge,” while balancing Florida’s strained budget. According to ACS CEO Ralph DeVitto, after the success in 2009, the ACS might try to push another cigarette tax, especially if a budget crisis gives them another opportunity.<sup>889</sup> Passage of the cigarette tax represented the first time voluntary health groups in Florida have successfully pushed a significant piece of tobacco control policy change legislation through the Florida Legislature.

Although large tobacco manufacturers opposed the tax, they were also largely occupied with trying unsuccessfully to increase their market share in Florida through a fee on non-participating manufacturers, as well as successfully capping the cost of superseadeas bonds in Florida’s Engle Progeny cases. Passing a non-participating manufacturers’ fee has historically been and likely will continue to be a central issue for both in-state and out-of-state tobacco companies in Florida.

## CHAPTER XIV: DISCUSSION

In many ways, Florida has been a leader in tobacco control policy change in the United States. Beginning in the 1970s, Florida localities were among the first nationwide to pass local clean indoor air restrictions; by 1985, 50 cities and 11 counties had clean indoor air laws. In 1998, Florida began its successful Tobacco Pilot Program (TPP), with its edgy “truth” anti-industry media campaign and Students Working Against Tobacco (SWAT) youth empowerment program. The unprecedented reduction in youth smoking achieved by TPP catapulted the program, and Florida, into the tobacco control spotlight. In the 2000s, Florida’s tri-agencies, led by the American Cancer Society in Florida mounted two successful tobacco control ballot initiative campaigns, one to establish smokefree workplaces and restaurants (but not bars) in 2002 and another to restore state tobacco control program funding in 2006, becoming leaders in securing voter support for significant tobacco policy change. In 2009, Florida’s tobacco control advocates accomplished a remarkable local victory by overcoming anti-tax ideology in 2009 to pass a \$1 cigarette tax through the state Legislature, achieving unanimous support from the Florida Senate and the biggest cigarette tax increase in Florida to date.

**In many ways, Florida has been a leader in tobacco control policy change in the United States.**

At the same time, since as early as 1979, Florida’s tri-agencies have missed key opportunities to protect their advances from tobacco industry interference and to maximize their impact. In 1979, they failed to support the Group Against Smoking Pollution (GASP) in passing a clean indoor air initiative in Dade County and allowed the tobacco industry to narrowly defeat the initiative, negatively impacting Florida’s clean indoor air grassroots momentum.<sup>1, 45</sup> This momentum was completely halted in 1985 with passage, with the support of the tri-agencies, of the industry-supported statewide Florida Clean Indoor Air Act (FCIAA) that preempted the right of local communities to smoking restrictions.<sup>477</sup> Not only did this action stymie progress in Florida, but it represented the first of 26 state laws<sup>331</sup> (only 13 had not been repealed by 2010<sup>331</sup>) that had at least partially preempted local clear indoor air laws. (This complete preemption still remained in place in 2011, although, as noted above, the voluntary health agencies enacted state legislation making most public places (not bars) smokefree in 2002.) In 1999, when Governor Jeb Bush (R) and the Florida Legislature began attacking the successful TPP, both through funding cuts and internal dismantling, advocates were not willing to confront these politicians to prevent the program’s destruction.<sup>1</sup>

**At the same time...Florida’s tri-agencies have missed key opportunities to protect their advances from tobacco industry interference and to maximize their impact.**

This established pattern of missing key advocacy opportunities persisted for the tri-agencies into the 2000s. Advocates remained unwilling to use the aggressive advocacy techniques necessary to defend the TPP, allowing its budget to be incrementally reduced from FYs 2000 – 2004, from \$70.5 million to \$1 million. After seven years of reduced funding for TPP, the voluntary health agencies, again led by the American Cancer Society, restored a state tobacco control program by winning voter approval for Amendment 4, only to allow a \$10

million earmark of the program's funds annually for Area Health Education Centers. The amendment-funded Bureau of Tobacco Prevention Program (BTPP), run by Governor Charlie Crist's Department of Health, was largely unsuccessful in its first 3 years because it implemented low-impact strategies, including a poor media campaign. The tri-agencies did not use their strong voter mandate to demand that the BTPP recreate the success of Florida's Tobacco Pilot Program.

**The SFFH amendment...stands out as a significant tobacco control policy gain, not only in Florida but also nationwide.**

Tobacco control advocates in Florida have been strong in enacting policy, particularly through direct voter initiatives, but less effective in defending their programs against attacks from the governor and Legislature to maximize their potential.

The first substantial progress in the 21<sup>st</sup> Century came in 2002, recognizing, as tobacco control advocates in many other states have,<sup>68, 421, 857</sup> that the pro-tobacco Legislature was not going to pass strong tobacco control legislation, the tri-agencies decided to bypass the Legislature and ask voters to support a ballot initiative to strengthen and expand the FCIAA to cover workplaces and restaurants (not bars). The 2002 Smoke-Free for Health (SFFH) Amendment 6 campaign represented a marked shift in the advocacy of the tri-agencies, which indicated to policymakers that they were willing to circumvent the legislative process in order to enact strong tobacco control policy change. The SFFH amendment passed with a 71% "yes" voter, and stands out as a significant tobacco control policy gain, not only in Florida but also nationwide, as it set the stage for passage of 18 local and four statewide clean indoor air ballot initiatives in other states in the following four years.<sup>68</sup>

Amendment 6 also represented a significant victory over the tobacco industry, which recognized the threat of ballot initiative campaigns since as early as 1979<sup>965</sup> because of its reduced influence on popular vote processes versus its traditionally strong sphere of influence in state Legislatures.<sup>421</sup> The tobacco industry vigorously opposed Amendment 6, including mounting a serious Florida State Supreme Court challenge and running a competing initiative campaign. The industry had attempted to confuse voters with "look-alike" laws as early as 1994 in California, and R.J. Reynolds attempted competing initiatives unsuccessfully in 2006 in both Arizona and Ohio.<sup>68, 128</sup> Although the industry's competing initiative did not ultimately appear on Florida's ballot, the strategy devised by health groups to defeat the industry's initiative laid the groundwork for the successful strategies employed by Arizona and Ohio to defeat R.J. Reynolds competing initiatives in 2006.<sup>68, 128</sup>

While Amendment 6's momentum carried through to its implementation, and encouraged action in other states, it did not permanently reinvigorate clean indoor air advocacy in Florida. There have been no efforts to expand the Florida Clean Indoor Air Act to remove exemptions for stand-alone bars, retail tobacco shops, airport customs smoking lounges, outdoor patios, and hotel and motel rooms, and there have been no substantial attempts to repeal preemption. As of April 2011, Florida was one of 27 U.S. states with only partial clean indoor air coverage; 23 U.S. states had 100% comprehensive clean indoor air laws covering all workplaces, restaurants, and bars.<sup>966</sup> As of 2010, Florida was one of only 13 states with some form of clean indoor air preemption still on its books.<sup>331</sup> Repealing preemption would not only allow local governments in Florida to strengthen clean indoor air restrictions, but also open up new local policy opportunities for the Bureau of Tobacco Prevention Program (BTPP) to support.

It is not Amendment 6, but the Tobacco Pilot Program (TPP) and its “truth” media campaign, for which Florida’s tobacco control has been most well known and respected. In 1998, Florida, with political support from Gov. Lawton Chiles (D), became the first state to earmark its tobacco settlement dollars for a tobacco control program and launched its Tobacco Pilot Program (TPP). TPP achieved unprecedented success, reducing high school smoking by 9.9 absolute percentage points (a 35% relative drop) and middle school smoking by 9.3 absolute percentage points (a 50% relative drop) between 1998 and 2002. It became an international model for effective youth tobacco use prevention, and, so, a significant threat to the tobacco industry.

**Repealing preemption would not only allow local governments in Florida to strengthen clean indoor air restrictions, but also open up new local policy opportunities...**

While there was no evidence of direct tobacco industry pressure on Governor Jeb Bush and Florida Legislature to defund TPP, the tobacco industry has long recognized the power of aggressive state media campaigns, especially industry denormalization campaigns,<sup>160, 200, 310</sup> and has challenged the American Legacy Foundation’s “truth” campaign (which was modeled on the Florida “truth” campaign) through an unsuccessful lawsuit.<sup>200</sup> In 2002, right before the TPP’s funding was slashed to \$1 million, Philip Morris sent a letter to the DOH claiming one of their “truth” ads that depicted the Marlboro Man was “inaccurate, misleading and false” and asked for a retraction.<sup>312</sup> The tobacco industry spent millions of dollars between 2000 and 2004 on campaign contributions and large contingents of lobbyists in Florida. In 2006, Senate President Tom Lee (R), said that he believed that the TPP was ineffective, only realizing later that the “anti-advertising lobby” in the Legislature was under the influence of the tobacco industry.<sup>308</sup>

Florida’s tri-agencies did not effectively fight funding cuts to the TPP. Although, through extensive media- and grassroots advocacy-based strategies, they publicly demonstrated significant popular support for the program and its strong performance, TPP’s successful results, as was the case in other states,<sup>221, 222</sup> were not sufficient to protect the program.

**The tobacco industry has long recognized the power of aggressive state media campaigns, especially industry denormalization campaigns...**

In other states, including California,<sup>67, 967</sup> advocates have effectively pressured pro-tobacco policymakers by using an “outsider” strategy of publicizing their tobacco industry ties.

The tri-agencies refused to confront policymakers responsible for the cuts in a public forum, reflecting their preference for “insider” lobbying strategies, (i.e. engaging in the “iron triangle” of bureaucrats, legislators, and interest groups working together to further particular policies and objectives).<sup>238</sup> The tri-agencies avoided exerting more meaningful outside pressure on policymakers through public criticism. This behavior began as early as FY 2000,<sup>1, 238</sup> and, as cuts to the program persisted between FYs 2001 and 2004, so did the tri-agencies’ unwillingness to become more aggressive. The preference for “insider” strategies may have been a result of the fact that staff and lobbyists for the ACS were indeed legislative “insiders.” ACS’ Florida Division CEO Ralph DeVitto and VP of Advocacy and Public Policy Paul Hull both had extensive political experience, including working in the Florida Legislature as aides for powerful

Republican legislators. ACS also has a history of hiring powerful Republican legislators including Curt Kiser (R, Palm Harbor, \$2,000), former House Minority Leader, and Republican Ken Pruitt, former Senate President, as legislative lobbyists. While these powerful political connections can be a valuable in advocacy, and in some circumstances were an advantage for the tri-agencies, they appear to have contributed to their unwillingness to be more aggressive.

The tri-agencies' unwillingness to hold politicians publicly accountable for their actions was further evidenced by their refusal to provide "policy scores" for this research. In 2009 and 2010, authors asked representatives of the tri-agencies to anonymously rank legislators on a scale of 1-10 in terms of their receptiveness to tobacco control policy, but all the representatives from the tri-agencies we approached either refused or did not respond. In researching 25 other states, authors failed to get policy scores only four times, for Washington, Nevada, Hawaii and Maine.  
82, 110-112

To their credit, after several years of unsuccessful efforts to restore TPP funding, the tri-agencies returned to voters in 2006 to ask for a constitutional amendment to mandate funding for a state tobacco control program to be implemented according to CDC *Best Practices*. Although the funding amount required by the Amendment was substantially lower than the CDC's recommendation for Florida,<sup>589</sup> Florida's major voluntary health agencies demonstrated foresight as the first to require that the amount allocated to the program be adjusted annually for inflation to protect the purchasing power of the program. (Other states, beginning with California in 1988, had funded their programs with a fixed dedicated tobacco tax, whose value fell with time due to inflation.) In addition, health groups required that one-third of the program's funds be spent on a media campaign to prevent the Legislature from limiting funding for the program's media component, as they had done with "truth." The Amendment 4 campaign again marked a huge success for the tri-agencies, which passed strongly, with a 61% "yes" vote, reinforcing their ability to obtain voter support for tobacco control in Florida.

Despite health groups' strong voter mandate to spend Amendment 4 funds on tobacco control and desire to have the funds competitively awarded, Senator Durell Peaden (R, Crestview), was able to carve out \$10 million of the program's funding (17.3% in year one) for Area Health Education Centers (AHEC) for activities with only limited impact on tobacco use.

**The high cost of AHECs services raises the possibility of not only inefficiency but also diversion of funds to other services provided by the AHECs or to Florida's medical schools that run the AHECs.**

Senator Peaden additionally secured a total of \$10 million in fixed capital outlay to spend on teleconferencing in equipment in county health departments. The tri-agencies were unwilling to challenge the earmarks because of Senator Peaden's position as chair of the Senate Health and Human Services Appropriations Subcommittee;

Peaden was crucial to passing and protecting all of their priority legislation, including drawing up the Senate's annual budget proposal for health spending. The tri-agencies' unwillingness to publicly criticize Peaden and put meaningful pressure on him to eliminate the AHEC appropriation is similar to their failure to use outsider lobbying techniques to protect the TPP.

The high cost of AHECs services raises the possibility of not only inefficiency but also diversion of funds to other services provided by the AHECs or to Florida's medical schools that

run the AHECs. In other states, such as Hawaii,<sup>82</sup> state medical schools absorbed tobacco control funds for programs with little impact on tobacco use.

The earmark for AHECs also resembles the diversion of tobacco control program funds to the Child Health and Disability Prevention (CHDP), a program to provide preventive medical services such as immunizations to poor infants, in California. After winning passage of an increase in the cigarette (and other tobacco products) tax in 1988 via California Proposition 99, California's voluntary health agencies ignored the voter mandate that 5 cents of the tax be allocated to tobacco control and allowed the Legislature to divert some of this money to CHDP in order to get the implementing legislation passed in 1989.<sup>67</sup> Speaker of the Assembly Willie Brown (D, San Francisco), a major recipient of tobacco industry campaign contributions, had authored the legislation creating CHDP.<sup>67</sup> The tobacco industry was aware that diverting monies to CHDP would reduce the amount spent on tobacco control, and recommended the diversion as an "acceptable" way to spend the money.<sup>67</sup> As in Florida, the justification for using tobacco control funds to support CHDP was that CHDP would deliver tobacco prevention services, but in California, there was little evidence that they were doing so and after a few years, the pretense that it was actually be spent on tobacco control was dropped.<sup>67</sup> The high cost of AHECs programming raises questions about whether or not, like CHDP, its money is actually being spent on tobacco control.

The voluntary health agencies' failure to fight the very first appropriation to CHDP in 1989 made it difficult for them to reverse their positions and oppose the growing diversion in subsequent years. However, in 1994, Americans for Non-Smokers Rights (ANR), later joined by the American Cancer Society and the American Lung Association, finally sued the state over the diversion of Proposition 99 funds, and the Superior Court ruled in their favor.<sup>67</sup> In 1996, framing the issue as one of respecting a voter mandate, California's health groups mounted an aggressive public advocacy and lobbying campaign and forced the state's pro-tobacco Governor and Legislature to appropriate Proposition 99 funds. The American Heart Association and ANR forced an end to the CHDP diversions, which had grown to the point of nearly destroying the California Tobacco Control Program.<sup>67</sup>

**Aside from the AHEC earmark, legislative implementation of Amendment 4 was strong and provided the necessary legal framework for the Florida Department of Health to recreate Florida's successful tobacco control experience.**

Aside from the AHEC earmark, legislative implementation of Amendment 4 was strong and provided the necessary legal framework for the Florida Department of Health to recreate Florida's successful tobacco control experience. However, the resulting Crist administration hobbled the Bureau of Tobacco Prevention Program with poor staffing, an ineffective media campaign (particularly by refusing to reinstate the "truth" campaign and Governor's Office's restrictions on ads deemed too edgy), and an emphasis on expensive, low-impact direct cessation programs. The program had no detectable effect on youth smoking rates.

In the mid-1990s, Arizona's executive branch similarly limited the state's Tobacco Education and Prevention Program (TEPP) media campaign, funded by 1994 Proposition 200, from focusing on the tobacco industry's behavior or secondhand smoke.<sup>129, 651</sup> The Arizona

Department of Health Services told media contract applicants that they wanted Arizona’s media campaign to be different from the Massachusetts and California industry denormalization campaigns,<sup>608</sup> similar to Florida’s choice to award their contract to the Zimmerman Agency based on the fact that their proposed campaign (which did not use industry denormalization messaging) was “set apart from “truth.” In 2001, after Arizona experienced several years of an effective media campaign run by firm Reister~Robb (despite media restrictions), Arizona re-bid their media contract in 2001, but instead of awarding it to the experienced and successful firm, they chose a more expensive bidder; the resulting campaign did not lower youth nor adult smoking.<sup>129</sup>

Although the exact terms of the Governor’s media review process in Florida are unknown, the tobacco industry has a history of working through executive branches to limit well executed media campaigns,<sup>67, 160, 310</sup> especially industry denormalization campaigns,<sup>160, 200, 310</sup> and had an established relationship with Gov. Crist.<sup>83, 632-636, 968</sup> Florida’s legacy as home of “truth,” a campaign identified as a threat to the industry both inside and outside of Florida, suggests the industry had high stakes in preventing its reconstitution. An effective anti-industry media campaign in Florida was especially threatening to the tobacco industry because of the existence of 9,500 “Engle Progeny” lawsuits. If the industry was not exerting political pressure on Florida to keep their media campaign tame, then the Governor’s Office appears to have preemptively limited their own media campaign to avoid political backlash, saving the tobacco industry time and money. The Department of Health did make positive changes to the media campaign during the summer of 2010, but it remains to be seen whether the new campaign will have any positive results.

BTTPP’s programming was also heavily focused on expensive and cost-inefficient direct smoking cessation services, as opposed to broader media- and community-based interventions<sup>797-</sup>

**If the industry was not exerting political pressure on Florida to keep their media campaign tame, then the Governor’s Office appears to have preemptively limited their own media campaign to avoid political backlash, saving the tobacco industry time and money.**

<sup>799</sup> to promote unassisted cessation attempts,<sup>800</sup> likely limiting its impact and cost-effectiveness. It appears that part of the impetus for the emphasis on cessation was to make the program more politically palatable.<sup>137</sup> Diverting funds to cost ineffective cessation programs, and away from more effective media and community

interventions, has been a tactic used by pro-tobacco politicians in other states to destroy successful tobacco control. In 2002, Minnesota’s Attorney General, Mike Hatch, successfully restricted Minnesota’s Partnership for Action Against Tobacco (MPAAT), preventing MPAAT from working to change social-norms through clean indoor air laws and instead implement cost-ineffective interventions.<sup>797, 967</sup>

Although the tri-agencies effectively advocated for changes in tobacco control laws, they did capitalize on the strong political mandate they won from Florida’s voters to oversee appropriate allocation of Amendment 4 money and demand high-impact programming from Governor Crist’s administration. While changes to the media campaign in 2010 do appear to be in response to concerns voiced by the tri-agencies, pressure from the tri-agencies was not soon enough or aggressive enough to prevent the DOH from wasting \$180 million and three years on

a program that had no effect on youth smoking rates. The health agencies' unwillingness to pressure the DOH to effectively implement Amendment 4 parallels their ineffective defense of the TPP during its funding cuts from FYs 2000-2004.

Advocates in other states have effectively pressured Governors to implement effective media programming.<sup>67, 160, 310</sup> In California, the major voluntary health agencies along with Americans for Nonsmokers' Rights (ANR), effectively responded to California Governor Pete Wilson's (R, 1991-1999) attacks on the state's aggressive tobacco control media campaign via a lawsuit, a public press conference, as well as full page advertisements in the *New York Times* to criticize the administration's media campaign.<sup>67</sup> Advocates leveraged California's Tobacco Education and Research Oversight Committee (TEROC), California's equivalent of Florida's TAC, to pressure the administration to stop its behavior. (As in Florida, the administration began trying to exclude TERO from its media oversight duties.) Ultimately, the California advocates were successful in using public pressure to force the administration to restore California's aggressive industry denormalization media campaign.<sup>67</sup>

Unlike clean indoor air and state tobacco control programming, cigarette taxes have traditionally been a weak aspect of tobacco control in Florida. In 2008, only five states had a cigarette tax lower than Florida's \$.3499 (Virginia, \$.30; Kentucky, \$.30; Mississippi, \$.18; Missouri, \$.17; and South Carolina, \$.07).<sup>859</sup> Between 2005 and 2008, eight other states had passed \$1 tax increases (Iowa, Maine, Maryland, Massachusetts, Montana, South Dakota, Texas and Wisconsin) as well as Washington, D.C., and New York passed a \$1.25 increase, demonstrating the political viability of a \$1 increase. Passage of the 2009 \$1 cigarette tax in Florida was not only ten times larger than any cigarette tax passed in Florida previously, but also the third significant tobacco control policy success achieved by Florida's tri-agencies since 2002. Successful passage of the tax showed that advocates were not only capable of getting voter support for tobacco control policy change, but also of passing significant policy change through the Legislature.

**Successful passage of the tax showed that advocates were not only capable of getting voter support for tobacco control policy change, but also of passing significant policy change through the Legislature.**

The \$1 cigarette tax increase (complemented by a \$.62 increase in the federal cigarette tax) appeared to have a significant impact on the state's per capita cigarette consumption, which decreased from 70.6 packs per capita in FY2009 (pre-tax) to the national average of 50 packs per capita in FY2010 (a decrease of 29.2%). The only place to achieve a greater relative decrease in per capita consumption between 2009 and 2010 was Washington, D.C., where per capita consumption declined by 33.1% from 33.4 packs in 2009 to 23.1 packs in 2010, the lowest consumption in the country. Washington, D.C. increased its cigarette tax by \$1.00 in 2008 and again by \$.50 in 2009, to \$2.50, one of the highest in the country. The only state to achieve a greater absolute decrease in per capita consumption than Florida was Delaware, which reduced its consumption from 122.8 packs in 2009, the second highest in the nation after Kentucky, to 95 packs, a decrease of 27.8 packs or 22.6%. Delaware increased its cigarette tax by \$.60 in 2007 and again by \$.45 in 2009, to \$1.60. In 2010, Florida's cigarette tax was slightly below the national average of \$1.39.<sup>8</sup> Florida's adult smoking rates also went down in 2009, which also appears to have been a result of passage of the cigarette tax.



An important issue for the tobacco industry in Florida during the 2000s was whether or not the state should pass a non-participating manufacturers' (NPM) fee to be assessed on tobacco

**Dosal had grown its market share to 18% by 2009, suggesting that its products became a major contributor to the state's tobacco-related health costs, and therefore should be subject to the Florida settlement.**

companies not party to the 1997 Florida Settlement. In-state manufacturer Dosal Tobacco was able to successfully stave off any NPM proposals between 2004 and 2010 by arguing that their marketing practices were less egregious than the major national companies who were included in the MSA and the 1997 Florida settlement. However, as emphasized by former Florida Attorney General Bob Butterworth (D)

during an NPM legislative hearing in 2009, Dosal was also exempted because at the time it only had 3% of Florida's market share. Dosal had grown its market share to 18% by 2009, suggesting that its products became a major contributor to the state's tobacco-related health costs, and therefore should be subject to the Florida settlement which was intended to recoup the state's Medicaid costs. Imposing the fee on Dosal would not only recoup Medicaid costs, but would likely further decrease cigarette consumption (as it would be passed on to consumers like a tax) in the state, perhaps especially among lower income consumers of discount brands like Dosal.

## CHAPTER XV: CONCLUSIONS AND RECOMMENDATIONS

- Florida was a leader in many aspects of tobacco control in the 1970s - 1980s when Florida communities passed many early local clean indoor air laws and in 1995 when Gov. Lawton Chiles and Attorney General Bob Butterworth sued the major tobacco companies and used some of the resulting settlement funds to launch the renowned Tobacco Pilot Program and its “truth” campaign.
- Local divisions of the American Cancer Society, American Lung Association, and American Heart Association have carried the success of tobacco control in Florida through the first decade of the 21<sup>st</sup> Century, achieving notable passage of two ballot initiative campaigns for clean indoor air (2002) and state tobacco control funding (2006), and a \$1 cigarette tax. They have also demonstrated an ability to run extensive grassroots advocacy campaigns in support of their policy priorities.
- Unfortunately, consistent with their almost exclusive reliance on “insider” lobbying strategies, the tri-agencies’ unwillingness to publicly hold the Governor and members of the Legislature personally accountable for their actions on tobacco control policy has limited their abilities to exert the political pressure necessary to implement and defend effective tobacco control policy, which has limited the success of their policy advances.
- Passage of the Amendment 6 campaign for smokefree workplaces and restaurants (but not bars) in 2002, demonstrated the tri-agencies’ ability to secure voter support for tobacco control policy change, and surmount significant tobacco industry opposition.
- Capitalizing on grassroots interest in expanding smokefree space, advocates should focus on strengthening clean indoor air standards in Florida, including closing exemptions in the state law and repealing preemption. Repealing preemption would create additional opportunities for the state Bureau of Tobacco Prevention Program to affect local clean indoor air policy change, which is a cost-effective way to change social norms and reduce smoking.
- Until 2009, Florida had one of the lowest state cigarette taxes in the U.S., at \$.339 per pack, but in 2009, the tri-agencies capitalized on a poor budget situation to pass a \$1 cigarette tax through Florida’s Legislature. Passage of the tax represented a significant victory for the health groups, given the traditionally anti-tax fiscal conservatism of Florida’s Legislature.
- Since as early as 2001, the major U.S. tobacco companies have tried to pass a “non-participating manufacturers” (NPM) fee in Florida, to be assessed on companies which were not party to the 1997 Medicaid fraud settlement. Doral Tobacco blocked the proposals in 2004, 2009, 2010, and 2011 demonstrating their power as an in-state manufacturer.
- Advocates should continue to actively support raising the state’s cigarette tax, and advocating for a non-participating manufacturers’ fee. Emphasizing the 29.4% decrease in per capita cigarette tax consumption which appears to have resulted from Florida’s 2009 \$1 cigarette tax increase, along with the revenue generating power of cigarette taxes and the proposed NPM fee, will help them build support.
- Florida has been an especially crucial state for the tobacco industry, as home to the Engle smokers’ class action lawsuit and, as of 2011, over 9,500 Engle Progeny cases. The existence of this litigation makes an effective state tobacco control program which draws attention to the nefarious deeds of the industry especially threatening.

- Florida's Tobacco Pilot Program (TPP, 1998 – 2003) and its original “truth” media campaign achieved unprecedented reductions in youth smoking, but were nevertheless attacked by Governor Jeb Bush and the Florida Legislature, to the benefit of the tobacco industry. The tri-agencies did not effectively defend the TPP.
- Destruction of Florida's TPP reaffirms the notion that positive results are not sufficient to protect a tobacco control program and that sometimes effective tobacco control advocacy requires holding politicians publicly accountable for their actions.
- In 2006, after being unable to increase TPP funds, Florida's tri-agencies successfully passed the Floridians for Youth Tobacco Education Constitutional Amendment 4 to restore funds for state tobacco control. Amendment 4 created a strong legal structure for the new program, but have continued to allow \$10 million of the program's funds to be earmarked annually for Area Health Education Centers (AHECs) to implement low-impact direct cessation services.
- Florida's tri-agencies were unwilling to aggressively fight against the \$10 million earmark for AHECs from FYs 2008 – 2011. In order to prevent the BTPP from spending more money on AHECs expensive and high cost services, the tri-agencies must fight the earmark. The fact that Senator Durell Peaden, AHECs primary champion, was termed out of the Legislature in 2010, gives advocates more of an opportunity to fight the earmark. They can also point to the evaluations of AHECs programming which suggests its low impact.
- Inadequate implementation and the poor results of the Amendment 4-funded Bureau of Tobacco Prevention Program demonstrate that a strong legal structure is not sufficient to ensure that a tobacco control program is effective.
- Florida's BTPP has the legal structure and fiscal security to be on the cutting edge of tobacco control worldwide and advocates must demand a high quality, effective tobacco control program from the Department of Health, including redirecting accelerating expenditures on direct cessation toward more effective media and community-based tobacco control interventions, as well as ensuring the state runs an effective media campaign to ensure that the promise made to the voters when they won passage of Amendment 4 is realized.

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## **APPENDICES**

Appendix A: Tobacco Industry Campaign Contributions by Candidate and Party, 1998 – 2008

Appendix B: Tobacco Industry Campaign Contributions by Contributor, 1998 – 2008

Appendix C: Tobacco Company Lobbying Contingents, by Company 2001-2010

Appendix D: Tri-Agency Lobbying Contingents, by Agency 2001-2010



**APPENDIX A: Tobacco Industry Contributions to Political Parties by Company, 1998-2008**

Recipient	Year	Contributor	Amount	Total by Year	
<b>Democratic Organizations</b>				<b>Democratic Total 1998-2008</b>	<b>\$825,606</b>
FLORIDA DEMOCRATIC PARTY	1998	ALTRIA/PM	\$35,000		
		CIGAR ASSOCIATION OF AMERICA	\$1,000		
		RJ REYNOLDS	\$5,000		
		TOBACCO INSTITUTE	\$51,500	Total 1998	\$92,500
	2000	ALTRIA/PM	\$12,500		
		BROWN & WILLIAMSON TOBACCO	\$5,000		
		LORILLARD TOBACCO	\$5,000		
		RJ REYNOLDS	\$36,750		
		SMOKELESS TOBACCO COUNCIL	\$1,000		
		SWISHER INTERNATIONAL	\$5,550		
		TOBACCO INSTITUTE	\$10,000		
		US TOBACCO PUBLIC AFFAIRS INC	\$500		
		VECTOR GROUP	\$15,000	Total 2000	\$91,300
	2002	ALTRIA/PM	\$8,500		
		CIGAR ASSOCIATION OF AMERICA	\$6,000		
		DOSAL TOBACCO	\$1,000		
		RJ REYNOLDS	\$17,000		
		SMOKELESS TOBACCO COUNCIL	\$3,500		
		SWISHER INTERNATIONAL	\$11,000		
		US SMOKELESS TOBACCO	\$500		
		VECTOR GROUP	\$147,500	Total 2002	\$195,000
	2004	ALTRIA/PM	\$15,000		
		CIGAR ASSOCIATION OF AMERICA	\$6,000		
		COMMONWEALTH BRANDS	\$7,500		
LORILLARD TOBACCO		\$1,500			
RJ REYNOLDS		\$5,000			
VIBO CORP		\$10,000	Total 2004	\$45,000	
2006	ALTRIA/PM	\$11,006			
	CIGAR ASSOCIATION OF AMERICA	\$6,000			
	DOSAL TOBACCO	\$27,500			
	RJ REYNOLDS	\$23,279			
	SWISHER INTERNATIONAL	\$25,000			
	US SMOKELESS TOBACCO	\$8,000			
	VECTOR GROUP	\$75,000			

**APPENDIX A: Tobacco Industry Contributions to Political Parties by Company, 1998-2008**

Recipient	Year	Contributor	Amount	Total by Year	
FLORIDA DEMOCRATIC PARTY	2006	VIBO CORP	\$10,000	Total 2006	\$185,785
(cont'd)	2008	ALTRIA/PM	\$47,500		
		CIGAR ASSOCIATION OF AMERICA	\$9,000		
		COMMONWEALTH BRANDS	\$20,000		
		DOSAL TOBACCO	\$49,047		
		RJ REYNOLDS	\$20,574		
		SWISHER INTERNATIONAL	\$40,900		
		US SMOKELESS TOBACCO	\$13,000	Total 2008	\$200,021
FLORIDA HOUSE VICTORY	2006	CIGAR ASSOCIATION OF AMERICA	\$3,000		
		DOSAL TOBACCO	\$10,000	Total 2006	\$13,000
FLORIDA SENATE VICTORY	2006	CIGAR ASSOCIATION OF AMERICA	\$3,000	Total 2006	\$3,000
<b>Republican Organizations</b>			<b>Republican Total 1998-2008 \$2,395,829</b>		
FLORIDA REPUBLICAN PARTY	1998	ALTRIA/PM	\$125,000		
		CONSOLIDATED CIGAR	\$250		
		FLORIDA TOBACCO & CANDY	\$6,250		
		HAVATAMPA	\$1,000		
		RJ REYNOLDS	\$40,000		
		SWISHER INTERNATIONAL	\$26,000		
		TOBACCO INSTITUTE	\$55,000		
		US TOBACCO PUBLIC AFFAIRS INC	\$1,000		
		WHOLESALE TOBACCO	\$100	Total 1998	\$254,600
	2000	ALTRIA/PM	\$80,000		
		BROWN & WILLIAMSON TOBACCO	\$17,500		
		CIGAR ASSOCIATION OF AMERICA	\$5,000		
		CONSOLIDATED CIGAR	\$100		
		DOSAL TOBACCO	\$2,000		
		DOWNTOWN TOBACCO SHOPPE INC	\$110		
		EL DUQUE GROUP	\$475		
		GENERAL CIGAR HOLDINGS	\$5,000		
		LORILLARD TOBACCO	\$80,250		
		REAL TOBACCO	\$500		
		RJ REYNOLDS	\$63,162		
		SMOKELESS TOBACCO COUNCIL	\$1,000		
		SWISHER INTERNATIONAL	\$13,000		

**APPENDIX A: Tobacco Industry Contributions to Political Parties by Company, 1998-2008**

Recipient	Year	Contributor	Amount	Total by Year	
	2000	TOBACCO INSTITUTE	\$15,000		
		TOBACCO SALES	\$1,000		
		US TOBACCO PUBLIC AFFAIRS INC	\$2,000		
		VIBO CORP	\$1,000		
		WHOLESALE TOBACCO	\$75	Total 2000	\$287,172
	2002	ALTRIA/PM	\$88,250		
		BROWN & WILLIAMSON TOBACCO	\$10,000		
		CIGAR ASSOCIATION OF AMERICA	\$6,000		
		CONSOLIDATED CIGAR	\$100		
		DOSAL TOBACCO	\$4,120		
		GENERAL CIGAR HOLDINGS	\$25,000		
		LORILLARD TOBACCO	\$15,000		
		RJ REYNOLDS	\$27,500		
		SMOKELESS TOBACCO COUNCIL	\$1,000		
		STAR SCIENTIFIC INC	\$1,000		
		SWISHER INTERNATIONAL	\$5,000		
		US SMOKELESS TOBACCO	\$11,500	Total 2002	\$194,470
	2004	ALTRIA/PM	\$139,500		
		CIGAR ASSOCIATION OF AMERICA	\$12,000		
		COMMONWEALTH BRANDS	\$30,500		
		DOSAL TOBACCO	\$55,000		
		LORILLARD TOBACCO	\$52,500		
		RJ REYNOLDS	\$34,000		
		SWISHER INTERNATIONAL	\$2,500		
		US SMOKELESS TOBACCO	\$3,000		
		VECTOR GROUP	\$20,000		
		VIBO CORP	\$15,000	Total 2004	\$364,000
	2006	ALTRIA/PM	\$145,000		
		CIGAR ASSOCIATION OF AMERICA	\$11,000		
		DOSAL TOBACCO	\$248,200		
		RJ REYNOLDS	\$55,000		
		SWISHER INTERNATIONAL	\$10,000		
		US SMOKELESS TOBACCO	\$44,955		
		VIBO CORP	\$25,000	Total 2006	\$539,155
	2008	ALTADIS USA	\$1,140		

**APPENDIX A: Tobacco Industry Contributions to Political Parties by Company, 1998-2008**

Recipient	Year	Contributor	Amount	Total by Year
	2008	ALTRIA/PM	\$215,000	
		CIGAR ASSOCIATION OF AMERICA	\$12,000	
		COMMONWEALTH BRANDS	\$40,000	
		DOSAL TOBACCO	\$215,522	
		FUENTE & NEWMAN PREMIUM CIGARS	\$600	
		JC NEWMAN CIGAR CO	\$945	
		MAFCO CONSOLIDATED GROUP	\$50,000	
		RJ REYNOLDS	\$81,250	
		SWEDISH MATCH	\$10,000	
		SWISHER INTERNATIONAL	\$60,475	
		US SMOKELESS TOBACCO	\$69,500	
				Total 2008
				\$756,432

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
ADAMS, SANDRA	R	H	33	2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2006	ALTRIA/PM	\$250.00		
				2006	DOSAL TOBACCO	\$500.00	2006 Total	\$750.00
				2008	DOSAL TOBACCO	\$500.00	2008 Total	\$500.00
							Sum Total 98-08	\$1,750.00
ADKINS, JANET	R	H	12	2008	ALTRIA/PM	\$250.00	2008 Total	\$1,250.00
					RJ REYNOLDS	\$500.00		
					SWISHER INTERNATIONAL	\$500.00		
							Sum Total 98-08	\$1,250.00
ALBRIGHT III, GEORGE J	R	H	24	1998	CIGAR ASSOCIATION OF AMERICA	\$500.00	1998 Total	\$500.00
							Sum Total 98-08	\$500.00
ALEXANDER, J D	R	S	17	2000	ALTRIA/PM	\$1,000.00		
				2000	RJ REYNOLDS	\$500.00	2000 Total	\$1,500.00
				2002	LORILLARD TOBACCO	\$500.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$1,000.00
				2004	ALTRIA/PM	\$500.00		
				2004	LORILLARD TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00		
				2004	VECTOR GROUP	\$500.00	2004 Total	\$2,000.00
				2008	DOSAL TOBACCO	\$500.00	2008 Total	\$500.00
			Sum Total 98-08	\$5,000.00				
ALFORD, SKEET	D	H	21	2000	RJ REYNOLDS	\$500.00	2000 Total	\$500.00
							Sum Total 98-08	\$500.00
ALLEN, BOB	R	H	32	2000	ALTRIA/PM	\$250.00		
				2000	RJ REYNOLDS	\$500.00		
				2000	SMOKELESS TOBACCO COUNCIL	\$500.00		
				2000	SWISHER INTERNATIONAL	\$1,000.00	2000 Total	\$2,250.00
				2002	ALTRIA/PM	\$500.00		
				2002	RJ REYNOLDS	\$1,000.00	2002 Total	\$1,500.00
				2004	DOSAL TOBACCO	\$1,000.00		
				2004	RJ REYNOLDS	\$500.00		
				2004	VIBO CORP	\$500.00	2004 Total	\$2,000.00
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$500.00
			Sum Total 98-08	\$6,250.00				
ALPERT, LIZ	D	H	56		TAMPA RICO CIGAR CO	\$25.00	1998 Total	\$25.00
							Sum Total 98-08	\$25.00
ALTMAN, THAD	R	S	24	2004	ALTRIA/PM	\$1,000.00		
				2004	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2004	LORILLARD TOBACCO	\$1,000.00		
				2004	RJ REYNOLDS	\$1,000.00	2004 Total	\$3,500.00
				2006	ALTRIA/PM	\$500.00		
				2006	RJ REYNOLDS	\$500.00		
				2006	US SMOKELESS TOBACCO	\$500.00	2006 Total	\$1,500.00
				2008	ALTRIA/PM	\$500.00		
				2008	RJ REYNOLDS	\$500.00		
				2008	US SMOKELESS TOBACCO	\$500.00	2008 Total	\$1,500.00

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
ALTMAN, THAD (Cont'd)							Sum Total 98-08	\$6,500.00
AMBLER, KEVIN C	R	H	47	2004	COMMONWEALTH BRANDS	\$500.00		
				2004	DOSAL TOBACCO	\$1,000.00		
				2004	RJ REYNOLDS	\$500.00		
				2004	VIBO CORP	\$500.00	2004 Total	\$2,500.00
				2006	DOSAL TOBACCO	\$500.00		
				2006	LORILLARD TOBACCO	\$500.00	2006 Total	\$1,000.00
				2008	RJ REYNOLDS	\$500.00	2008 Total	\$500.00
						Sum Total 98-08	\$4,000.00	
ANDERSON, TOM	R	H	45	2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2004	DOSAL TOBACCO	\$500.00	2004 Total	\$500.00
				2006	DOSAL TOBACCO	\$500.00		
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$1,000.00
						Sum Total 98-08	\$2,000.00	
ANDREWS, WILLIAM (BILL)	R	H	87	1998	ALTRIA/PM	\$1,000.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$750.00	1998 Total	\$2,250.00
				2000	ALTRIA/PM	\$250.00	2000 Total	\$250.00
						Sum Total 98-08	\$2,500.00	
ANTONE, BRUCE	D	H	39	2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2004	VECTOR GROUP	\$500.00	2004 Total	\$500.00
							Sum Total 98-08	\$1,000.00
ARGENIO, ART	R	H	82	2000	LORILLARD TOBACCO	\$500.00		
				2000	RJ REYNOLDS	\$500.00	2000 Total	\$1,000.00
							Sum Total 98-08	\$1,000.00
ARGENZIANO, NANCY	R	S	3	1998	RJ REYNOLDS	\$500.00	1998 Total	\$500.00
				2004	ALTRIA/PM	\$500.00		
				2004	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2004	DOSAL TOBACCO	\$500.00		
				2004	LORILLARD TOBACCO	\$1,000.00		
				2004	RJ REYNOLDS	\$500.00		
				2004	US SMOKELESS TOBACCO	\$250.00		
				2004	VECTOR GROUP	\$1,000.00		
				2004	VIBO CORP	\$500.00	2004 Total	\$4,750.00
						Sum Total 98-08	\$5,250.00	
ARNALL, JOE	R	H	18	1998	ALTRIA/PM	\$500.00		
				1998	CIGAR ASSOCIATION OF AMERICA	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$500.00	1998 Total	\$2,000.00
						Sum Total 98-08	\$2,000.00	
ARONBERG, DAVE	D	S	27	2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2004	ALTRIA/PM	\$750.00		
				2004	COMMONWEALTH BRANDS	\$500.00		
				2004	LORILLARD TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00	2004 Total	\$2,250.00
				2006	DOSAL TOBACCO	\$500.00		

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
ARONBERG, DAVE (cont'd)				2006	US SMOKELESS TOBACCO	\$500.00	2006 Total	\$1,000.00
				2008	ALTRIA/PM	\$500.00		
				2008	LORILLARD TOBACCO	\$500.00		
				2008	RJ REYNOLDS	\$500.00		
				2008	SWISHER INTERNATIONAL	\$500.00	2008 Total	\$2,000.00
							Sum Total 98-08	\$5,750.00
ARZA, RALPH	R	H	102	2000	CAMPA IMPORT & EXPORT CORP	\$250.00		
				2000	EL DUQUE GROUP	\$250.00		
				2000	RJ REYNOLDS	\$500.00	2000 Total	\$1,000.00
				2002	ALTRIA/PM	\$500.00		
				2002	DOSAL TOBACCO	\$500.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$1,500.00
				2004	DOSAL TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00	2004 Total	\$1,000.00
				2006	DOSAL TOBACCO	\$500.00		
				2006	RJ REYNOLDS	\$500.00		
				2006	VIBO CORP	\$500.00	2006 Total	\$1,500.00
			Sum Total 98-08	\$5,000.00				
ATTKISSON, FRANK	R	H	79	2000	ALTRIA/PM	\$250.00	2000 Total	\$250.00
				2002	ALTRIA/PM	\$500.00	2002 Total	\$500.00
				2004	ALTRIA/PM	\$500.00		
				2004	COMMONWEALTH BRANDS	\$500.00	2004 Total	\$1,000.00
				2006	DOSAL TOBACCO	\$500.00		
				2006	LORILLARD TOBACCO	\$500.00		
				2006	RJ REYNOLDS	\$500.00		
				2006	US SMOKELESS TOBACCO	\$500.00	2006 Total	\$2,000.00
			Sum Total 98-08	\$3,750.00				
ATWATER, JEFF	R	S	25	2002	US SMOKELESS TOBACCO	\$250.00	2002 Total	\$250.00
				2008	DOSAL TOBACCO	\$3,500.00		
				2008	US SMOKELESS TOBACCO	\$1,000.00	2008 Total	\$4,500.00
			Sum Total 98-08	\$4,750.00				
AUSLEY, LORANNE	D	H	9	2000	LORILLARD TOBACCO	\$500.00		
				2000	RJ REYNOLDS	\$1,000.00	2000 Total	\$1,500.00
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2004	RJ REYNOLDS	\$500.00	2004 Total	\$500.00
			Sum Total 98-08	\$2,500.00				
BAINTER, STAN	R	H	25	1998	ALTRIA/PM	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$500.00	1998 Total	\$1,500.00
			Sum Total 98-08	\$1,500.00				
BAKER, CAREY	R	S	20	2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2004	LORILLARD TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00	2004 Total	\$1,000.00
				2006	DOSAL TOBACCO	\$500.00		
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$1,000.00
			Sum Total 98-08	\$2,500.00				

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
BALL, RANDY	R	H	29	2000	SWISHER INTERNATIONAL	\$500.00	2000 Total	\$500.00
							Sum Total 98-08	\$500.00
BANKHEAD, WILLIAM G (BILL)	R	S	8	1998	ALTRIA/PM	\$500.00		
				1998	CIGAR ASSOCIATION OF AMERICA	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	SWISHER INTERNATIONAL	\$500.00		
				1998	TOBACCO INSTITUTE	\$500.00		
				1998	US TOBACCO PUBLIC AFFAIRS INC	\$500.00	1998 Total	\$3,000.00
							Sum Total 98-08	\$3,000.00
BARREIRO, GUSTAVO A	R	H	107	1998	ALLSTATE CIGARETTE DISTRIBUTORS	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$750.00	1998 Total	\$1,750.00
				2000	ALTRIA/PM	\$250.00		
				2000	RJ REYNOLDS	\$500.00	2000 Total	\$750.00
				2002	ALTRIA/PM	\$250.00		
				2002	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2002	DOSAL TOBACCO	\$500.00		
				2002	LORILLARD TOBACCO	\$500.00		
				2002	RJ REYNOLDS	\$500.00		
				2002	US SMOKELESS TOBACCO	\$250.00	2002 Total	\$2,500.00
				2004	DOSAL TOBACCO	\$500.00	2004 Total	\$500.00
							Sum Total 98-08	\$5,500.00
BEAN, AARON	R	H	12	2000	RJ REYNOLDS	\$1,000.00		
				2002	ALTRIA/PM	\$250.00		
				2002	RJ REYNOLDS	\$500.00		
				2006	RJ REYNOLDS	\$500.00		
				2006	VIBO CORP	\$500.00		
							Sum Total 98-08	\$2,750.00
BENDROSS-MINDINGALL, DOROTHY	D	H	109	2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2004	RJ REYNOLDS	\$500.00		
				2004	VIBO CORP	\$500.00	2004 Total	\$1,000.00
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$500.00
							Sum Total 98-08	\$2,000.00
BENNETT, MICHAEL S	R	S	21	2002	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2002	LORILLARD TOBACCO	\$500.00		
				2002	RJ REYNOLDS	\$1,000.00	2002 Total	\$2,000.00
				2004	ALTRIA/PM	\$500.00		
				2004	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2004	LORILLARD TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00		
				2004	VECTOR GROUP	\$500.00	2004 Total	\$2,500.00
				2008	ALTRIA/PM	\$500.00		
				2008	DOSAL TOBACCO	\$500.00		
				2008	LORILLARD TOBACCO	\$500.00		
				2008	RJ REYNOLDS	\$500.00		
				2008	US SMOKELESS TOBACCO	\$500.00	2008 Total	\$2,500.00



**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
BENNETT, MICHAEL S (cont'd)							Sum Total 98-08	\$7,000.00
BENSE, ALLAN	R	H	6	2004	ALTRIA/PM	\$500.00	2004 Total	\$500.00
							Sum Total 98-08	\$500.00
BENSON, HOLLY	R	H	3	2002	ALTRIA/PM	\$250.00	2002 Total	\$1,750.00
				2002	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2002	LORILLARD TOBACCO	\$500.00		
				2002	RJ REYNOLDS	\$500.00		
				2004	ALTRIA/PM	\$250.00	2004 Total	\$3,250.00
				2004	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2004	DOSAL TOBACCO	\$500.00		
				2004	LORILLARD TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00		
				2004	VECTOR GROUP	\$500.00		
				2004	VIBO CORP	\$500.00	2004 Total	\$3,250.00
				2006	DOSAL TOBACCO	\$500.00	2006 Total	\$1,000.00
				2006	RJ REYNOLDS	\$500.00		
							Sum Total 98-08	\$6,000.00
BENSON, LAURA A	R	H	69	2006	DOSAL TOBACCO	\$500.00	Sum Total 98-08	\$500.00
BERFIELD, KIM	R	S	16	2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2006	ALTRIA/PM	\$500.00		
				2006	DOSAL TOBACCO	\$1,000.00	2006 Total	\$1,500.00
							Sum Total 98-08	\$2,000.00
BETANCOURT, ANNIE	D	H	116	1998	ALLSTATE CIGARETTE DISTRIBUTORS	\$750.00	1998 Total	\$2,100.00
				1998	ALTRIA/PM	\$500.00		
				1998	INDIVIDUAL CIGAR MAKER	\$250.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	UNIVERSAL CIGAR CORP	\$100.00		
				2000	ALTRIA/PM	\$250.00	2000 Total	\$1,750.00
				2000	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2000	DOSAL TOBACCO	\$500.00		
				2000	RJ REYNOLDS	\$500.00		
							Sum Total 98-08	\$3,850.00
BILIRAKIS, GUS MICHAEL	R	H	48	1998	CONSOLIDATED CIGAR	\$500.00	1998 Total	\$500.00
				2000	ALTRIA/PM	\$250.00	2000 Total	\$250.00
				2004	VECTOR GROUP	\$500.00	2004 Total	\$500.00
							Sum Total 98-08	\$1,250.00
BITNER, DAVID I	R	H	71	1998	ALLSTATE CIGARETTE DISTRIBUTORS	\$500.00	1998 Total	\$2,500.00
				1998	ALTRIA/PM	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$500.00		
				1998	US TOBACCO PUBLIC AFFAIRS INC	\$500.00		
							Sum Total 98-08	\$2,500.00
BLOOM, ELAINE	D	H	106	1998	ALTRIA/PM	\$500.00	1998 Total	\$500.00
							Sum Total 98-08	\$500.00

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
BOGDANOFF, ELLYN	R	H	91	2006	ALTRIA/PM	\$250.00		
				2006	DOSAL TOBACCO	\$500.00		
				2006	RJ REYNOLDS	\$500.00		
				2006	US SMOKELESS TOBACCO	\$500.00	2006 Total	\$1,750.00
				2008	BRAZIL CIGARS & TOBACCO	\$100.00		
				2008	DOSAL TOBACCO	\$500.00		
				2008	RJ REYNOLDS	\$500.00	2008 Total	\$1,100.00
						Sum Total 98-08	\$2,850.00	
BOULWARE, PETER	R	H	9	2008	ALTRIA/PM	\$500.00		
				2008	RJ REYNOLDS	\$1,000.00	2008 Total	\$1,500.00
							Sum Total 98-08	\$1,500.00
BOVO, ESTEBAN	R	H	110	2008	DOSAL TOBACCO	\$500.00	2008 Total	\$500.00
							Sum Total 98-08	\$500.00
BOWEN, MARSHA (MARTY)	R	H	65	2000	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2000	RJ REYNOLDS	\$500.00	2000 Total	\$1,000.00
				2002	ALTRIA/PM	\$250.00		
				2002	LORILLARD TOBACCO	\$500.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$1,250.00
				2004	ALTRIA/PM	\$250.00		
				2004	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2004	LORILLARD TOBACCO	\$1,000.00		
				2004	RJ REYNOLDS	\$500.00		
				2004	VECTOR GROUP	\$500.00	2004 Total	\$2,750.00
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$500.00
BOYD, DEBBIE	D	H	11	2006	ALTRIA/PM	\$250.00		
				2006	LORILLARD TOBACCO	\$500.00	2006 Total	\$750.00
				2008	DOSAL TOBACCO	\$1,000.00		
				2008	LORILLARD TOBACCO	\$500.00		
				2008	RJ REYNOLDS	\$1,000.00		
				2008	SWISHER INTERNATIONAL	\$500.00		
				2008	US SMOKELESS TOBACCO	\$500.00	2008 Total	\$3,500.00
					Sum Total 98-08	\$4,250.00		
BOYD, JANEGALE M	D	S	3	1998	ALTRIA/PM	\$500.00		
				1998	CIGAR ASSOCIATION OF AMERICA	\$500.00		
				1998	RJ REYNOLDS	\$500.00	1998 Total	\$1,500.00
				2000	RJ REYNOLDS	\$500.00	2000 Total	\$500.00
						Sum Total 98-08	\$2,000.00	
BRADLEY, RUDOLPH (RUDY)	R	S	21	1998	ALTRIA/PM	\$500.00		
				1998	BROWN & WILLIAMSON TOBACCO	\$500.00		
				1998	CIGAR ASSOCIATION OF AMERICA	\$500.00		
				1998	RJ REYNOLDS	\$500.00	1998 Total	\$2,000.00
				2000	ALTRIA/PM	\$500.00		
				2000	HAVATAMPA	\$250.00		
				2000	RJ REYNOLDS	\$500.00	2000 Total	\$1,250.00
					Sum Total 98-08	\$3,250.00		

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
BRANDENBURG, MARY	D	H	89	2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2004	RJ REYNOLDS	\$500.00		
				2004	VECTOR GROUP	\$500.00	2004 Total	\$1,000.00
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$500.00
				2008	DOSAL TOBACCO	\$500.00		
				2008	RJ REYNOLDS	\$500.00		
				2008	US SMOKELESS TOBACCO	\$500.00	2008 Total	\$1,500.00
						Sum Total 98-08	\$3,500.00	
BRENNAN, MARY	D	S	20	1998	ALTRIA/PM	\$500.00	1998 Total	\$500.00
							Sum Total 98-06	\$500.00
BRISE, RONALD A	D	H	108	2008	RJ REYNOLDS	\$500.00	2008 Total	\$500.00
							Sum Total 98-08	\$500.00
BRONSON, CHARLES H	R	AGRIC	SW	1998	ALTRIA/PM	\$1,000.00		
				1998	DUSA DISTRIBUTION CENTER	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	SWISHER INTERNATIONAL	\$1,000.00		
				1998	TOBACCO INSTITUTE	\$500.00		
				1998	US TOBACCO PUBLIC AFFAIRS INC	\$1,000.00	1998 Total	\$4,500.00
				2002	ALTRIA/PM	\$500.00		
				2002	BROWN & WILLIAMSON TOBACCO	\$1,000.00		
				2002	LORILLARD TOBACCO	\$500.00		
				2002	RJ REYNOLDS	\$500.00		
				2002	SMOKELESS TOBACCO COUNCIL	\$500.00	2002 Total	\$3,000.00
				2006	ALTRIA/PM	\$1,000.00		
				2006	DOSAL TOBACCO	\$1,000.00		
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$2,500.00
					Sum Total 98-08	\$10,000.00		
BRONSON, IRLO (BUD)	D	H	79	1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$500.00	1998 Total	\$1,000.00
							Sum Total 98-08	\$1,000.00
BROWN, DONALD D	R	H	5	2002	BROWN & WILLIAMSON TOBACCO	\$500.00	2002 Total	\$500.00
				2004	DOSAL TOBACCO	\$500.00		
				2004	LORILLARD TOBACCO	\$1,000.00		
				2004	RJ REYNOLDS	\$500.00		
				2004	US SMOKELESS TOBACCO	\$250.00		
				2004	VIBO CORP	\$500.00	2004 Total	\$2,750.00
				2006	DOSAL TOBACCO	\$500.00		
				2006	RJ REYNOLDS	\$500.00		
				2006	US SMOKELESS TOBACCO	\$500.00	2006 Total	\$1,500.00
					Sum Total 98-08	\$4,750.00		
BROWN, SHIRLEY A	D	H	69	1998	TOBACCO INSTITUTE	\$250.00	1998 Total	\$250.00
							Sum Total 98-08	\$250.00
BROWN-WAITE, VIRGINIA (GINNY)	R	S	10	1998	SWISHER INTERNATIONAL	\$500.00		
							Sum Total 98-08	\$500.00
BRUMMER, FREDERICK C	R	H	38	2004	VECTOR GROUP	\$500.00	2004 Total	\$500.00
							Sum Total 98-08	\$500.00

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
BRUTUS, PHILLIP J	D	H	108	2002	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2002	LORILLARD TOBACCO	\$500.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$1,500.00
				2004	RJ REYNOLDS	\$500.00	2004 Total	\$500.00
							Sum Total 98-08	\$2,000.00
BUCHER, SUSAN	D	H	88	2002	ALTRIA/PM	\$250.00	2002 Total	\$250.00
				2004	RJ REYNOLDS	\$500.00	2004 Total	\$500.00
							Sum Total 98-08	\$750.00
BULLARD, EDWARD B	D	H	118	2000	LORILLARD TOBACCO	\$500.00		
				2000	NATIONAL CIGAR CORP	\$500.00		
				2000	RJ REYNOLDS	\$500.00	2000 Total	\$1,500.00
				2002	LORILLARD TOBACCO	\$500.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$1,000.00
				2004	LORILLARD TOBACCO	\$500.00	2004 Total	\$500.00
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$500.00
							Sum Total 98-08	\$3,500.00
BULLARD, LARCENIA J	D	S	39	1998	ALLSTATE CIGARETTE DISTRIBUTORS	\$250.00		
				1998	ALTRIA/PM	\$500.00		
				1998	RJ REYNOLDS	\$1,000.00	1998 Total	\$1,750.00
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2004	COMMONWEALTH BRANDS	\$500.00		
				2004	LORILLARD TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$1,000.00		
2004	VIBO CORP	\$500.00	2004 Total	\$2,500.00				
							Sum Total 98-08	\$4,750.00
BUNKLEY, BILL	R	H	47	2004	RJ REYNOLDS	\$500.00	2004 Total	\$500.00
							Sum Total 98-08	\$500.00
BURKE, BERYL ROBERTS	D	H	108	1998	ALLSTATE CIGARETTE DISTRIBUTORS	\$500.00		
				1998	ALTRIA/PM	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$500.00	1998 Total	\$2,000.00
							Sum Total 98-08	\$2,000.00
BURROUGHS, JERRY	R	H	1	1998	ALTRIA/PM	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$500.00		
				1998	US TOBACCO PUBLIC AFFAIRS INC	\$250.00	1998 Total	\$1,750.00
							Sum Total 98-08	\$1,750.00
BURT, LOCKE	R	AG	SW	2002	TOBACCO CENTER INC	\$500.00	2002 Total	\$500.00
							Sum Total 98-08	\$500.00
BUSH, JEB	R	G	SW	1998	ALTRIA/PM	\$2,750.00		
				1998	BROWN & WILLIAMSON TOBACCO	\$500.00		
				1998	DISCOUNT TOBACCO SALES INC	\$500.00		
				1998	DUSA DISTRIBUTION CENTER	\$250.00		
				1998	HAVATAMPA	\$1,500.00		
				1998	JC NEWMAN CIGAR CO	\$500.00		
				1998	M & N CIGAR MANUFACTURERS	\$500.00		

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year			
BUSH, JEB (cont'd)				1998	OLIVA TOBACCO COMPANY	\$1,000.00				
				1998	RJ REYNOLDS	\$1,000.00				
				1998	THOMPSON & CO OF TAMPA INC	\$500.00				
				1998	TOBACCO INSTITUTE	\$500.00				
				1998	UNITED CIGAR INC	\$500.00				
				1998	US TOBACCO PUBLIC AFFAIRS INC	\$500.00			1998 Total	\$10,500.00
				2002	BROWN & WILLIAMSON TOBACCO	\$500.00				
				2002	HAVATAMPA	\$500.00				
				2002	LORILLARD TOBACCO	\$500.00				
				2002	TROPICAL CIGARS	\$500.00			2002 Total	\$2,000.00
							Sum Total 98-08	\$12,500.00		
BYRD JR, JOHNNIE B	R	H	62	1998	ALTRIA/PM	\$500.00				
				1998	CONSOLIDATED CIGAR	\$500.00				
				1998	RJ REYNOLDS	\$500.00			1998 Total	\$1,500.00
				2000	ALTRIA/PM	\$500.00				
				2000	RJ REYNOLDS	\$500.00			2000 Total	\$1,000.00
				2002	ALTRIA/PM	\$500.00				
				2002	RJ REYNOLDS	\$500.00			2002 Atotal	\$1,000.00
							Sum Total 98-08	\$3,500.00		
CANNON JR, R DEAN	R	H	35	2004	ALTRIA/PM	\$500.00				
				2004	DOSAL TOBACCO	\$500.00				
				2004	LORILLARD TOBACCO	\$500.00				
				2004	RJ REYNOLDS	\$500.00				
				2004	VECTOR GROUP	\$500.00				
				2004	VIBO CORP	\$500.00			2004 Total	\$3,000.00
				2006	ALTRIA/PM	\$250.00				
				2006	LORILLARD TOBACCO	\$500.00				
				2006	RJ REYNOLDS	\$500.00			2006 Total	\$1,250.00
				2008	ALTRIA/PM	\$500.00				
				2008	DOSAL TOBACCO	\$1,500.00				
				2008	LORILLARD TOBACCO	\$500.00				
				2008	RJ REYNOLDS	\$500.00			2008 Total	\$3,000.00
							Sum Total 98-08	\$7,250.00		
CANTENS, GASTON	R	H	114	1998	PILOTO CIGARS INC	\$500.00				
				2000	ALTRIA/PM	\$250.00				
				2000	RJ REYNOLDS	\$500.00			2000 Total	\$750.00
				2002	RJ REYNOLDS	\$500.00			2002 Total	\$500.00
CAPPELLI, ANGELO	R	H	52	2006	DOSAL TOBACCO	\$500.00				
				2006	RJ REYNOLDS	\$500.00			2006 Total	\$1,000.00
CARASSAS, JOHN	R	H	54	2002	ALTRIA/PM	\$250.00				
				2002	BROWN & WILLIAMSON TOBACCO	\$500.00				
				2002	RJ REYNOLDS	\$500.00			2002 Total	\$1,250.00

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
CARLTON, LISA	R	S	23	2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2004	ALTRIA/PM	\$750.00		
				2004	VECTOR GROUP	\$500.00		
				2004	VIBO CORP	\$500.00	2004 Total	\$1,750.00
							Sum Total 98-08	\$2,250.00
CAROLLO, FRANK	R	H	107	1998	DON SIEGO INC	\$250.00	1998 Total	\$250.00
				2000	NATIONAL CIGAR CORP	\$500.00	2000 Total	\$500.00
				2006	DOSAL TOBACCO	\$1,500.00		
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$2,000.00
							Sum Total 98-08	\$2,750.00
CARROLL, JENNIFER	R	H	13	2006	RJ REYNOLDS	\$500.00		
				2006	US SMOKELESS TOBACCO	\$500.00	2006 Total	\$1,000.00
							Sum Total 98-08	\$1,000.00
CHESTNUT IV, CHARLES S	D	H	23	2006	RJ REYNOLDS	\$500.00	2006 Total	\$500.00
				2008	DOSAL TOBACCO	\$500.00		
				2008	RJ REYNOLDS	\$500.00		
				2008	US SMOKELESS TOBACCO	\$500.00	2008 Total	\$1,500.00
							Sum Total 98-08	\$2,000.00
CHESTNUT, CYNTHIA MOORE	D	S	5	2000	RJ REYNOLDS	\$500.00	2000 Total	\$500.00
							Sum Total 98-08	\$500.00
CLARKE, DONNA	R	H	69	2002	ALTRIA/PM	\$500.00		
				2002	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2002	LORILLARD TOBACCO	\$1,000.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$2,500.00
				2004	ALTRIA/PM	\$250.00		
				2004	DOSAL TOBACCO	\$500.00		
				2004	LORILLARD TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00	2004 Total	\$1,750.00
							Sum Total 98-08	\$4,250.00
CLARY, CHARLIE	R	S	7	2000	ALTRIA/PM	\$500.00		
				2000	RJ REYNOLDS	\$500.00	2000 Total	\$1,000.00
				2002	ALTRIA/PM	\$500.00	2002 Total	\$500.00
							Sum Total 98-08	\$1,500.00
CLEMONS, CHUCK	R	H	22	2000	RJ REYNOLDS	\$500.00	2000 Total	\$500.00
							Sum Total 98-08	\$500.00
CLEMONS, SCOTT W	D	H	6	1998	ALTRIA/PM	\$500.00		
				1998	RJ REYNOLDS	\$500.00	1998 Total	\$1,000.00
							Sum Total 98-08	\$1,000.00
COATES JR, HOWARD K	R	H	85	2008	ALTRIA/PM	\$500.00	2008 Total	\$500.00
							Sum Total 98-08	\$500.00
COLEY, DAVID A	R	H	7	2004	ALTRIA/PM	\$1,000.00		
				2004	DOSAL TOBACCO	\$500.00		
				2004	LORILLARD TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00	2004 Total	\$2,500.00
							Sum Total 98-08	\$2,500.00

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
COLLINS, JILL	R	H	47	2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
							Sum Total 98-08	\$500.00
CONSTANTINE, LEE	R	S	22	1998	ALTRIA/PM	\$500.00		
				1998	CIGAR ASSOCIATION OF AMERICA	\$500.00		
				1998	RJ REYNOLDS	\$500.00	1998 Total	\$1,500.00
				2000	ALTRIA/PM	\$500.00		
				2000	RJ REYNOLDS	\$500.00	2000 Total	\$1,000.00
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2006	ALTRIA/PM	\$500.00		
				2006	DOSAL TOBACCO	\$1,000.00		
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$2,000.00
						Sum Total 98-08	\$5,000.00	
COSGROVE, JOHN F	D	H	119	1998	ALLSTATE CIGARETTE DISTRIBUTORS	\$500.00		
				1998	ALTRIA/PM	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$750.00	1998 Total	\$2,250.00
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
						Sum Total 98-08	\$2,750.00	
CRAWFORD, BOB	D	AGRIC	SW	1998	ALTRIA/PM	\$500.00		
				1998	BROWN & WILLIAMSON TOBACCO	\$500.00		
				1998	HAVATAMPA	\$1,000.00		
				1998	SMOKELESS TOBACCO COUNCIL	\$500.00		
				1998	TOBACCO INSTITUTE	\$500.00	1998 Total	\$3,000.00
						Sum Total 98-08	\$3,000.00	
CRETUL, LARRY	R	H	22	2004	RJ REYNOLDS	\$500.00		
				2004	VECTOR GROUP	\$500.00	2004 Total	\$1,000.00
				2006	DOSAL TOBACCO	\$500.00		
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$1,000.00
						Sum Total 98-08	\$2,000.00	
CRIST, CHARLIE	R	G	SW	2000	HAVATAMPA	\$750.00		
				2000	SWISHER INTERNATIONAL	\$500.00	2000 Total	\$1,250.00
				2002	ALTRIA/PM	\$500.00		
				2002	CONSOLIDATED CIGAR	\$500.00	2002 Total	\$1,000.00
				2006	ALTRIA/PM	\$1,500.00		
				2006	CROWN TOBACCO	\$500.00		
				2006	DOSAL TOBACCO	\$2,500.00		
				2006	MICCOSUKEE SMOKE SHOP	\$500.00		
				2006	OLIVA TOBACCO COMPANY	\$500.00		
				2006	SMOKE CHEAP 2	\$500.00		
				2006	SMOKE NO 2	\$500.00		
				2006	US SMOKELESS TOBACCO	\$1,000.00		
				2006	VIBO CORP	\$1,000.00	2006 Total	\$8,500.00
					Sum Total 98-08	\$10,750.00		
CRIST, VICTOR	R	S	12	1998	ALTRIA/PM	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$500.00	1998 Total	\$1,500.00

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
CRIST, VICTOR (cont'd)				2000	US TOBACCO PUBLIC AFFAIRS INC	\$500.00	2000 Total	\$500.00
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2006	DOSAL TOBACCO	\$1,000.00		
				2006	RJ REYNOLDS	\$500.00		
				2006	US SMOKELESS TOBACCO	\$500.00		
				2006	VIBO CORP	\$500.00	2006 Total	\$2,500.00
							Sum Total 98-08	\$5,000.00
CROOK, MONTY	R	H	19	2000	SWISHER INTERNATIONAL	\$750.00	2000 Total	\$750.00
							Sum Total 98-08	\$750.00
CROW, LARRY	R	H	49	1998	RJ REYNOLDS	\$500.00	1998 Total	\$500.00
				2000	ALTRIA/PM	\$500.00	2000 Total	\$1,000.00
				2000	RJ REYNOLDS	\$500.00		
							Sum Total 98-08	\$1,500.00
CULP, FAYE	R	H	57	1998	ALTRIA/PM	\$500.00		
				1998	HAVATAMPA	\$1,000.00		
				1998	RJ REYNOLDS	\$500.00	1998 Total	\$2,000.00
				2000	HAVATAMPA	\$500.00	2000 Total	\$500.00
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2004	ALTRIA/PM	\$250.00		
				2004	RJ REYNOLDS	\$500.00		
				2004	VIBO CORP	\$500.00	2004 Total	\$1,250.00
				2006	DOSAL TOBACCO	\$500.00		
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$1,000.00
				2008	RJ REYNOLDS	\$717.28		
2008	US SMOKELESS TOBACCO	\$500.00	2008 Total	\$1,217.28				
							Sum Total 98-08	\$6,467.28
CURTIS, DON	R	H	10	2008	ALTRIA/PM	\$500.00		
				2008	DOSAL TOBACCO	\$1,000.00	2008 Total	\$1,500.00
							Sum Total 98-08	\$1,500.00
CUSACK, JOYCE	D	H	27	2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2004	LORILLARD TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00		
				2004	UNK	\$500.00	2004 Total	\$1,500.00
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$500.00
							Sum Total 98-08	\$2,500.00
DANTZLER, RICHARD E	D	LTG	SW	1998	SMOKELESS TOBACCO COUNCIL	\$500.00		
				1998	SWISHER INTERNATIONAL	\$500.00		
				1998	THOMPSON & CO OF TAMPA INC	\$200.00	1998 Total	\$1,200.00
							Sum Total 98-08	\$1,200.00
DAVIS, DON	R	H	18	2000	SWISHER INTERNATIONAL	\$1,000.00	2000 Total	\$1,000.00
				2002	ALTRIA/PM	\$250.00	2002 Total	\$250.00
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$500.00
							Sum Total 98-08	\$1,750.00
DAVIS, JIM	D	G	SW	2006	CENTRAL AMERICAN TOBACCO CORP	\$500.00	2006 Total	\$500.00
							Sum Total 98-08	\$500.00



**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
DAVIS, MIKE	R	H	101	2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2004	RJ REYNOLDS	\$500.00	2004 Total	\$500.00
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$500.00
						Sum Total 98-08	\$1,500.00	
DAVIS, WESLEY	R	H	80	2000	PIPE DEN & CIGARS	\$100.00	2000 Total	\$100.00
						Sum Total 98-08	\$100.00	
DAWSON, M MANDY	D	S	29	1998	ALTRIA/PM	\$500.00	1998 Total	\$1,500.00
				1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$500.00		
				2002	ALTRIA/PM	\$500.00	2002 Total	\$500.00
				2004	LORILLARD TOBACCO	\$500.00	2004 Total	\$1,000.00
				2004	VECTOR GROUP	\$500.00		
		Sum Total 98-08	\$3,000.00					
DEAN, CHARLES S	R	S	3	2002	BROWN & WILLIAMSON TOBACCO	\$500.00	2002 Total	\$1,500.00
				2002	RJ REYNOLDS	\$1,000.00		
				2004	ALTRIA/PM	\$250.00		
				2004	BROWN & WILLIAMSON TOBACCO	\$500.00	2004 Total	\$2,500.00
				2004	LORILLARD TOBACCO	\$1,000.00		
				2004	RJ REYNOLDS	\$500.00		
				2004	US SMOKELESS TOBACCO	\$250.00		
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$1,000.00
				2006	US SMOKELESS TOBACCO	\$500.00		
				2008	DOSAL TOBACCO	\$1,000.00	2008 Total	\$5,000.00
				2008	HAVATAMPA	\$500.00		
				2008	LORILLARD TOBACCO	\$1,000.00		
				2008	RJ REYNOLDS	\$1,000.00		
				2008	SWISHER INTERNATIONAL	\$500.00		
2008	US SMOKELESS TOBACCO	\$1,000.00						
		Sum Total 98-08	\$10,000.00					
DENNIS, WILLYE F	D	H	15	1998	ALTRIA/PM	\$500.00	1998 Total	\$1,250.00
				1998	RJ REYNOLDS	\$500.00		
				1998	US TOBACCO PUBLIC AFFAIRS INC	\$250.00		
		Sum Total 98-08	\$1,250.00					
DENYS, DEBORAH A	R	H	28	2000	RJ REYNOLDS	\$500.00	2000 Total	\$500.00
						Sum Total 98-08	\$500.00	
DETERT, NANCY	R	S	23	2000	ALTRIA/PM	\$250.00	2000 Total	\$750.00
				2000	RJ REYNOLDS	\$500.00		
				2002	ALTRIA/PM	\$500.00	2002 Total	\$1,000.00
				2002	RJ REYNOLDS	\$500.00		
				2004	ALTRIA/PM	\$250.00	2004 Total	\$750.00
				2004	RJ REYNOLDS	\$500.00		
				2008	DOSAL TOBACCO	\$500.00	2008 Total	\$1,500.00
				2008	LORILLARD TOBACCO	\$500.00		
2008	RJ REYNOLDS	\$500.00	Sum Total 98-06	\$4,000.00				

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
DEUTCH, TED	D	S	30	2006	DOSAL TOBACCO	\$500.00		
							Sum Total 98-08	\$500.00
DIAZ DE LA PORTILLA, ALEX	R	S	36	1998	ALTRIA/PM	\$500.00	1998 Total	\$500.00
				2002	RJ REYNOLDS	\$1,000.00		
				2002	US SMOKELESS TOBACCO	\$250.00	2002 Total	\$1,250.00
				2006	ALTRIA/PM	\$500.00		
				2006	DOSAL TOBACCO	\$2,828.00		
				2006	LORILLARD TOBACCO	\$500.00		
				2006	US SMOKELESS TOBACCO	\$500.00	2006 Total	\$4,328.00
							Sum Total 98-08	\$6,078.00
DIAZ DE LA PORTILLA, RENIER	R	H	115	2002	ALTRIA/PM	\$250.00		
				2002	LORILLARD TOBACCO	\$500.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$1,250.00
							Sum Total 98-08	\$1,250.00
DILAVORE, PETER	R	H	30	2000	DUSA DISTRIBUTION CENTER	\$50.00	2000 Total	\$50.00
							Sum Total 98-08	\$50.00
DOCKERY, PAULA	R	S	15	1998	ALTRIA/PM	\$1,000.00		
				1998	RJ REYNOLDS	\$1,000.00		
				1998	US TOBACCO PUBLIC AFFAIRS INC	\$500.00	1998 Total	\$2,500.00
				2000	ALTRIA/PM	\$250.00		
				2000	RJ REYNOLDS	\$500.00	2000 Total	\$750.00
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2004	ALTRIA/PM	\$500.00		
				2004	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2004	LORILLARD TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$1,000.00		
				2004	US SMOKELESS TOBACCO	\$250.00		
				2004	VECTOR GROUP	\$500.00		
				2004	VIBO CORP	\$500.00	2004 Total	\$3,750.00
				2008	ALTRIA/PM	\$500.00		
				2008	LORILLARD TOBACCO	\$500.00		
				2008	RJ REYNOLDS	\$500.00		
				2008	US SMOKELESS TOBACCO	\$500.00	2008 Total	\$2,000.00
							Sum Total 98-08	\$9,500.00
DOMINO, CARL J	R	H	83	2002	ALTRIA/PM	\$500.00	2002 Total	\$500.00
				2004	ALTRIA/PM	\$1,000.00		
				2004	LORILLARD TOBACCO	\$500.00	2004 Total	\$1,500.00
				2006	RJ REYNOLDS	\$500.00		
				2006	US SMOKELESS TOBACCO	\$500.00	2006 Total	\$1,000.00
				2008	ALTRIA/PM	\$500.00		
				2008	DOSAL TOBACCO	\$500.00		
				2008	RJ REYNOLDS	\$500.00	2008 Total	\$1,500.00
							Sum Total 98-08	\$4,500.00
DORWORTH, CHRIS	R	H	34	2008	DOSAL TOBACCO	\$1,000.00	2008 Total	\$1,000.00
							Sum Total 98-08	\$1,000.00

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
DRAKE, BRAD	R	H	5	2008	DOSAL TOBACCO	\$500.00		
				2008	LORILLARD TOBACCO	\$500.00		
				2008	RJ REYNOLDS	\$1,000.00	2008 Total	\$2,000.00
							Sum Total 98-08	\$2,000.00
DUDLEY, FRED	R	AG	SW	1998	RJ REYNOLDS	\$500.00		
				1998	SMOKELESS TOBACCO COUNCIL	\$500.00	1998 Total	\$1,000.00
							Sum Total 98-08	\$1,000.00
DYER, BUDDY	D	AG	SW	1998	RJ REYNOLDS	\$500.00	1998 Total	\$500.00
				2002	RJ REYNOLDS	\$500.00		
				2002	SMOKELESS TOBACCO COUNCIL	\$500.00	2002 Total	\$1,000.00
							Sum Total 98-08	\$1,500.00
EDWARDS, ANDY	R	H	85	2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
							Sum Total 98-08	\$500.00
EDWARDS, LORI	D	H	65	1998	ALTRIA/PM	\$1,000.00	1998 Total	\$1,000.00
							Sum Total 98-08	\$1,000.00
EGGELLETON JR, JOSEPHUS	D	H	94	1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$500.00	1998 Total	\$1,000.00
							Sum Total 98-08	\$1,000.00
EVERS, GREG	R	H	1	2002	ALTRIA/PM	\$250.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$750.00
				2004	ALTRIA/PM	\$500.00		
				2004	COMMONWEALTH BRANDS	\$500.00		
				2004	LORILLARD TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00	2004 Total	\$2,000.00
				2006	ALTRIA/PM	\$250.00		
				2006	RJ REYNOLDS	\$500.00		
				2006	VIBO CORP	\$500.00	2006 Total	\$1,250.00
				2008	DOSAL TOBACCO	\$500.00		
				2008	RJ REYNOLDS	\$500.00	2008 Total	\$1,000.00
			Sum Total 98-08	\$5,000.00				
FARKAS, FRANK	R	S	16	2000	ALTRIA/PM	\$500.00		
				2000	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2000	RJ REYNOLDS	\$1,000.00	2000 Total	\$2,000.00
				2002	ALTRIA/PM	\$500.00		
				2002	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2002	LORILLARD TOBACCO	\$1,000.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$2,500.00
				2004	ALTRIA/PM	\$1,000.00		
				2004	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2004	LORILLARD TOBACCO	\$1,000.00		
				2004	RJ REYNOLDS	\$1,000.00	2004 Total	\$3,500.00
				2006	ALTRIA/PM	\$500.00		
				2006	LORILLARD TOBACCO	\$500.00		
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$1,500.00
			Sum Total 98-08	\$9,500.00				

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
FASANO, MIKE	R	S	11	1998	ALTRIA/PM	\$1,000.00	1998 Total	\$2,500.00
				1998	RJ REYNOLDS	\$1,000.00		
				1998	TOBACCO INSTITUTE	\$500.00		
				2000	ALTRIA/PM	\$500.00	2000 Total	\$1,000.00
				2000	RJ REYNOLDS	\$500.00		
				2002	ALTRIA/PM	\$500.00	2002 Total	\$1,250.00
				2002	LORILLARD TOBACCO	\$500.00		
				2002	US SMOKELESS TOBACCO	\$250.00		
				2004	ALTRIA/PM	\$1,000.00		
				2004	DOSAL TOBACCO	\$1,000.00		
				2004	LORILLARD TOBACCO	\$500.00	2004 Total	\$4,500.00
				2004	RJ REYNOLDS	\$500.00		
				2004	US SMOKELESS TOBACCO	\$500.00		
				2004	VECTOR GROUP	\$500.00		
				2004	VIBO CORP	\$500.00		
				2008	DOSAL TOBACCO	\$1,000.00		
				2008	RJ REYNOLDS	\$500.00		
2008	SWISHER INTERNATIONAL	\$500.00	2008 Total	\$3,000.00				
2008	US SMOKELESS TOBACCO	\$1,000.00						
							Sum Total 98-08	\$12,250.00
FEAMAN, PETER	R	H	87	2002	ALTRIA/PM	\$250.00	2002 Total	\$250.00
							Sum Total 98-08	\$250.00
FEENEY, TOM	R	H	33	1998	ALTRIA/PM	\$500.00	1998 Total	\$1,500.00
				1998	CIGAR ASSOCIATION OF AMERICA	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				2000	ALTRIA/PM	\$500.00	2000 Total	\$2,000.00
				2000	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2000	LORILLARD TOBACCO	\$500.00		
				2000	RJ REYNOLDS	\$500.00		
							Sum Total 98-08	\$3,500.00
FERNANDEZ, JOSE	D	H	49	2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
							Sum Total 98-08	\$500.00
FERNANDEZ, ROBERT H	R	H	107	2006	RJ REYNOLDS	\$500.00	2006 Total	\$500.00
							Sim Total 98-08	\$500.00
FIELDS, TERRY L	D	H	14	2000	RJ REYNOLDS	\$500.00	2000 Total	\$1,000.00
				2000	SWISHER INTERNATIONAL	\$500.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2004	RJ REYNOLDS	\$500.00		
				2004	SWISHER INTERNATIONAL	\$500.00	2004 Total	\$1,000.00
				2006	DOSAL TOBACCO	\$1,000.00		
				2006	RJ REYNOLDS	\$500.00		
							Sum Total 98-08	\$4,000.00
FISCHER, MARGO	D	H	52	1998	RJ REYNOLDS	\$500.00	1998 Total	\$500.00
							Sum Total 98-08	\$500.00

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
FITZGERALD, KEITH	D	H	69	2008	DOSAL TOBACCO	\$500.00		
				2008	RJ REYNOLDS	\$500.00		
				2008	SWISHER INTERNATIONAL	\$500.00	2008 Total	\$1,500.00
							Sum Total 98-08	\$1,500.00
FLANAGAN, MARK G	R	S	21	1998	ALLSTATE CIGARETTE DISTRIBUTORS	\$250.00		
				1998	RJ REYNOLDS	\$1,000.00		
				1998	TOBACCO INSTITUTE	\$500.00		
				1998	US TOBACCO PUBLIC AFFAIRS INC	\$250.00	1998 Total	\$2,000.00
				2000	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2000	RJ REYNOLDS	\$500.00	2000 Total	\$1,000.00
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
			Sum Total 98-08	\$3,500.00				
FLORES, ANITERE	R	H	114	2004	ALTRIA/PM	\$500.00		
				2004	DOSAL TOBACCO	\$500.00		
				2004	GLOBAL TRADING CORP OF TAMPA	\$500.00		
				2004	LORILLARD TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00	2004 Total	\$2,500.00
				2006	ALTRIA/PM	\$250.00		
				2006	DOSAL TOBACCO	\$500.00		
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$1,250.00
				2008	RJ REYNOLDS	\$500.00	2008 Total	\$500.00
			Sum Total 98-08	\$4,250.00				
FORD, CLAY	R	H	3	2008	DOSAL TOBACCO	\$500.00		
				2008	RJ REYNOLDS	\$500.00	2008 Total	\$1,000.00
							Sum Total 98-08	\$1,000.00
FRANCE, CHRIS	R	H	21	2008	DOSAL TOBACCO	\$500.00	2008 Total	\$500.00
							Sum Total 98-08	\$500.00
FRANTA, TIM	R	H	30	2000	SMOKELESS TOBACCO COUNCIL	\$500.00	2000 Total	\$500.00
							Sum Total 98-08	\$500.00
FRESEN, ERIK	R	H	111	2008	NICARAGUA TOBACCO IMPORTS INC	\$500.00	2008 Total	\$500.00
							Sum Total 98-08	\$500.00
FRISHE, JAMES C (JIM)	R	H	54	2006	ALTRIA/PM	\$250.00	2006 Total	\$250.00
				2008	RJ REYNOLDS	\$500.00	2008 Total	\$500.00
							Sum Total 98-08	\$750.00
FUTCH, HOWARD	R	S	26	1998	ALTRIA/PM	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$500.00	1998 Total	\$1,500.00
				2002	ALTRIA/PM	\$500.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$1,000.00
							Sum Total 98-08	\$2,500.00
GALLAGHER, TOM	R	G	SW	1998	ALTRIA/PM	\$500.00		
				1998	BAREFOOT TRADING CO	\$250.00		
				1998	HAVANA FL CIGAR CO	\$500.00		
				1998	SMOKELESS TOBACCO COUNCIL	\$500.00	1998 Total	\$1,750.00
				2000	HAVATAMPA	\$500.00		
				2000	VIBO CORP	\$1,000.00	2000 Total	\$1,500.00

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
GALLAGHER, TOM				2006	DOSAL TOBACCO	\$2,500.00		
				2006	VECTOR GROUP	\$1,000.00	2006 Total	\$3,500.00
							Sum Total 98-08	\$6,750.00
GALVANO, WILLIAM S	R	H	68	2002	LORILLARD TOBACCO	\$500.00	2002 Total	\$500.00
				2004	LORILLARD TOBACCO	\$1,000.00		
				2004	RJ REYNOLDS	\$500.00	2004 Total	\$1,500.00
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$500.00
				2008	LORILLARD TOBACCO	\$500.00	2008 Total	\$500.00
			Sum Total 98-08	\$3,000.00				
GANNON, ANNE M	D	H	86	2000	RJ REYNOLDS	\$500.00		
				2000	US TOBACCO PUBLIC AFFAIRS INC	\$500.00	2000 Total	\$1,000.00
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2004	LEADER TOBACCO	\$500.00		
				2004	LORILLARD TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00		
				2004	VECTOR GROUP	\$500.00	2004 Total	\$2,000.00
			Sum Total 98-08	\$3,500.00				
GARCIA JR, RODOLFO (RUDY)	R	S	40	1998	ALTRIA/PM	\$500.00		
				1998	CIGAR ASSOCIATION OF AMERICA	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	US TOBACCO PUBLIC AFFAIRS INC	\$250.00	1998 Total	\$1,750.00
				2000	ALTRIA/PM	\$500.00		
				2000	DOSAL TOBACCO	\$1,000.00		
				2000	ITALIAN TOBACCO USA INC	\$500.00		
				2000	LORILLARD TOBACCO	\$500.00		
				2000	NATIONAL CIGAR CORP	\$500.00		
				2000	PREMIUM CIGARETTE CORP	\$500.00		
				2000	REAL TOBACCO	\$500.00		
				2000	RJ REYNOLDS	\$500.00		
				2000	TOBACCO CENTER INC	\$500.00	2000 Total	\$5,000.00
				2002	CONCH REPUBLIC NATURAL TOBACCO CO	\$500.00		
				2002	DOSAL TOBACCO	\$500.00		
2002	RJ REYNOLDS	\$500.00	2002 Total	\$1,500.00				
2006	RJ REYNOLDS	\$500.00	2006 Total	\$500.00				
			Sum Total 98-08	\$8,750.00				
GARCIA, LUIS	D	H	107	2008	DOSAL TOBACCO	\$1,000.00		
				2008	SWISHER INTERNATIONAL	\$500.00	2008 Total	\$1,500.00
							Sum Total 98-08	\$1,500.00
GARCIA, RENE	R	H	110	2002	ALTRIA/PM	\$250.00		
				2002	CONCH REPUBLIC NATURAL TOBACCO CO	\$500.00		
				2002	DOSAL TOBACCO	\$500.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$1,750.00
				2004	COMMONWEALTH BRANDS	\$500.00		
				2004	DOSAL TOBACCO	\$1,000.00		
				2004	VECTOR GROUP	\$500.00	2004 Total	\$2,000.00
2006	DOSAL TOBACCO	\$500.00						

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
GARCIA, RENE (cont'd)				2006	RJ REYNOLDS	\$500.00	2006 Total	\$1,000.00
							Sum Total 98-08	\$4,750.00
GARDINER, ANDY	R	S	9	2008	DOSAL TOBACCO	\$500.00	2008 Total	\$500.00
							Sum Total 98-08	\$500.00
GARDNER, JERRY	R	H	28	1998	RJ REYNOLDS	\$500.00	1998 Total	\$500.00
							Sum Total 98-08	\$500.00
GAY, GREG	R	H	74	1998	ALTRIA/PM	\$500.00	1998 Total	\$1,000.00
				1998	TOBACCO INSTITUTE	\$500.00		
							Sum Total 98-08	\$1,000.00
GELBER, DAN	D	S	35	2000	VECTOR GROUP	\$500.00	2000 Total	\$500.00
				2004	DOSAL TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00	2004 Total	\$1,500.00
				2004	VECTOR GROUP	\$500.00		
				2006	ALTRIA/PM	\$500.00		
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$1,000.00
				2008	ALTRIA/PM	\$500.00		
				2008	DOSAL TOBACCO	\$500.00	2008 Total	\$2,000.00
				2008	LORILLARD TOBACCO	\$500.00		
				2008	RJ REYNOLDS	\$500.00	Sum Total 98-08	\$5,000.00
GELLER, JOSEPH (JOE)	D	H	106	2000	RJ REYNOLDS	\$500.00	2000 Total	\$500.00
				2008	US SMOKELESS TOBACCO	\$500.00	2008 Total	\$500.00
							Sum Total 98-08	\$1,000.00
GELLER, STEVEN A	D	S	31	2000	ALTRIA/PM	\$500.00	2000 Total	\$1,000.00
				2000	US TOBACCO PUBLIC AFFAIRS INC	\$500.00		
				2004	ALTRIA/PM	\$500.00	2004 Total	\$1,000.00
				2004	RJ REYNOLDS	\$500.00		
			Sum Total 98-08	\$2,000.00				
GIBBONS, JOSEPH (JOE)	D	H	105	2008	RJ REYNOLDS	\$500.00	2008 Total	\$500.00
							Sum Total 98-08	\$500.00
GIBSON III, HUGH	R	H	42	2002	ALTRIA/PM	\$250.00	2002 Total	\$1,250.00
				2002	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2002	RJ REYNOLDS	\$500.00		
				2004	BROWN & WILLIAMSON TOBACCO	\$500.00	2004 Total	\$1,500.00
				2004	LORILLARD TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00		
				2006	LORILLARD TOBACCO	\$500.00	2006 Total	\$1,000.00
2006	RJ REYNOLDS	\$500.00						
			Sum Total 98-08	\$3,750.00				
GIBSON, AUDREY	D	H	15	2004	RJ REYNOLDS	\$500.00	2004 Total	\$500.00
				2006	DOSAL TOBACCO	\$500.00	2006 Total	\$1,000.00
				2006	RJ REYNOLDS	\$500.00		
						Sum Total 98-08	\$1,500.00	
GLORIOSO, RICHARD	R	H	62	2004	ALTRIA/PM	\$500.00		
				2004	DOSAL TOBACCO	\$500.00		
				2004	LORILLARD TOBACCO	\$500.00		

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
GLORIOSO, RICHARD (cont'd)				2004	RJ REYNOLDS	\$500.00		
				2004	VECTOR GROUP	\$500.00	2004 Total	\$2,500.00
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$500.00
				2008	US SMOKELESS TOBACCO	\$500.00	2008 Total	\$500.00
							Sum Total 98-08	\$3,500.00
GOLDSTEIN, SUSAN K	R	H	97	2004	DOSAL TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00		
				2004	VIBO CORP	\$500.00	2004 Total	\$1,500.00
				2006	ALTRIA/PM	\$250.00		
				2006	RJ REYNOLDS	\$500.00		
				2006	US SMOKELESS TOBACCO	\$500.00		
				2006	VIBO CORP	\$500.00	2006 Total	\$1,750.00
			Sum Total 98-08	\$3,250.00				
GONZALEZ, EDDY	R	H	102	2008	CAPITAL CIGARS	\$100.00		
				2008	DOSAL TOBACCO	\$500.00		
				2008	HAVANA GROUP CIGARS	\$250.00		
				2008	OLIVA TOBACCO COMPANY	\$500.00		
				2008	RJ REYNOLDS	\$500.00	2008 Total	\$1,850.00
			Sum Total 98-08	\$1,850.00				
GOODE JR, HARRY C	R	S	15	1998	ALTRIA/PM	\$1,000.00		
				1998	RJ REYNOLDS	\$1,000.00		
				1998	SWISHER INTERNATIONAL	\$500.00		
				1998	TOBACCO INSTITUTE	\$1,250.00		
				1998	US TOBACCO PUBLIC AFFAIRS INC	\$500.00	1998 Total	\$4,250.00
				2000	ALTRIA/PM	\$500.00		
				2000	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2000	LORILLARD TOBACCO	\$500.00		
				2000	RJ REYNOLDS	\$500.00		
				2000	SMOKELESS TOBACCO COUNCIL	\$500.00		
				2000	SWISHER INTERNATIONAL	\$500.00	2000 Total	\$3,000.00
			Sum Total 98-08	\$7,250.00				
GOODLETTE, J DUDLEY	R	H	76	2000	ALTRIA/PM	\$500.00		
				2000	RJ REYNOLDS	\$500.00	2000 Total	\$1,000.00
				2002	ALTRIA/PM	\$500.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$1,000.00
			Sum Total 98-08	\$2,000.00				
GRANT, MICHAEL	R	S	23	2004	VECTOR GROUP	\$500.00	2004 Total	\$500.00
				2006	ALTRIA/PM	\$250.00		
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$750.00
				2008	US SMOKELESS TOBACCO	\$500.00	2008 Total	\$500.00
			Sum Total 98-08	\$1,750.00				
GREEN, CAROLE	R	H	75	2000	RJ REYNOLDS	\$500.00	2000 Total	\$500.00
							Sum Total 98-08	\$500.00
GREENE, ADDIE L	D	H	84	1998	ALTRIA/PM	\$500.00		
				1998	TOBACCO INSTITUTE	\$750.00		
				1998	US TOBACCO PUBLIC AFFAIRS INC	\$250.00	1998 Total	\$1,500.00



**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
GREENE, ADDIE L (cont'd)							Sum Total 98-08	\$1,500.00
GREENSTEIN, RON	D	H	95	2000	RJ REYNOLDS	\$500.00	2000 Total	\$500.00
				2002	ALTRIA/PM	\$500.00		
				2002	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$1,500.00
				2004	ALTRIA/PM	\$250.00		
				2004	RJ REYNOLDS	\$500.00	2004 Total	\$750.00
						Sum Total 98-08	\$2,750.00	
GRIMSLEY, DENISE	R	H	77	2004	DOSAL TOBACCO	\$500.00		
				2004	LORILLARD TOBACCO	\$1,000.00		
				2004	VECTOR GROUP	\$500.00	2004 Total	\$2,000.00
				2006	DOSAL TOBACCO	\$500.00		
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$1,000.00
				2008	DOSAL TOBACCO	\$500.00		
				2008	RJ REYNOLDS	\$500.00		
				2008	US SMOKELESS TOBACCO	\$1,000.00	2008 Total	\$2,000.00
						Sum Total 98-08	\$5,000.00	
GUTMAN, ALBERTO (AL)	R	S	34	1998	ALTRIA/PM	\$500.00		
				1998	CIGAR ASSOCIATION OF AMERICA	\$500.00		
				1998	PURE LEAF TOBACCO CORP	\$500.00		
				1998	RJ REYNOLDS	\$1,000.00		
				1998	SWISHER INTERNATIONAL	\$500.00		
				1998	TOBACCO INSTITUTE	\$500.00		
				1998	WORLD CIGARS	\$500.00	1998 Total	\$4,000.00
						Sum Total 98-08	\$4,000.00	
HAFNER, LARS A	D	H	53	1998	ALTRIA/PM	\$1,000.00	1998 Total	\$1,000.00
							Sum Total 98-08	\$1,000.00
HAMMOND, MICHAEL	R	H	41	1998	RJ REYNOLDS	\$500.00	1998 Total	\$500.00
							Sum Total 98-08	\$500.00
HARIDOPOLOS, MIKE	R	S	26	2000	RJ REYNOLDS	\$500.00	2000 Total	\$500.00
				2002	ALTRIA/PM	\$250.00		
				2002	RJ REYNOLDS	\$500.00		
				2002	US SMOKELESS TOBACCO	\$250.00	2002 Total	\$1,000.00
				2006	ALTRIA/PM	\$500.00		
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$1,000.00
						Sum Total 98-08	\$2,500.00	
HARPER, JAMES HANK	D	H	84	2000	BROWN & WILLIAMSON TOBACCO	\$500.00	2000 Total	\$500.00
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
							Sum Total 98-08	\$1,000.00
HARRELL, GAYLE	R	H	81	2004	VIBO CORP	\$500.00	2004 Total	\$500.00
							Sum Total 98-08	\$500.00
HARRINGTON, LINDSAY M	R	H	72	1998	ALTRIA/PM	\$500.00		
				1998	RJ REYNOLDS	\$500.00	1998 Total	\$1,000.00
				2000	ALTRIA/PM	\$500.00		
				2000	RJ REYNOLDS	\$500.00	2000 Total	\$1,000.00
				2002	ALTRIA/PM	\$500.00		

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
HARRINGTON, LINDSAY M (cont'd)				2002	RJ REYNOLDS	\$500.00	2002 Total	\$1,000.00
HARRIS, KATHERINE	R	SS	SW	1998	RJ REYNOLDS	\$500.00	1998 Total	\$500.00
HART, CHRIS	R	H	57	1998	ALTRIA/PM	\$500.00	1998 Total	\$1,000.00
				1998	RJ REYNOLDS	\$500.00		
				2000	ALTRIA/PM	\$250.00	2000 Total	\$1,050.00
				2000	RJ REYNOLDS	\$500.00		
				2000	US TOBACCO PUBLIC AFFAIRS INC	\$300.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
						Sum Total 98-08	\$2,550.00	
HASNER, ADAM	R	H	87	2002	ALTRIA/PM	\$250.00	2002 Total	\$750.00
				2002	RJ REYNOLDS	\$500.00		
				2004	ALTRIA/PM	\$250.00	2004 Total	\$3,750.00
				2004	DOSAL TOBACCO	\$1,000.00		
				2004	LORILLARD TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00		
				2004	US SMOKELESS TOBACCO	\$500.00		
				2004	VECTOR GROUP	\$500.00		
				2004	VIBO CORP	\$500.00		
				2006	ALTRIA/PM	\$250.00	2006 Total	\$1,250.00
				2006	DOSAL TOBACCO	\$500.00		
				2006	RJ REYNOLDS	\$500.00		
				2006	ALTRIA/PM	\$500.00		
				2008	DOSAL TOBACCO	\$1,000.00	2008 Total	\$3,000.00
2008	RJ REYNOLDS	\$500.00						
2008	US SMOKELESS TOBACCO	\$1,000.00						
						Sum Total 98-08	\$8,750.00	
HAYS, ALAN	R	H	25	2004	DOSAL TOBACCO	\$500.00	2004 Total	\$1,000.00
				2004	RJ REYNOLDS	\$500.00		
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$500.00
						Sum Total 98-08	\$1,500.00	
HELLER, BILL	D	H	52	2008	DOSAL TOBACCO	\$1,000.00	2008 Total	\$2,000.00
				2008	RJ REYNOLDS	\$500.00		
				2008	SWISHER INTERNATIONAL	\$500.00	Sum Total 98-08	\$2,000.00
HENRIQUEZ, BOB	D	H	58	1998	OLIVA TOBACCO COMPANY	\$250.00	1998 Total	\$250.00
				2000	BROWN & WILLIAMSON TOBACCO	\$500.00	2000 Total	\$1,500.00
				2000	RJ REYNOLDS	\$1,000.00		
				2002	ALTRIA/PM	\$250.00	2002 Total	\$2,500.00
				2002	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2002	LORILLARD TOBACCO	\$500.00		
				2002	RJ REYNOLDS	\$1,000.00		
				2002	US SMOKELESS TOBACCO	\$250.00		
				2002	ALTRIA/PM	\$750.00		
				2004	DOSAL TOBACCO	\$500.00		

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
HENRIQUEZ, BOB (cont'd)				2004	LORILLARD TOBACCO	\$1,000.00		
				2004	RJ REYNOLDS	\$1,000.00		
				2004	US SMOKELESS TOBACCO	\$250.00		
				2004	VIBO CORP	\$500.00	2004 Total	\$4,000.00
							Sum Total 98-08	\$8,250.00
HEYMAN, SALLY A	D	H	105	1998	CIGAR ASSOCIATION OF AMERICA	\$500.00	1998 Total	\$500.00
				2000	RJ REYNOLDS	\$500.00	2000 Total	\$500.00
							Sum Total 98-08	\$1,000.00
HILL, ANTHONY C TONY	D	S	1	1998	ALTRIA/PM	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$500.00	1998 Total	\$1,500.00
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2004	COMMONWEALTH BRANDS	\$500.00	2004 Total	\$500.00
				2008	LORILLARD TOBACCO	\$500.00		
2008	US SMOKELESS TOBACCO	\$500.00	2008 Total	\$1,000.00				
							Sum Total 98-08	\$3,500.00
HOGAN, MIKE	R	H	13	2000	RJ REYNOLDS	\$500.00	2000 Total	\$500.00
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
							Sum Total 98-08	\$1,000.00
HOLDER, DOUG	R	H	70	2006	DOSAL TOBACCO	\$500.00	2006 Total	\$500.00
				2008	DOSAL TOBACCO	\$500.00		
				2008	US SMOKELESS TOBACCO	\$500.00	2008 Total	\$1,000.00
							Sum Total 98-08	\$1,500.00
HOLLOWAY, WILBERT THEODORE	D	H	103	2000	PREMIUM CIGARETTE CORP	\$500.00	2000 Total	\$500.00
				2002	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2002	LORILLARD TOBACCO	\$500.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$1,500.00
				2004	COMMONWEALTH BRANDS	\$500.00		
				2004	DOSAL TOBACCO	\$1,000.00		
				2004	LORILLARD TOBACCO	\$1,000.00		
				2004	VIBO CORP	\$500.00	2004 Total	\$3,000.00
				2006	ALTRIA/PM	\$250.00		
				2006	DOSAL TOBACCO	\$500.00		
				2006	RJ REYNOLDS	\$500.00		
2006	US SMOKELESS TOBACCO	\$500.00	2006 Total	\$1,750.00				
							Sum Total 98-08	\$6,750.00
HOLZENDORF, BETTY S	D	S	2	1998	ALTRIA/PM	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$500.00	1998 Total	\$1,500.00
							Sum Total 98-08	\$1,500.00
HOMAN, ED	R	H	60	2004	DOSAL TOBACCO	\$500.00		
				2004	VECTOR GROUP	\$500.00	2004 Total	\$1,000.00
							Sum Total 98-08	\$1,000.00
HORNER, MIKE	R	H	79	2008	DOSAL TOBACCO	\$500.00	2008 Total	\$500.00

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
HUDSON, MATT	R	H	101	2008	SWEDISH MATCH	\$500.00	2008 Total	\$500.00
							Sum Total 98-08	\$500.00
HUKILL, DOROTHY L	R	H	28	2004	ALTRIA/PM	\$250.00	2004 Total	\$1,750.00
					DOSAL TOBACCO	\$1,000.00		
				2006	VIBO CORP	\$500.00	2006 Total	\$1,750.00
					ALTRIA/PM	\$250.00		
				2008	DOSAL TOBACCO	\$500.00	2008 Total	\$2,000.00
					RJ REYNOLDS	\$500.00		
				2006	US SMOKELESS TOBACCO	\$500.00	2006 Total	\$1,750.00
					ALTRIA/PM	\$500.00		
				2008	DOSAL TOBACCO	\$1,000.00	2008 Total	\$2,000.00
					US SMOKELESS TOBACCO	\$500.00		
							Sum Total 98-08	\$5,500.00
HYMAN, TIM	R	H	119	2002	TOBACCO ROAD INC	\$250.00	2002 Total	\$250.00
							Sum Total 98-08	\$250.00
JACKSON, GENNY	R	H	81	2000	RJ REYNOLDS	\$500.00	2000 Total	\$1,500.00
					SMOKELESS TOBACCO COUNCIL	\$500.00		
				2000	SWISHER INTERNATIONAL	\$500.00	2000 Total	\$1,500.00
							Sum Total 98-08	\$1,500.00
JENNE, EVAN	D	H	100	2008	DOSAL TOBACCO	\$500.00	2008 Total	\$1,000.00
					RJ REYNOLDS	\$500.00		
JENNINGS JR, EDWARD L	D	S	14	2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
					RJ REYNOLDS	\$1,000.00		
				2006	DOSAL TOBACCO	\$500.00	2006 Total	\$1,500.00
					US SMOKELESS TOBACCO	\$500.00		
				2006	VIBO CORP	\$500.00	2006 Total	\$1,500.00
							Sum Total 98-08	\$3,000.00
JOHNSON, RANDY D	R	CFO	SW	2004	ALTRIA/PM	\$500.00	2004 Total	\$2,000.00
					COMMONWEALTH BRANDS	\$500.00		
				2004	RJ REYNOLDS	\$500.00	2006 Total	\$500.00
					VECTOR GROUP	\$500.00		
				2006	LORILLARD TOBACCO	\$500.00	2006 Total	\$500.00
							Sum Total 98-08	\$2,500.00
JONES, DARYL L	D	S	40	1998	RJ REYNOLDS	\$500.00	1998 Total	\$1,000.00
					US TOBACCO PUBLIC AFFAIRS INC	\$500.00		
JONES, DENNIS L	R	S	13	1998	ALTRIA/PM	\$500.00	1998 Total	\$1,000.00
					RJ REYNOLDS	\$500.00		
				2002	ALTRIA/PM	\$500.00	2002 Total	\$2,750.00
					BROWN & WILLIAMSON TOBACCO	\$500.00		
				2002	LORILLARD TOBACCO	\$500.00	2002 Total	\$2,750.00
					RJ REYNOLDS	\$1,000.00		
				2002	US SMOKELESS TOBACCO	\$250.00	2002 Total	\$2,750.00
					ALTRIA/PM	\$500.00		
				2004	BROWN & WILLIAMSON TOBACCO	\$500.00	2004 Total	\$500.00

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
JONES, DENNIS L (cont'd)				2004	LORILLARD TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00		
				2004	VECTOR GROUP	\$500.00	2004 Total	\$2,500.00
				2008	ALTRIA/PM	\$500.00		
				2008	DOSAL TOBACCO	\$500.00		
				2008	LORILLARD TOBACCO	\$500.00		
				2008	RJ REYNOLDS	\$500.00		
				2008	US SMOKELESS TOBACCO	\$500.00	2008 Total	\$2,500.00
						Sum Total 98-08	\$8,750.00	
JONES, MIA	D	H	14	2008	DOSAL TOBACCO	\$500.00	2008 Total	\$500.00
							Sum Total 98-08	\$500.00
JORDAN, CAROLE JEAN	R	H	80	2000	ALTRIA/PM	\$500.00		
				2000	RJ REYNOLDS	\$500.00	2000 Total	
							Sum Total 98-08	\$1,000.00
JORDAN, STAN	R	H	17	2002	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$1,000.00
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$500.00
							Sum Total 98-08	\$1,500.00
JORDAN-HOLMES, SARAH	D	H	57	1998	TOBACCO INSTITUTE	\$250.00	1998 Total	\$250.00
							Sum Total 98-08	\$250.00
JOYNER, ARTHENIA L	D	H	59	2002	ALTRIA/PM	\$500.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$1,000.00
				2004	RJ REYNOLDS	\$500.00	2004 Total	\$500.00
							Sum Total 98-08	\$1,500.00
JUSTICE, CHARLIE	D	S	16	2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2004	RJ REYNOLDS	\$500.00	2004 Total	\$500.00
				2006	DOSAL TOBACCO	\$500.00		
				2006	RJ REYNOLDS	\$500.00		
				2006	US SMOKELESS TOBACCO	\$500.00	2006 Total	\$1,500.00
						Sum Total 98-08	\$2,500.00	
KALLINGER, JIM	R	H	35	2002	LORILLARD TOBACCO	\$500.00	2002 Total	\$500.00
							Sum Total 98-08	\$500.00
KELLY, EVERETT	R	S	11	2000	RJ REYNOLDS	\$500.00	2000 Total	\$500.00
							Sum Total 98-08	\$500.00
KENDRICK, WILL S	D	H	10	2000	RJ REYNOLDS	\$1,000.00	2000 Total	\$1,000.00
				2002	ALTRIA/PM	\$500.00		
				2002	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$1,500.00
				2004	LORILLARD TOBACCO	\$500.00	2004 Total	\$500.00
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$500.00
						Sum Total 98-08	\$3,500.00	
KERSTEEN, ROBERT A	R	H	53	2000	RJ REYNOLDS	\$500.00	2000 Total	\$500.00
							Sum Total 98-08	\$500.00
KIAR, MARTIN DAVID	D	H	97	2008	DOSAL TOBACCO	\$1,000.00		
				2008	RJ REYNOLDS	\$1,000.00	2008 Total	\$2,000.00
							Sum Total 98-08	\$2,000.00

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
KILMER, BEV	R	H	7	2000	ALTRIA/PM	\$250.00	2000 Total	\$250.00
				2002	ALTRIA/PM	\$250.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$750.00
							Sum Total 98-08	\$1,000.00
KING JR, JAMES E	R	S	8	1998	ALTRIA/PM	\$500.00		
				1998	CIGAR ASSOCIATION OF AMERICA	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$500.00	1998 Total	\$2,000.00
				2002	ALTRIA/PM	\$500.00		
				2002	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2002	LORILLARD TOBACCO	\$1,500.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$3,000.00
				2006	ALTRIA/PM	\$500.00		
				2006	LORILLARD TOBACCO	\$500.00		
				2006	MICCOSUKEE SMOKE SHOP	\$500.00		
				2006	RJ REYNOLDS	\$500.00		
2006	US SMOKELESS TOBACCO	\$500.00	2006 Total	\$2,500.00				
			Sum Total 98-08	\$7,500.00				
KISE, CHRIS	R	S	20	1998	HAVATAMPA	\$1,000.00	1998 Total	\$1,000.00
							Sum Total 98-08	\$1,000.00
KLEIN, RON	D	S	30	1998	ALLSTATE CIGARETTE DISTRIBUTORS	\$500.00		
				1998	ALTRIA/PM	\$500.00	1998 Total	\$1,000.00
				2002	ALTRIA/PM	\$500.00		
				2002	LORILLARD TOBACCO	\$500.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$1,500.00
			Sum Total 98-08	\$2,500.00				
KOSMAS, SUZANNE M	D	H	28	2000	RJ REYNOLDS	\$500.00	2000 Total	\$500.00
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
							Sum Total 98-08	\$1,000.00
KOTTKAMP, JEFF	R	H	74	2002	RJ REYNOLDS	\$1,000.00	2002 Total	\$1,000.00
				2004	LORILLARD TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00	2004 Total	\$1,000.00
							Sum Total 98-08	\$2,000.00
KRAVITZ, DICK	R	H	19	2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2004	RJ REYNOLDS	\$500.00	2004 Total	\$500.00
				2006	RJ REYNOLDS	\$500.00		
				2006	US SMOKELESS TOBACCO	\$500.00	2006 Total	\$1,000.00
							Sum Total 98-08	\$2,000.00
KREEGEL, PAIGE	R	H	72	2004	DOSAL TOBACCO	\$500.00		
				2004	LORILLARD TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00	2004 Total	\$1,500.00
				2006	ALTRIA/PM	\$250.00		
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$750.00
				2008	DOSAL TOBACCO	\$500.00		
				2008	RJ REYNOLDS	\$500.00		
				2008	US SMOKELESS TOBACCO	\$500.00	2008 Total	\$1,500.00

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
KREEGEL, PAIGE (cont'd)							Sum Total 98-08	\$3,750.00
KRISEMAN, RICK	D	H	53	2008	DOSAL TOBACCO	\$500.00		
				2008	SWISHER INTERNATIONAL	\$500.00		
				2008	US SMOKELESS TOBACCO	\$500.00	2008 Total	\$1,500.00
							Sum Total 98-08	\$1,500.00
KYLE, BRUCE	R	H	73	2000	ALTRIA/PM	\$500.00		
				2000	RJ REYNOLDS	\$500.00	2000 Total	\$1,000.00
				2002	ALTRIA/PM	\$500.00		
				2002	RJ REYNOLDS	\$500.00		
				2002	US SMOKELESS TOBACCO	\$500.00	2002 Total	\$1,500.00
				2004	ALTRIA/PM	\$500.00		
				2004	RJ REYNOLDS	\$500.00		
				2004	VECTOR GROUP	\$500.00		
				2004	VIBO CORP	\$500.00	2004 Total	\$2,000.00
			Sum Total 98-08	\$4,500.00				
LACASA, CARLOS	R	H	117	1998	ALTRIA/PM	\$500.00		
				1998	RJ REYNOLDS	\$500.00	1998 Total	\$1,000.00
				2000	ALTRIA/PM	\$500.00		
				2000	DOSAL TOBACCO	\$500.00		
				2000	RJ REYNOLDS	\$500.00		
				2000	TOBACCO CENTER INC	\$500.00	2000 Total	\$2,000.00
			Sum Total 98-08	\$3,000.00				
LATVALA, JACK	R	S	19	2000	ALTRIA/PM	\$500.00		
				2000	TOBACCO INSTITUTE	\$500.00	2000 Total	\$1,000.00
							Sum Total 98-08	\$1,000.00
LAWSON JR, ALFRED (AL)	D	S	6	1998	RJ REYNOLDS	\$500.00		
				1998	US TOBACCO PUBLIC AFFAIRS INC	\$250.00	1998 Total	\$750.00
				2000	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2000	LORILLARD TOBACCO	\$500.00		
				2000	RJ REYNOLDS	\$500.00	2000 Total	\$1,500.00
				2002	SMOKELESS TOBACCO COUNCIL	\$500.00	2002 Total	\$500.00
2006	RJ REYNOLDS	\$500.00	2006 Total	\$500.00				
							Sum Total 98-08	\$3,250.00
LEE, TOM	R	CFO	SW	2000	US TOBACCO PUBLIC AFFAIRS INC	\$500.00	2000 Total	
				2006	DOSAL TOBACCO	\$2,500.00		
				2006	RJ REYNOLDS	\$500.00	2006 Total	
							Sum Total 98-08	\$3,500.00
LEGG, JOHN	R	H	46	2004	US SMOKELESS TOBACCO	\$250.00		
				2004	VECTOR GROUP	\$500.00	2004 Total	\$750.00
				2006	US SMOKELESS TOBACCO	\$500.00	2006 Total	\$500.00
				2008	ALTRIA/PM	\$500.00		
				2008	DOSAL TOBACCO	\$1,000.00		
				2008	RJ REYNOLDS	\$500.00	2008 Total	\$2,000.00
							Sum Total 98-08	\$3,250.00

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
LEVINE, CURT	D	H	89	2000	LORILLARD TOBACCO	\$500.00		
				2000	RJ REYNOLDS	\$500.00		
				2000	US TOBACCO PUBLIC AFFAIRS INC	\$250.00	2000 Total	\$1,250.00
							Sum Total 98-08	\$1,250.00
LEWIS, JOHN	R	H	69	2000	ALTRIA/PM	\$250.00	2000 Total	\$250.00
							Sum Total 98-08	\$250.00
LIPPMAN, FRED	D	H	100	1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$250.00	1998 Total	\$750.00
							Sum Total 98-08	\$750.00
LITTLEFIELD, CARL	R	H	61	1998	ALTRIA/PM	\$500.00		
				1998	CIGAR ASSOCIATION OF AMERICA	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$500.00	1998 Total	\$2,000.00
							Sum Total 98-08	\$2,000.00
LITTLEFIELD, KEN	R	H	61	2000	ALTRIA/PM	\$250.00		
				2000	RJ REYNOLDS	\$500.00	2000 Total	\$750.00
				2002	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2002	LORILLARD TOBACCO	\$500.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$1,500.00
				2004	LORILLARD TOBACCO	\$500.00	2004 Total	\$500.00
							Sum Total 98-08	\$2,750.00
LLORENTE, MARCELO	R	H	116	2002	RJ REYNOLDS	\$1,000.00	2002 Total	\$1,000.00
				2004	ALTRIA/PM	\$500.00		
				2004	DOSAL TOBACCO	\$500.00		
				2004	LORILLARD TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00	2004 Total	\$2,000.00
				2006	ALTRIA/PM	\$500.00		
				2006	LORILLARD TOBACCO	\$500.00		
				2006	RJ REYNOLDS	\$500.00		
				2006	US SMOKELESS TOBACCO	\$500.00	2006 Total	\$2,000.00
			Sum Total 98-08	\$5,000.00				
LOCKETT-FELDER, PAT	D	H	14	2008	SWISHER INTERNATIONAL	\$500.00	2008 Total	\$500.00
							Sum Total 98-08	\$500.00
LOGAN, WILLIE F	D	H	103	1998	ALLSTATE CIGARETTE DISTRIBUTORS	\$500.00		
				1998	ALTRIA/PM	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$500.00		
				1998	US TOBACCO PUBLIC AFFAIRS INC	\$250.00	1998 Total	\$2,250.00
							Sum Total 98-08	\$2,250.00
LONG, JANET C	D	H	51	2006	RJ REYNOLDS	\$500.00	2006 Total	\$500.00
				2008	DOSAL TOBACCO	\$500.00		
				2008	RJ REYNOLDS	\$500.00		
				2008	SWISHER INTERNATIONAL	\$500.00	2008 Total	\$1,500.00
							Sum Total 98-08	\$2,000.00



**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
LOPEZ, JORGE LUIS	R	H	107	2008	ALTRIA/PM	\$500.00		
				2008	DOSAL TOBACCO	\$500.00	2008 Total	\$1,000.00
LOPEZ-CANTERA, CARLOS	R	H	113	2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2004	ALTRIA/PM	\$750.00	2004 Total	\$750.00
				2006	DOSAL TOBACCO	\$1,000.00		
				2006	RJ REYNOLDS	\$500.00		
				2006	US SMOKELESS TOBACCO	\$500.00	2006 Total	\$2,000.00
				2008	CUBAN CRAFTERS INC	\$300.00		
				2008	DOSAL TOBACCO	\$2,000.00		
				2008	RJ REYNOLDS	\$500.00		
				2008	US SMOKELESS TOBACCO	\$500.00	2008 Total	\$3,300.00
						Sum Total 98-08	\$6,550.00	
LYNN, EVELYN J	R	S	7	1998	ALTRIA/PM	\$1,000.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	US TOBACCO PUBLIC AFFAIRS INC	\$500.00	1998 Total	\$2,000.00
				2000	ALTRIA/PM	\$250.00		
				2000	RJ REYNOLDS	\$500.00	2000 Total	\$750.00
				2002	ALTRIA/PM	\$500.00	2002 Total	\$500.00
				2004	ALTRIA/PM	\$500.00		
				2004	LORILLARD TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00		
				2004	VECTOR GROUP	\$500.00	2004 Total	\$2,000.00
				2006	US SMOKELESS TOBACCO	\$500.00		
				2006	VIBO CORP	\$500.00	2006 Total	\$1,000.00
				2008	DOSAL TOBACCO	\$500.00		
				2008	RJ REYNOLDS	\$500.00		
				2008	SWISHER INTERNATIONAL	\$500.00	2008 Total	\$1,500.00
						Sum Total 98-08	\$7,750.00	
MACHEK, RICHARD A	D	H	78	2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2004	LORILLARD TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00	2004 Total	\$1,000.00
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$500.00
						Sum Total 98-08	\$2,000.00	
MACK, CONNIE	R	H	91	2000	ALTADIS USA	\$500.00		
				2000	ALTRIA/PM	\$250.00		
				2000	CONSOLIDATED CIGAR	\$1,000.00		
				2000	HAVATAMPA	\$100.00		
				2000	THOMPSON & CO OF TAMPA INC	\$1,500.00		
				2000	TOBACCO INSTITUTE	\$1,000.00	2000 Total	\$4,350.00
				2002	ALTRIA/PM	\$500.00		
				2002	CONSOLIDATED CIGAR	\$500.00		
2002	RJ REYNOLDS	\$500.00	2002 Total	\$1,500.00				
						Sum Total 98-08	\$5,850.00	

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
MACKAY, BUDDY	D	G	SW	1998	VECTOR GROUP	\$500.00	1998 Total	\$500.00
							Sum Total 98-08	\$500.00
MACKENZIE, ANNE	D	H	99	1998	CIGAR ASSOCIATION OF AMERICA	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$500.00	1998 Total	\$1,500.00
							Sum Total 98-08	\$1,500.00
MACKEY, JOSEPH R (RANDY)	D	H	11	1998	ALTRIA/PM	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$500.00	1998 Total	\$1,500.00
							Sum Total 98-08	\$1,500.00
MAHON, MARK H	R	H	16	2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2006	RJ REYNOLDS	\$300.00	2006 Total	\$300.00
							Sum Total 98-08	\$800.00
MANN JR, FRANK	R	S	27	1998	DOWNTOWN TOBACCO SHOPPE INC	\$50.00		
				1998	RJ REYNOLDS	\$1,000.00		
				1998	TOBACCO INSTITUTE	\$500.00	1998 Total	\$1,550.00
				2002	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2002	LORILLARD TOBACCO	\$500.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$1,500.00
							Sum Total 98-08	\$3,050.00
MARGOLIS, GWEN	D	S	35	2002	ALTRIA/PM	\$500.00		
				2002	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2002	LORILLARD TOBACCO	\$500.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$2,000.00
				2004	ALTRIA/PM	\$500.00		
				2004	LEADER TOBACCO	\$500.00		
				2004	OPTIMA TOBACCO CORP	\$500.00		
				2004	RJ REYNOLDS	\$500.00		
				2004	VECTOR GROUP	\$500.00		
				2004	VIBO CORP	\$500.00	2004 Total	\$3,000.00
							Sum Total 98-08	\$5,000.00
MAYFIELD, DEBBIE	R	H	80	2008	ALTRIA/PM	\$500.00		
				2008	RJ REYNOLDS	\$500.00		
				2008	US SMOKELESS TOBACCO	\$500.00	2008 Total	\$1,500.00
							Sum Total 98-08	\$1,500.00
MAYFIELD, STAN	R	H	80	2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2004	COMMONWEALTH BRANDS	\$500.00	2004 Total	\$500.00
				2006	ALTRIA/PM	\$500.00		
				2006	DOSAL TOBACCO	\$500.00		
				2006	RJ REYNOLDS	\$500.00		
				2006	VIBO CORP	\$500.00	2006 Total	\$2,000.00
							Sum Total 98-08	\$3,000.00
MAYGARDEN, JERRY L	R	H	2	1998	ALTRIA/PM	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				2000	ALTRIA/PM	\$500.00		
				2000	LORILLARD TOBACCO	\$500.00		

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
MAYGARDEN, JERRY L (cont'd)				2000	RJ REYNOLDS	\$1,000.00		
							Sum Total 98-08	\$3,000.00
MCBRIDE, WILLIAM H	D	G	SW	2002	OLIVA TOBACCO COMPANY	\$500.00		
				2002	THOMPSON & CO OF TAMPA INC	\$500.00	2002 Total	\$1,000.00
							Sum Total 98-08	\$1,000.00
MCGRIFF, PERRY C	D	H	22	2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
							Sum Total 98-08	\$500.00
MCINVALE, SHERI	R	H	36	2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2004	ALTRIA/PM	\$250.00		
				2004	RJ REYNOLDS	\$500.00		
				2004	VECTOR GROUP	\$500.00	2004 Total	\$1,250.00
				2006	ALTRIA/PM	\$250.00		
				2006	LORILLARD TOBACCO	\$500.00		
				2006	RJ REYNOLDS	\$1,000.00	2006 Total	\$1,750.00
							Sum Total 98-08	\$3,500.00
MCKAY, CHARLIE	R	H	57	1998	HAVATAMPA	\$500.00	1998 Total	\$500.00
							Sum Total 98-08	\$500.00
MCKAY, JOHN	R	S	26	1998	ALTRIA/PM	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$500.00	1998 Total	\$1,500.00
							Sum Total 98-08	\$1,500.00
MCKEEL, SETH	R	H	63	2006	ALTRIA/PM	\$250.00		
				2006	LORILLARD TOBACCO	\$500.00		
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$1,250.00
				2008	LORILLARD TOBACCO	\$500.00		
				2008	RJ REYNOLDS	\$500.00		
				2008	US SMOKELESS TOBACCO	\$500.00	2008 Total	\$1,500.00
							Sum Total 98-08	\$2,750.00
MEADOWS, MATTHEW J	D	H	94	1998	ALTRIA/PM	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	US TOBACCO PUBLIC AFFAIRS INC	\$500.00	1998 Total	\$1,500.00
				2000	LORILLARD TOBACCO	\$500.00		
				2000	RJ REYNOLDS	\$500.00	2000 Total	\$1,000.00
				2002	ALTRIA/PM	\$500.00		
				2002	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2002	LORILLARD TOBACCO	\$500.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$2,000.00
				2004	ALTRIA/PM	\$750.00		
				2004	VIBO CORP	\$500.00	2004 Total	\$1,250.00
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$500.00
							Sum Total 98-08	\$6,250.00
MEALOR, DAVID J	R	H	34	2002	ALTRIA/PM	\$250.00		
				2002	LORILLARD TOBACCO	\$500.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$1,250.00
				2004	ALTRIA/PM	\$250.00		
				2004	COMMONWEALTH BRANDS	\$500.00		

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
MEALOR, DAVID J (cont'd)				2004	RJ REYNOLDS	\$500.00		
				2004	VIBO CORP	\$500.00	2004 Total	\$1,750.00
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$500.00
						Sum Total 98-08	\$3,500.00	
MEEK, KENDRICK B	D	S	36	1998	ALTRIA/PM	\$500.00		
				1998	CIGAR ASSOCIATION OF AMERICA	\$500.00		
				1998	RJ REYNOLDS	\$1,000.00		
				1998	US TOBACCO PUBLIC AFFAIRS INC	\$500.00	1998 Total	\$2,500.00
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
						Sum Total 98-08	\$3,000.00	
MELVIN, JERRY	R	H	4	1998	ALTRIA/PM	\$500.00		
				1998	CIGAR ASSOCIATION OF AMERICA	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$250.00	1998 Total	\$1,750.00
				2000	ALTRIA/PM	\$500.00		
				2000	RJ REYNOLDS	\$500.00	2000 Total	\$1,000.00
		Sum Total 98-08	\$2,750.00					
MERCHANT, SHARON J	R	H	83	1998	ALTRIA/PM	\$500.00		
				1998	CIGAR ASSOCIATION OF AMERICA	\$500.00	1998 Total	\$1,000.00
						Sum Total 98-08	\$1,000.00	
MILLER, DAVE	R	H	54	2000	ALTRIA/PM	\$250.00		
				2000	LORILLARD TOBACCO	\$500.00		
				2000	RJ REYNOLDS	\$1,000.00	2000 Total	\$1,750.00
						Sum Total 98-08	\$1,750.00	
MILLER, LESLEY LES	D	S	21	1998	ALTRIA/PM	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	US TOBACCO PUBLIC AFFAIRS INC	\$250.00	1998 Total	\$1,250.00
				2000	ALTRIA/PM	\$500.00		
				2000	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2000	LORILLARD TOBACCO	\$500.00		
				2000	RJ REYNOLDS	\$500.00		
				2000	US TOBACCO PUBLIC AFFAIRS INC	\$500.00	2000 Total	\$2,500.00
		Sum Total 98-08	\$3,750.00					
MILLIGAN, BOB	R	COMPT	SW	1998	NATIONAL CIGAR CORP	\$500.00	1998 Total	\$500.00
		Sum Total 98-08	\$500.00					
MINTON JR, OR (RICK)	D	H	78	1998	ALLSTATE CIGARETTE DISTRIBUTORS	\$250.00		
				1998	ALTRIA/PM	\$1,000.00		
				1998	RJ REYNOLDS	\$1,000.00		
				1998	SMOKELESS TOBACCO COUNCIL	\$500.00		
				1998	SWISHER INTERNATIONAL	\$500.00		
				1998	TOBACCO INSTITUTE	\$1,000.00		
				1998	US TOBACCO PUBLIC AFFAIRS INC	\$250.00	1998 Total	\$4,500.00
						Sum Total 98-08	\$4,500.00	
MITCHELL, RICHARD	D	S	3	2002	ALTRIA/PM	\$500.00		
				2002	BIG INDEPENDENT WAREHOUSE	\$200.00		
				2002	BROWN & WILLIAMSON TOBACCO	\$1,000.00		

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year			
MITCHELL, RICHARD (cont'd)				2002	LORILLARD TOBACCO	\$1,000.00				
				2002	QUALITY TOBACCO EXCHANGE	\$250.00				
				2002	RJ REYNOLDS	\$1,000.00				
				2002	SMOKELESS TOBACCO COUNCIL	\$500.00				
									2002 Total	\$4,450.00
				Sum Total 98-08	\$4,450.00					
MOORE, TIFFANY	D	H	39	2002	RJ REYNOLDS	\$500.00				
							2002 Total	\$500.00		
							Sum Total 98-08	\$500.00		
MORALES, ALEX	R	S	39	2000	US TOBACCO PUBLIC AFFAIRS INC	\$500.00				
							2000 Total	\$500.00		
							Sum Total 98-08	\$500.00		
MORRONI, JOHN	R	H	50	1998	ALTRIA/PM	\$500.00				
				1998	RJ REYNOLDS	\$500.00				
				1998	TOBACCO INSTITUTE	\$500.00				
									1998 Total	\$1,500.00
				Sum Total 98-08	\$1,500.00					
MORSE, LUIS C	R	H	113	1998	ALLSTATE CIGARETTE DISTRIBUTORS	\$500.00				
				1998	ALTRIA/PM	\$500.00				
				1998	CIGAR ASSOCIATION OF AMERICA	\$500.00				
				1998	RJ REYNOLDS	\$500.00				
				1998	TOBACCO INSTITUTE	\$250.00				
				1998	US TOBACCO PUBLIC AFFAIRS INC	\$250.00				
									1998 Total	\$2,500.00
			Sum Total 98-08	\$2,500.00						
MORTHAM, SANDRA (SANDY)	R	SS	SW	1998	ALTRIA/PM	\$500.00				
				1998	HAVATAMPA	\$250.00				
				1998	RJ REYNOLDS	\$500.00				
				1998	STANDARD COMMERCIAL CORP	\$50.00				
				1998	SWISHER INTERNATIONAL	\$500.00				
									1998 Total	\$1,800.00
			Sum Total 98-08	\$1,800.00						
MURMAN, SANDRA L	R	S	10	2006	RJ REYNOLDS	\$500.00				
							2006 Total	\$500.00		
							Sum Total 98-08	\$500.00		
MURPHY, J BRIAN	R	H	68	2002	RJ REYNOLDS	\$500.00				
							2002 Total	\$500.00		
							Sum Total 98-08	\$500.00		
MURZIN, DAVE	R	H	2	2002	ALTRIA/PM	\$250.00				
				2002	BROWN & WILLIAMSON TOBACCO	\$500.00				
				2002	LORILLARD TOBACCO	\$500.00				
				2002	RJ REYNOLDS	\$500.00				
									2002 Total	\$1,750.00
				2004	ALTRIA/PM	\$500.00				
				2004	BROWN & WILLIAMSON TOBACCO	\$500.00				
				2004	LORILLARD TOBACCO	\$500.00				
				2004	RJ REYNOLDS	\$500.00				
				2004	VECTOR GROUP	\$500.00				
				2004	VIBO CORP	\$500.00				
									2004 Total	\$3,000.00
				2006	ALTRIA/PM	\$500.00				
				2006	RJ REYNOLDS	\$500.00				
									2006 Total	\$1,000.00
				2008	DOSAL TOBACCO	\$500.00				
2008	LORILLARD TOBACCO	\$500.00								
2008	RJ REYNOLDS	\$500.00								
2008	US SMOKELESS TOBACCO	\$500.00								
			2008 Total	\$2,000.00						

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
MURZIN, DAVE (cont'd)							Sum Total 98-08	\$7,750.00
NAULT, ARMAND	D	H	89	2002	LORILLARD TOBACCO	\$500.00	2002 Total	\$500.00
							Sum Total 98-08	\$500.00
NEEDELMAN, MITCH	R	H	31	2004	DOSAL TOBACCO	\$500.00	2004 Total	\$500.00
							Sum Total 98-08	\$500.00
NEGRON, JOE	R	H	82	2004	VECTOR GROUP	\$500.00	2004 Total	\$500.00
							Sum Total 98-08	\$500.00
NEHR, PETER F	R	H	48	2006	ALTRIA/PM	\$250.00	2006 Total	\$1,250.00
				2006	DOSAL TOBACCO	\$500.00		
				2006	RJ REYNOLDS	\$500.00		
				2008	DOSAL TOBACCO	\$500.00	2008 Total	\$1,000.00
				2008	RJ REYNOLDS	\$500.00		
							Sum Total 98-08	\$2,250.00
OELRICH, STEVE	R	S	14	2006	ALTRIA/PM	\$500.00	2006 Total	\$2,000.00
				2006	DOSAL TOBACCO	\$500.00		
				2006	RJ REYNOLDS	\$500.00		
				2006	US SMOKELESS TOBACCO	\$500.00		
							Sum Total 98-08	\$2,000.00
OGDEN, CARL	D	H	10	2000	RJ REYNOLDS	\$500.00	2000 Total	\$500.00
							Sum Total 98-08	\$500.00
OGLES, MARK R	R	H	67	1998	ALTRIA/PM	\$844.00	1998 Total	\$2,344.00
				1998	CIGAR ASSOCIATION OF AMERICA	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$500.00		
							Sum Total 98-08	\$2,344.00
OTOOLE, H MARLENE	R	H	42	2008	DOSAL TOBACCO	\$500.00	2008 Total	\$500.00
							Sum Total 98-08	\$500.00
PATRONIS JR, JIMMY THEO	R	H	6	2006	ALTRIA/PM	\$250.00	2006 Total	\$1,250.00
				2006	DOSAL TOBACCO	\$500.00		
				2006	RJ REYNOLDS	\$500.00		
							Sum Total 98-08	\$1,250.00
PATTERSON, PAT	R	H	26	2002	BROWN & WILLIAMSON TOBACCO	\$500.00	2002 Total	\$2,000.00
				2002	LORILLARD TOBACCO	\$1,000.00		
				2002	RJ REYNOLDS	\$500.00		
				2004	ALTRIA/PM	\$750.00	2004 Total	\$4,750.00
				2004	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2004	DOSAL TOBACCO	\$1,000.00		
				2004	LORILLARD TOBACCO	\$1,000.00		
				2004	RJ REYNOLDS	\$1,000.00		
				2004	VIBO CORP	\$500.00		
				2006	ALTRIA/PM	\$250.00		
				2006	DOSAL TOBACCO	\$500.00		
				2006	LORILLARD TOBACCO	\$500.00	2006 Total	\$1,750.00
				2006	RJ REYNOLDS	\$500.00		
				2008	ALTRIA/PM	\$250.00		
				2008	DOSAL TOBACCO	\$500.00		

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
PATTERSON, PAT (cont'd)				2008	LORILLARD TOBACCO	\$500.00		
				2008	RJ REYNOLDS	\$500.00	2008 Total	\$1,750.00
							Sum Total 98-08	\$10,250.00
PAUL, JERRY	R	H	71	2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
							Sum Total 98-08	\$500.00
PAYNE, JOHN K	R	H	77	1998	ALLSTATE CIGARETTE DISTRIBUTORS	\$500.00	Sum Total 98-08	\$500.00
PETERMAN JR, FRANK W	D	H	55	2002	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2002	LORILLARD TOBACCO	\$500.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$1,500.00
				2004	LORILLARD TOBACCO	\$500.00	2004 Total	\$500.00
							Sum Total 98-08	\$2,000.00
PICKENS, JOE H	R	H	21	2006	RJ REYNOLDS	\$500.00	2006 Total	\$500.00
							Sum Total 98-08	\$500.00
PLANAS, JUAN-CARLOS (J C)	R	H	115	2004	DOSAL TOBACCO	\$1,500.00	2004 Total	\$1,500.00
				2006	DOSAL TOBACCO	\$500.00		
				2006	LORILLARD TOBACCO	\$500.00		
				2006	RJ REYNOLDS	\$500.00		
				2006	US SMOKELESS TOBACCO	\$1,000.00	2006 Total	\$2,500.00
							Sum Total 98-08	\$4,000.00
POPE, DAVID	R	H	11	2006	ALTRIA/PM	\$250.00	2006 Total	\$250.00
							Sum Total 98-08	\$250.00
POPPELL, RALPH	R	H	29	2000	SMOKELESS TOBACCO COUNCIL	\$500.00	2000 Total	\$500.00
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2004	ALTRIA/PM	\$250.00		
				2004	LORILLARD TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00		
				2004	VECTOR GROUP	\$500.00	2004 Total	\$1,750.00
				2006	ALTRIA/PM	\$500.00		
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$1,000.00
				2008	ALTRIA/PM	\$250.00		
				2008	RJ REYNOLDS	\$1,000.00	2008 Total	\$1,250.00
			Sum Total 98-08	\$5,000.00				
PORTH, ARI ABRAHAM	D	H	96	2004	LORILLARD TOBACCO	\$500.00	2004 Total	\$500.00
				2006	RJ REYNOLDS	\$500.00		
				2006	US SMOKELESS TOBACCO	\$500.00	2006 Total	\$1,000.00
							Sum Total 98-08	\$1,500.00
POSEY, BILL	R	S	24	1998	ALTRIA/PM	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$500.00		
				1998	US TOBACCO PUBLIC AFFAIRS INC	\$250.00	1998 Total	\$1,750.00
				2000	LORILLARD TOBACCO	\$500.00		
				2000	RJ REYNOLDS	\$500.00		
				2000	SWISHER INTERNATIONAL	\$500.00		
				2000	US TOBACCO PUBLIC AFFAIRS INC	\$1,000.00	2000 Total	\$2,500.00
				2002	ALTRIA/PM	\$500.00		

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
POSEY, BILL (cont'd)				2002	US SMOKELESS TOBACCO	\$250.00	2002 Total	\$750.00
				2006	ALTRIA/PM	\$500.00		
				2006	RJ REYNOLDS	\$500.00		
				2006	US SMOKELESS TOBACCO	\$500.00	2006 Total	\$1,500.00
							Sum Total 98-08	\$6,500.00
PRECOURT, STEPHEN	R	H	41	2006	DOSAL TOBACCO	\$500.00		
				2006	LORILLARD TOBACCO	\$500.00		
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$1,500.00
				2008	US SMOKELESS TOBACCO	\$500.00	2008 Total	\$500.00
							Sum Total 98-08	\$2,000.00
PREWITT, DEBRA A	D	H	46	1998	ALLSTATE CIGARETTE DISTRIBUTORS	\$500.00		
				1998	ALTRIA/PM	\$500.00		
				1998	TOBACCO INSTITUTE	\$500.00	1998 Total	\$1,500.00
							Sum Total 98-08	\$1,500.00
PRIEGUEZ, MANUEL	R	H	113	2002	DOSAL TOBACCO	\$500.00	2002 Total	\$500.00
							Sum Total 98-08	\$500.00
PROCTOR, WILLIAM L	R	H	20	2004	COMMONWEALTH BRANDS	\$500.00		
				2004	DOSAL TOBACCO	\$500.00	2004 Total	\$1,000.00
				2006	ALTRIA/PM	\$250.00		
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$750.00
				2008	RJ REYNOLDS	\$500.00	2008 Total	\$500.00
							Sum Total 98-08	\$2,250.00
PRUITT, KEN	R	S	28	1998	ALLSTATE CIGARETTE DISTRIBUTORS	\$500.00		
				1998	ALTRIA/PM	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$250.00	1998 Total	\$1,750.00
				2000	ALTRIA/PM	\$500.00		
				2000	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2000	RJ REYNOLDS	\$500.00		
				2000	SWISHER INTERNATIONAL	\$500.00	2000 Total	\$2,000.00
				2002	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2002	LORILLARD TOBACCO	\$500.00	2002 Total	\$1,000.00
				2006	ALTRIA/PM	\$500.00		
				2006	DOSAL TOBACCO	\$1,500.00		
				2006	RJ REYNOLDS	\$500.00		
				2006	US SMOKELESS TOBACCO	\$500.00	2006 Total	\$3,000.00
							Sum Total 98-08	\$7,750.00
PUTNAM, ADAM H	R	H	63	1998	ALLSTATE CIGARETTE DISTRIBUTORS	\$500.00		
				1998	ALTRIA/PM	\$1,000.00		
				1998	RJ REYNOLDS	\$1,000.00		
				1998	US TOBACCO PUBLIC AFFAIRS INC	\$250.00	1998 Total	\$2,750.00
							Sum Total 98-08	\$2,750.00
RANDOLPH, SCOTT	D	H	36	2008	DOSAL TOBACCO	\$500.00		
				2008	RJ REYNOLDS	\$500.00		
				2008	US SMOKELESS TOBACCO	\$500.00	2008 Total	\$1,500.00
							Sum Total 98-08	\$1,500.00



**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
RAY, LAKE	R	H	17	2008	DOSAL TOBACCO	\$500.00	2008 Total	\$500.00
							Sum Total 98-08	\$500.00
RAYSON, JOHN C	D	H	90	1998	RJ REYNOLDS	\$500.00	1998 Total	\$500.00
							Sum Total 98-08	\$500.00
REAGAN, RON	R	H	67	2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2004	COMMONWEALTH BRANDS	\$500.00		
				2004	LORILLARD TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00	2004 Total	\$1,500.00
				2006	ALTRIA/PM	\$500.00		
				2006	RJ REYNOLDS	\$500.00		
				2006	US SMOKELESS TOBACCO	\$500.00	2006 Total	\$1,500.00
				2008	DOSAL TOBACCO	\$500.00		
				2008	LORILLARD TOBACCO	\$500.00		
				2008	RJ REYNOLDS	\$1,000.00	2008 Total	\$2,000.00
			Sum Total 98-08	\$5,500.00				
REDDICK, ALZO J	D	H	39	1998	ALLSTATE CIGARETTE DISTRIBUTORS	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$750.00		
				1998	US TOBACCO PUBLIC AFFAIRS INC	\$250.00	1998 Total	\$2,000.00
			Sum Total 98-08	\$2,000.00				
REED, BETTY	D	H	59	2008	RJ REYNOLDS	\$500.00	2008 Total	\$500.00
							Sum Total 98-08	\$500.00
RICH, NAN H	D	S	34	2004	ALTRIA/PM	\$750.00		
				2004	RJ REYNOLDS	\$500.00		
				2004	VECTOR GROUP	\$500.00		
				2004	VIBO CORP	\$500.00	2004 Total	\$2,250.00
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$500.00
				2008	SWISHER INTERNATIONAL	\$500.00		
				2008	US SMOKELESS TOBACCO	\$500.00	2008 Total	\$1,000.00
			Sum Total 98-08	\$3,750.00				
RICHARDSON, CURTIS	D	H	8	2000	LORILLARD TOBACCO	\$500.00		
				2000	RJ REYNOLDS	\$500.00	2000 Total	\$1,000.00
				2002	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$1,000.00
				2004	LORILLARD TOBACCO	\$1,000.00		
				2004	RJ REYNOLDS	\$500.00	2004 Total	\$1,500.00
			Sum Total 98-08	\$3,500.00				
RICHTER, GARRETT	R	S	37	2006	DOSAL TOBACCO	\$500.00	2006 Total	\$500.00
				2008	DOSAL TOBACCO	\$500.00		
				2008	US SMOKELESS TOBACCO	\$500.00	2008 Total	\$1,000.00
			Sum Total 98-08	\$1,500.00				
RING, JEREMY	D	S	32	2006	DOSAL TOBACCO	\$500.00		
							Sum Total 98-08	\$500.00
RITCHIE, DEEDEE	D	S	1	1998	ALTRIA/PM	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$750.00		

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
RITCHIE, DEEDEE (cont'd)				1998	US TOBACCO PUBLIC AFFAIRS INC	\$250.00	1998 Total	\$2,000.00
				2000	ALTRIA/PM	\$250.00		
				2000	RJ REYNOLDS	\$500.00		
				2000	US TOBACCO PUBLIC AFFAIRS INC	\$500.00	2000 Total	\$1,250.00
							Sum Total 98-08	\$3,250.00
RITTER, STACY J	D	H	96	1998	ALTRIA/PM	\$1,000.00	1998 Total	\$2,000.00
				1998	TOBACCO INSTITUTE	\$1,000.00		
				2000	ALTRIA/PM	\$500.00		
				2000	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2000	RJ REYNOLDS	\$500.00	2000 Total	\$1,500.00
				2002	ALTRIA/PM	\$250.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$750.00
			Sum Total 98-08	\$4,250.00				
RIVERA, DAVID	R	H	112	2002	ALTRIA/PM	\$250.00		
				2002	INTERNATIONAL CRUISE LIQUOR &	\$250.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$1,000.00
				2004	DOSAL TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00		
				2004	US SMOKELESS TOBACCO	\$500.00	2004 Total	\$1,500.00
				2006	ALTRIA/PM	\$500.00		
				2006	RJ REYNOLDS	\$500.00		
				2006	VIBO CORP	\$500.00	2006 Total	\$1,500.00
				2008	DOSAL TOBACCO	\$1,000.00		
				2008	RJ REYNOLDS	\$500.00		
				2008	US SMOKELESS TOBACCO	\$500.00	2008 Total	\$2,000.00
							Sum Total 98-08	\$6,000.00
ROBAINA, JULIO	R	H	117	2004	COMMONWEALTH BRANDS	\$500.00		
				2004	DOSAL TOBACCO	\$500.00		
				2004	LORILLARD TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00		
				2004	US SMOKELESS TOBACCO	\$500.00		
				2004	VECTOR GROUP	\$500.00	2004 Total	\$3,000.00
				2006	DOSAL TOBACCO	\$1,000.00		
				2006	RJ REYNOLDS	\$500.00		
				2006	VIBO CORP	\$500.00	2006 Total	\$2,000.00
			Sum Total 98-08	\$5,000.00				
ROBERSON, KEN	R	H	71	2008	DOSAL TOBACCO	\$500.00	2008 Total	\$500.00
							Sum Total 98-08	\$500.00
ROBERSON, YOLLY	D	H	104	2004	DOSAL TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00		
				2004	VECTOR GROUP	\$500.00	2004 Total	\$1,500.00
				2006	DOSAL TOBACCO	\$500.00		
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$1,000.00
			Sum Total 98-08	\$2,500.00				

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
RODRIGUEZ-CHOMAT, JORGE	R	H	114	1998	ALLSTATE CIGARETTE DISTRIBUTORS	\$500.00		
				1998	ALTRIA/PM	\$500.00		
				1998	CIGAR ASSOCIATION OF AMERICA	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$250.00	1998 Total	\$2,250.00
							Sum Total 98-08	\$2,250.00
ROJAS, LUIS E	R	S	39	1998	RJ REYNOLDS	\$500.00	1998 Total	\$500.00
				2000	RJ REYNOLDS	\$500.00		
				2000	US TOBACCO PUBLIC AFFAIRS INC	\$500.00	2000 Total	\$1,000.00
							Sum Total 98-08	\$1,500.00
ROMEO, SARA	D	H	60	2000	RJ REYNOLDS	\$500.00		
				2000	THOMPSON & CO OF TAMPA INC	\$100.00	2000 Total	\$600.00
				2002	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$1,000.00
							Sum Total 98-08	\$1,600.00
ROSS, DENNIS A	R	H	63	2000	RJ REYNOLDS	\$500.00	2000 Total	\$500.00
				2002	ALTRIA/PM	\$500.00		
				2002	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2002	LORILLARD TOBACCO	\$500.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$2,000.00
				2004	LORILLARD TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00	2004 Total	\$1,000.00
						Sum Total 98-08	\$3,500.00	
ROSSIN, TOM	D	S	35	2000	ALTRIA/PM	\$500.00		
				2000	RJ REYNOLDS	\$1,000.00	2000 Total	\$1,500.00
							Sum Total 98-08	\$1,500.00
ROUSON, DARRYL ERVIN	D	H	55	2008	DOSAL TOBACCO	\$500.00	2008 Total	\$500.00
							Sum Total 98-08	\$500.00
RUBIO, MARCO	R	H	111	2002	ALTRIA/PM	\$250.00		
				2002	DOSAL TOBACCO	\$500.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$1,250.00
				2004	COMMONWEALTH BRANDS	\$500.00		
				2004	DOSAL TOBACCO	\$500.00		
				2004	LEADER TOBACCO	\$500.00		
				2004	LORILLARD TOBACCO	\$500.00		
				2004	OPTIMA TOBACCO CORP	\$500.00		
				2004	RJ REYNOLDS	\$500.00	2004 Total	\$3,000.00
						Sum Total 98-08	\$4,250.00	
RUSSELL, DAVID D	R	H	44	2000	ALTRIA/PM	\$250.00		
				2000	RJ REYNOLDS	\$500.00	2000 Total	\$750.00
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2004	VIBO CORP	\$500.00	2004 Total	\$500.00
							Sum Total 98-08	\$1,750.00
RYAN, TIMOTHY M TIM	D	H	100	2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
							Sum Total 98-08	\$500.00

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
SACHS, MARIA	D	H	86	2008	DOSAL TOBACCO	\$500.00	2008 Total	\$500.00
							Sum Total 98-08	\$500.00
SAFLEY, RZ (SANDY)	R	H	DNR	1998	RJ REYNOLDS	\$500.00	1998 Total	\$500.00
							Sum Total 98-08	\$500.00
SANDS, FRANKLIN	D	H	98	2004	DOSAL TOBACCO	\$500.00	2004 Total	\$1,500.00
					LORILLARD TOBACCO	\$500.00		
					RJ REYNOLDS	\$500.00		
				2006	ALTRIA/PM	\$250.00	2006 Total	\$750.00
					RJ REYNOLDS	\$500.00		
				2008	ALTRIA/PM	\$500.00	2008 Total	\$2,000.00
					DOSAL TOBACCO	\$500.00		
					RJ REYNOLDS	\$500.00		
					US SMOKELESS TOBACCO	\$500.00	2008 Total	\$2,000.00
			Sum Total 98-08	\$4,250.00				
SANSOM, RAY	R	H	4	2004	VECTOR GROUP	\$500.00	2004 Total	\$500.00
					2006	RJ REYNOLDS	\$500.00	2006 Total
							Sum Total 98-08	\$1,000.00
SASSO, TONY	D	H	32	2008	RJ REYNOLDS	\$500.00	2008 Total	\$500.00
							Sum Total 98-08	\$500.00
SAUNDERS, BURT	R	S	37	1998	ALLSTATE CIGARETTE DISTRIBUTORS	\$500.00	1998 Total	\$600.00
					FLORIDA TOBACCO & CANDY ASSOC	\$100.00		
				2000	RJ REYNOLDS	\$500.00	2000 Total	\$500.00
					RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2004	VECTOR GROUP	\$500.00	2004 Total	\$500.00
			Sum Total 98-08	\$2,100.00				
SAUNDERS, RON	D	H	120	2002	ALTRIA/PM	\$500.00	2002 Total	\$500.00
					2004	US SMOKELESS TOBACCO	\$250.00	
				2004	VECTOR GROUP	\$500.00	2004 Total	\$750.00
					RJ REYNOLDS	\$500.00	2006 Total	\$500.00
				2008	ALTRIA/PM	\$250.00	2008 Total	\$1,250.00
					DOSAL TOBACCO	\$500.00		
					RJ REYNOLDS	\$500.00	Sum Total 98-08	\$3,000.00
SAWYER, MARY E	R	H	120	1998	ALTRIA/PM	\$500.00	1998 Total	\$500.00
							Sum Total 98-08	\$500.00
SCHENCK, ROBERT	R	H	44	2006	DOSAL TOBACCO	\$500.00	2006 Total	\$500.00
					2008	ALTRIA/PM	\$500.00	
				2008	DOSAL TOBACCO	\$1,000.00	2008 Total	\$2,000.00
					US SMOKELESS TOBACCO	\$500.00		
			Sum Total 98-08	\$2,500.00				
SCHULTZ, DEBBIE WASSERMAN	D	S	32	1998	ALLSTATE CIGARETTE DISTRIBUTORS	\$500.00	1998 Total	\$1,500.00
					ALTRIA/PM	\$1,000.00		
				2000	SWISHER INTERNATIONAL	\$500.00	2000 Total	\$500.00
						Sum Total 98-08	\$2,000.00	

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
SCIONTI, MICHAEL	D	H	58	2006	DOSAL TOBACCO	\$500.00	2006 Total	\$500.00
							Sum Total 98-08	\$500.00
SEBESTA, JIM	R	S	16	2002	ALTRIA/PM	\$500.00	2002 Total	\$1,000.00
				2002	RJ REYNOLDS	\$500.00		
							Sum Total 98-08	\$1,000.00
SEGAL, FRED	D	H	93	1998	SMOKELESS TOBACCO COUNCIL	\$500.00	1998 Total	\$1,000.00
				1998	SWISHER INTERNATIONAL	\$500.00		
							Sum Total 98-08	\$1,000.00
SEILER, JOHN P (JACK)	D	H	92	2002	ALTRIA/PM	\$500.00	2002 Total	\$2,000.00
				2002	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2002	LORILLARD TOBACCO	\$500.00		
				2002	RJ REYNOLDS	\$500.00	2004 Total	\$200.00
				2004	LORILLARD TOBACCO	\$100.00		
				2004	RJ REYNOLDS	\$100.00	2006 Total	\$500.00
				2006	RJ REYNOLDS	\$500.00		
			Sum Total 98-08	\$2,700.00				
SHELDON, GEORGE H	D	AG	SW	2000	VECTOR GROUP	\$500.00	2000 Total	\$500.00
				2002	VECTOR GROUP	\$3,000.00	2002 Total	\$3,000.00
							Sum Total 98-08	\$3,500.00
SILVER, RONALD (RON) A	D	S	38	1998	ALTRIA/PM	\$500.00	1998 Total	\$1,000.00
				1998	CIGAR ASSOCIATION OF AMERICA	\$500.00		Sum Total 98-08
SIMMONS, DAVID	R	H	37	2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2004	RJ REYNOLDS	\$500.00	2004 Total	\$500.00
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$500.00
							Sum Total 98-08	\$1,500.00
SIPLIN, GARY	D	S	19	2000	LORILLARD TOBACCO	\$500.00	2000 Total	\$1,000.00
				2000	RJ REYNOLDS	\$500.00		
				2002	LORILLARD TOBACCO	\$500.00	2002 Total	\$1,250.00
				2002	RJ REYNOLDS	\$500.00		
				2002	US SMOKELESS TOBACCO	\$250.00		
				2004	COMMONWEALTH BRANDS	\$500.00	2004 Total	\$4,500.00
				2004	DOSAL TOBACCO	\$1,000.00		
				2004	LORILLARD TOBACCO	\$1,000.00		
				2004	RJ REYNOLDS	\$500.00	2006 Total	\$500.00
				2004	VECTOR GROUP	\$1,000.00		
				2004	VIBO CORP	\$500.00	2008 Total	\$500.00
				2008	RJ REYNOLDS	\$500.00		
							Sum Total 98-08	\$7,250.00
SKIDMORE, KELLY	D	H	90	2008	DOSAL TOBACCO	\$500.00	2008 Total	\$500.00
							Sum Total 98-08	\$500.00
SLOSBERG, IRVING	D	S	30	2004	RJ REYNOLDS	\$500.00	2004 Total	\$500.00
				2006	VIBO CORP	\$500.00	2006 Total	\$500.00
							Sum Total 98-08	\$1,000.00

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year						
SMITH, CHRISTOPHER L	D	S	29	2002	ALTRIA/PM	\$250.00							
				2002	BROWN & WILLIAMSON TOBACCO	\$500.00							
				2002	LORILLARD TOBACCO	\$500.00							
				2002	RJ REYNOLDS	\$500.00			2002 Total	\$1,750.00			
				2004	ALTRIA/PM	\$1,000.00							
				2004	DOSAL TOBACCO	\$1,500.00							
				2004	LORILLARD TOBACCO	\$500.00							
				2004	RJ REYNOLDS	\$500.00					2004 Total	\$3,500.00	
				2008	DOSAL TOBACCO	\$500.00							
				2008	LORILLARD TOBACCO	\$500.00							
				2008	RJ REYNOLDS	\$500.00							
				2008	US SMOKELESS TOBACCO	\$500.00							2008 Total
							Sum Total 98-08	\$7,250.00					
SMITH, JOHNNY BARTO	R	H	25	2004	RJ REYNOLDS	\$500.00		2004 Total					\$500.00
SMITH, KELLEY R	D	H	21	1998	RJ REYNOLDS	\$500.00		1998 Total					\$500.00
SMITH, ROD	D	G	SW	2000	LORILLARD TOBACCO	\$500.00							
				2000	RJ REYNOLDS	\$1,000.00			2000 Total	\$1,500.00			
				2006	RJ REYNOLDS	\$500.00			2006 Total	\$2,500.00			
				2006	VECTOR GROUP	\$2,000.00							
											Sum Total 98-08	\$4,000.00	
SNYDER, WILLIAM D	R	H	82	2008	DOSAL TOBACCO	\$500.00							
				2008	RJ REYNOLDS	\$500.00			2008 Total	\$1,000.00			
											Sum Total 98-08	\$1,000.00	
SOBEL, ELEANOR	D	H	100	2000	BROWN & WILLIAMSON TOBACCO	\$500.00							
				2000	RJ REYNOLDS	\$500.00			2000 Total	\$1,000.00			
											Sum Total 98-08	\$1,000.00	
SORENSEN, KEN	R	H	120	2000	ALTRIA/PM	\$500.00							
				2000	BROWN & WILLIAMSON TOBACCO	\$500.00			2000 Total	\$1,500.00			
				2000	RJ REYNOLDS	\$500.00							
				2002	ALTRIA/PM	\$500.00							
				2002	BROWN & WILLIAMSON TOBACCO	\$1,000.00			2002 Total	\$2,750.00			
				2002	LORILLARD TOBACCO	\$500.00							
				2002	RJ REYNOLDS	\$500.00							
				2002	US SMOKELESS TOBACCO	\$250.00							
				2004	ALTRIA/PM	\$1,000.00							
				2004	BROWN & WILLIAMSON TOBACCO	\$500.00							
				2004	COMMONWEALTH BRANDS	\$500.00			2004 Total	\$4,750.00			
				2004	DOSAL TOBACCO	\$1,000.00							
				2004	LORILLARD TOBACCO	\$1,000.00							
				2004	US SMOKELESS TOBACCO	\$250.00							
				2004	VIBO CORP	\$500.00							
											Sum Total 98-08	\$9,000.00	
SOTO, DARREN	D	H	49	2008	RJ REYNOLDS	\$500.00		2008 Total	\$500.00				

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
SPRATT, JOSEPH R	R	H	77	1998	ALTRIA/PM	\$1,000.00		
				1998	RJ REYNOLDS	\$1,000.00		
				1998	TOBACCO INSTITUTE	\$250.00	1998 Total	\$2,250.00
				2000	ALTRIA/PM	\$250.00		
				2000	RJ REYNOLDS	\$500.00	2000 Total	\$750.00
				2002	ALTRIA/PM	\$500.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$1,000.00
							Sum Total 98-08	\$4,000.00
STABINS, JEFF	R	H	44	1998	ALTRIA/PM	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	SMOKELESS TOBACCO COUNCIL	\$500.00		
				1998	TOBACCO INSTITUTE	\$500.00		
				1998	US TOBACCO PUBLIC AFFAIRS INC	\$250.00	1998 Total	\$2,250.00
							Sum Total 98-08	\$2,250.00
STANSEL, DWIGHT	D	H	11	1998	ALTRIA/PM	\$1,000.00		
				1998	QUALITY TOBACCO EXCHANGE	\$500.00	1998 Total	\$1,500.00
				2000	ALTRIA/PM	\$500.00		
				2000	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2000	DOSAL TOBACCO	\$500.00		
				2000	QUALITY TOBACCO EXCHANGE	\$500.00		
				2000	RJ REYNOLDS	\$1,000.00		
				2000	TOBACCO CENTER INC	\$500.00	2000 Total	\$3,500.00
				2002	ALTRIA/PM	\$500.00		
				2002	BIG INDEPENDENT WAREHOUSE	\$500.00		
				2002	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2002	DOSAL TOBACCO	\$500.00		
				2002	LORILLARD TOBACCO	\$500.00		
				2002	QUALITY TOBACCO EXCHANGE	\$500.00		
				2002	RJ REYNOLDS	\$500.00		
				2002	US SMOKELESS TOBACCO	\$500.00	2002 Total	\$4,000.00
				2004	BIG INDEPENDENT WAREHOUSE	\$500.00		
				2004	BROWN & WILLIAMSON TOBACCO	\$500.00		
				2004	DOSAL TOBACCO	\$500.00		
				2004	LORILLARD TOBACCO	\$1,000.00		
2004	RJ REYNOLDS	\$1,000.00						
2004	US SMOKELESS TOBACCO	\$250.00						
2004	VIBO CORP	\$500.00	2004 Total	\$4,250.00				
							Sum Total 98-08	\$13,250.00
STARGEL, JOHN K	R	H	64	2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2004	DOSAL TOBACCO	\$1,000.00		
				2004	LORILLARD TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00		
				2004	VIBO CORP	\$500.00	2004 Total	\$2,500.00
							Sum Total 98-08	\$3,000.00

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
STARGEL, KELLI	R	H	64	2008	RJ REYNOLDS	\$500.00	2008 Total	\$500.00
							Sum Total 98-08	\$500.00
STEELE, JASON	R	H	31	2008	ALTRIA/PM	\$250.00		
				2008	RJ REYNOLDS	\$500.00		
				2008	US SMOKELESS TOBACCO	\$500.00	2008 Total	\$1,250.00
							Sum Total 98-08	\$1,250.00
STERN, KAREN	R	H	20	1998	ALLSTATE CIGARETTE DISTRIBUTORS	\$250.00	1998 Total	\$250.00
							Sum Total 98-08	\$250.00
SUBLETTE, BILL	R	H	40	1998	TOBACCO INSTITUTE	\$500.00	1998 Total	\$500.00
							Sum Total 98-08	\$500.00
SULLIVAN, DONALD C	R	H	49	2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
							Sum Total 98-08	\$500.00
TAMARGO, DEBORAH	R	H	58	1998	ALLSTATE CIGARETTE DISTRIBUTORS	\$500.00		
				1998	ALTRIA/PM	\$1,000.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	UNK	\$250.00	1998 Total	\$2,250.00
							Sum Total 98-08	\$2,250.00
TAYLOR, DWAYNE L	D	H	27	2008	DOSAL TOBACCO	\$500.00	2008 Total	\$500.00
							Sum Total 98-08	\$500.00
TAYLOR, PRISCILLA ANN	D	H	84	2004	RJ REYNOLDS	\$500.00	2004 Total	\$500.00
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$500.00
							Sum Total 98-08	\$1,000.00
THOMPSON, NICHOLAS R	R	H	73	2006	DOSAL TOBACCO	\$500.00		
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$1,000.00
				2008	DOSAL TOBACCO	\$500.00		
				2008	RJ REYNOLDS	\$500.00		
				2008	US SMOKELESS TOBACCO	\$500.00	2008 Total	\$1,500.00
							Sum Total 98-08	\$2,500.00
THURSTON JR, PERRY E	D	H	93	2006	DOSAL TOBACCO	\$500.00	2006 Total	\$500.00
				2008	DOSAL TOBACCO	\$500.00	2008 Total	\$500.00
							Sum Total 98-08	\$1,000.00
TOBIA, JOHN	R	H	31	2008	DOSAL TOBACCO	\$500.00	2008 Total	\$500.00
							Sum Total 98-08	\$500.00
TRAVIESA, ANTHONY TREY	R	H	56	2004	ALTRIA/PM	\$1,000.00		
				2004	DOSAL TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00	2004 Total	\$2,000.00
				2006	ALTRIA/PM	\$500.00		
				2006	DOSAL TOBACCO	\$500.00		
				2006	LORILLARD TOBACCO	\$500.00		
				2006	RJ REYNOLDS	\$500.00		
				2006	US SMOKELESS TOBACCO	\$500.00	2006 Total	\$2,500.00
							Sum Total 98-08	\$4,500.00
TROUTMAN, BAXTER G	R	H	66	2004	ALTRIA/PM	\$500.00		
				2004	DOSAL TOBACCO	\$1,000.00		
				2004	LORILLARD TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00		



**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
TROUTMAN, BAXTER G (cont'd)				2004	US SMOKELESS TOBACCO	\$500.00	2004 Total	\$3,000.00
				2006	RJ REYNOLDS	\$500.00		
				2006	US SMOKELESS TOBACCO	\$500.00	2006 Total	\$1,000.00
							Sum Total 98-08	\$4,000.00
TROVILLION, ALLEN	R	H	36	1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$500.00	1998 Total	\$1,000.00
				2000	ALTRIA/PM	\$250.00		
				2000	RJ REYNOLDS	\$500.00	2000 Total	\$750.00
							Sum Total 98-08	\$1,750.00
TULLIS, JIM	R	H	17	2000	ALTRIA/PM	\$250.00		
				2000	RJ REYNOLDS	\$500.00	2000 Total	\$750.00
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
							Sum Total 98-08	\$1,250.00
TURNER, WILLIAM H(BILL)	D	S	36	1998	ALTRIA/PM	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	US TOBACCO PUBLIC AFFAIRS INC	\$500.00	1998 Total	\$1,500.00
							Sum Total 98-08	\$1,500.00
VALDES, CARLOS L	R	H	111	1998	RJ REYNOLDS	\$1,000.00		
				1998	TOBACCO INSTITUTE	\$1,000.00		
				1998	US TOBACCO PUBLIC AFFAIRS INC	\$250.00	1998 Total	\$2,250.00
							Sum Total 98-08	\$2,250.00
VANA, ROCHELLE (SHELLEY)	D	H	85	2004	DOSAL TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00		
				2004	VECTOR GROUP	\$500.00	2004 Total	\$1,500.00
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$500.00
							Sum Total 98-08	\$2,000.00
VILLALOBOS, J ALEX	R	S	38	1998	ALTRIA/PM	\$500.00		
				1998	CIGAR ASSOCIATION OF AMERICA	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$500.00	1998 Total	\$2,000.00
				2000	ALTRIA/PM	\$500.00		
				2000	NATIONAL CIGAR CORP	\$500.00	2000 Total	\$1,000.00
				2002	DOSAL TOBACCO	\$500.00	2002 Total	\$500.00
				2006	ALTRIA/PM	\$500.00		
				2006	DOSAL TOBACCO	\$1,500.00		
				2006	LORILLARD TOBACCO	\$500.00		
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$3,000.00
			Sum Total 98-08	\$6,500.00				
WALLACE, ROB	R	H	47	1998	ALTRIA/PM	\$500.00		
				1998	GP&P A PARTNERSHIP	\$350.00		
				1998	HAVATAMPA	\$250.00		
				1998	RJ REYNOLDS	\$750.00	1998 Total	\$1,850.00
				2000	ALTRIA/PM	\$250.00		
				2000	HAVATAMPA	\$500.00		
				2000	RJ REYNOLDS	\$750.00	2000 Total	\$1,500.00
							Sum Total 98-08	\$3,350.00

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
WARD, JAMES E	D	H	28	2002	LORILLARD TOBACCO	\$500.00		
				2002	RJ REYNOLDS	\$1,000.00	2002 Total	\$1,500.00
				2004	COMMONWEALTH BRANDS	\$500.00		
				2004	RJ REYNOLDS	\$500.00	2004 Total	\$1,000.00
							Sum Total 98-08	\$2,500.00
WARNER, TOM	R	H	82	1998	ALTRIA/PM	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$250.00		
				1998	US TOBACCO PUBLIC AFFAIRS INC	\$250.00	1998 Total	\$1,500.00
							Sum Total 98-08	\$1,500.00
WATERS, LESLIE	R	H	51	1998	ALTRIA/PM	\$500.00		
				2000	ALTRIA/PM	\$500.00		
				2000	RJ REYNOLDS	\$1,000.00	2000 Total	\$1,500.00
				2002	ALTRIA/PM	\$250.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$750.00
				2004	DOSAL TOBACCO	\$1,000.00		
				2004	VIBO CORP	\$500.00	2004 Total	\$1,500.00
			Sum Total 98-08	\$4,250.00				
WEATHERFORD, WILL	R	H	61	2006	DOSAL TOBACCO	\$500.00		
				2006	RJ REYNOLDS	\$500.00	2006 Total	\$1,000.00
							Sum Total 98-08	\$1,000.00
WEINSTEIN, MIKE	R	H	19	2008	DOSAL TOBACCO	\$500.00		
				2008	SWISHER INTERNATIONAL	\$500.00	2008 Total	\$1,000.00
							Sum Total 98-08	\$1,000.00
WEISSMAN, MARK	D	H	96	2004	RJ REYNOLDS	\$500.00	2004 Total	\$500.00
							Sum Total 98-08	\$500.00
WESTBROOK, JAMEY	D	H	7	1998	ALTRIA/PM	\$500.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$1,000.00	1998 Total	\$2,000.00
				2000	RJ REYNOLDS	\$500.00	2000 Total	\$500.00
							Sum Total 98-08	\$2,500.00
WHITLEY, WILLIAM E (BILL)	R	H	11	1998	ALTRIA/PM	\$500.00	1998 Total	\$500.00
							Sum Total 98-08	\$500.00
WILES, DOUG	D	H	20	1998	ALTRIA/PM	\$500.00		
				1998	RJ REYNOLDS	\$500.00	1998 Total	\$1,000.00
				2002	ALTRIA/PM	\$500.00		
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$1,000.00
							Sum Total 98-08	\$2,000.00
WILLIAMS, ALAN	D	H	8	2008	DOSAL TOBACCO	\$500.00		
				2008	RJ REYNOLDS	\$500.00	2008 Total	\$1,000.00
							Sum Total 98-08	\$1,000.00
WILLIAMS, CHARLES D	D	S	4	1998	ALTRIA/PM	\$500.00		
				1998	QUALITY TOBACCO EXCHANGE	\$100.00		
				1998	RJ REYNOLDS	\$500.00		
				1998	TOBACCO INSTITUTE	\$500.00		
				1998	US TOBACCO PUBLIC AFFAIRS INC	\$500.00	1998 Total	\$2,100.00

**APPENDIX B: Tobacco Industry Campaign Contributions by Candidate, 1998-2008**

Candidate	Party	Office	Dist	Year	Contributor	Amount	Total by Year	
WILLIAMS, CHARLES D (cont'd)							Sum Total 98-08	\$2,100.00
WILLIAMS, TRUDI K	R	H	75	2004	RJ REYNOLDS	\$500.00	2004 Total	\$1,000.00
				2004	VECTOR GROUP	\$500.00		
				2006	RJ REYNOLDS	\$500.00		
				2006	US SMOKELESS TOBACCO	\$500.00		
				2008	US SMOKELESS TOBACCO	\$500.00		
Sum Total 98-08							\$2,500.00	
WILSON, FREDERICA S	D	S	33	1998	RJ REYNOLDS	\$1,000.00	1998 Total	\$1,000.00
				2000	RJ REYNOLDS	\$500.00	2000 Total	\$500.00
				2002	RJ REYNOLDS	\$500.00	2002 Total	\$500.00
				2004	COMMONWEALTH BRANDS	\$500.00	2004 Total	\$1,000.00
				2004	DOSAL TOBACCO	\$500.00		
Sum Total 98-08							\$3,000.00	
WISE, STEPHEN R	R	S	5	2004	COMMONWEALTH BRANDS	\$500.00	2004 Total	\$500.00
							Sum Total 98-08	
WISHNER, ROGER B	D	H	98	2002	LORILLARD TOBACCO	\$500.00	2002 Total	\$1,000.00
				2002	RJ REYNOLDS	\$500.00		
Sum Total 98-08							\$1,000.00	
WOOD, JOHN	R	H	65	2008	DOSAL TOBACCO	\$500.00	2008 Total	\$500.00
							Sum Total 98-08	
WORKMAN, RITCH	R	H	30	2008	DOSAL TOBACCO	\$500.00	2008 Total	\$500.00
							Sum Total 98-08	
YOUNG, PAUL	R	H	3	1998	ALTRIA/PM	\$500.00	1998 Total	\$500.00
							Sum Total 98-08	
ZAPATA, JUAN C	R	H	119	2004	COMMONWEALTH BRANDS	\$1,000.00	2004 Total	\$5,000.00
				2004	DOSAL TOBACCO	\$1,500.00		
				2004	LORILLARD TOBACCO	\$500.00		
				2004	RJ REYNOLDS	\$500.00		
				2004	US SMOKELESS TOBACCO	\$500.00		
				2004	VECTOR GROUP	\$500.00		
				2004	VIBO CORP	\$500.00		
				2006	DOSAL TOBACCO	\$1,000.00		
				2006	RJ REYNOLDS	\$500.00		
				2006	US SMOKELESS TOBACCO	\$500.00		
				2006	VIBO CORP	\$500.00		
				2006	DOSAL TOBACCO	\$500.00		
				2008	LORILLARD TOBACCO	\$500.00		
				2008	RJ REYNOLDS	\$1,000.00		
2008	US SMOKELESS TOBACCO	\$500.00						
2006 Total							\$2,500.00	
2008 Total							\$2,500.00	
Sum Total 98-08							\$10,000.00	
ZIEBARTH, EARL	R	H	26	1998	TOBACCO INSTITUTE	\$250.00	1998 Total	\$250.00
							Sum Total 98-08	

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year	
ALLSTATE CIGARETTE DISTRIBUTORS	1998	BARREIRO, GUSTAVO A	R	H	107	\$500.00	1998 Total	\$9,750.00
		BETANCOURT, ANNIE	D	H	116	\$750.00		
		BITNER, DAVID I	R	H	71	\$500.00		
		BULLARD, LARCENIA J	D	H	118	\$250.00		
		BURKE, BERYL ROBERTS	D	H	108	\$500.00		
		COSGROVE, JOHN F	D	H	119	\$500.00		
		FLANAGAN, MARK G	R	H	68	\$250.00		
		KLEIN, RON	D	S	28	\$500.00		
		LOGAN, WILLIE F	D	H	103	\$500.00		
		MINTON JR, OR (RICK)	D	H	78	\$250.00		
		MORSE, LUIS C	R	H	113	\$500.00		
		PAYNE, JOHN K	R	H	77	\$500.00		
		PREWITT, DEBRA A	D	H	46	\$500.00		
		PRUITT, KEN	R	H	81	\$500.00		
		PUTNAM, ADAM H	R	H	63	\$500.00		
		REDDICK, ALZO J	D	H	39	\$500.00		
		RODRIGUEZ-CHOMAT, JORGE	R	H	114	\$500.00		
		SAUNDERS, BURT	R	S	25	\$500.00		
		SCHULTZ, DEBBIE WASSERMAN	D	H	97	\$500.00		
		STERN, KAREN	R	H	20	\$250.00		
TAMARGO, DEBORAH	R	H	58	\$500.00				
							<b>Total 1998-2008</b>	<b>\$9,750.00</b>
ALTADIS USA	2000	MACK, CONNIE	R	H	91	\$500.00	2000 Total	\$500.00
							<b>Total 1998-2008</b>	<b>\$500.00</b>
ALTRIA/PM	1998	ANDREWS, WILLIAM (BILL)	R	H	87	\$1,000.00	1998 Total	\$52,594.00
		ARNALL, JOE	R	H	18	\$500.00		
		BAINTER, STAN	R	H	25	\$500.00		
		BANKHEAD, WILLIAM G (BILL)	R	S	8	\$500.00		
		BETANCOURT, ANNIE	D	H	116	\$500.00		
		BITNER, DAVID I	R	H	71	\$500.00		
		BLOOM, ELAINE	D	H	106	\$500.00		
		BOYD, JANEGALE M	D	H	10	\$500.00		
		BRADLEY, RUDOLPH (RUDY)	D	H	55	\$500.00		
		BRENNAN, MARY	D	S	20	\$500.00		
		BRONSON, CHARLES H	R	S	18	\$1,000.00		
		BULLARD, LARCENIA J	D	H	118	\$500.00		
		BURKE, BERYL ROBERTS	D	H	108	\$500.00		
		BURROUGHS, JERRY	R	H	1	\$500.00		
		BUSH, JEB	R	G	SW	\$2,750.00		
		BYRD JR, JOHNNIE B	R	H	62	\$500.00		
		CLEMONS, SCOTT W	D	H	6	\$500.00		
		CONSTANTINE, LEE	R	H	37	\$500.00		
		COSGROVE, JOHN F	D	H	119	\$500.00		
		CRAWFORD, BOB	D	AGRIC	SW	\$500.00		

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year
ALTRIA/PM	1998	CRIST, VICTOR	R	H	60	\$500.00	
	1998	CULP, FAYE	R	COE	SW	\$500.00	
	1998	DAWSON, M MANDY	D	S	30	\$500.00	
	1998	DENNIS, WILLYE F	D	H	15	\$500.00	
	1998	DIAZ DE LA PORTILLA, ALEX	R	H	115	\$500.00	
	1998	DOCKERY, PAULA	R	H	64	\$1,000.00	
	1998	EDWARDS, LORI	D	H	65	\$1,000.00	
	1998	FASANO, MIKE	R	H	45	\$1,000.00	
	1998	FEENEY, TOM	R	H	33	\$500.00	
	1998	FUTCH, HOWARD	R	H	30	\$500.00	
	1998	GALLAGHER, TOM	R	COE	SW	\$500.00	
	1998	GARCIA JR, RODOLFO (RUDY)	R	H	110	\$500.00	
	1998	GAY, GREG	R	H	74	\$500.00	
	1998	GOODE JR, HARRY C	R	H	31	\$1,000.00	
	1998	GREENE, ADDIE L	D	H	84	\$500.00	
	1998	GUTMAN, ALBERTO (AL)	R	S	34	\$500.00	
	1998	HAFNER, LARS A	D	H	53	\$1,000.00	
	1998	HARRINGTON, LINDSAY M	R	H	72	\$500.00	
	1998	HART, CHRIS	R	H	57	\$500.00	
	1998	HILL, ANTHONY C TONY	D	H	14	\$500.00	
	1998	HOLZENDORF, BETTY S	D	S	2	\$500.00	
	1998	JONES, DENNIS L	R	H	54	\$500.00	
	1998	KING JR, JAMES E	R	H	17	\$500.00	
	1998	KLEIN, RON	D	S	28	\$500.00	
	1998	LACASA, CARLOS	R	H	117	\$500.00	
	1998	LITTLEFIELD, CARL	R	H	61	\$500.00	
	1998	LOGAN, WILLIE F	D	H	103	\$500.00	
	1998	LYNN, EVELYN J	R	H	27	\$1,000.00	
	1998	MACKEY, JOSEPH R (RANDY)	D	H	11	\$500.00	
	1998	MAYGARDEN, JERRY L	R	H	2	\$500.00	
	1998	MCKAY, JOHN	R	S	26	\$500.00	
	1998	MEADOWS, MATTHEW J	D	S	30	\$500.00	
	1998	MEEK, KENDRICK B	D	S	36	\$500.00	
	1998	MELVIN, JERRY	R	H	4	\$500.00	
	1998	MERCHANT, SHARON J	R	H	83	\$500.00	
	1998	MILLER, LESLEY LES	D	H	59	\$500.00	
	1998	MINTON JR, OR (RICK)	D	H	78	\$1,000.00	
	1998	MORRONI, JOHN	R	H	50	\$500.00	
	1998	MORSE, LUIS C	R	H	113	\$500.00	
	1998	MORTHAM, SANDRA (SANDY)	R	SS	SW	\$500.00	
1998	OGLES, MARK R	R	H	67	\$844.00		
1998	POSEY, BILL	R	H	32	\$500.00		
1998	PREWITT, DEBRA A	D	H	46	\$500.00		
1998	PRUITT, KEN	R	H	81	\$500.00		
1998	PUTNAM, ADAM H	R	H	63	\$1,000.00		
1998	RITCHIE, DEEDEE	D	H	3	\$500.00		

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year
ALTRIA/PM	1998	RITTER, STACY J	D	H	96	\$1,000.00	
	1998	RODRIGUEZ-CHOMAT, JORGE	R	H	114	\$500.00	
	1998	SAWYER, MARY E	R	H	120	\$500.00	
	1998	SCHULTZ, DEBBIE WASSERMAN	D	H	97	\$1,000.00	
	1998	SILVER, RONALD (RON) A	D	S	38	\$500.00	
	1998	SPRATT, JOSEPH R	D	H	77	\$1,000.00	
	1998	STABINS, JEFF	R	H	44	\$500.00	
	1998	STANSEL, DWIGHT	D	H	11	\$1,000.00	
	1998	TAMARGO, DEBORAH	R	H	58	\$1,000.00	
	1998	TURNER, WILLIAM H(BILL)	D	S	36	\$500.00	
	1998	VILLALOBOS, J ALEX	R	H	112	\$500.00	
	1998	WALLACE, ROB	R	H	47	\$500.00	
	1998	WARNER, TOM	R	H	82	\$500.00	
	1998	WATERS, LESLIE	R	H	51	\$500.00	
	1998	WESTBROOK, JAMEY	D	H	7	\$500.00	
	1998	WHITLEY, WILLIAM E (BILL)	R	H	11	\$500.00	
	1998	WILES, DOUG	D	H	20	\$500.00	
	1998	WILLIAMS, CHARLES D	D	S	4	\$500.00	
	1998	YOUNG, PAUL	R	H	3	\$500.00	
		2000	ALEXANDER, J D	R	H	66	\$1,000.00
	2000	ALLEN, BOB	R	H	32	\$250.00	\$20,000.00
	2000	ANDREWS, WILLIAM (BILL)	R	H	87	\$250.00	
	2000	ATTKISSON, FRANK	R	H	79	\$250.00	
	2000	BARREIRO, GUSTAVO A	R	H	107	\$250.00	
	2000	BETANCOURT, ANNIE	D	H	116	\$250.00	
	2000	BILIRAKIS, GUS MICHAEL	R	H	48	\$250.00	
	2000	BRADLEY, RUDOLPH (RUDY)	R	S	21	\$500.00	
	2000	BYRD JR, JOHNNIE B	R	H	62	\$500.00	
	2000	CANTENS, GASTON	R	H	114	\$250.00	
	2000	CLARY, CHARLIE	R	S	7	\$500.00	
	2000	CONSTANTINE, LEE	R	S	9	\$500.00	
	2000	CROW, LARRY	R	H	49	\$500.00	
	2000	DETERT, NANCY	R	H	70	\$250.00	
	2000	DOCKERY, PAULA	R	H	64	\$250.00	
	2000	FARKAS, FRANK	R	H	52	\$500.00	
	2000	FASANO, MIKE	R	H	45	\$500.00	
	2000	FEENEY, TOM	R	H	33	\$500.00	
	2000	GARCIA JR, RODOLFO (RUDY)	R	S	39	\$500.00	
	2000	GELLER, STEVEN A	D	S	29	\$500.00	
	2000	GOODE JR, HARRY C	R	S	15	\$500.00	
	2000	GOODLETTE, J DUDLEY	R	H	76	\$500.00	
	2000	HARRINGTON, LINDSAY M	R	H	72	\$500.00	
	2000	HART, CHRIS	R	H	57	\$250.00	
	2000	JORDAN, CAROLE JEAN	R	H	80	\$500.00	
	2000	KILMER, BEV	R	H	7	\$250.00	
	2000	KYLE, BRUCE	R	H	73	\$500.00	

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year	
ALTRIA/PM	2000	LACASA, CARLOS	R	H	117	\$500.00		
	2000	LATVALA, JACK	R	S	19	\$500.00		
	2000	LEWIS, JOHN	R	H	69	\$250.00		
	2000	LITTLEFIELD, KEN	R	H	61	\$250.00		
	2000	LYNN, EVELYN J	R	H	27	\$250.00		
	2000	MACK, CONNIE	R	H	91	\$250.00		
	2000	MAYGARDEN, JERRY L	R	H	2	\$500.00		
	2000	MELVIN, JERRY	R	H	4	\$500.00		
	2000	MILLER, DAVE	R	H	54	\$250.00		
	2000	MILLER, LESLEY LES	D	S	21	\$500.00		
	2000	PRUITT, KEN	R	S	27	\$500.00		
	2000	RITCHIE, DEEDEE	D	S	1	\$250.00		
	2000	RITTER, STACY J	D	H	96	\$500.00		
	2000	ROSSIN, TOM	D	S	35	\$500.00		
	2000	RUSSELL, DAVID D	R	H	44	\$250.00		
	2000	SORENSEN, KEN	R	H	120	\$500.00		
	2000	SPRATT, JOSEPH R	R	H	77	\$250.00		
	2000	STANSEL, DWIGHT	D	H	11	\$500.00		
	2000	TROVILLION, ALLEN	R	H	36	\$250.00		
	2000	TULLIS, JIM	R	H	17	\$250.00		
	2000	VILLALOBOS, J ALEX	R	S	37	\$500.00		
	2000	WALLACE, ROB	R	H	47	\$250.00		
	2000	WATERS, LESLIE	R	H	51	\$500.00		
		2002	ALLEN, BOB	R	H	32	\$500.00	2002 Total \$24,250.00
		2002	ARZA, RALPH	R	H	102	\$500.00	
		2002	ATTKISSON, FRANK	R	H	79	\$500.00	
		2002	BARREIRO, GUSTAVO A	R	H	107	\$250.00	
		2002	BEAN, AARON	R	H	12	\$250.00	
		2002	BENSON, HOLLY	R	H	3	\$250.00	
		2002	BOWEN, MARSHA (MARTY)	R	H	65	\$250.00	
	2002	BRONSON, CHARLES H	R	AGRIC	SW	\$500.00		
	2002	BUCHER, SUSAN	D	H	88	\$250.00		
	2002	BYRD JR, JOHNNIE B	R	H	62	\$500.00		
	2002	CARASSAS, JOHN	R	H	54	\$250.00		
	2002	CLARKE, DONNA	R	H	69	\$500.00		
	2002	CLARY, CHARLIE	R	S	4	\$500.00		
	2002	CRIST, CHARLIE	R	AG	SW	\$500.00		
	2002	DAVIS, DON	R	H	18	\$250.00		
	2002	DAWSON, M MANDY	D	S	29	\$500.00		
	2002	DETERT, NANCY	R	H	70	\$500.00		
	2002	DIAZ DE LA PORTILLA, RENIER	R	H	115	\$250.00		
	2002	DOMINO, CARL J	R	H	83	\$500.00		
	2002	EVERS, GREG	R	H	1	\$250.00		
	2002	FARKAS, FRANK	R	H	52	\$500.00		
	2002	FASANO, MIKE	R	S	11	\$500.00		
	2002	FEAMAN, PETER	R	H	87	\$250.00		

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year	
ALTRIA/PM	2002	FUTCH, HOWARD	R	S	26	\$500.00		
	2002	GARCIA, RENE	R	H	110	\$250.00		
	2002	GIBSON III, HUGH	R	H	42	\$250.00		
	2002	GOODLETTE, J DUDLEY	R	H	76	\$500.00		
	2002	GREENSTEIN, RON	D	H	95	\$500.00		
	2002	HARIDOPOLOS, MIKE	R	H	30	\$250.00		
	2002	HARRINGTON, LINDSAY M	R	H	72	\$500.00		
	2002	HASNER, ADAM	R	H	87	\$250.00		
	2002	HENRIQUEZ, BOB	D	H	58	\$250.00		
	2002	JONES, DENNIS L	R	S	13	\$500.00		
	2002	JOYNER, ARTHENIA L	D	H	59	\$500.00		
	2002	KENDRICK, WILL S	D	H	10	\$500.00		
	2002	KILMER, BEV	R	H	7	\$250.00		
	2002	KING JR, JAMES E	R	S	8	\$500.00		
	2002	KLEIN, RON	D	S	30	\$500.00		
	2002	KYLE, BRUCE	R	H	73	\$500.00		
	2002	LYNN, EVELYN J	R	S	7	\$500.00		
	2002	MACK, CONNIE	R	H	91	\$500.00		
	2002	MARGOLIS, GWEN	D	S	35	\$500.00		
	2002	MEADOWS, MATTHEW J	D	H	94	\$500.00		
	2002	MEALOR, DAVID J	R	H	34	\$250.00		
	2002	MITCHELL, RICHARD	D	S	3	\$500.00		
	2002	MURZIN, DAVE	R	H	2	\$250.00		
	2002	POSEY, BILL	R	S	24	\$500.00		
	2002	RITTER, STACY J	D	H	96	\$250.00		
	2002	RIVERA, DAVID	R	H	112	\$250.00		
	2002	ROSS, DENNIS A	R	H	63	\$500.00		
	2002	RUBIO, MARCO	R	H	111	\$250.00		
	2002	SAUNDERS, RON	D	S	39	\$500.00		
	2002	SEBESTA, JIM	R	S	16	\$500.00		
	2002	SEILER, JOHN P (JACK)	D	H	92	\$500.00		
	2002	SMITH, CHRISTOPHER L	D	H	93	\$250.00		
	2002	SORENSEN, KEN	R	H	120	\$500.00		
	2002	SPRATT, JOSEPH R	R	H	77	\$500.00		
2002	STANSEL, DWIGHT	D	H	11	\$500.00			
2002	WATERS, LESLIE	R	H	51	\$250.00			
2002	WILES, DOUG	D	H	20	\$500.00			
	2004	ALEXANDER, J D	R	S	17	\$500.00	2004 Total	\$25,750.00
	2004	ALTMAN, THAD	R	H	30	\$1,000.00		
	2004	ARGENZIANO, NANCY	R	S	3	\$500.00		
	2004	ARONBERG, DAVE	D	S	27	\$750.00		
	2004	ATTKISSON, FRANK	R	H	79	\$500.00		
	2004	BENNETT, MICHAEL S	R	S	21	\$500.00		
	2004	BENSE, ALLAN	R	H	6	\$500.00		
	2004	BENSON, HOLLY	R	H	3	\$250.00		
	2004	BOWEN, MARSHA (MARTY)	R	H	65	\$250.00		



**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year
ALTRIA/PM	2004	CANNON JR, R DEAN	R	H	35	\$500.00	
	2004	CARLTON, LISA	R	S	23	\$750.00	
	2004	CLARKE, DONNA	R	H	69	\$250.00	
	2004	COLEY, DAVID A	R	H	7	\$1,000.00	
	2004	CULP, FAYE	R	H	57	\$250.00	
	2004	DEAN, CHARLES S	R	H	43	\$250.00	
	2004	DETERT, NANCY	R	H	70	\$250.00	
	2004	DOCKERY, PAULA	R	S	15	\$500.00	
	2004	DOMINO, CARL J	R	H	83	\$1,000.00	
	2004	EVERS, GREG	R	H	1	\$500.00	
	2004	FARKAS, FRANK	R	H	52	\$1,000.00	
	2004	FASANO, MIKE	R	S	11	\$1,000.00	
	2004	FLORES, ANITERE	R	H	114	\$500.00	
	2004	GELLER, STEVEN A	D	S	31	\$500.00	
	2004	GLORIOSO, RICHARD	R	H	62	\$500.00	
	2004	GREENSTEIN, RON	D	H	95	\$250.00	
	2004	HASNER, ADAM	R	H	87	\$250.00	
	2004	HENRIQUEZ, BOB	D	H	58	\$750.00	
	2004	HUKILL, DOROTHY L	R	H	28	\$250.00	
	2004	JOHNSON, RANDY D	R	H	41	\$500.00	
	2004	JONES, DENNIS L	R	S	13	\$500.00	
	2004	KYLE, BRUCE	R	H	73	\$500.00	
	2004	LLORENTE, MARCELO	R	H	116	\$500.00	
	2004	LOPEZ-CANTERA, CARLOS	R	H	113	\$750.00	
	2004	LYNN, EVELYN J	R	S	7	\$500.00	
	2004	MARGOLIS, GWEN	D	S	35	\$500.00	
	2004	MCINVALE, SHERI	D	H	36	\$250.00	
	2004	MEADOWS, MATTHEW J	D	H	94	\$750.00	
	2004	MEALOR, DAVID J	R	H	34	\$250.00	
	2004	MURZIN, DAVE	R	H	2	\$500.00	
	2004	PATTERSON, PAT	R	H	26	\$750.00	
	2004	POPPELL, RALPH	R	H	29	\$250.00	
	2004	RICH, NAN H	D	S	34	\$750.00	
	2004	SMITH, CHRISTOPHER L	D	H	93	\$1,000.00	
2004	SORENSEN, KEN	R	H	120	\$1,000.00		
2004	TRAVIESA, ANTHONY TREY	R	H	56	\$1,000.00		
2004	TROUTMAN, BAXTER G	R	H	66	\$500.00		
	2006	ADAMS, SANDRA	R	H	SW	\$250.00	2006 Total
	2006	ALTMAN, THAD	R	H	30	\$500.00	\$17,250.00
	2006	BERFIELD, KIM	R	S	16	\$500.00	
	2006	BOGDANOFF, ELLYN	R	H	91	\$250.00	
	2006	BOYD, DEBBIE	D	H	11	\$250.00	
	2006	BRONSON, CHARLES H	R	AGRIC	SW	\$1,000.00	
	2006	CANNON JR, R DEAN	R	H	35	\$250.00	
	2006	CONSTANTINE, LEE	R	S	22	\$500.00	
	2006	CRIST, CHARLIE	R	G	SW	\$1,500.00	

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year		
ALTRIA/PM	2006	DIAZ DE LA PORTILLA, ALEX	R	S	36	\$500.00			
	2006	EVERS, GREG	R	H	1	\$250.00			
	2006	FARKAS, FRANK	R	S	16	\$500.00			
	2006	FLORES, ANITERE	R	H	114	\$250.00			
	2006	FRISHE, JAMES C (JIM)	R	H	54	\$250.00			
	2006	GELBER, DAN	D	H	106	\$500.00			
	2006	GOLDSTEIN, SUSAN K	R	H	97	\$250.00			
	2006	GRANT, MICHAEL	R	H	71	\$250.00			
	2006	HARIDOPOLOS, MIKE	R	S	26	\$500.00			
	2006	HASNER, ADAM	R	H	87	\$250.00			
	2006	HOLLOWAY, WILBERT THEODORE	D	H	103	\$250.00			
	2006	HUKILL, DOROTHY L	R	H	28	\$250.00			
	2006	KING JR, JAMES E	R	S	8	\$500.00			
	2006	KREEGEL, PAIGE	R	H	72	\$250.00			
	2006	LLORENTE, MARCELO	R	H	116	\$500.00			
	2006	MAYFIELD, STAN	R	H	80	\$500.00			
	2006	MCINVALE, SHERI	R	H	36	\$250.00			
	2006	MCKEEL, SETH	R	H	63	\$250.00			
	2006	MURZIN, DAVE	R	H	2	\$500.00			
	2006	NEHR, PETER F	R	H	48	\$250.00			
	2006	OELRICH, STEVE	R	S	14	\$500.00			
	2006	PATRONIS JR, JIMMY THEO	R	H	6	\$250.00			
	2006	PATTERSON, PAT	R	H	26	\$250.00			
	2006	POPE, DAVID	R	H	11	\$250.00			
	2006	POPPELL, RALPH	R	H	29	\$500.00			
	2006	POSEY, BILL	R	S	24	\$500.00			
	2006	PROCTOR, WILLIAM L	R	H	20	\$250.00			
	2006	PRUITT, KEN	R	S	28	\$500.00			
	2006	REAGAN, RON	R	H	67	\$500.00			
	2006	RIVERA, DAVID	R	H	112	\$500.00			
	2006	SANDS, FRANKLIN	D	H	98	\$250.00			
	2006	TRAVIESA, ANTHONY TREY	R	H	56	\$500.00			
	2006	VILLALOBOS, J ALEX	R	S	38	\$500.00			
	2008	ADKINS, JANET	R	H	12	\$250.00		2008 Total	\$10,250.00
	2008	ALTMAN, THAD	R	S	24	\$500.00			
	2008	ARONBERG, DAVE	D	S	27	\$500.00			
	2008	BENNETT, MICHAEL S	R	S	21	\$500.00			
	2008	BOULWARE, PETER	R	H	9	\$500.00			
2008	CANNON JR, R DEAN	R	H	35	\$500.00				
2008	COATES JR, HOWARD K	R	H	85	\$500.00				
2008	CURTIS, DON	R	H	10	\$500.00				
2008	DOCKERY, PAULA	R	S	15	\$500.00				
2008	DOMINO, CARL J	R	H	83	\$500.00				
2008	GELBER, DAN	D	S	35	\$500.00				
2008	HASNER, ADAM	R	H	87	\$500.00				
2008	HUKILL, DOROTHY L	R	H	28	\$500.00				

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year	
ALTRIA/PM	2008	JONES, DENNIS L	R	S	13	\$500.00		
	2008	LEGG, JOHN	R	H	46	\$500.00		
	2008	LOPEZ, JORGE LUIS	R	H	107	\$500.00		
	2008	MAYFIELD, DEBBIE	R	H	80	\$500.00		
	2008	PATTERSON, PAT	R	H	26	\$250.00		
	2008	POPPELL, RALPH	R	H	29	\$250.00		
	2008	SANDS, FRANKLIN	D	H	98	\$500.00		
	2008	SAUNDERS, RON	D	H	120	\$250.00		
	2008	SCHENCK, ROBERT	R	H	44	\$500.00		
	2008	STEELE, JASON	R	H	31	\$250.00		
							<b>Total 1998-2008</b>	<b>\$150,094.00</b>
BAREFOOT TRADING CO	1998	GALLAGHER, TOM	R	COE	SW	\$250.00	1998 Total	\$250.00
								<b>Total 1998-2008</b>
BIG INDEPENDENT WAREHOUSE	2002	MITCHELL, RICHARD	D	S	3	\$200.00	2002 Total	\$700.00
	2002	STANSEL, DWIGHT	D	H	11	\$500.00		
	2004	STANSEL, DWIGHT	D	H	11	\$500.00	2004 Total	\$500.00
							<b>Total 1998-2008</b>	<b>\$1,200.00</b>
BRAZIL CIGARS & TOBACCO	2008	BOGDANOFF, ELLYN	R	H	91	\$100.00	2008 Total	\$100.00
								<b>Total 1998-2008</b>
BROWN & WILLIAMSON TOBACCO	1998	BRADLEY, RUDOLPH (RUDY)	D	H	55	\$500.00	1998 Total	\$1,500.00
	1998	BUSH, JEB	R	G	SW	\$500.00		
	1998	CRAWFORD, BOB	D	AGRIC	SW	\$500.00		
	2000	BETANCOURT, ANNIE	D	H	116	\$500.00	2000 Total	\$7,500.00
	2000	BOWEN, MARSHA (MARTY)	R	H	65	\$500.00		
	2000	FARKAS, FRANK	R	H	52	\$500.00		
	2000	FEENEY, TOM	R	H	33	\$500.00		
	2000	FLANAGAN, MARK G	R	H	68	\$500.00		
	2000	GOODE JR, HARRY C	R	S	15	\$500.00		
	2000	HARPER, JAMES HANK	D	H	84	\$500.00		
	2000	HENRIQUEZ, BOB	D	H	58	\$500.00		
	2000	LAWSON JR, ALFRED (AL)	D	S	3	\$500.00		
	2000	MILLER, LESLEY LES	D	S	21	\$500.00		
	2000	PRUITT, KEN	R	S	27	\$500.00		
	2000	RITTER, STACY J	D	H	96	\$500.00		
	2000	SOBEL, ELEANOR	D	H	100	\$500.00		
	2000	SORENSEN, KEN	R	H	120	\$500.00		
	2000	STANSEL, DWIGHT	D	H	11	\$500.00		
	2002	BARREIRO, GUSTAVO A	R	H	107	\$500.00	2002 Total	\$19,000.00
	2002	BENNETT, MICHAEL S	R	S	21	\$500.00		
	2002	BENSON, HOLLY	R	H	3	\$500.00		
	2002	BRONSON, CHARLES H	R	AGRIC	SW	\$1,000.00		
	2002	BROWN, DONALD D	R	H	5	\$500.00		

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year		
BROWN & WILLIAMSON TOBACCO	2002	BRUTUS, PHILLIP J	D	H	108	\$500.00			
	2002	BUSH, JEB	R	G	SW	\$500.00			
	2002	CARASSAS, JOHN	R	H	54	\$500.00			
	2002	CLARKE, DONNA	R	H	69	\$500.00			
	2002	DEAN, CHARLES S	R	H	43	\$500.00			
	2002	FARKAS, FRANK	R	H	52	\$500.00			
	2002	GIBSON III, HUGH	R	H	42	\$500.00			
	2002	GREENSTEIN, RON	D	H	95	\$500.00			
	2002	HENRIQUEZ, BOB	D	H	58	\$500.00			
	2002	HOLLOWAY, WILBERT THEODORE	D	H	103	\$500.00			
	2002	JONES, DENNIS L	R	S	13	\$500.00			
	2002	JORDAN, STAN	R	H	17	\$500.00			
	2002	KENDRICK, WILL S	D	H	10	\$500.00			
	2002	KING JR, JAMES E	R	S	8	\$500.00			
	2002	LITTLEFIELD, KEN	R	H	61	\$500.00			
	2002	MANN JR, FRANK	R	S	27	\$500.00			
	2002	MARGOLIS, GWEN	D	S	35	\$500.00			
	2002	MEADOWS, MATTHEW J	D	H	94	\$500.00			
	2002	MITCHELL, RICHARD	D	S	3	\$1,000.00			
	2002	MURZIN, DAVE	R	H	2	\$500.00			
	2002	PATTERSON, PAT	R	H	26	\$500.00			
	2002	PETERMAN JR, FRANK W	D	H	55	\$500.00			
	2002	PRUITT, KEN	R	S	28	\$500.00			
	2002	RICHARDSON, CURTIS	D	H	8	\$500.00			
	2002	ROMEO, SARA	D	H	60	\$500.00			
	2002	ROSS, DENNIS A	R	H	63	\$500.00			
	2002	SEILER, JOHN P (JACK)	D	H	92	\$500.00			
	2002	SMITH, CHRISTOPHER L	D	H	93	\$500.00			
	2002	SORENSEN, KEN	R	H	120	\$1,000.00			
	2002	STANSEL, DWIGHT	D	H	11	\$500.00			
		2004	ALTMAN, THAD	R	H	30	\$500.00	2004 Total	\$7,000.00
		2004	ARGENZIANO, NANCY	R	S	3	\$500.00		
	2004	BENNETT, MICHAEL S	R	S	21	\$500.00			
	2004	BENSON, HOLLY	R	H	3	\$500.00			
	2004	BOWEN, MARSHA (MARTY)	R	H	65	\$500.00			
	2004	DEAN, CHARLES S	R	H	43	\$500.00			
	2004	DOCKERY, PAULA	R	S	15	\$500.00			
	2004	FARKAS, FRANK	R	H	52	\$500.00			
	2004	GIBSON III, HUGH	R	H	42	\$500.00			
	2004	JONES, DENNIS L	R	S	13	\$500.00			
	2004	MURZIN, DAVE	R	H	2	\$500.00			
	2004	PATTERSON, PAT	R	H	26	\$500.00			
	2004	SORENSEN, KEN	R	H	120	\$500.00			
	2004	STANSEL, DWIGHT	D	H	11	\$500.00			
							<b>Total 1998-2008</b>	<b>\$35,000.00</b>	

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year	
CAMPA IMPORT & EXPORT CORP	2000	ARZA, RALPH	R	H	102	\$250.00	2000 Total	\$250.00
							<b>Total 1998-2008</b>	
CAPITAL CIGARS	2008	GONZALEZ, EDDY	R	H	102	\$100.00	2008 Total	\$100.00
							<b>Total 1998-2008</b>	
CENTRAL AMERICAN TOBACCO CORP	2006	DAVIS, JIM	D	G	SW	\$500.00	2006 Total	\$500.00
							<b>Total 1998-2008</b>	
CIGAR ASSOCIATION OF AMERICA	1998	ALBRIGHT III, GEORGE J	R	H	24	\$500.00	1998 Total	\$10,500.00
	1998	ARNALL, JOE	R	H	18	\$500.00		
	1998	BANKHEAD, WILLIAM G (BILL)	R	S	8	\$500.00		
	1998	BOYD, JANEGALE M	D	H	10	\$500.00		
	1998	BRADLEY, RUDOLPH (RUDY)	D	H	55	\$500.00		
	1998	CONSTANTINE, LEE	R	H	37	\$500.00		
	1998	FEENEY, TOM	R	H	33	\$500.00		
	1998	GARCIA JR, RODOLFO (RUDY)	R	H	110	\$500.00		
	1998	GUTMAN, ALBERTO (AL)	R	S	34	\$500.00		
	1998	HEYMAN, SALLY A	D	H	105	\$500.00		
	1998	KING JR, JAMES E	R	H	17	\$500.00		
	1998	LITTLEFIELD, CARL	R	H	61	\$500.00		
	1998	MACKENZIE, ANNE	D	H	99	\$500.00		
	1998	MEEK, KENDRICK B	D	S	36	\$500.00		
	1998	MELVIN, JERRY	R	H	4	\$500.00		
	1998	MERCHANT, SHARON J	R	H	83	\$500.00		
	1998	MORSE, LUIS C	R	H	113	\$500.00		
	1998	OGLES, MARK R	R	H	67	\$500.00		
	1998	RODRIGUEZ-CHOMAT, JORGE	R	H	114	\$500.00		
	1998	SILVER, RONALD (RON) A	D	S	38	\$500.00		
1998	VILLALOBOS, J ALEX	R	H	112	\$500.00			
							<b>Total 1998-2008</b>	<b>\$10,500.00</b>
COMMONWEALTH BRANDS	2004	AMBLER, KEVIN C	R	H	47	\$500.00		
	2004	ARONBERG, DAVE	D	S	27	\$500.00		
	2004	ATTKISSON, FRANK	R	H	79	\$500.00		
	2004	BULLARD, LARCENIA J	D	S	39	\$500.00		
	2004	EVERS, GREG	R	H	1	\$500.00		
	2004	GARCIA, RENE	R	H	110	\$500.00		
	2004	HILL, ANTHONY C TONY	D	S	1	\$500.00		
	2004	HOLLOWAY, WILBERT THEODORE	D	H	103	\$500.00		
	2004	JOHNSON, RANDY D	R	H	41	\$500.00		
	2004	MAYFIELD, STAN	R	H	80	\$500.00		
	2004	MEALOR, DAVID J	R	H	34	\$500.00		
	2004	PROCTOR, WILLIAM L	R	H	20	\$500.00		
	2004	REAGAN, RON	R	H	67	\$500.00		
	2004	ROBAINA, JULIO	R	H	117	\$500.00		

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year	
COMMONWEALTH BRANDS	2004	RUBIO, MARCO	R	H	111	\$500.00		
	2004	SIPLIN, GARY	D	S	19	\$500.00		
	2004	SORENSEN, KEN	R	H	120	\$500.00		
	2004	WARD, JAMES E	D	H	28	\$500.00		
	2004	WILSON, FREDERICA S	D	S	33	\$500.00		
	2004	WISE, STEPHEN R	R	S	5	\$500.00		
	2004	ZAPATA, JUAN C	R	H	119	\$1,000.00	2004 Total	\$11,000.00
							<b>Total 1998-2008</b>	<b>\$11,000.00</b>
CONCH REPUBLIC NATURAL TOBACCO CO	2002	GARCIA JR, RODOLFO (RUDY)	R	S	40	\$500.00		
	2002	GARCIA, RENE	R	H	110	\$500.00	2002 Total	\$1,000.00
							<b>Total 1998-2008</b>	<b>\$1,000.00</b>
CONSOLIDATED CIGAR	1998	BILIRAKIS, GUS MICHAEL	R	H	48	\$500.00	1998 Total	\$1,000.00
	1998	BYRD JR, JOHNNIE B	R	H	62	\$500.00		
	2000	MACK, CONNIE	R	H	91	\$1,000.00	2000 Total	\$1,000.00
	2002	CRIST, CHARLIE	R	AG	SW	\$500.00	2002 Total	\$1,000.00
	2002	MACK, CONNIE	R	H	91	\$500.00		
							<b>Total 1998-2008</b>	<b>\$3,000.00</b>
CROWN TOBACCO	2006	CRIST, CHARLIE	R	G	SW	\$500.00	2006 Total	\$500.00
								<b>Total 1998-2008</b>
CUBAN CRAFTERS INC	2008	LOPEZ-CANTERA, CARLOS	R	H	113	\$300.00	2008 Total	\$300.00
							<b>Total 1998-2008</b>	<b>\$300.00</b>
DISCOUNT TOBACCO SALES INC	1998	BUSH, JEB	R	G	SW	\$500.00	1998 Total	\$500.00
							<b>Total 1998-2008</b>	<b>\$500.00</b>
DON SIEGO INC	1998	CAROLLO, FRANK	R	H	116	\$250.00	1998 Total	\$250.00
								<b>Total 1998-2008</b>
DOSAL TOBACCO	2000	BETANCOURT, ANNIE	D	H	116	\$500.00	2000 Total	\$2,500.00
	2000	GARCIA JR, RODOLFO (RUDY)	R	S	39	\$1,000.00		
	2000	LACASA, CARLOS	R	H	117	\$500.00		
	2000	STANSEL, DWIGHT	D	H	11	\$500.00		
	2002	ARZA, RALPH	R	H	102	\$500.00	2002 Total	\$4,000.00
	2002	BARREIRO, GUSTAVO A	R	H	107	\$500.00		
	2002	GARCIA JR, RODOLFO (RUDY)	R	S	40	\$500.00		
	2002	GARCIA, RENE	R	H	110	\$500.00		
	2002	PRIEGUEZ, MANUEL	R	H	113	\$500.00		
	2002	RUBIO, MARCO	R	H	111	\$500.00		
	2002	STANSEL, DWIGHT	D	H	11	\$500.00		
	2002	VILLALOBOS, J ALEX	R	S	38	\$500.00		
	2004	ALLEN, BOB	R	H	32	\$1,000.00	2004 Total	\$32,500.00
	2004	AMBLER, KEVIN C	R	H	47	\$1,000.00		

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year	
DOSAL TOBACCO	2004	ANDERSON, TOM	R	H	45	\$500.00		
	2004	ARGENZIANO, NANCY	R	S	3	\$500.00		
	2004	ARZA, RALPH	R	H	102	\$500.00		
	2004	BARREIRO, GUSTAVO A	R	H	107	\$500.00		
	2004	BENSON, HOLLY	R	H	3	\$500.00		
	2004	BROWN, DONALD D	R	H	5	\$500.00		
	2004	CANNON JR, R DEAN	R	H	35	\$500.00		
	2004	CLARKE, DONNA	R	H	69	\$500.00		
	2004	COLEY, DAVID A	R	H	7	\$500.00		
	2004	FASANO, MIKE	R	S	11	\$1,000.00		
	2004	FLORES, ANITERE	R	H	114	\$500.00		
	2004	GARCIA, RENE	R	H	110	\$1,000.00		
	2004	GELBER, DAN	D	H	106	\$500.00		
	2004	GLORIOSO, RICHARD	R	H	62	\$500.00		
	2004	GOLDSTEIN, SUSAN K	R	H	97	\$500.00		
	2004	GRIMSLEY, DENISE	R	H	77	\$500.00		
	2004	HASNER, ADAM	R	H	87	\$1,000.00		
	2004	HAYS, ALAN	R	H	25	\$500.00		
	2004	HENRIQUEZ, BOB	D	H	58	\$500.00		
	2004	HOLLOWAY, WILBERT THEODORE	D	H	103	\$1,000.00		
	2004	HOMAN, ED	R	H	60	\$500.00		
	2004	HUKILL, DOROTHY L	R	H	28	\$1,000.00		
	2004	KREEGEL, PAIGE	R	H	72	\$500.00		
	2004	LLORENTE, MARCELO	R	H	116	\$500.00		
	2004	NEEDELMAN, MITCH	R	H	31	\$500.00		
	2004	PATTERSON, PAT	R	H	26	\$1,000.00		
	2004	PLANAS, JUAN-CARLOS (J C)	R	H	115	\$1,500.00		
	2004	PROCTOR, WILLIAM L	R	H	20	\$500.00		
	2004	RIVERA, DAVID	R	H	112	\$500.00		
	2004	ROBAINA, JULIO	R	H	117	\$500.00		
	2004	ROBERSON, YOLLY	D	H	104	\$500.00		
	2004	RUBIO, MARCO	R	H	111	\$500.00		
	2004	SANDS, FRANKLIN	D	H	98	\$500.00		
	2004	SIPLIN, GARY	D	S	19	\$1,000.00		
	2004	SMITH, CHRISTOPHER L	D	H	93	\$1,500.00		
	2004	SORENSEN, KEN	R	H	120	\$1,000.00		
	2004	STANSEL, DWIGHT	D	H	11	\$500.00		
	2004	STARGEL, JOHN K	R	H	64	\$1,000.00		
	2004	TRAVIESA, ANTHONY TREY	R	H	56	\$500.00		
	2004	TROUTMAN, BAXTER G	R	H	66	\$1,000.00		
	2004	VANA, ROCHELLE (SHELLEY)	D	H	85	\$500.00		
	2004	WATERS, LESLIE	R	H	51	\$1,000.00		
	2004	WILSON, FREDERICA S	D	S	33	\$500.00		
	2004	ZAPATA, JUAN C	R	H	119	\$1,500.00		
	2006	ADAMS, SANDRA	R	H	33	\$500.00	2006 Total	\$43,328.00
	2006	AMBLER, KEVIN C	R	H	47	\$500.00		

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year
DOSAL TOBACCO	2006	ANDERSON, TOM	R	H	45	\$500.00	
	2006	ARONBERG, DAVE	D	S	27	\$500.00	
	2006	ARZA, RALPH	R	H	102	\$500.00	
	2006	ATTKISSON, FRANK	R	H	79	\$500.00	
	2006	BAKER, CAREY	R	S	20	\$500.00	
	2006	BENSON, HOLLY	R	H	3	\$500.00	
	2006	BENSON, LAURA A	R	H	69	\$500.00	
	2006	BERFIELD, KIM	R	S	16	\$1,000.00	
	2006	BOGDANOFF, ELLYN	R	H	91	\$500.00	
	2006	BRONSON, CHARLES H	R	AGRIC	SW	\$1,000.00	
	2006	BROWN, DONALD D	R	H	5	\$500.00	
	2006	CAPPELLI, ANGELO	R	H	52	\$500.00	
	2006	CAROLLO, FRANK	R	H	107	\$1,500.00	
	2006	CONSTANTINE, LEE	R	S	22	\$1,000.00	
	2006	CRETUL, LARRY	R	H	22	\$500.00	
	2006	CRIST, CHARLIE	R	G	SW	\$2,500.00	
	2006	CRIST, VICTOR	R	S	12	\$1,000.00	
	2006	CULP, FAYE	R	H	57	\$500.00	
	2006	DEUTCH, TED	D	S	30	\$500.00	
	2006	DIAZ DE LA PORTILLA, ALEX	R	S	36	\$2,828.00	
	2006	FIELDS, TERRY L	D	H	14	\$1,000.00	
	2006	FLORES, ANITERE	R	H	114	\$500.00	
	2006	GALLAGHER, TOM	R	G	SW	\$2,500.00	
	2006	GARCIA, RENE	R	H	110	\$500.00	
	2006	GIBSON, AUDREY	D	H	15	\$500.00	
	2006	GRIMSLEY, DENISE	R	H	77	\$500.00	
	2006	HASNER, ADAM	R	H	87	\$500.00	
	2006	HOLDER, DOUG	R	H	70	\$500.00	
	2006	HOLLOWAY, WILBERT THEODORE	D	H	103	\$500.00	
	2006	HUKILL, DOROTHY L	R	H	28	\$500.00	
	2006	JENNINGS JR, EDWARD L	D	S	14	\$500.00	
	2006	JUSTICE, CHARLIE	D	S	16	\$500.00	
	2006	LEE, TOM	R	CFO	SW	\$2,500.00	
	2006	LOPEZ-CANTERA, CARLOS	R	H	113	\$1,000.00	
	2006	MAYFIELD, STAN	R	H	80	\$500.00	
	2006	NEHR, PETER F	R	H	48	\$500.00	
	2006	OELRICH, STEVE	R	S	14	\$500.00	
	2006	PATRONIS JR, JIMMY THEO	R	H	6	\$500.00	
	2006	PATTERSON, PAT	R	H	26	\$500.00	
	2006	PLANAS, JUAN-CARLOS (J C)	R	H	115	\$500.00	
2006	PRECOURT, STEPHEN	R	H	41	\$500.00		
2006	PRUITT, KEN	R	S	28	\$1,500.00		
2006	RICHTER, GARRETT	R	H	76	\$500.00		
2006	RING, JEREMY	D	S	32	\$500.00		
2006	ROBAINA, JULIO	R	H	117	\$1,000.00		
2006	ROBERSON, YOLLY	D	H	104	\$500.00		



**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year
DOSAL TOBACCO	2006	SCHENCK, ROBERT	R	H	44	\$500.00	
	2006	SCIONTI, MICHAEL	D	H	58	\$500.00	
	2006	THOMPSON, NICHOLAS R	R	H	73	\$500.00	
	2006	THURSTON JR, PERRY E	D	H	93	\$500.00	
	2006	TRAVIESA, ANTHONY TREY	R	H	56	\$500.00	
	2006	VILLALOBOS, J ALEX	R	S	38	\$1,500.00	
	2006	WEATHERFORD, WILL	R	H	61	\$500.00	
	2006	ZAPATA, JUAN C	R	H	119	\$1,000.00	
	2008	ADAMS, SANDRA	R	H	33	\$500.00	2008 Total
	2008	ALEXANDER, J D	R	S	17	\$500.00	\$46,500.00
	2008	ARONBERG, DAVE	D	S	27	\$0.00	
	2008	ATWATER, JEFF	R	S	25	\$3,500.00	
	2008	BENNETT, MICHAEL S	R	S	21	\$500.00	
	2008	BOGDANOFF, ELLYN	R	H	91	\$500.00	
	2008	BOVO, ESTEBAN	R	H	110	\$500.00	
	2008	BOYD, DEBBIE	D	H	11	\$1,000.00	
	2008	BRANDENBURG, MARY	D	H	89	\$500.00	
	2008	CANNON JR, R DEAN	R	H	35	\$1,500.00	
	2008	CHESTNUT IV, CHARLES S	D	H	23	\$500.00	
	2008	CURTIS, DON	R	H	10	\$1,000.00	
	2008	DEAN, CHARLES S	R	S	3	\$1,000.00	
	2008	DETERT, NANCY	R	S	23	\$500.00	
	2008	DOMINO, CARL J	R	H	83	\$500.00	
	2008	DORWORTH, CHRIS	R	H	34	\$1,000.00	
	2008	DRAKE, BRAD	R	H	5	\$500.00	
	2008	EVERS, GREG	R	H	1	\$500.00	
	2008	FASANO, MIKE	R	S	11	\$1,000.00	
	2008	FITZGERALD, KEITH	D	H	69	\$500.00	
	2008	FORD, CLAY	R	H	3	\$500.00	
	2008	FRANCE, CHRIS	R	H	21	\$500.00	
	2008	GARCIA, LUIS	D	H	107	\$1,000.00	
	2008	GARDINER, ANDY	R	S	9	\$500.00	
	2008	GELBER, DAN	D	S	35	\$500.00	
	2008	GONZALEZ, EDDY	R	H	102	\$500.00	
	2008	GRIMSLEY, DENISE	R	H	77	\$500.00	
	2008	HASNER, ADAM	R	H	87	\$1,000.00	
	2008	HELLER, BILL	D	H	52	\$1,000.00	
	2008	HOLDER, DOUG	R	H	70	\$500.00	
	2008	HORNER, MIKE	R	H	79	\$500.00	
	2008	HUKILL, DOROTHY L	R	H	28	\$1,000.00	
	2008	JENNE, EVAN	D	H	100	\$500.00	
	2008	JONES, DENNIS L	R	S	13	\$500.00	
	2008	JONES, MIA	D	H	14	\$500.00	
	2008	KIAR, MARTIN DAVID	D	H	97	\$1,000.00	
	2008	KREEGEL, PAIGE	R	H	72	\$500.00	
	2008	KRISEMAN, RICK	D	H	53	\$500.00	

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year	
DOSAL TOBACCO	2008	LEGG, JOHN	R	H	46	\$1,000.00		
	2008	LONG, JANET C	D	H	51	\$500.00		
	2008	LOPEZ, JORGE LUIS	R	H	107	\$500.00		
	2008	LOPEZ-CANTERA, CARLOS	R	H	113	\$2,000.00		
	2008	LYNN, EVELYN J	R	S	7	\$500.00		
	2008	MURZIN, DAVE	R	H	2	\$500.00		
	2008	NEHR, PETER F	R	H	48	\$500.00		
	2008	OTOOLE, H MARLENE	R	H	42	\$500.00		
	2008	PATTERSON, PAT	R	H	26	\$500.00		
	2008	RANDOLPH, SCOTT	D	H	36	\$500.00		
	2008	RAY, LAKE	R	H	17	\$500.00		
	2008	REAGAN, RON	R	H	67	\$500.00		
	2008	RICHTER, GARRETT	R	S	37	\$500.00		
	2008	RIVERA, DAVID	R	H	112	\$1,000.00		
	2008	ROBERSON, KEN	R	H	71	\$500.00		
	2008	ROUSON, DARRYL ERVIN	D	H	55	\$500.00		
	2008	SACHS, MARIA	D	H	86	\$500.00		
	2008	SANDS, FRANKLIN	D	H	98	\$500.00		
	2008	SAUNDERS, RON	D	H	120	\$500.00		
	2008	SCHENCK, ROBERT	R	H	44	\$1,000.00		
	2008	SKIDMORE, KELLY	D	H	90	\$500.00		
	2008	SMITH, CHRISTOPHER L	D	S	29	\$500.00		
	2008	SNYDER, WILLIAM D	R	H	82	\$500.00		
	2008	TAYLOR, DWAYNE L	D	H	27	\$500.00		
	2008	THOMPSON, NICHOLAS R	R	H	73	\$500.00		
	2008	THURSTON JR, PERRY E	D	H	93	\$500.00		
	2008	TOBIA, JOHN	R	H	31	\$500.00		
	2008	WEINSTEIN, MIKE	R	H	19	\$500.00		
	2008	WILLIAMS, ALAN	D	H	8	\$500.00		
	2008	WOOD, JOHN	R	H	65	\$500.00		
	2008	WORKMAN, RITCH	R	H	30	\$500.00		
	2008	ZAPATA, JUAN C	R	H	119	\$500.00		
							<b>Total 1998-2008</b>	<b>\$128,828.00</b>
DOWNTOWN TOBACCO SHOPPE INC	1998	MANN JR, FRANK	D	H	73	\$50.00	1998 Total	\$50.00
							<b>Total 1998-2008</b>	<b>\$50.00</b>
DUSA DISTRIBUTION CENTER	1998	BRONSON, CHARLES H	R	S	18	\$500.00	1998	\$750.00
	1998	BUSH, JEB	R	G	SW	\$250.00		
	2000	DILAVORE, PETER	R	H	30	\$50.00	2000	\$50.00
							<b>Total 1998-2008</b>	<b>\$800.00</b>
EL DUQUE GROUP	2000	ARZA, RALPH	R	H	102	\$250.00	2000 Total	\$250.00
							<b>Total 1998-2008</b>	<b>\$250.00</b>

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year	
FLORIDA TOBACCO & CANDY ASSOC	1998	SAUNDERS, BURT	R	S	25	\$100.00	1998 Total	\$100.00
							<b>Total 1998-2008</b>	<b>\$100.00</b>
GLOBAL TRADING CORP OF TAMPA	2004	FLORES, ANITERE	R	H	114	\$500.00	2004 Total	\$500.00
							<b>Total 1998-2008</b>	<b>\$500.00</b>
GP&P A PARTNERSHIP	1998	WALLACE, ROB	R	H	47	\$350.00	1998 Total	\$350.00
							<b>Total 1998-2008</b>	<b>\$350.00</b>
HAVANA FL CIGAR CO	1998	GALLAGHER, TOM	R	COE	SW	\$500.00	1998 Total	\$500.00
							<b>Total 1998-2008</b>	<b>\$500.00</b>
HAVANA GROUP CIGARS	2008	GONZALEZ, EDDY	R	H	102	\$250.00	2008 Total	\$250.00
							<b>Total 1998-2008</b>	<b>\$250.00</b>
HAVATAMPA	1998	BUSH, JEB	R	G	SW	\$1,500.00	1998 Total	\$5,500.00
	1998	CRAWFORD, BOB	D	AGRIC	SW	\$1,000.00		
	1998	CULP, FAYE	R	COE	SW	\$1,000.00		
	1998	KISE, CHRIS	R	S	20	\$1,000.00		
	1998	MCKAY, CHARLIE	R	H	57	\$500.00		
	1998	MORTHAM, SANDRA (SANDY)	R	SS	SW	\$250.00		
	1998	WALLACE, ROB	R	H	47	\$250.00		
	2000	BRADLEY, RUDOLPH (RUDY)	R	S	21	\$250.00	2000 Total	\$2,600.00
	2000	CRIST, CHARLIE	R	COE	SW	\$750.00		
	2000	CULP, FAYE	R	S	13	\$500.00		
	2000	GALLAGHER, TOM	R	TREAS	SW	\$500.00		
	2000	MACK, CONNIE	R	H	91	\$100.00		
	2000	WALLACE, ROB	R	H	47	\$500.00		
	2002	BUSH, JEB	R	G	SW	\$500.00	2002 Total	\$500.00
	2008	DEAN, CHARLES S	R	S	3	\$500.00	2008 Total	\$500.00
							<b>Total 1998-2008</b>	<b>\$9,100.00</b>
INDIVIDUAL CIGAR MAKER	1998	BETANCOURT, ANNIE	D	H	116	\$250.00	1998 Total	\$250.00
							<b>Total 1998-2008</b>	<b>\$250.00</b>
INTERNATIONAL CRUISE LIQUOR &	2002	RIVERA, DAVID	R	H	112	\$250.00	2002 Total	\$250.00
							<b>Total 1998-2008</b>	<b>\$250.00</b>
ITALIAN TOBACCO USA INC	2000	GARCIA JR, RODOLFO (RUDY)	R	S	39	\$500.00	2000 Total	\$500.00
							<b>Total 1998-2008</b>	<b>\$500.00</b>
JC NEWMAN CIGAR CO	1998	BUSH, JEB	R	G	SW	\$500.00	1998 Total	\$500.00
							<b>Total 1998-2008</b>	<b>\$500.00</b>
LEADER TOBACCO	2004	GANNON, ANNE M	D	H	86	\$500.00	2004 Total	\$1,500.00
	2004	MARGOLIS, GWEN	D	S	35	\$500.00		

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year	
LEADER TOBACCO	2004	RUBIO, MARCO	R	H	111	\$500.00		
							<b>Total 1998-2008</b>	<b>\$1,500.00</b>
LORILLARD TOBACCO	2000	ARGENIO, ART	R	H	82	\$500.00	2000 Total	\$8,000.00
	2000	AUSLEY, LORANNE	D	H	9	\$500.00		
	2000	BULLARD, EDWARD B	D	H	118	\$500.00		
	2000	FEENEY, TOM	R	H	33	\$500.00		
	2000	GARCIA JR, RODOLFO (RUDY)	R	S	39	\$500.00		
	2000	GOODE JR, HARRY C	R	S	15	\$500.00		
	2000	LAWSON JR, ALFRED (AL)	D	S	3	\$500.00		
	2000	LEVINE, CURT	D	H	89	\$500.00		
	2000	MAYGARDEN, JERRY L	R	H	2	\$500.00		
	2000	MEADOWS, MATTHEW J	D	H	94	\$500.00		
	2000	MILLER, DAVE	R	H	54	\$500.00		
	2000	MILLER, LESLEY LES	D	S	21	\$500.00		
	2000	POSEY, BILL	R	S	15	\$500.00		
	2000	RICHARDSON, CURTIS	D	H	8	\$500.00		
	2000	SIPLIN, GARY	D	H	39	\$500.00		
	2000	SMITH, ROD	D	S	5	\$500.00		
	2002	ALEXANDER, J D	R	S	17	\$500.00	2002 Total	\$22,500.00
	2002	BARREIRO, GUSTAVO A	R	H	107	\$500.00		
	2002	BENNETT, MICHAEL S	R	S	21	\$500.00		
	2002	BENSON, HOLLY	R	H	3	\$500.00		
	2002	BOWEN, MARSHA (MARTY)	R	H	65	\$500.00		
	2002	BRONSON, CHARLES H	R	AGRIC	SW	\$500.00		
	2002	BRUTUS, PHILLIP J	D	H	108	\$500.00		
	2002	BULLARD, EDWARD B	D	H	118	\$500.00		
	2002	BUSH, JEB	R	G	SW	\$500.00		
	2002	CLARKE, DONNA	R	H	69	\$1,000.00		
	2002	DIAZ DE LA PORTILLA, RENIER	R	H	115	\$500.00		
	2002	FARKAS, FRANK	R	H	52	\$1,000.00		
	2002	FASANO, MIKE	R	S	11	\$500.00		
	2002	GALVANO, WILLIAM S	R	H	68	\$500.00		
	2002	HENRIQUEZ, BOB	D	H	58	\$500.00		
	2002	HOLLOWAY, WILBERT THEODORE	D	H	103	\$500.00		
	2002	JONES, DENNIS L	R	S	13	\$500.00		
	2002	KALLINGER, JIM	R	H	35	\$500.00		
	2002	KING JR, JAMES E	R	S	8	\$1,500.00		
	2002	KLEIN, RON	D	S	30	\$500.00		
	2002	LITTLEFIELD, KEN	R	H	61	\$500.00		
	2002	MANN JR, FRANK	R	S	27	\$500.00		
	2002	MARGOLIS, GWEN	D	S	35	\$500.00		
	2002	MEADOWS, MATTHEW J	D	H	94	\$500.00		
	2002	MEALOR, DAVID J	R	H	34	\$500.00		
	2002	MITCHELL, RICHARD	D	S	3	\$1,000.00		
	2002	MURZIN, DAVE	R	H	2	\$500.00		

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year	
LORILLARD TOBACCO	2002	NAULT, ARMAND	D	H	89	\$500.00		
	2002	PATTERSON, PAT	R	H	26	\$1,000.00		
	2002	PETERMAN JR, FRANK W	D	H	55	\$500.00		
	2002	PRUITT, KEN	R	S	28	\$500.00		
	2002	ROSS, DENNIS A	R	H	63	\$500.00		
	2002	SEILER, JOHN P (JACK)	D	H	92	\$500.00		
	2002	SIPLIN, GARY	D	S	19	\$500.00		
	2002	SMITH, CHRISTOPHER L	D	H	93	\$500.00		
	2002	SORENSEN, KEN	R	H	120	\$500.00		
	2002	STANSEL, DWIGHT	D	H	11	\$500.00		
	2002	WARD, JAMES E	D	S	7	\$500.00		
	2002	WISHNER, ROGER B	D	H	98	\$500.00		
	2004	ALEXANDER, J D	R	S	17	\$500.00	2004 Total	\$36,100.00
	2004	ALTMAN, THAD	R	H	30	\$1,000.00		
	2004	ARGENZIANO, NANCY	R	S	3	\$1,000.00		
	2004	ARONBERG, DAVE	D	S	27	\$500.00		
	2004	BAKER, CAREY	R	S	20	\$500.00		
	2004	BENNETT, MICHAEL S	R	S	21	\$500.00		
	2004	BENSON, HOLLY	R	H	3	\$500.00		
	2004	BOWEN, MARSHA (MARTY)	R	H	65	\$1,000.00		
	2004	BROWN, DONALD D	R	H	5	\$1,000.00		
2004	BULLARD, EDWARD B	D	H	118	\$500.00			
2004	BULLARD, LARCENIA J	D	S	39	\$500.00			
2004	CANNON JR, R DEAN	R	H	35	\$500.00			
2004	CLARKE, DONNA	R	H	69	\$500.00			
2004	COLEY, DAVID A	R	H	7	\$500.00			
2004	CUSACK, JOYCE	D	H	27	\$500.00			
2004	DAWSON, M MANDY	D	S	29	\$500.00			
2004	DEAN, CHARLES S	R	H	43	\$1,000.00			
2004	DOCKERY, PAULA	R	S	15	\$500.00			
2004	DOMINO, CARL J	R	H	83	\$500.00			
2004	EVERS, GREG	R	H	1	\$500.00			
2004	FARKAS, FRANK	R	H	52	\$1,000.00			
2004	FASANO, MIKE	R	S	11	\$500.00			
2004	FLORES, ANITERE	R	H	114	\$500.00			
2004	GALVANO, WILLIAM S	R	H	68	\$1,000.00			
2004	GANNON, ANNE M	D	H	86	\$500.00			
2004	GIBSON III, HUGH	R	H	42	\$500.00			
2004	GLORIOSO, RICHARD	R	H	62	\$500.00			
2004	GRIMSLEY, DENISE	R	H	77	\$1,000.00			
2004	HASNER, ADAM	R	H	87	\$500.00			
2004	HENRIQUEZ, BOB	D	H	58	\$1,000.00			
2004	HOLLOWAY, WILBERT THEODORE	D	H	103	\$1,000.00			
2004	JONES, DENNIS L	R	S	13	\$500.00			
2004	KENDRICK, WILL S	D	H	10	\$500.00			
2004	KOTTKAMP, JEFF	R	H	74	\$500.00			

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year	
LORILLARD TOBACCO	2004	KREEGEL, PAIGE	R	H	72	\$500.00		
	2004	LITTLEFIELD, KEN	R	H	61	\$500.00		
	2004	LLORENTE, MARCELO	R	H	116	\$500.00		
	2004	LYNN, EVELYN J	R	S	7	\$500.00		
	2004	MACHEK, RICHARD A	D	H	78	\$500.00		
	2004	MURZIN, DAVE	R	H	2	\$500.00		
	2004	PATTERSON, PAT	R	H	26	\$1,000.00		
	2004	PETERMAN JR, FRANK W	D	H	55	\$500.00		
	2004	POPPELL, RALPH	R	H	29	\$500.00		
	2004	PORTH, ARI ABRAHAM	D	H	96	\$500.00		
	2004	REAGAN, RON	R	H	67	\$500.00		
	2004	RICHARDSON, CURTIS	D	H	8	\$1,000.00		
	2004	ROBAINA, JULIO	R	H	117	\$500.00		
	2004	ROSS, DENNIS A	R	H	63	\$500.00		
	2004	RUBIO, MARCO	R	H	111	\$500.00		
	2004	SANDS, FRANKLIN	D	H	98	\$500.00		
	2004	SEILER, JOHN P (JACK)	D	H	92	\$100.00		
	2004	SIPLIN, GARY	D	S	19	\$1,000.00		
	2004	SMITH, CHRISTOPHER L	D	H	93	\$500.00		
	2004	SORENSEN, KEN	R	H	120	\$1,000.00		
	2004	STANSEL, DWIGHT	D	H	11	\$1,000.00		
	2004	STARGEL, JOHN K	R	H	64	\$500.00		
	2004	TROUTMAN, BAXTER G	R	H	66	\$500.00		
	2004	ZAPATA, JUAN C	R	H	119	\$500.00		
		2006	AMBLER, KEVIN C	R	H	47	\$500.00	2006 Total
	2006	ATTKISSON, FRANK	R	H	79	\$500.00		
	2006	BOYD, DEBBIE	D	H	11	\$500.00		
	2006	CANNON JR, R DEAN	R	H	35	\$500.00		
	2006	DIAZ DE LA PORTILLA, ALEX	R	S	36	\$500.00		
	2006	FARKAS, FRANK	R	S	16	\$500.00		
	2006	GIBSON III, HUGH	R	H	42	\$500.00		
	2006	JOHNSON, RANDY D	R	CFO	SW	\$500.00		
	2006	KING JR, JAMES E	R	S	8	\$500.00		
	2006	LLORENTE, MARCELO	R	H	116	\$500.00		
	2006	MCINVALE, SHERI	R	H	36	\$500.00		
	2006	MCKEEL, SETH	R	H	63	\$500.00		
	2006	PATTERSON, PAT	R	H	26	\$500.00		
	2006	PLANAS, JUAN-CARLOS (J C)	R	H	115	\$500.00		
	2006	PRECOURT, STEPHEN	R	H	41	\$500.00		
	2006	TRAVIESA, ANTHONY TREY	R	H	56	\$500.00		
	2006	VILLALOBOS, J ALEX	R	S	38	\$500.00		
	2008	ARONBERG, DAVE	D	S	27	\$500.00	2008 Total	\$9,500.00
	2008	BENNETT, MICHAEL S	R	S	21	\$500.00		
	2008	BOYD, DEBBIE	D	H	11	\$500.00		
	2008	CANNON JR, R DEAN	R	H	35	\$500.00		
	2008	DEAN, CHARLES S	R	S	3	\$1,000.00		

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year	
LORILLARD TOBACCO	2008	DETERT, NANCY	R	S	23	\$500.00		
	2008	DOCKERY, PAULA	R	S	15	\$500.00		
	2008	DRAKE, BRAD	R	H	5	\$500.00		
	2008	GALVANO, WILLIAM S	R	H	68	\$500.00		
	2008	GELBER, DAN	D	S	35	\$500.00		
	2008	HILL, ANTHONY C TONY	D	S	1	\$500.00		
	2008	JONES, DENNIS L	R	S	13	\$500.00		
	2008	MCKEEL, SETH	R	H	63	\$500.00		
	2008	MURZIN, DAVE	R	H	2	\$500.00		
	2008	PATTERSON, PAT	R	H	26	\$500.00		
	2008	REAGAN, RON	R	H	67	\$500.00		
	2008	SMITH, CHRISTOPHER L	D	S	29	\$500.00		
2008	ZAPATA, JUAN C	R	H	119	\$500.00			
							<b>Total 1998-2008</b>	<b>\$84,600.00</b>
M & N CIGAR MANUFACTURERS	1998	BUSH, JEB	R	G	SW	\$500.00	1998 Total	\$500.00
								<b>Total 1998-2008</b>
MICCOSUKEE SMOKE SHOP	2006	CRIST, CHARLIE	R	G	SW	\$500.00	2006 Total	\$1,000.00
	2006	KING JR, JAMES E	R	S	8	\$500.00		
								<b>Total 1998-2008</b>
NATIONAL CIGAR CORP	1998	MILLIGAN, BOB	R	COMP	SW	\$500.00	1998 Total	\$500.00
	2000	BULLARD, EDWARD B	D	H	118	\$500.00	2000 Total	\$2,000.00
	2000	CAROLLO, FRANK	R	H	113	\$500.00		
	2000	GARCIA JR, RODOLFO (RUDY)	R	S	39	\$500.00		
	2000	VILLALOBOS, J ALEX	R	S	37	\$500.00		
							<b>Total 1998-2008</b>	<b>\$2,500.00</b>
NICARAGUA TOBACCO IMPORTS INC	2008	FRESEN, ERIK	R	H	111	\$500.00	2008 Total	\$500.00
								<b>Total 1998-2008</b>
OLIVA TOBACCO COMPANY	1998	BUSH, JEB	R	G	SW	\$1,000.00	1998 Total	\$1,250.00
	1998	HENRIQUEZ, BOB	D	H	58	\$250.00		
	2002	MCBRIDE, WILLIAM H	D	G	SW	\$500.00	2002 Total	\$500.00
	2006	CRIST, CHARLIE	R	G	SW	\$500.00	2006 Total	\$500.00
	2008	GONZALEZ, EDDY	R	H	102	\$500.00	2008 Total	\$500.00
							<b>Total 1998-2008</b>	<b>\$2,750.00</b>
OPTIMA TOBACCO CORP	2004	MARGOLIS, GWEN	D	S	35	\$500.00	2004 Total	\$1,000.00
	2004	RUBIO, MARCO	R	H	111	\$500.00		
							<b>Total 1998-2008</b>	<b>\$1,000.00</b>
PILOTO CIGARS INC	1998	CANTENS, GASTON	R	H	114	\$500.00	1998 Total	\$500.00
								<b>Total 1998-2008</b>

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year	
PIPE DEN & CIGARS	2000	DAVIS, WESLEY	R	H	80	\$100.00	2000 Total	\$100.00
								<b>Total 1998-2008</b>
PREMIUM CIGARETTE CORP	2000	GARCIA JR, RODOLFO (RUDY)	R	S	39	\$500.00	2000 Total	\$1,000.00
	2000	HOLLOWAY, WILBERT THEODORE	D	H	103	\$500.00		
								<b>Total 1998-2008</b>
PURE LEAF TOBACCO CORP	1998	GUTMAN, ALBERTO (AL)	R	S	34	\$500.00	1998 Total	\$500.00
								<b>Total 1998-2008</b>
QUALITY TOBACCO EXCHANGE	1998	STANSEL, DWIGHT	D	H	11	\$500.00	1998 Total	\$600.00
	1998	WILLIAMS, CHARLES D	D	S	4	\$100.00		
	2000	STANSEL, DWIGHT	D	H	11	\$500.00	2000 Total	\$500.00
	2002	MITCHELL, RICHARD	D	S	3	\$250.00	2002 Total	\$750.00
	2002	STANSEL, DWIGHT	D	H	11	\$500.00		
								<b>Total 1998-2008</b>
REAL TOBACCO	2000	GARCIA JR, RODOLFO (RUDY)	R	S	39	\$500.00	2000 Total	\$500.00
								<b>Total 1998-2008</b>
RJ REYNOLDS	1998	ANDREWS, WILLIAM (BILL)	R	H	87	\$500.00	1998 Total	\$52,250.00
	1998	ARGENZIANO, NANCY	R	H	43	\$500.00		
	1998	ARNALL, JOE	R	H	18	\$500.00		
	1998	BAINTE, STAN	R	H	25	\$500.00		
	1998	BANKHEAD, WILLIAM G (BILL)	R	S	8	\$500.00		
	1998	BARREIRO, GUSTAVO A	R	H	107	\$500.00		
	1998	BETANCOURT, ANNIE	D	H	116	\$500.00		
	1998	BITNER, DAVID I	R	H	71	\$500.00		
	1998	BOYD, JANEGALE M	D	H	10	\$500.00		
	1998	BRADLEY, RUDOLPH (RUDY)	D	H	55	\$500.00		
	1998	BRONSON, CHARLES H	R	S	18	\$500.00		
	1998	BRONSON, IRLO (BUD)	D	H	79	\$500.00		
	1998	BULLARD, LARCENIA J	D	H	118	\$1,000.00		
	1998	BURKE, BERYL ROBERTS	D	H	108	\$500.00		
	1998	BURROUGHS, JERRY	R	H	1	\$500.00		
	1998	BUSH, JEB	R	G	SW	\$1,000.00		
	1998	BYRD JR, JOHNNIE B	R	H	62	\$500.00		
	1998	CLEMONS, SCOTT W	D	H	6	\$500.00		
	1998	CONSTANTINE, LEE	R	H	37	\$500.00		
	1998	COSGROVE, JOHN F	D	H	119	\$500.00		
	1998	CRIST, VICTOR	R	H	60	\$500.00		
	1998	CROW, LARRY	R	H	49	\$500.00		
	1998	CULP, FAYE	R	COE	SW	\$500.00		
	1998	DAWSON, M MANDY	D	S	30	\$500.00		
	1998	DENNIS, WILLYE F	D	H	15	\$500.00		
	1998	DOCKERY, PAULA	R	H	64	\$1,000.00		



**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year
RJ REYNOLDS	1998	DUDLEY, FRED	R	AG	SW	\$500.00	
	1998	DYER, BUDDY	D	S	14	\$500.00	
	1998	EGGELLETION JR, JOSEPHUS	D	H	94	\$500.00	
	1998	FASANO, MIKE	R	H	45	\$1,000.00	
	1998	FEENEY, TOM	R	H	33	\$500.00	
	1998	FISCHER, MARGO	D	H	52	\$500.00	
	1998	FLANAGAN, MARK G	R	H	68	\$1,000.00	
	1998	FUTCH, HOWARD	R	H	30	\$500.00	
	1998	GARCIA JR, RODOLFO (RUDY)	R	H	110	\$500.00	
	1998	GARDNER, JERRY	R	H	28	\$500.00	
	1998	GOODE JR, HARRY C	R	H	31	\$1,000.00	
	1998	GUTMAN, ALBERTO (AL)	R	S	34	\$1,000.00	
	1998	HAMMOND, MICHAEL	R	H	41	\$500.00	
	1998	HARRINGTON, LINDSAY M	R	H	72	\$500.00	
	1998	HARRIS, KATHERINE	R	SS	SW	\$500.00	
	1998	HART, CHRIS	R	H	57	\$500.00	
	1998	HILL, ANTHONY C TONY	D	H	14	\$500.00	
	1998	HOLZENDORF, BETTY S	D	S	2	\$500.00	
	1998	JONES, DARYL L	D	S	40	\$500.00	
	1998	JONES, DENNIS L	R	H	54	\$500.00	
	1998	KING JR, JAMES E	R	H	17	\$500.00	
	1998	LACASA, CARLOS	R	H	117	\$500.00	
	1998	LAWSON JR, ALFRED (AL)	D	H	8	\$500.00	
	1998	LIPPMAN, FRED	D	H	100	\$500.00	
	1998	LITTLEFIELD, CARL	R	H	61	\$500.00	
	1998	LOGAN, WILLIE F	D	H	103	\$500.00	
	1998	LYNN, EVELYN J	R	H	27	\$500.00	
	1998	MACKENZIE, ANNE	D	H	99	\$500.00	
	1998	MACKEY, JOSEPH R (RANDY)	D	H	11	\$500.00	
	1998	MANN JR, FRANK	D	H	73	\$1,000.00	
	1998	MAYGARDEN, JERRY L	R	H	2	\$500.00	
	1998	MCKAY, JOHN	R	S	26	\$500.00	
	1998	MEADOWS, MATTHEW J	D	S	30	\$500.00	
	1998	MEEK, KENDRICK B	D	S	36	\$1,000.00	
	1998	MELVIN, JERRY	R	H	4	\$500.00	
	1998	MILLER, LESLEY LES	D	H	59	\$500.00	
	1998	MINTON JR, OR (RICK)	D	H	78	\$1,000.00	
	1998	MORRONI, JOHN	R	H	50	\$500.00	
	1998	MORSE, LUIS C	R	H	113	\$500.00	
	1998	MORTHAM, SANDRA (SANDY)	R	SS	SW	\$500.00	
1998	OGLES, MARK R	R	H	67	\$500.00		
1998	POSEY, BILL	R	H	32	\$500.00		
1998	PRUITT, KEN	R	H	81	\$500.00		
1998	PUTNAM, ADAM H	R	H	63	\$1,000.00		
1998	RAYSON, JOHN C	D	H	90	\$500.00		
1998	REDDICK, ALZO J	D	H	39	\$500.00		

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year	
RJ REYNOLDS	1998	RITCHIE, DEEDEE	D	H	3	\$500.00		
	1998	RODRIGUEZ-CHOMAT, JORGE	R	H	114	\$500.00		
	1998	ROJAS, LUIS E	R	H	102	\$500.00		
	1998	SAFLEY, RZ (SANDY)	R	H	DNR	\$500.00		
	1998	SMITH, KELLEY R	D	H	21	\$500.00		
	1998	SPRATT, JOSEPH R	D	H	77	\$1,000.00		
	1998	STABINS, JEFF	R	H	44	\$500.00		
	1998	TAMARGO, DEBORAH	R	H	58	\$500.00		
	1998	TROVILLION, ALLEN	R	H	36	\$500.00		
	1998	TURNER, WILLIAM H(BILL)	D	S	36	\$500.00		
	1998	VALDES, CARLOS L	R	H	111	\$1,000.00		
	1998	VILLALOBOS, J ALEX	R	H	112	\$500.00		
	1998	WALLACE, ROB	R	H	47	\$750.00		
	1998	WARNER, TOM	R	H	82	\$500.00		
	1998	WESTBROOK, JAMEY	D	H	7	\$500.00		
	1998	WILES, DOUG	D	H	20	\$500.00		
	1998	WILLIAMS, CHARLES D	D	S	4	\$500.00		
	1998	WILSON, FREDERICA S	D	H	104	\$1,000.00		
		2000	ALEXANDER, J D	R	H	66	\$500.00	2000 Total
		2000	ALFORD, SKEET	D	H	21	\$500.00	\$46,750.00
	2000	ALLEN, BOB	R	H	32	\$500.00		
	2000	ARGENIO, ART	R	H	82	\$500.00		
	2000	ARZA, RALPH	R	H	102	\$500.00		
	2000	AUSLEY, LORANNE	D	H	9	\$1,000.00		
	2000	BARREIRO, GUSTAVO A	R	H	107	\$500.00		
	2000	BEAN, AARON	R	H	12	\$1,000.00		
	2000	BETANCOURT, ANNIE	D	H	116	\$500.00		
	2000	BOWEN, MARSHA (MARTY)	R	H	65	\$500.00		
	2000	BOYD, JANEGALE M	D	S	3	\$500.00		
	2000	BRADLEY, RUDOLPH (RUDY)	R	S	21	\$500.00		
	2000	BULLARD, EDWARD B	D	H	118	\$500.00		
	2000	BYRD JR, JOHNNIE B	R	H	62	\$500.00		
	2000	CANTENS, GASTON	R	H	114	\$500.00		
	2000	CHESTNUT, CYNTHIA MOORE	D	S	5	\$500.00		
	2000	CLARY, CHARLIE	R	S	7	\$500.00		
	2000	CLEMONS, CHUCK	R	H	22	\$500.00		
	2000	CONSTANTINE, LEE	R	S	9	\$500.00		
	2000	CROW, LARRY	R	H	49	\$500.00		
	2000	DENYS, DEBORAH A	R	H	28	\$500.00		
	2000	DETERT, NANCY	R	H	70	\$500.00		
	2000	DOCKERY, PAULA	R	H	64	\$500.00		
	2000	FARKAS, FRANK	R	H	52	\$1,000.00		
	2000	FASANO, MIKE	R	H	45	\$500.00		
	2000	FEENEY, TOM	R	H	33	\$500.00		
	2000	FIELDS, TERRY L	D	H	14	\$500.00		
	2000	FLANAGAN, MARK G	R	H	68	\$500.00		

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year
RJ REYNOLDS	2000	GANNON, ANNE M	D	H	88	\$500.00	
	2000	GARCIA JR, RODOLFO (RUDY)	R	S	39	\$500.00	
	2000	GELLER, JOSEPH (JOE)	D	H	106	\$500.00	
	2000	GOODE JR, HARRY C	R	S	15	\$500.00	
	2000	GOODLETTE, J DUDLEY	R	H	76	\$500.00	
	2000	GREEN, CAROLE	R	H	75	\$500.00	
	2000	GREENSTEIN, RON	D	H	95	\$500.00	
	2000	HARIDOPOLOS, MIKE	R	H	30	\$500.00	
	2000	HARRINGTON, LINDSAY M	R	H	72	\$500.00	
	2000	HART, CHRIS	R	H	57	\$500.00	
	2000	HENRIQUEZ, BOB	D	H	58	\$1,000.00	
	2000	HEYMAN, SALLY A	D	H	105	\$500.00	
	2000	HOGAN, MIKE	R	H	13	\$500.00	
	2000	JACKSON, GENNY	R	H	81	\$500.00	
	2000	JORDAN, CAROLE JEAN	R	H	80	\$500.00	
	2000	KELLY, EVERETT	R	S	11	\$500.00	
	2000	KENDRICK, WILL S	D	H	10	\$1,000.00	
	2000	KERSTEEN, ROBERT A	R	H	53	\$500.00	
	2000	KOSMAS, SUZANNE M	D	H	28	\$500.00	
	2000	KYLE, BRUCE	R	H	73	\$500.00	
	2000	LACASA, CARLOS	R	H	117	\$500.00	
	2000	LAWSON JR, ALFRED (AL)	D	S	3	\$500.00	
	2000	LEVINE, CURT	D	H	89	\$500.00	
	2000	LITTLEFIELD, KEN	R	H	61	\$500.00	
	2000	LYNN, EVELYN J	R	H	27	\$500.00	
	2000	MAYGARDEN, JERRY L	R	H	2	\$1,000.00	
	2000	MEADOWS, MATTHEW J	D	H	94	\$500.00	
	2000	MELVIN, JERRY	R	H	4	\$500.00	
	2000	MILLER, DAVE	R	H	54	\$1,000.00	
	2000	MILLER, LESLEY LES	D	S	21	\$500.00	
	2000	OGDEN, CARL	D	H	10	\$500.00	
	2000	POSEY, BILL	R	S	15	\$500.00	
	2000	PRUITT, KEN	R	S	27	\$500.00	
	2000	RICHARDSON, CURTIS	D	H	8	\$500.00	
	2000	RITCHIE, DEEDEE	D	S	1	\$500.00	
	2000	RITTER, STACY J	D	H	96	\$500.00	
	2000	ROJAS, LUIS E	R	S	39	\$500.00	
	2000	ROMEO, SARA	D	H	60	\$500.00	
	2000	ROSS, DENNIS A	R	H	63	\$500.00	
	2000	ROSSIN, TOM	D	S	35	\$1,000.00	
2000	RUSSELL, DAVID D	R	H	44	\$500.00		
2000	SAUNDERS, BURT	R	S	25	\$500.00		
2000	SIPLIN, GARY	D	H	39	\$500.00		
2000	SMITH, ROD	D	S	5	\$1,000.00		
2000	SOBEL, ELEANOR	D	H	100	\$500.00		
2000	SORENSEN, KEN	R	H	120	\$500.00		

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year
RJ REYNOLDS	2000	SPRATT, JOSEPH R	R	H	77	\$500.00	
	2000	STANSEL, DWIGHT	D	H	11	\$1,000.00	
	2000	TROVILLION, ALLEN	R	H	36	\$500.00	
	2000	TULLIS, JIM	R	H	17	\$500.00	
	2000	WALLACE, ROB	R	H	47	\$750.00	
	2000	WATERS, LESLIE	R	H	51	\$1,000.00	
	2000	WESTBROOK, JAMEY	D	H	7	\$500.00	
	2000	WILSON, FREDERICA S	D	H	104	\$500.00	
	2002	ADAMS, SANDRA	R	H	33	\$500.00	2002 Total
	2002	ALEXANDER, J D	R	S	17	\$500.00	\$66,000.00
	2002	ALLEN, BOB	R	H	32	\$1,000.00	
	2002	ANDERSON, TOM	R	H	45	\$500.00	
	2002	ANTONE, BRUCE	D	H	39	\$500.00	
	2002	ARONBERG, DAVE	D	S	27	\$500.00	
	2002	ARZA, RALPH	R	H	102	\$500.00	
	2002	AUSLEY, LORANNE	D	H	9	\$500.00	
	2002	BAKER, CAREY	R	H	25	\$500.00	
	2002	BARREIRO, GUSTAVO A	R	H	107	\$500.00	
	2002	BEAN, AARON	R	H	12	\$500.00	
	2002	BENDROSS-MINDINGALL,	D	H	109	\$500.00	
	2002	BENNETT, MICHAEL S	R	S	21	\$1,000.00	
	2002	BENSON, HOLLY	R	H	3	\$500.00	
	2002	BERFIELD, KIM	R	H	50	\$500.00	
	2002	BOWEN, MARSHA (MARTY)	R	H	65	\$500.00	
	2002	BRANDENBURG, MARY	D	H	89	\$500.00	
	2002	BRONSON, CHARLES H	R	AGRIC	SW	\$500.00	
	2002	BRUTUS, PHILLIP J	D	H	108	\$500.00	
	2002	BULLARD, EDWARD B	D	H	118	\$500.00	
	2002	BULLARD, LARCENIA J	D	S	39	\$500.00	
	2002	BYRD JR, JOHNNIE B	R	H	62	\$500.00	
	2002	CANTENS, GASTON	R	H	114	\$500.00	
	2002	CARASSAS, JOHN	R	H	54	\$500.00	
	2002	CARLTON, LISA	R	S	23	\$500.00	
	2002	CLARKE, DONNA	R	H	69	\$500.00	
	2002	COLLINS, JILL	R	H	47	\$500.00	
	2002	CONSTANTINE, LEE	R	S	22	\$500.00	
	2002	COSGROVE, JOHN F	D	S	39	\$500.00	
	2002	CRIST, VICTOR	R	S	12	\$500.00	
	2002	CULP, FAYE	R	H	57	\$500.00	
	2002	CUSACK, JOYCE	D	H	27	\$500.00	
	2002	DAVIS, MIKE	R	H	101	\$500.00	
	2002	DEAN, CHARLES S	R	H	43	\$1,000.00	
	2002	DETERT, NANCY	R	H	70	\$500.00	
	2002	DIAZ DE LA PORTILLA, ALEX	R	S	36	\$1,000.00	
	2002	DIAZ DE LA PORTILLA, RENIER	R	H	115	\$500.00	
	2002	DOCKERY, PAULA	R	S	15	\$500.00	

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year
RJ REYNOLDS	2002	DYER, BUDDY	D	AG	SW	\$500.00	
	2002	EDWARDS, ANDY	R	H	85	\$500.00	
	2002	EVERS, GREG	R	H	1	\$500.00	
	2002	FARKAS, FRANK	R	H	52	\$500.00	
	2002	FERNANDEZ, JOSE	D	H	49	\$500.00	
	2002	FIELDS, TERRY L	D	H	14	\$500.00	
	2002	FLANAGAN, MARK G	R	S	21	\$500.00	
	2002	FUTCH, HOWARD	R	S	26	\$500.00	
	2002	GANNON, ANNE M	D	H	86	\$500.00	
	2002	GARCIA JR, RODOLFO (RUDY)	R	S	40	\$500.00	
	2002	GARCIA, RENE	R	H	110	\$500.00	
	2002	GIBSON III, HUGH	R	H	42	\$500.00	
	2002	GOODLETTE, J DUDLEY	R	H	76	\$500.00	
	2002	GREENSTEIN, RON	D	H	95	\$500.00	
	2002	HARIDOPOLOS, MIKE	R	H	30	\$500.00	
	2002	HARPER, JAMES HANK	D	H	84	\$500.00	
	2002	HARRINGTON, LINDSAY M	R	H	72	\$500.00	
	2002	HART, CHRIS	R	H	57	\$500.00	
	2002	HASNER, ADAM	R	H	87	\$500.00	
	2002	HENRIQUEZ, BOB	D	H	58	\$1,000.00	
	2002	HILL, ANTHONY C TONY	D	S	1	\$500.00	
	2002	HOGAN, MIKE	R	H	13	\$500.00	
	2002	HOLLOWAY, WILBERT THEODORE	D	H	103	\$500.00	
	2002	JENNINGS JR, EDWARD L	D	H	23	\$500.00	
	2002	JONES, DENNIS L	R	S	13	\$1,000.00	
	2002	JORDAN, STAN	R	H	17	\$500.00	
	2002	JOYNER, ARTHENIA L	D	H	59	\$500.00	
	2002	JUSTICE, CHARLIE	D	H	53	\$500.00	
	2002	KENDRICK, WILL S	D	H	10	\$500.00	
	2002	KILMER, BEV	R	H	7	\$500.00	
	2002	KING JR, JAMES E	R	S	8	\$500.00	
	2002	KLEIN, RON	D	S	30	\$500.00	
	2002	KOSMAS, SUZANNE M	D	H	28	\$500.00	
	2002	KOTTKAMP, JEFF	R	H	74	\$1,000.00	
	2002	KRAVITZ, DICK	R	H	19	\$500.00	
	2002	KYLE, BRUCE	R	H	73	\$500.00	
	2002	LITTLEFIELD, KEN	R	H	61	\$500.00	
	2002	LLORENTE, MARCELO	R	H	116	\$1,000.00	
	2002	LOPEZ-CANTERA, CARLOS	R	H	117	\$500.00	
	2002	MACHEK, RICHARD A	D	H	78	\$500.00	
2002	MACK, CONNIE	R	H	91	\$500.00		
2002	MAHON, MARK H	R	H	16	\$500.00		
2002	MANN JR, FRANK	R	S	27	\$500.00		
2002	MARGOLIS, GWEN	D	S	35	\$500.00		
2002	MAYFIELD, STAN	R	H	80	\$500.00		
2002	MCGRIFF, PERRY C	D	H	22	\$500.00		

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year
RJ REYNOLDS	2002	MCINVALE, SHERI	D	H	36	\$500.00	
	2002	MEADOWS, MATTHEW J	D	H	94	\$500.00	
	2002	MEALOR, DAVID J	R	H	34	\$500.00	
	2002	MEEK, KENDRICK B	D	S	36	\$500.00	
	2002	MITCHELL, RICHARD	D	S	3	\$1,000.00	
	2002	MOORE, TIFFANY	D	H	39	\$500.00	
	2002	MURPHY, J BRIAN	R	H	68	\$500.00	
	2002	MURZIN, DAVE	R	H	2	\$500.00	
	2002	PATTERSON, PAT	R	H	26	\$500.00	
	2002	PAUL, JERRY	R	H	71	\$500.00	
	2002	PETERMAN JR, FRANK W	D	H	55	\$500.00	
	2002	POPPELL, RALPH	R	H	29	\$500.00	
	2002	REAGAN, RON	R	H	67	\$500.00	
	2002	RICHARDSON, CURTIS	D	H	8	\$500.00	
	2002	RITTER, STACY J	D	H	96	\$500.00	
	2002	RIVERA, DAVID	R	H	112	\$500.00	
	2002	ROMEO, SARA	D	H	60	\$500.00	
	2002	ROSS, DENNIS A	R	H	63	\$500.00	
	2002	RUBIO, MARCO	R	H	111	\$500.00	
	2002	RUSSELL, DAVID D	R	H	44	\$500.00	
	2002	RYAN, TIMOTHY M TIM	D	H	100	\$500.00	
	2002	SAUNDERS, BURT	R	S	37	\$500.00	
	2002	SEBESTA, JIM	R	S	16	\$500.00	
	2002	SEILER, JOHN P (JACK)	D	H	92	\$500.00	
	2002	SIMMONS, DAVID	R	H	37	\$500.00	
	2002	SIPLIN, GARY	D	S	19	\$500.00	
	2002	SMITH, CHRISTOPHER L	D	H	93	\$500.00	
	2002	SORENSEN, KEN	R	H	120	\$500.00	
	2002	SPRATT, JOSEPH R	R	H	77	\$500.00	
	2002	STANSEL, DWIGHT	D	H	11	\$500.00	
	2002	STARGEL, JOHN K	R	H	64	\$500.00	
	2002	SULLIVAN, DONALD C	R	H	49	\$500.00	
	2002	TULLIS, JIM	R	H	17	\$500.00	
	2002	WARD, JAMES E	D	S	7	\$1,000.00	
	2002	WATERS, LESLIE	R	H	51	\$500.00	
	2002	WILES, DOUG	D	H	20	\$500.00	
2002	WILSON, FEDERICA S	D	S	33	\$500.00		
2002	WISHNER, ROGER B	D	H	98	\$500.00		
	2004	ALEXANDER, J D	R	S	17	\$500.00	2004 Total
	2004	ALLEN, BOB	R	H	32	\$500.00	\$48,100.00
	2004	ALTMAN, THAD	R	H	30	\$1,000.00	
	2004	AMBLER, KEVIN C	R	H	47	\$500.00	
	2004	ARGENZIANO, NANCY	R	S	3	\$500.00	
	2004	ARONBERG, DAVE	D	S	27	\$500.00	
	2004	ARZA, RALPH	R	H	102	\$500.00	
	2004	AUSLEY, LORANNE	D	H	9	\$500.00	

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year
RJ REYNOLDS	2004	BAKER, CAREY	R	S	20	\$500.00	
	2004	BENDROSS-MINDINGALL,	D	H	109	\$500.00	
	2004	BENNETT, MICHAEL S	R	S	21	\$500.00	
	2004	BENSON, HOLLY	R	H	3	\$500.00	
	2004	BOWEN, MARSHA (MARTY)	R	H	65	\$500.00	
	2004	BRANDENBURG, MARY	D	H	89	\$500.00	
	2004	BROWN, DONALD D	R	H	5	\$500.00	
	2004	BRUTUS, PHILLIP J	D	H	108	\$500.00	
	2004	BUCHER, SUSAN	D	H	88	\$500.00	
	2004	BULLARD, LARCENIA J	D	S	39	\$1,000.00	
	2004	BUNKLEY, BILL	R	H	47	\$500.00	
	2004	CANNON JR, R DEAN	R	H	35	\$500.00	
	2004	CLARKE, DONNA	R	H	69	\$500.00	
	2004	COLEY, DAVID A	R	H	7	\$500.00	
	2004	CRETUL, LARRY	R	H	22	\$500.00	
	2004	CULP, FAYE	R	H	57	\$500.00	
	2004	CUSACK, JOYCE	D	H	27	\$500.00	
	2004	DAVIS, MIKE	R	H	101	\$500.00	
	2004	DEAN, CHARLES S	R	H	43	\$500.00	
	2004	DETERT, NANCY	R	H	70	\$500.00	
	2004	DOCKERY, PAULA	R	S	15	\$1,000.00	
	2004	EVERS, GREG	R	H	1	\$500.00	
	2004	FARKAS, FRANK	R	H	52	\$1,000.00	
	2004	FASANO, MIKE	R	S	11	\$500.00	
	2004	FIELDS, TERRY L	D	H	14	\$500.00	
	2004	FLORES, ANITERE	R	H	114	\$500.00	
	2004	GALVANO, WILLIAM S	R	H	68	\$500.00	
	2004	GANNON, ANNE M	D	H	86	\$500.00	
	2004	GELBER, DAN	D	H	106	\$500.00	
	2004	GELLER, STEVEN A	D	S	31	\$500.00	
	2004	GIBSON III, HUGH	R	H	42	\$500.00	
	2004	GIBSON, AUDREY	D	H	15	\$500.00	
	2004	GLORIOSO, RICHARD	R	H	62	\$500.00	
	2004	GOLDSTEIN, SUSAN K	R	H	97	\$500.00	
	2004	GREENSTEIN, RON	D	H	95	\$500.00	
	2004	HASNER, ADAM	R	H	87	\$500.00	
	2004	HAYS, ALAN	R	H	25	\$500.00	
	2004	HENRIQUEZ, BOB	D	H	58	\$1,000.00	
	2004	JENNINGS JR, EDWARD L	D	H	23	\$1,000.00	
	2004	JOHNSON, RANDY D	R	H	41	\$500.00	
2004	JONES, DENNIS L	R	S	13	\$500.00		
2004	JOYNER, ARTHENIA L	D	H	59	\$500.00		
2004	JUSTICE, CHARLIE	D	H	53	\$500.00		
2004	KOTTKAMP, JEFF	R	H	74	\$500.00		
2004	KRAVITZ, DICK	R	H	19	\$500.00		
2004	KREEGEL, PAIGE	R	H	72	\$500.00		

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year
RJ REYNOLDS	2004	KYLE, BRUCE	R	H	73	\$500.00	
	2004	LLORENTE, MARCELO	R	H	116	\$500.00	
	2004	LYNN, EVELYN J	R	S	7	\$500.00	
	2004	MACHEK, RICHARD A	D	H	78	\$500.00	
	2004	MARGOLIS, GWEN	D	S	35	\$500.00	
	2004	MCINVALE, SHERI	D	H	36	\$500.00	
	2004	MEALOR, DAVID J	R	H	34	\$500.00	
	2004	MURZIN, DAVE	R	H	2	\$500.00	
	2004	PATTERSON, PAT	R	H	26	\$1,000.00	
	2004	POPPELL, RALPH	R	H	29	\$500.00	
	2004	REAGAN, RON	R	H	67	\$500.00	
	2004	RICH, NAN H	D	S	34	\$500.00	
	2004	RICHARDSON, CURTIS	D	H	8	\$500.00	
	2004	RIVERA, DAVID	R	H	112	\$500.00	
	2004	ROBAINA, JULIO	R	H	117	\$500.00	
	2004	ROBERSON, YOLLY	D	H	104	\$500.00	
	2004	ROSS, DENNIS A	R	H	63	\$500.00	
	2004	RUBIO, MARCO	R	H	111	\$500.00	
	2004	SANDS, FRANKLIN	D	H	98	\$500.00	
	2004	SEILER, JOHN P (JACK)	D	H	92	\$100.00	
	2004	SIMMONS, DAVID	R	H	37	\$500.00	
	2004	SIPLIN, GARY	D	S	19	\$500.00	
	2004	SLOSBERG, IRVING	D	H	90	\$500.00	
	2004	SMITH, CHRISTOPHER L	D	H	93	\$500.00	
	2004	SMITH, JOHNNY BARTO	R	H	25	\$500.00	
	2004	STANSEL, DWIGHT	D	H	11	\$1,000.00	
	2004	STARGEL, JOHN K	R	H	64	\$500.00	
	2004	TAYLOR, PRISCILLA ANN	D	H	84	\$500.00	
	2004	TRAVIESA, ANTHONY TREY	R	H	56	\$500.00	
	2004	TROUTMAN, BAXTER G	R	H	66	\$500.00	
	2004	VANA, ROCHELLE (SHELLEY)	D	H	85	\$500.00	
2004	WARD, JAMES E	D	H	28	\$500.00		
2004	WEISSMAN, MARK	D	H	96	\$500.00		
2004	WILLIAMS, TRUDI K	R	H	75	\$500.00		
2004	ZAPATA, JUAN C	R	H	119	\$500.00		
	2006	ALLEN, BOB	R	H	32	\$500.00	2006 Total
	2006	ALTMAN, THAD	R	H	30	\$500.00	\$50,800.00
	2006	ANDERSON, TOM	R	H	45	\$500.00	
	2006	ARZA, RALPH	R	H	102	\$500.00	
	2006	ATTKISSON, FRANK	R	H	79	\$500.00	
	2006	BAKER, CAREY	R	S	20	\$500.00	
	2006	BEAN, AARON	R	H	12	\$500.00	
	2006	BENDROSS-MINDINGALL,	D	H	109	\$500.00	
	2006	BENSON, HOLLY	R	H	3	\$500.00	
	2006	BOGDANOFF, ELLYN	R	H	91	\$500.00	
	2006	BOWEN, MARSHA (MARTY)	R	H	65	\$500.00	



**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year
RJ REYNOLDS	2006	BRANDENBURG, MARY	D	H	89	\$500.00	
	2006	BRONSON, CHARLES H	R	AGRIC	SW	\$500.00	
	2006	BROWN, DONALD D	R	H	5	\$500.00	
	2006	BULLARD, EDWARD B	D	H	118	\$500.00	
	2006	CANNON JR, R DEAN	R	H	35	\$500.00	
	2006	CAPPELLI, ANGELO	R	H	52	\$500.00	
	2006	CAROLLO, FRANK	R	H	107	\$500.00	
	2006	CARROLL, JENNIFER	R	H	13	\$500.00	
	2006	CHESTNUT IV, CHARLES S	D	H	23	\$500.00	
	2006	CONSTANTINE, LEE	R	S	22	\$500.00	
	2006	CRETUL, LARRY	R	H	22	\$500.00	
	2006	CRIST, VICTOR	R	S	12	\$500.00	
	2006	CULP, FAYE	R	H	57	\$500.00	
	2006	CUSACK, JOYCE	D	H	27	\$500.00	
	2006	DAVIS, DON	R	H	18	\$500.00	
	2006	DAVIS, MIKE	R	H	101	\$500.00	
	2006	DEAN, CHARLES S	R	H	43	\$500.00	
	2006	DOMINO, CARL J	R	H	83	\$500.00	
	2006	EVERS, GREG	R	H	1	\$500.00	
	2006	FARKAS, FRANK	R	S	16	\$500.00	
	2006	FERNANDEZ, ROBERT H	R	H	107	\$500.00	
	2006	FIELDS, TERRY L	D	H	14	\$500.00	
	2006	FLORES, ANITERE	R	H	114	\$500.00	
	2006	GALVANO, WILLIAM S	R	H	68	\$500.00	
	2006	GARCIA JR, RODOLFO (RUDY)	R	S	40	\$500.00	
	2006	GARCIA, RENE	R	H	110	\$500.00	
	2006	GELBER, DAN	D	H	106	\$500.00	
	2006	GIBSON III, HUGH	R	H	42	\$500.00	
	2006	GIBSON, AUDREY	D	H	15	\$500.00	
	2006	GLORIOSO, RICHARD	R	H	62	\$500.00	
	2006	GOLDSTEIN, SUSAN K	R	H	97	\$500.00	
	2006	GRANT, MICHAEL	R	H	71	\$500.00	
	2006	GRIMSLEY, DENISE	R	H	77	\$500.00	
	2006	HARIDOPOLOS, MIKE	R	S	26	\$500.00	
	2006	HASNER, ADAM	R	H	87	\$500.00	
	2006	HAYS, ALAN	R	H	25	\$500.00	
	2006	HOLLOWAY, WILBERT THEODORE	D	H	103	\$500.00	
	2006	HUKILL, DOROTHY L	R	H	28	\$500.00	
	2006	JORDAN, STAN	R	H	17	\$500.00	
	2006	JUSTICE, CHARLIE	D	S	16	\$500.00	
2006	KENDRICK, WILL S	D	H	10	\$500.00		
2006	KING JR, JAMES E	R	S	8	\$500.00		
2006	KRAVITZ, DICK	R	H	19	\$500.00		
2006	KREEGEL, PAIGE	R	H	72	\$500.00		
2006	LAWSON JR, ALFRED (AL)	D	S	6	\$500.00		
2006	LEE, TOM	R	CFO	SW	\$500.00		

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year
RJ REYNOLDS	2006	LLORENTE, MARCELO	R	H	116	\$500.00	
	2006	LONG, JANET C	D	H	51	\$500.00	
	2006	LOPEZ-CANTERA, CARLOS	R	H	113	\$500.00	
	2006	MACHEK, RICHARD A	D	H	78	\$500.00	
	2006	MAHON, MARK H	R	H	16	\$300.00	
	2006	MAYFIELD, STAN	R	H	80	\$500.00	
	2006	MCINVALE, SHERI	R	H	36	\$1,000.00	
	2006	MCKEEL, SETH	R	H	63	\$500.00	
	2006	MEADOWS, MATTHEW J	D	H	94	\$500.00	
	2006	MEALOR, DAVID J	R	H	34	\$500.00	
	2006	MURMAN, SANDRA L	R	S	10	\$500.00	
	2006	MURZIN, DAVE	R	H	2	\$500.00	
	2006	NEHR, PETER F	R	H	48	\$500.00	
	2006	OELRICH, STEVE	R	S	14	\$500.00	
	2006	PATRONIS JR, JIMMY THEO	R	H	6	\$500.00	
	2006	PATTERSON, PAT	R	H	26	\$500.00	
	2006	PICKENS, JOE H	R	H	21	\$500.00	
	2006	PLANAS, JUAN-CARLOS (J C)	R	H	115	\$500.00	
	2006	POPPELL, RALPH	R	H	29	\$500.00	
	2006	PORTH, ARI ABRAHAM	D	H	96	\$500.00	
	2006	POSEY, BILL	R	S	24	\$500.00	
	2006	PRECOURT, STEPHEN	R	H	41	\$500.00	
	2006	PROCTOR, WILLIAM L	R	H	20	\$500.00	
	2006	PRUITT, KEN	R	S	28	\$500.00	
	2006	REAGAN, RON	R	H	67	\$500.00	
	2006	RICH, NAN H	D	S	34	\$500.00	
	2006	RIVERA, DAVID	R	H	112	\$500.00	
	2006	ROBAINA, JULIO	R	H	117	\$500.00	
	2006	ROBERSON, YOLLY	D	H	104	\$500.00	
	2006	SANDS, FRANKLIN	D	H	98	\$500.00	
	2006	SANSOM, RAY	R	H	4	\$500.00	
	2006	SAUNDERS, RON	D	H	120	\$500.00	
	2006	SEILER, JOHN P (JACK)	D	H	92	\$500.00	
	2006	SIMMONS, DAVID	R	H	37	\$500.00	
	2006	SMITH, ROD	D	G	SW	\$500.00	
	2006	TAYLOR, PRISCILLA ANN	D	H	84	\$500.00	
	2006	THOMPSON, NICHOLAS R	R	H	73	\$500.00	
2006	TRAVIESA, ANTHONY TREY	R	H	56	\$500.00		
2006	TROUTMAN, BAXTER G	R	H	66	\$500.00		
2006	VANA, ROCHELLE (SHELLEY)	D	H	85	\$500.00		
2006	VILLALOBOS, J ALEX	R	S	38	\$500.00		
2006	WEATHERFORD, WILL	R	H	61	\$500.00		
2006	WILLIAMS, TRUDI K	R	H	75	\$500.00		
2006	ZAPATA, JUAN C	R	H	119	\$500.00		
2008	ADKINS, JANET	R	H	12	\$500.00	2008 Total	\$34,717.28
2008	ALTMAN, THAD	R	S	24	\$500.00		

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year
RJ REYNOLDS	2008	AMBLER, KEVIN C	R	H	47	\$500.00	
	2008	ARONBERG, DAVE	D	S	27	\$500.00	
	2008	BENNETT, MICHAEL S	R	S	21	\$500.00	
	2008	BOGDANOFF, ELLYN	R	H	91	\$500.00	
	2008	BOULWARE, PETER	R	H	9	\$1,000.00	
	2008	BOYD, DEBBIE	D	H	11	\$1,000.00	
	2008	BRANDENBURG, MARY	D	H	89	\$500.00	
	2008	BRISE, RONALD A	D	H	108	\$500.00	
	2008	CANNON JR, R DEAN	R	H	35	\$500.00	
	2008	CHESTNUT IV, CHARLES S	D	H	23	\$500.00	
	2008	CULP, FAYE	R	H	57	\$717.28	
	2008	DEAN, CHARLES S	R	S	3	\$1,000.00	
	2008	DETERT, NANCY	R	S	23	\$500.00	
	2008	DOCKERY, PAULA	R	S	15	\$500.00	
	2008	DOMINO, CARL J	R	H	83	\$500.00	
	2008	DRAKE, BRAD	R	H	5	\$1,000.00	
	2008	EVERS, GREG	R	H	1	\$500.00	
	2008	FASANO, MIKE	R	S	11	\$500.00	
	2008	FITZGERALD, KEITH	D	H	69	\$500.00	
	2008	FLORES, ANITERE	R	H	114	\$500.00	
	2008	FORD, CLAY	R	H	3	\$500.00	
	2008	FRISHE, JAMES C (JIM)	R	H	54	\$500.00	
	2008	GELBER, DAN	D	S	35	\$500.00	
	2008	GIBBONS, JOSEPH (JOE)	D	H	105	\$500.00	
	2008	GONZALEZ, EDDY	R	H	102	\$500.00	
	2008	GRIMSLEY, DENISE	R	H	77	\$500.00	
	2008	HASNER, ADAM	R	H	87	\$500.00	
	2008	HELLER, BILL	D	H	52	\$500.00	
	2008	JENNE, EVAN	D	H	100	\$500.00	
	2008	JONES, DENNIS L	R	S	13	\$500.00	
	2008	KIAR, MARTIN DAVID	D	H	97	\$1,000.00	
	2008	KREEGEL, PAIGE	R	H	72	\$500.00	
	2008	LEGG, JOHN	R	H	46	\$500.00	
	2008	LONG, JANET C	D	H	51	\$500.00	
	2008	LOPEZ-CANTERA, CARLOS	R	H	113	\$500.00	
	2008	LYNN, EVELYN J	R	S	7	\$500.00	
	2008	MAYFIELD, DEBBIE	R	H	80	\$500.00	
	2008	MCKEEL, SETH	R	H	63	\$500.00	
	2008	MURZIN, DAVE	R	H	2	\$500.00	
	2008	NEHR, PETER F	R	H	48	\$500.00	
2008	PATTERSON, PAT	R	H	26	\$500.00		
2008	POPPELL, RALPH	R	H	29	\$1,000.00		
2008	PROCTOR, WILLIAM L	R	H	20	\$500.00		
2008	RANDOLPH, SCOTT	D	H	36	\$500.00		
2008	REAGAN, RON	R	H	67	\$1,000.00		
2008	REED, BETTY	D	H	59	\$500.00		

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year	
RJ REYNOLDS	2008	RIVERA, DAVID	R	H	112	\$500.00		
	2008	SANDS, FRANKLIN	D	H	98	\$500.00		
	2008	SASSO, TONY	D	H	32	\$500.00		
	2008	SAUNDERS, RON	D	H	120	\$500.00		
	2008	SIPLIN, GARY	D	S	19	\$500.00		
	2008	SMITH, CHRISTOPHER L	D	S	29	\$500.00		
	2008	SNYDER, WILLIAM D	R	H	82	\$500.00		
	2008	SOTO, DARREN	D	H	49	\$500.00		
	2008	STARGEL, KELLI	R	H	64	\$500.00		
	2008	STEELE, JASON	R	H	31	\$500.00		
	2008	THOMPSON, NICHOLAS R	R	H	73	\$500.00		
	2008	WILLIAMS, ALAN	D	H	8	\$500.00		
	2008	ZAPATA, JUAN C	R	H	119	\$1,000.00		
							<b>Total 1998-2008</b>	<b>\$298,617.28</b>
SMOKE CHEAP 2	2006	CRIST, CHARLIE	R	G	SW	\$500.00	2006 Total	\$500.00
							<b>Total 1998-2008</b>	<b>\$500.00</b>
SMOKE NO 2	2006	CRIST, CHARLIE	R	G	SW	\$500.00	2006 Total	\$500.00
							<b>Total 1998-2008</b>	<b>\$500.00</b>
SMOKELESS TOBACCO COUNCIL	1998	CRAWFORD, BOB	D	AGRIC	SW	\$500.00	1998 Total	\$3,500.00
	1998	DANTZLER, RICHARD E	D	LTG	SW	\$500.00		
	1998	DUDLEY, FRED	R	AG	SW	\$500.00		
	1998	GALLAGHER, TOM	R	COE	SW	\$500.00		
	1998	MINTON JR, OR (RICK)	D	H	78	\$500.00		
	1998	SEGAL, FRED	D	H	93	\$500.00		
	1998	STABINS, JEFF	R	H	44	\$500.00		
	2000	ALLEN, BOB	R	H	32	\$500.00	2000 Total	\$2,500.00
	2000	FRANTA, TIM	R	H	30	\$500.00		
	2000	GOODE JR, HARRY C	R	S	15	\$500.00		
	2000	JACKSON, GENNY	R	H	81	\$500.00		
	2000	POPPELL, RALPH	R	H	80	\$500.00		
	2002	BRONSON, CHARLES H	R	AGRIC	SW	\$500.00	2002 Total	\$2,000.00
	2002	DYER, BUDDY	D	AG	SW	\$500.00		
	2002	LAWSON JR, ALFRED (AL)	D	S	6	\$500.00		
2002	MITCHELL, RICHARD	D	S	3	\$500.00			
							<b>Total 1998-2008</b>	<b>\$8,000.00</b>
STANDARD COMMERCIAL CORP	1998	MORTHAM, SANDRA (SANDY)	R	SS	SW	\$50.00	1998 Total	\$50.00
							<b>Total 1998-2008</b>	<b>\$50.00</b>
SWEDISH MATCH	2008	HUDSON, MATT	R	H	101	\$500.00	2008 Total	\$500.00
							<b>Total 1998-2008</b>	<b>\$500.00</b>
SWISHER INTERNATIONAL	1998	BANKHEAD, WILLIAM G (BILL)	R	S	8	\$500.00	1998 Total	\$5,000.00

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year	
SWISHER INTERNATIONAL	1998	BRONSON, CHARLES H	R	S	18	\$1,000.00		
	1998	BROWN-WAITE, VIRGINIA (GINNY)	R	S	10	\$500.00		
	1998	DANTZLER, RICHARD E	D	LTG	SW	\$500.00		
	1998	GOODE JR, HARRY C	R	H	31	\$500.00		
	1998	GUTMAN, ALBERTO (AL)	R	S	34	\$500.00		
	1998	MINTON JR, OR (RICK)	D	H	78	\$500.00		
	1998	MORTHAM, SANDRA (SANDY)	R	SS	SW	\$500.00		
	1998	SEGAL, FRED	D	H	93	\$500.00		
	2000	ALLEN, BOB	R	H	32	\$1,000.00	2000 Total	\$6,750.00
	2000	BALL, RANDY	R	H	29	\$500.00		
	2000	CRIST, CHARLIE	R	COE	SW	\$500.00		
	2000	CROOK, MONTY	R	H	19	\$750.00		
	2000	DAVIS, DON	R	H	18	\$1,000.00		
	2000	FIELDS, TERRY L	D	H	14	\$500.00		
	2000	GOODE JR, HARRY C	R	S	15	\$500.00		
	2000	JACKSON, GENNY	R	H	81	\$500.00		
	2000	POSEY, BILL	R	S	15	\$500.00		
	2000	PRUITT, KEN	R	S	27	\$500.00		
	2000	SCHULTZ, DEBBIE WASSERMAN	D	S	32	\$500.00		
2004	FIELDS, TERRY L	D	H	14	\$500.00	2004 Total	\$500.00	
2008	ADKINS, JANET	R	H	12	\$500.00	2008 Total	\$7,000.00	
2008	ARONBERG, DAVE	D	S	27	\$500.00			
2008	BOYD, DEBBIE	D	H	11	\$500.00			
2008	DEAN, CHARLES S	R	S	3	\$500.00			
2008	FASANO, MIKE	R	S	11	\$500.00			
2008	FITZGERALD, KEITH	D	H	69	\$500.00			
2008	GARCIA, LUIS	D	H	107	\$500.00			
2008	HELLER, BILL	D	H	52	\$500.00			
2008	KRISEMAN, RICK	D	H	53	\$500.00			
2008	LOCKETT-FELDER, PAT	D	H	14	\$500.00			
2008	LONG, JANET C	D	H	51	\$500.00			
2008	LYNN, EVELYN J	R	S	7	\$500.00			
2008	RICH, NAN H	D	S	34	\$500.00			
2008	WEINSTEIN, MIKE	R	H	19	\$500.00			
							<b>Total 1998-2008</b>	<b>\$19,250.00</b>
TAMPA RICO CIGAR CO	1998	ALPERT, LIZ	D	H	56	\$25.00	1998 Total	\$25.00
							<b>Total 1998-2008</b>	<b>\$25.00</b>
THOMPSON & CO OF TAMPA INC	1998	BUSH, JEB	R	G	SW	\$500.00	1998 Total	\$700.00
	1998	DANTZLER, RICHARD E	D	LTG	SW	\$200.00		
	2000	MACK, CONNIE	R	H	91	\$1,500.00	2000 Total	\$1,600.00
	2000	ROMEO, SARA	D	H	60	\$100.00		
	2002	MCBRIDE, WILLIAM H	D	G	SW	\$500.00	2002 Total	\$500.00
							<b>Total 1998-2008</b>	<b>\$2,800.00</b>

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year	
TOBACCO CENTER INC	2000	GARCIA JR, RODOLFO (RUDY)	R	S	39	\$500.00	2000 Total	\$1,500.00
	2000	LACASA, CARLOS	R	H	117	\$500.00		
	2000	STANSEL, DWIGHT	D	H	11	\$500.00		
	2002	BURT, LOCKE	R	AG	SW	\$500.00	2002 Total	\$500.00
							<b>Total 1998-2008</b>	<b>\$2,000.00</b>
TOBACCO INSTITUTE	1998	ANDREWS, WILLIAM (BILL)	R	H	87	\$750.00	1998 Total	\$30,250.00
	1998	ARNALL, JOE	R	H	18	\$500.00		
	1998	BAINTER, STAN	R	H	25	\$500.00		
	1998	BANKHEAD, WILLIAM G (BILL)	R	S	8	\$500.00		
	1998	BARREIRO, GUSTAVO A	R	H	107	\$750.00		
	1998	BITNER, DAVID I	R	H	71	\$500.00		
	1998	BRONSON, CHARLES H	R	S	18	\$500.00		
	1998	BRONSON, IRLO (BUD)	D	H	79	\$500.00		
	1998	BROWN, SHIRLEY A	D	H	69	\$250.00		
	1998	BURKE, BERYL ROBERTS	D	H	108	\$500.00		
	1998	BURROUGHS, JERRY	R	H	1	\$500.00		
	1998	BUSH, JEB	R	G	SW	\$500.00		
	1998	COSGROVE, JOHN F	D	H	119	\$750.00		
	1998	CRAWFORD, BOB	D	AGRIC	SW	\$500.00		
	1998	CRIST, VICTOR	R	H	60	\$500.00		
	1998	DAWSON, M MANDY	D	S	30	\$500.00		
	1998	EGGELLETON JR, JOSEPHUS	D	H	94	\$500.00		
	1998	FASANO, MIKE	R	H	45	\$500.00		
	1998	FLANAGAN, MARK G	R	H	68	\$500.00		
	1998	FUTCH, HOWARD	R	H	30	\$500.00		
	1998	GAY, GREG	R	H	74	\$500.00		
	1998	GOODE JR, HARRY C	R	H	31	\$1,250.00		
	1998	GREENE, ADDIE L	D	H	84	\$750.00		
	1998	GUTMAN, ALBERTO (AL)	R	S	34	\$500.00		
	1998	HILL, ANTHONY C TONY	D	H	14	\$500.00		
	1998	HOLZENDORF, BETTY S	D	S	2	\$500.00		
	1998	JORDAN-HOLMES, SARAH	D	H	57	\$250.00		
	1998	KING JR, JAMES E	R	H	17	\$500.00		
	1998	LIPPMAN, FRED	D	H	100	\$250.00		
	1998	LITTLEFIELD, CARL	R	H	61	\$500.00		
	1998	LOGAN, WILLIE F	D	H	103	\$500.00		
	1998	MACKENZIE, ANNE	D	H	99	\$500.00		
	1998	MACKEY, JOSEPH R (RANDY)	D	H	11	\$500.00		
	1998	MANN JR, FRANK	D	H	73	\$500.00		
	1998	MCKAY, JOHN	R	S	26	\$500.00		
	1998	MELVIN, JERRY	R	H	4	\$250.00		
	1998	MINTON JR, OR (RICK)	D	H	78	\$1,000.00		
	1998	MORRONI, JOHN	R	H	50	\$500.00		
	1998	MORSE, LUIS C	R	H	113	\$250.00		
	1998	OGLES, MARK R	R	H	67	\$500.00		

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year	
TOBACCO INSTITUTE	1998	POSEY, BILL	R	H	32	\$500.00		
	1998	PREWITT, DEBRA A	D	H	46	\$500.00		
	1998	PRUITT, KEN	R	H	81	\$250.00		
	1998	REDDICK, ALZO J	D	H	39	\$750.00		
	1998	RITCHIE, DEEDEE	D	H	3	\$750.00		
	1998	RITTER, STACY J	D	H	96	\$1,000.00		
	1998	RODRIGUEZ-CHOMAT, JORGE	R	H	114	\$250.00		
	1998	SPRATT, JOSEPH R	D	H	77	\$250.00		
	1998	STABINS, JEFF	R	H	44	\$500.00		
	1998	SUBLETTE, BILL	R	H	40	\$500.00		
	1998	TROVILLION, ALLEN	R	H	36	\$500.00		
	1998	VALDES, CARLOS L	R	H	111	\$1,000.00		
	1998	VILLALOBOS, J ALEX	R	H	112	\$500.00		
	1998	WARNER, TOM	R	H	82	\$250.00		
	1998	WESTBROOK, JAMEY	D	H	7	\$1,000.00		
	1998	WILLIAMS, CHARLES D	D	S	4	\$500.00		
	1998	ZIEBARTH, EARL	R	H	26	\$250.00		
	2000	LATVALA, JACK	R	S	19	\$500.00	2000 Total	\$1,500.00
	2000	MACK, CONNIE	R	H	91	\$1,000.00		
							<b>Total 1998-2008</b>	<b>\$31,750.00</b>
TOBACCO ROAD INC	2002	HYMAN, TIM	R	H	119	\$250.00	2002 Total	\$250.00
						<b>Total 1998-2008</b>	<b>\$250.00</b>	
TROPICAL CIGARS	2002	BUSH, JEB	R	G	SW	\$500.00	2002 Total	\$500.00
						<b>Total 1998-2008</b>	<b>\$500.00</b>	
UNITED CIGAR INC	1998	BUSH, JEB	R	G	SW	\$500.00	1998 Total	\$100.00
	1998					\$500.00	<b>Total 1998-2008</b>	<b>\$500.00</b>
UNIVERSAL CIGAR CORP	1998	BETANCOURT, ANNIE	D	H	116	\$100.00	<b>Total 1998-2008</b>	<b>\$100.00</b>
UNK	1998	TAMARGO, DEBORAH	R	H	58	\$250.00	1998 Total	\$250.00
	2004	CUSACK, JOYCE	D	H	27	\$500.00	2004 Total	\$500.00
							<b>Total 1998-2008</b>	<b>\$750.00</b>
US SMOKELESS TOBACCO	2002	ATWATER, JEFF	R	S	25	\$250.00	2002 Total	\$3,500.00
	2002	BARREIRO, GUSTAVO A	R	H	107	\$250.00		
	2002	DIAZ DE LA PORTILLA, ALEX	R	S	36	\$250.00		
	2002	FASANO, MIKE	R	S	11	\$250.00		
	2002	HARIDOPOLOS, MIKE	R	H	30	\$250.00		
	2002	HENRIQUEZ, BOB	D	H	58	\$250.00		
	2002	JONES, DENNIS L	R	S	13	\$250.00		
	2002	KYLE, BRUCE	R	H	73	\$500.00		
	2002	POSEY, BILL	R	S	24	\$250.00		

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year	
US SMOKELESS TOBACCO	2002	SIPLIN, GARY	D	S	19	\$250.00		
	2002	SORENSEN, KEN	R	H	120	\$250.00		
	2002	STANSEL, DWIGHT	D	H	11	\$500.00		
	2004	ARGENZIANO, NANCY	R	S	3	\$250.00	2004 Total	\$5,250.00
	2004	BROWN, DONALD D	R	H	5	\$250.00		
	2004	DEAN, CHARLES S	R	H	43	\$250.00		
	2004	DOCKERY, PAULA	R	S	15	\$250.00		
	2004	FASANO, MIKE	R	S	11	\$500.00		
	2004	HASNER, ADAM	R	H	87	\$500.00		
	2004	HENRIQUEZ, BOB	D	H	58	\$250.00		
	2004	LEGG, JOHN	R	H	46	\$250.00		
	2004	RIVERA, DAVID	R	H	112	\$500.00		
	2004	ROBAINA, JULIO	R	H	117	\$500.00		
	2004	SAUNDERS, RON	D	S	39	\$250.00		
	2004	SORENSEN, KEN	R	H	120	\$250.00		
	2004	STANSEL, DWIGHT	D	H	11	\$250.00		
	2004	TROUTMAN, BAXTER G	R	H	66	\$500.00		
	2004	ZAPATA, JUAN C	R	H	119	\$500.00		
	2006	ALTMAN, THAD	R	H	30	\$500.00	2006 Total	\$17,000.00
	2006	ARONBERG, DAVE	D	S	27	\$500.00		
	2006	ATTKISSON, FRANK	R	H	79	\$500.00		
	2006	BOGDANOFF, ELLYN	R	H	91	\$500.00		
	2006	BROWN, DONALD D	R	H	5	\$500.00		
	2006	CARROLL, JENNIFER	R	H	13	\$500.00		
	2006	CRIST, CHARLIE	R	G	SW	\$1,000.00		
	2006	CRIST, VICTOR	R	S	12	\$500.00		
	2006	DEAN, CHARLES S	R	H	43	\$500.00		
	2006	DIAZ DE LA PORTILLA, ALEX	R	S	36	\$500.00		
	2006	DOMINO, CARL J	R	H	83	\$500.00		
	2006	GOLDSTEIN, SUSAN K	R	H	97	\$500.00		
	2006	HOLLOWAY, WILBERT THEODORE	D	H	103	\$500.00		
	2006	HUKILL, DOROTHY L	R	H	28	\$500.00		
	2006	JENNINGS JR, EDWARD L	D	S	14	\$500.00		
	2006	JUSTICE, CHARLIE	D	S	16	\$500.00		
	2006	KING JR, JAMES E	R	S	8	\$500.00		
	2006	KRAVITZ, DICK	R	H	19	\$500.00		
	2006	LEGG, JOHN	R	H	46	\$500.00		
	2006	LLORENTE, MARCELO	R	H	116	\$500.00		
	2006	LOPEZ-CANTERA, CARLOS	R	H	113	\$500.00		
	2006	LYNN, EVELYN J	R	S	7	\$500.00		
	2006	OELRICH, STEVE	R	S	14	\$500.00		
	2006	PLANAS, JUAN-CARLOS (J C)	R	H	115	\$1,000.00		
	2006	PORTH, ARI ABRAHAM	D	H	96	\$500.00		
	2006	POSEY, BILL	R	S	24	\$500.00		
	2006	PRUITT, KEN	R	S	28	\$500.00		
	2006	REAGAN, RON	R	H	67	\$500.00		



**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year	
US SMOKELESS TOBACCO	2006	TRAVIESA, ANTHONY TREY	R	H	56	\$500.00		
	2006	TROUTMAN, BAXTER G	R	H	66	\$500.00		
	2006	WILLIAMS, TRUDI K	R	H	75	\$500.00		
	2006	ZAPATA, JUAN C	R	H	119	\$500.00		
	2008	ALTMAN, THAD	R	S	24	\$500.00	2008 Total	\$21,000.00
	2008	ATWATER, JEFF	R	S	25	\$1,000.00		
	2008	BENNETT, MICHAEL S	R	S	21	\$500.00		
	2008	BOYD, DEBBIE	D	H	11	\$500.00		
	2008	BRANDENBURG, MARY	D	H	89	\$500.00		
	2008	CHESTNUT IV, CHARLES S	D	H	23	\$500.00		
	2008	CULP, FAYE	R	H	57	\$500.00		
	2008	DEAN, CHARLES S	R	S	3	\$1,000.00		
	2008	DOCKERY, PAULA	R	S	15	\$500.00		
	2008	FASANO, MIKE	R	S	11	\$1,000.00		
	2008	GELLER, JOSEPH (JOE)	D	H	106	\$500.00		
	2008	GLORIOSO, RICHARD	R	H	62	\$500.00		
	2008	GRANT, MICHAEL	R	S	23	\$500.00		
	2008	GRIMSLEY, DENISE	R	H	77	\$1,000.00		
	2008	HASNER, ADAM	R	H	87	\$1,000.00		
	2008	HILL, ANTHONY C TONY	D	S	1	\$500.00		
	2008	HOLDER, DOUG	R	H	70	\$500.00		
	2008	HUKILL, DOROTHY L	R	H	28	\$500.00		
	2008	JONES, DENNIS L	R	S	13	\$500.00		
	2008	KREEGEL, PAIGE	R	H	72	\$500.00		
	2008	KRISEMAN, RICK	D	H	53	\$500.00		
	2008	LOPEZ-CANTERA, CARLOS	R	H	113	\$500.00		
	2008	MAYFIELD, DEBBIE	R	H	80	\$500.00		
	2008	MCKEEL, SETH	R	H	63	\$500.00		
	2008	MURZIN, DAVE	R	H	2	\$500.00		
	2008	PRECOURT, STEPHEN	R	H	41	\$500.00		
	2008	RANDOLPH, SCOTT	D	H	36	\$500.00		
	2008	RICH, NAN H	D	S	34	\$500.00		
	2008	RICHTER, GARRETT	R	S	37	\$500.00		
	2008	RIVERA, DAVID	R	H	112	\$500.00		
	2008	SANDS, FRANKLIN	D	H	98	\$500.00		
	2008	SCHENCK, ROBERT	R	H	44	\$500.00		
	2008	SMITH, CHRISTOPHER L	D	S	29	\$500.00		
	2008	STEELE, JASON	R	H	31	\$500.00		
	2008	THOMPSON, NICHOLAS R	R	H	73	\$500.00		
	2008	WILLIAMS, TRUDI K	R	H	75	\$500.00		
	2008	ZAPATA, JUAN C	R	H	119	\$500.00		
							<b>Total 1998-2008</b>	<b>\$46,750.00</b>
US TOBACCO PUBLIC AFFAIRS INC	1998	BANKHEAD, WILLIAM G (BILL)	R	S	8	\$500.00	1998 Total	\$10,750.00
	1998	BITNER, DAVID I	R	H	71	\$500.00		
	1998	BRONSON, CHARLES H	R	S	18	\$1,000.00		

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year		
US TOBACCO PUBLIC AFFAIRS INC	1998	BURROUGHS, JERRY	R	H	1	\$250.00			
	1998	BUSH, JEB	R	G	SW	\$500.00			
	1998	DENNIS, WILLYE F	D	H	15	\$250.00			
	1998	DOCKERY, PAULA	R	H	64	\$500.00			
	1998	FLANAGAN, MARK G	R	H	68	\$250.00			
	1998	GARCIA JR, RODOLFO (RUDY)	R	H	110	\$250.00			
	1998	GOODE JR, HARRY C	R	H	31	\$500.00			
	1998	GREENE, ADDIE L	D	H	84	\$250.00			
	1998	JONES, DARYL L	D	S	40	\$500.00			
	1998	LAWSON JR, ALFRED (AL)	D	H	8	\$250.00			
	1998	LOGAN, WILLIE F	D	H	103	\$250.00			
	1998	LYNN, EVELYN J	R	H	27	\$500.00			
	1998	MEADOWS, MATTHEW J	D	S	30	\$500.00			
	1998	MEEK, KENDRICK B	D	S	36	\$500.00			
	1998	MILLER, LESLEY LES	D	H	59	\$250.00			
	1998	MINTON JR, OR (RICK)	D	H	78	\$250.00			
	1998	MORSE, LUIS C	R	H	113	\$250.00			
	1998	POSEY, BILL	R	H	32	\$250.00			
	1998	PUTNAM, ADAM H	R	H	63	\$250.00			
	1998	REDDICK, ALZO J	D	H	39	\$250.00			
	1998	RITCHIE, DEEDEE	D	H	3	\$250.00			
	1998	STABINS, JEFF	R	H	44	\$250.00			
	1998	TURNER, WILLIAM H(BILL)	D	S	36	\$500.00			
	1998	VALDES, CARLOS L	R	H	111	\$250.00			
	1998	WARNER, TOM	R	H	82	\$250.00			
	1998	WILLIAMS, CHARLES D	D	S	4	\$500.00			
		2000	CRIST, VICTOR	R	S	13	\$500.00	2000 Total	\$5,550.00
		2000	GANNON, ANNE M	D	H	88	\$500.00		
		2000	GELLER, STEVEN A	D	S	29	\$500.00		
		2000	HART, CHRIS	R	H	57	\$300.00		
		2000	LEE, TOM	R	S	23	\$500.00		
		2000	LEVINE, CURT	D	H	89	\$250.00		
		2000	MILLER, LESLEY LES	D	S	21	\$500.00		
		2000	MORALES, ALEX	R	S	39	\$500.00		
		2000	POSEY, BILL	R	S	15	\$1,000.00		
	2000	RITCHIE, DEEDEE	D	S	1	\$500.00			
	2000	ROJAS, LUIS E	R	S	39	\$500.00			
							<b>Total 1998-2008</b>	<b>\$16,300.00</b>	
VECTOR GROUP	1998	MACKAY, BUDDY	D	G	SW	\$500.00	1998 Total	\$500.00	
	2000	GELBER, DAN	D	H	106	\$500.00	2000 Total	\$1,000.00	
	2000	SHELDON, GEORGE H	D	COE	SW	\$500.00			
	2002	SHELDON, GEORGE H	D	AG	SW	\$3,000.00	2002 Total	\$3,000.00	
	2004	ALEXANDER, J D	R	S	17	\$500.00	2004 Total	\$22,500.00	
	2004	ANTONE, BRUCE	D	H	39	\$500.00			
	2004	ARGENZIANO, NANCY	R	S	3	\$1,000.00			

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year	
VECTOR GROUP	2004	BENNETT, MICHAEL S	R	S	21	\$500.00		
	2004	BENSON, HOLLY	R	H	3	\$500.00		
	2004	BILIRAKIS, GUS MICHAEL	R	H	48	\$500.00		
	2004	BOWEN, MARSHA (MARTY)	R	H	65	\$500.00		
	2004	BRANDENBURG, MARY	D	H	89	\$500.00		
	2004	BRUMMER, FREDERICK C	R	H	38	\$500.00		
	2004	CANNON JR, R DEAN	R	H	35	\$500.00		
	2004	CARLTON, LISA	R	S	23	\$500.00		
	2004	CRETUL, LARRY	R	H	22	\$500.00		
	2004	DAWSON, M MANDY	D	S	29	\$500.00		
	2004	DOCKERY, PAULA	R	S	15	\$500.00		
	2004	FASANO, MIKE	R	S	11	\$500.00		
	2004	GANNON, ANNE M	D	H	86	\$500.00		
	2004	GARCIA, RENE	R	H	110	\$500.00		
	2004	GELBER, DAN	D	H	106	\$500.00		
	2004	GLORIOSO, RICHARD	R	H	62	\$500.00		
	2004	GRANT, MICHAEL	R	H	71	\$500.00		
	2004	GRIMSLEY, DENISE	R	H	77	\$500.00		
	2004	HASNER, ADAM	R	H	87	\$500.00		
	2004	HOMAN, ED	R	H	60	\$500.00		
	2004	JOHNSON, RANDY D	R	H	41	\$500.00		
	2004	JONES, DENNIS L	R	S	13	\$500.00		
	2004	KYLE, BRUCE	R	H	73	\$500.00		
	2004	LEGG, JOHN	R	H	46	\$500.00		
	2004	LYNN, EVELYN J	R	S	7	\$500.00		
	2004	MARGOLIS, GWEN	D	S	35	\$500.00		
	2004	MCINVALE, SHERI	D	H	36	\$500.00		
	2004	MURZIN, DAVE	R	H	2	\$500.00		
	2004	NEGRON, JOE	R	H	82	\$500.00		
	2004	POPPELL, RALPH	R	H	29	\$500.00		
	2004	RICH, NAN H	D	S	34	\$500.00		
	2004	ROBAINA, JULIO	R	H	117	\$500.00		
	2004	ROBERSON, YOLLY	D	H	104	\$500.00		
	2004	SANSOM, RAY	R	H	4	\$500.00		
	2004	SAUNDERS, BURT	R	S	37	\$500.00		
	2004	SAUNDERS, RON	D	S	39	\$500.00		
	2004	SIPLIN, GARY	D	S	19	\$1,000.00		
	2004	VANA, ROCHELLE (SHELLEY)	D	H	85	\$500.00		
	2004	WILLIAMS, TRUDI K	R	H	75	\$500.00		
	2004	ZAPATA, JUAN C	R	H	119	\$500.00		
	2006	GALLAGHER, TOM	R	G	SW	\$1,000.00	2006 Total	\$3,000.00
	2006	SMITH, ROD	D	G	SW	\$2,000.00		
							<b>Total 1998-2008</b>	<b>\$30,000.00</b>
VIBO CORP	2000	GALLAGHER, TOM	R	TREAS	SW	\$1,000.00	2000 Total	\$1,000.00
	2004	ALLEN, BOB	R	H	32	\$500.00	2004 Total	\$16,000.00

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year		
VIBO CORP		AMBLER, KEVIN C	R	H	47	\$500.00			
	2004	ARGENZIANO, NANCY	R	S	3	\$500.00			
	2004	BENDROSS-MINDINGALL,	D	H	109	\$500.00			
	2004	BENSON, HOLLY	R	H	3	\$500.00			
	2004	BROWN, DONALD D	R	H	5	\$500.00			
	2004	BULLARD, LARCENIA J	D	S	39	\$500.00			
	2004	CANNON JR, R DEAN	R	H	35	\$500.00			
	2004	CARLTON, LISA	R	S	23	\$500.00			
	2004	CULP, FAYE	R	H	57	\$500.00			
	2004	DOCKERY, PAULA	R	S	15	\$500.00			
	2004	FASANO, MIKE	R	S	11	\$500.00			
	2004	GOLDSTEIN, SUSAN K	R	H	97	\$500.00			
	2004	HARRELL, GAYLE	R	H	81	\$500.00			
	2004	HASNER, ADAM	R	H	87	\$500.00			
	2004	HENRIQUEZ, BOB	D	H	58	\$500.00			
	2004	HOLLOWAY, WILBERT THEODORE	D	H	103	\$500.00			
	2004	HUKILL, DOROTHY L	R	H	28	\$500.00			
	2004	KYLE, BRUCE	R	H	73	\$500.00			
	2004	MARGOLIS, GWEN	D	S	35	\$500.00			
	2004	MEADOWS, MATTHEW J	D	H	94	\$500.00			
	2004	MEALOR, DAVID J	R	H	34	\$500.00			
	2004	MURZIN, DAVE	R	H	2	\$500.00			
	2004	PATTERSON, PAT	R	H	26	\$500.00			
	2004	RICH, NAN H	D	S	34	\$500.00			
	2004	RUSSELL, DAVID D	R	H	44	\$500.00			
	2004	SIPLIN, GARY	D	S	19	\$500.00			
	2004	SORENSEN, KEN	R	H	120	\$500.00			
	2004	STANSEL, DWIGHT	D	H	11	\$500.00			
	2004	STARGEL, JOHN K	R	H	64	\$500.00			
	2004	WATERS, LESLIE	R	H	51	\$500.00			
	2004	ZAPATA, JUAN C	R	H	119	\$500.00			
	2006	ARZA, RALPH	R	H	102	\$500.00		2006 Total	\$7,000.00
	2006	BEAN, AARON	R	H	12	\$500.00			
	2006	CRIST, CHARLIE	R	G	SW	\$1,000.00			
2006	CRIST, VICTOR	R	S	12	\$500.00				
2006	EVERS, GREG	R	H	1	\$500.00				
2006	GOLDSTEIN, SUSAN K	R	H	97	\$500.00				
2006	JENNINGS JR, EDWARD L	D	S	14	\$500.00				
2006	LYNN, EVELYN J	R	S	7	\$500.00				
2006	MAYFIELD, STAN	R	H	80	\$500.00				
2006	RIVERA, DAVID	R	H	112	\$500.00				
2006	ROBAINA, JULIO	R	H	117	\$500.00				
2006	SLOSBERG, IRVING	D	S	30	\$500.00				
2006	ZAPATA, JUAN C	R	H	119	\$500.00				
							<b>Total 1998-2008</b>	<b>\$24,000.00</b>	

**APPENDIX C: Tobacco Industry Campaign Contributions by Contributor, 1998-2008**

Contributor	Year	Candidate	Party	Office	Dist	Amount	Total by Year	
WORLD CIGARS	1998	GUTMAN, ALBERTO (AL)	R	S	34	\$500.00	1998 Total	\$500.00
							<b>Total 1998-2008</b>	<b>\$500.00</b>

<b>APPENDIX D: Tobacco Company Legislative Branch Lobbyists by Company, 2001-2010</b>										
Company	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Brown & Williamson Tobacco (merged into Reynolds American in 2004)	Arthur R. Collins	Arthur R. Collins	Allison S. Carvajal	John Raymond Aukeman	(see RJ Reynolds)	(see RJ Reynolds)	(see RJ Reynolds)	(see RJ Reynolds)	(see RJ Reynolds)	(see RJ Reynolds)
	Beth Gosnell	Beth Gosnell	Kim Digiacomio	Allison S. Carvajal						
	Ronald C. Morris	Ronald C. Morris	Ronald C. Morris	Kim Digiacomio						
	Keith A. Teel		David E. Ramba	M. Christopher						
	John C. Thomas		John McKager Stipanovich	Sean A. Pittman						
			Keith A. Teel	David E. Ramba	John McKager Stipanovich					
Cigar Association of America	Sally S. Adams	Richard E. Coates	Richard E. Coates	Richard E. Coates	Richard E. Coates	Richard E. Coates	Richard E. Coates	Richard E. Coates	Richard E. Coates	Richard E. Coates
	Deborah S. Bergstrom	John Wehrung								
	Ken Plante									
Commonwealth Brands				Courtney M. Bense	Brian H. Bibeau	Brian H. Bibeau	Brian H. Bibeau	Brian H. Bibeau	Brian H. Bibeau	Brian H. Bibeau
				Brian H. Bibeau	Jill C. Gran	Jill C. Gran	Jill C. Gran	Diane Wagner Carr	Diane Wagner Carr	Diane Wagner Carr
				Michael C. Corcoran	Wade L. Hopping	Wade L. Hopping	Wade L. Hopping	Wade L. Hopping	Wade L. Hopping	Nicholas V. Iarossi
				Wade L. Hopping	Dan R. Stengle	Dan R. Stengle	Dan R. Stengle	Dan R. Stengle	Nicholas V. Iarossi	Dan R. Stengle
				Dan R. Stengle	Victoria L. Weber	Victoria L. Weber	Victoria L. Weber	Victoria L. Weber	Dan R. Stengle	Victoria L. Weber
				Victoria L. Weber					Victoria L. Weber	
Dosal Tobacco Corporation	Stephen D. Dyal	Fausto B. Gomez	James B. Krog	Michael Colodny	Arthur R. Collins	Rachael H. Bjorklund	Rachael H. Bjorklund	Rachael H. Bjorklund	Melissa Akeson	Melissa Akeson
	James Harold Thompson	James Harold Thompson	Jorge L. Lopez	Berneice Cox	Michael Colodny	Matt A. Bryan	Matt A. Bryan	Matt A. Bryan	Sarah Mathews Bascom	Sarah Mathews Bascom
			Sean C. Stafford	Michael P. Harrell	Berneice Cox	Michael Colodny	Michael Colodny	Michael Colodny	Matt A. Bryan	Rachael H. Bjorklund

Company	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Dosal Tobacco Corporation (cont'd)			James Harold Thompson	Robert E. Hawken	Alison B. Dudley	Marnie L. George	Joel S. Fass	Guillermo J. Fernandez-	Michael Colodny	Matt A. Bryan
			Jeffrey L. Whitson	Fred E. Karlinsky	Guillermo J. Fernandez-	Christopher K. Hansen	Guillermo J. Fernandez-	Richard E. Gentry	Guillermo J. Fernandez-	Michael Colodny
				Tommy L. Kemble	Christopher K. Hansen	Michael P. Harrell	Richard E. Gentry	Marnie L. George	Richard E. Gentry	Guillermo J. Fernandez-
				James B. Krog	Michael P. Harrell	Jeff Hartley	Marnie L. George	Christopher K. Hansen	Marnie L. George	Marnie L. George
				Jorge L. Lopez	Robert E. Hawken	Robert E. Hawken	Christopher K. Hansen	Michael P. Harrell	Christopher K. Hansen	Christopher K. Hansen
				Kim M. McCray	Robert H. Hosay	Robert H. Hosay	Michael P. Harrell	Jeff Hartley	Michael P. Harrell	Michael P. Harrell
				Rhett E. O'Doski	J. Michael Huey	J. Michael Huey	Jeff Hartley	Robert E. Hawken	Jeff Hartley	Jeff Hartley
				Sean C. Stafford	Fred E. Karlinsky	Fred E. Karlinsky	Robert E. Hawken	Robert H. Hosay	Robert E. Hawken	Robert E. Hawken
				Jeffrey L. Whitson	Tommy L. Kemble	James B. Krog	Robert H. Hosay	J. Michael Huey	Robert H. Hosay	Robert H. Hosay
					James B. Krog	Julie S. Myers	J. Michael Huey	Fred E. Karlinsky	J. Michael Huey	J. Michael Huey
					Jorge L. Lopez	Jim A. Naff	Fred E. Karlinsky	Jonathan P. Kilman	Fred E. Karlinsky	Fred E. Karlinsky
					Amy R. Maguire	Rhett E. O'Doski	Jonathan P. Kilman	James B. Krog	Jonathan P. Kilman	Jonathan P. Kilman
					Kim M. McCray	Manuel Prieguez	James B. Krog	Kim M. McCray	Trevor Mask	Trevor Mask
					Rhett E. O'Doski	Katherine A. Scott	Kim M. McCray	Christopher R. Moya	Frank P. Mayernick, Jr.	Frank P. Mayernick, Jr.
					Katherine A. Scott	Sean C. Stafford	Christopher R. Moya	Julie S. Myers	Tracy Hogan Mayernick	Tracy Hogan Mayernick
					Sean C. Stafford	Ronald Villella	Julie S. Myers	Jim A. Naff	Kim M. McCray	Kim M. McCray
					Todd C. Steibly	Lori K. Weems	Jim A. Naff	Bridget Nocco	Christopher R. Moya	Christopher R. Moya
					Jeffrey L. Whitson	Jeffrey L. Whitson	Rhett E. O'Doski	Rhett E. O'Doski	Julie S. Myers	Julie S. Myers
							Manuel Prieguez	Manuel Prieguez	Jim A. Naff	Jim A. Naff
							Leonard E. Schulte	Leonard E. Schulte	Bridget Nocco	Bridget Nocco

Company	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Dosal Tobacco Corporation (cont'd)							Katherine A. Scott	Katherine A. Scott	Rhett E. O'Doski	Rhett E. O'Doski
							Sean C. Stafford	Sean C. Stafford	Manuel Prieguez	Manuel Prieguez
							Ronald Villella	Ronald Villella	William D. Rubin	William D. Rubin
							Lori K. Weems	Lori K. Weems	Leonard E. Schulte	Leonard E. Schulte
							Jeffrey L. Whitson	Jeffrey L. Whitson	Sean C. Stafford	Sean C. Stafford
									Heather L. Turnbull	Heather L. Turnbull
									Christian Ulvert	Christian Ulvert
									Jason L. Unger	Jason L. Unger
									Ronald Villella	Ronald Villella
									Katherine Scott Webb	Katherine Scott Webb
								Lori K. Weems	Lori K. Weems	
General Tobacco				Ronald L. Book	Ronald L. Book	Ronald L. Book	Ronald L. Book			
				Michael Colodny	Katherine T. Johnson	Monique H. Cheek	William D. Rubin			
				Michael P. Harrell	Kelly C. Mallette	Sean A. Pittman	Heather L. Turnbull			
				Robert E. Hawken	Sean A. Pittman	Noreen Reboso				
				Fred E. Karlinsky	Noreen Reboso	William D. Rubin				
				Kelly C. Mallette	William D. Rubin	Heather L. Turnbull				
				Rhett E. O'Doski	Heather L. Turnbull					
					Donald L. West					



Company	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
International Premium Cigar and Pipe Retailers										Christopher L. Carmody
										Frederick W. Leonhardt
										Robert F. Stuart Jr.
Liggett Group	none	none	none	Brian D. Ballard	Brian D. Ballard	Brian D. Ballard	Brian D. Ballard	Brian D. Ballard	Brian D. Ballard	Brian D. Ballard
				Joseph M. McCann	Mary Kay Cariseo	Carol L. Bracy	Carol L. Bracy	Carol L. Bracy	Carol L. Bracy	Carol L. Bracy
				Christopher R. Moya	Joseph M. McCann	Joseph M. McCann	Mary Kay Cariseo	Mary Kay Cariseo	Joseph M. McCann	Joseph M. McCann
				Laura Boyd Pearce	Christopher R. Moya	Jim Smith	Joseph M. McCann	Joseph M. McCann	Jim Smith	Jim Smith
				Louis H. Ritter	Jim Smith	William Gregory	Jim Smith	Jim Smith	William Gregory	William Gregory
				Jim Smith	William Gregory	Amy J. Young	William Gregory	William Gregory	Amy J. Young	Amy J. Young
				William Gregory	Amy J. Young		Amy J. Young	Amy J. Young		
				Amy J. Young						
Lorillard Tobacco Company	Arthur R. Collins	Arthur R. Collins	Christopher F. Dudley	Christopher F. Dudley	Christopher F. Dudley	Beth Gosnell	Beth Gosnell	Beth Gosnell	David R. Custin	none
	Beth Gosnell	Beth Gosnell	Beth Gosnell	Beth Gosnell	Beth Gosnell			Keith A. Teel	Beth Gosnell	
	Keith A. Teel		John T. Herndon	John T. Herndon	John T. Herndon				Keith A. Teel	
	John C. Thomas		David A. Rancourt	David A. Rancourt	David A. Rancourt					
			Keith A. Teel	John E. Thrasher	John E. Thrasher					
			John E. Thrasher							
Philip Morris / Altria	Milton F. Ashford	Milton F. Ashford	Milton F. Ashford	Jack Cory	Jack Cory	Jack Cory	Jack Cory	Jack Cory	Ronald L. Book	Sean M. Collins
	Jack Cory	Jack Cory	Jack Cory	Keyna Cory	Keyna Cory	Keyna Cory	Keyna Cory	Keyna Cory	Jack Cory	Jack Cory

Company	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Philip Morris / Altria (cont'd)	Keyna Cory	Keyna Cory	Keyna Cory	John H. French	John H. French	John H. French	John H. French	Laurie Duperier	Keyna Cory	Keyna Cory
	Henry C. Dinger	John H. French	John H. French	R. Dale Patchett	Jim G. Rathbun	John F. Ostronic	John F. Ostronic	John H. French	John H. French	John H. French
	John H. French	Alison M. Painter	R. Dale Patchett	Jim G. Rathbun	Daniel W. Smith	Jim G. Rathbun	Jim G. Rathbun	John F. Ostronic	John F. Ostronic	Richard E. Gentry
	Alison M. Painter	Jim G. Rathbun	Jim G. Rathbun	Daniel W. Smith	Guy M. Spearman, III	Guy M. Spearman, III	Guy M. Spearman, III	Jim G. Rathbun	John Pittman	Jim G. Rathbun
	Jim Smith	Guy M. Spearman, III	Daniel W. Smith	Guy M. Spearman, III	Nancy Black Stewart	Nancy Black Stewart	Nancy Black Stewart	Michael Stephen	Jim G. Rathbun	Michael Stephen
	Guy M. Spearman, III		Guy M. Spearman, III	Nancy Black Stewart				Guy M. Spearman, III	Michael Stephen	Toby Spangler
	Jim G. Rathbun		Nancy Black Stewart	John E. (Jack) Holleran				Nancy Black Stewart	Todd Richardson	Guy M. Spearman, III
	Keith A. Teel		Keith A. Teel					Keith A. Teel	Guy M. Spearman, III	
			Kimberly J. Tucker					L. Henry Turner	Nancy Black Stewart	
									Keith A. Teel	
RJ Reynolds / Reynolds American / RAI Services	Keith A. Teel	J. Larry Williams	Keith A. Teel	John Raymond Aukeman	Kim Digiacomio	Kim Digiacomio	Sebastian Aleksander	Sebastian Aleksander	Brady J. Benford	Brady J. Benford
	J. Larry Williams		J. Larry Williams	Allison S. Carvajal	James Patrick Magill	James Patrick Magill	Brady J. Benford	Brady J. Benford	G. Donovan Brown	Allison S. Carvajal
				Kim Digiacomio	John McKager Stipanovich	John McKager Stipanovich	Kim Digiacomio	G. Donovan Brown	Monesia T. Brown	Jorge Chamizo
				James Patrick Magill	J. Larry Williams	J. Larry Williams	Nicholas V. Iarossi	Beth Gosnell	Allison S. Carvajal	Christopher Coker
				David E. Ramba			James Patrick Magill	James Patrick Magill	Claudia Diaz de la Portilla	Charles F. Dudley
				John McKager Stipanovich			Monica L. Rodriguez	Burnie Maybank	Yolanda Cash Jackson	Steven D. Dyal
				J. Larry Williams			John McKager Stipanovich	Kimberly F. McGlynn	Lori E. H. Killinger	Mercer Fearington, Jr.
							J. Larry Williams	Monica L. Rodriguez	James Patrick Magill	Beth Gosnell
								John McKager Stipanovich	Kimberly F. McGlynn	Yolanda Cash Jackson
								Keith A. Teel	David E. Ramba	James Patrick Magill

Company	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
RJ Reynolds / Reynolds American / RAI Services (cont'd)								Frank N. Tsamoutales	Monica L. Rodriguez	Kimberly F. McGlynn
							J. Larry Williams		Luis E. Rojas	Esther J. Nuhfer
									John McKager Stipanovich	Foyt Tipton Ralston
									Keith A. Teel	James C. Smith
									Frank N. Tsamoutales	John McKager Stipanovich
									J. Larry Williams	Elizabeth D. Wester
										J. Larry Williams
Swisher International	Louis B. Parrish	Louis B. Parrish	Louis B. Parrish	Louis B. Parrish	Louis B. Parrish	Brian B. Jogerst	Louis B. Parrish	Carole L. Duncanson	Nicholas V. Iarossi	Nicholas V. Iarossi
						Louis B. Parrish	Ken Plante	Nicholas V. Iarossi	Louis B. Parrish	Louis B. Parrish
						Ken Plante		Rhett E. O'Doski	Ken Plante	Ken Plante
								Louis B. Parrish		
								Ken Plante		
UST Public Affairs, Inc. (acquired by Altria in 2009)	Tim D. Deratany	Tim D. Deratany	Rodney Barreto	Rodney Barreto	Courtney Cunningham	Jorge Chamizo	Jorge Chamizo	Melissa Akeson	Jorge Chamizo	(see PM / Altria)
		Todd C. Deratany	Courtney Cunningham	Courtney Cunningham	Charles F. Dudley	Charles F. Dudley	Charles F. Dudley	Allison S. Carvajal	Charles F. Dudley	
			Charles F. Dudley	Charles F. Dudley	Patrick R. Maloy	Mercer	Stephen D. Dyal	Jorge Chamizo	Yolanda Cash Jackson	
			Patrick R. Maloy	Patrick R. Maloy	Brian E. May	Beth Gosnell	Mercer	Charles F. Dudley	Patrick R. Maloy	
			Brian E. May	Brian E. May	Loren Rachel Weiner	Gary A. Guzzo	Beth Gosnell	Stephen D. Dyal	Cedric A. McMinn	
			Loren Rachel Weiner	Loren Rachel Weiner		Yolanda Cash Jackson	Gary A. Guzzo	Mercer Fearington, Jr.	Elizabeth D. Wester	
						Patrick R. Maloy	Yolanda Cash Jackson	Gary A. Guzzo		
						Brian E. May	Patrick R. Maloy	Yolanda Cash Jackson		

Company	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
UST Public Affairs, Inc. (cont'd)						Foyt Tipton Ralston	Brian E. May	Patrick R. Maloy		
						Noreen Reboso	Becky McCarron	Cedric A. McMinn		
						William D. Rubin	Cedric A. McMinn	Esther J. Nuhfer		
						James C. Smith	Foyt Tipton Ralston	Grace E. Potter		
						Heather L. Turnbull	James C. Smith	Foyt Tipton Ralston		
							Heather L. Turnbull	William D. Rubin		
							Elizabeth D. Wester	James C. Smith		
								Heather L. Turnbull		
								Elizabeth D. Wester		

<b>APPENDIX E: Tobacco Company Executive Branch Lobbyists by Company, 2001-2010</b>											
Company	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	
Brown & Williamson Tobacco (merged into Reynolds American in 2004)	Arthur R. Collins	Arthur R. Collins	Allison S. Carvajal	John R. Aukeman	(see RJ Reynolds)	(see RJ Reynolds)	(see RJ Reynolds)	(see RJ Reynolds)	(see RJ Reynolds)	(see RJ Reynolds)	
	Beth Gosnell	Beth Gosnell	Kim DiGiacomo	Allison S. Carvajal							
	Keith A. Teel		David E. Ramba	Kim DiGiacomo							
			John McKager Stipanovich	Sean A. Pittman							
				David E. Ramba							
			John McKager Stipanovich								
Cigar Association		Richard E. Coates	Richard E. Coates	Richard E. Coates	Richard E. Coates	Richard E. Coates	Richard E. Coates	Richard E. Coates	Richard E. Coates	Richard E. Coates	
		John Wehrung									
Commonwealth Brands						Wade L. Hopping	Wade L. Hopping	Diane W. Carr	Diane W. Carr	Diane W. Carr	
						Victoria L. Weber	Victoria L. Weber		Wade L. Hopping	Nicholas V. Iarossi	
									Nicholas V. Iarossi		
									Victoria L. Weber		
Dosal Tobacco Corporation	Stephen D. Dyal	James Harold Thompson	James B. Krog	Michael Colodny	Michael Colodny	Rachael H. Bjorklund	Rachael H. Bjorklund	Rachael H. Bjorklund	Melissa Akeson	Melissa Akeson	
	James Harold Thompson		Jorge L. Lopez	Michael P. Harrell	Michael P. Harrell	Matt A. Bryan	Matt A. Bryan	Matt A. Bryan	Matt A. Bryan	Matt A. Bryan	
			Sean Christian Stafford	Robert E. Hawken	Robert H. Hosay	Michael Colodny	Michael Colodny	Michael Colodny	Michael Colodny	Michael Colodny	
			James Harold Thompson	Fred E. Karlinsky	Fred E. Karlinsky	Guillermo J. Fernandez-	Guillermo J. Fernandez-	Guillermo J. Fernandez-	Guillermo J. Fernandez-	Guillermo J. Fernandez-	
			Jeffrey L. Whitson	Tom Kemble	Tom Kemble	Marnie L. George	Richard E. Gentry	Richard E. Gentry	Marnie L. George	Marnie L. George	
				Jorge L. Lopez	Jorge L. Lopez	Michael P. Harrell	Marnie L. George	Marnie L. George	Michael P. Harrell	Michael P. Harrell	
				Rhett E. O'Doski	Amy R. Maguire	Jeff Hartley	Michael P. Harrell	Michael P. Harrell	Jeff Hartley	Jeff Hartley	

Company	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Dosal Tobacco Corporation (cont'd)				James Harold Thompson	Rhett E. O'Doski	Robert H. Hosay	Jeff Hartley	Jeff Hartley	Robert H. Hosay	Robert H. Hosay
					Katherine A. Scott	Fred E. Karlinsky	Robert H. Hosay	Robert H. Hosay	Fred E. Karlinsky	J. Michael Huey
						James B. Krog	Fred E. Karlinsky	Fred E. Karlinsky	Jonathan Kilman	Fred E. Karlinsky
						Julie S. Myers	Jonathan Kilman	Jonathan Kilman	Trevor Mask	Jonathan Kilman
						Jim A. Naff	James B. Krog	James B. Krog	Frank P. Mayernick, Jr.	Trevor Mask
						Rhett E. O'Doski	Julie S. Myers	Julie S. Myers	Tracy Hogan Mayernick	Frank P. Mayernick, Jr.
						Manuel Prieguez	Jim A. Naff	Jim A. Naff	Julie S. Myers	Tracy Hogan Mayernick
						Katherine A. Scott	Manuel Prieguez	Bridget Nocco	Jim A. Naff	Julie S. Myers
						Sean C. Stafford	Leonard E. Schulte	Manuel Prieguez	Bridget Nocco	Jim A. Naff
						Ronald Villella	Katherine A. Scott	Leonard E. Schulte	Rhett E. O'Doski	Bridget Nocco
						Lori K. Weems	Sean C. Stafford	Sean C. Stafford	Manuel Prieguez	Rhett E. O'Doski
						Jeffrey L. Whitson	Ronald Villella	Jason L. Unger	William D. Rubin	Manuel Prieguez
							Lori K. Weems	Ronald Villella	Leonard E. Schulte	William D. Rubin
							Jeffrey L. Whitson	Katherine Scott Webb	Sean C. Stafford	Leonard E. Schulte
								Lori K. Weems	Heather L. Turnbull	Sean C. Stafford
								Jeffrey L. Whitson	Christian Ulvert	Heather L. Turnbull
									Jason L. Unger	Christian Ulvert
									Ronald Villella	Jason L. Unger
								Katherine Scott Webb	Ronald Villella	
								Lori K. Weems	Katherine Scott Webb	

Company	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Dosal Tobacco Corporation										Lori K. Weems
General Tobacco				Michael Colodny		Noreen Rebo	William D. Rubin			
				Robert E. Hawken		William D. Rubin	Heather L. Turnbull			
				Fred E. Karlinsky		Heather L. Turnbull				
				Rhett E. O'Doski						
International Premium Cigar and Pipe Retailers										Christopher L. Carmody
										Frederick W. Leonhardt
										Robert F. Stuart Jr.
Liggett Group		Brian D. Ballard	Brian D. Ballard	Brian D. Ballard	Brian D. Ballard	Brian D. Ballard	Brian D. Ballard	Brian D. Ballard	Brian D. Ballard	Brian D. Ballard
		Joseph M. McCann	Joseph M. McCann	Mary Kay Cariseo	Mary Kay Cariseo	Carol L. Bracy	Carol L. Bracy	Carol L. Bracy	Carol L. Bracy	Carol L. Bracy
		Laura Boyd Pearce	Laura Boyd Pearce	Joseph M. McCann	Joseph M. McCann	Mary Kay Cariseo	Mary Kay Cariseo	Joseph M. McCann	Joseph M. McCann	Joseph M. McCann
		J. Clark Smith	J. Clark Smith	Jim Smith	Jim Smith	Joseph M. McCann	Joseph M. McCann	Jim Smith	Jim Smith	Jim Smith
		Jim Smith	Jim Smith	William Gregory	William Gregory	Jim Smith	Jim Smith	William Gregory	William Gregory	William Gregory
		William Gregory	William Gregory	Amy J. Young	Amy J. Young	William Gregory	William Gregory	Amy J. Young	Amy J. Young	Amy J. Young
		Amy J. Young	Amy J. Young			Amy J. Young	Amy J. Young			
Lorillard Tobacco Company	Arthur R. Collins	Arthur R. Collins	Paul R. Bradshaw	Christopher F. Dudley	Christopher F. Dudley	Beth Gosnell	Beth Gosnell	Beth Gosnell	Beth Gosnell	
	Keith A. Teel		Christopher F. Dudley	David Rancourt	John Herndon					
			David Rancourt	John E. Thrasher	David Rancourt					
			John E. Thrasher		John E. Thrasher					

Company	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Philip Morris / Altria	Milton F. Ashford	Milton F. Ashford	Milton F. Ashford	Jack Cory	Jack Cory	Jack Cory	Jack Cory	Jack Cory	Ronald Book	Sean M. Collins
	Alison Painter	Alison Painter	Jack Cory	Keyna Cory	Keyna Cory	Keyna Cory	Keyna Cory	Keyna Cory	Jack Cory	Jack Cory
	Jim Smith	Guy M. Spearman, III	Keyna Cory	Jim G. Rathbun	Jim G. Rathbun	John H. French, Jr	John H. French, Jr	John H. French, Jr	Keyna Cory	Keyna Cory
	Guy M. Spearman, III		Jim G. Rathbun	Daniel W. Smith	Daniel W. Smith	John F. Ostronic	John F. Ostronic	John F. Ostronic	John H. French, Jr	John H. French, Jr
	Keith A. Teel		Daniel W. Smith	Guy M. Spearman, III	Guy M. Spearman, III	Jim G. Rathbun	Jim G. Rathbun	Jim G. Rathbun	John F. Ostronic	Richard E. Gentry
	Jim G. Rathbun		Guy M. Spearman, III			Guy M. Spearman, III	Guy M. Spearman, III	Guy M. Spearman, III	Sean F. Pittman	Sean F. Pittman
							Jack M. Williams	Jack M. Williams	Jim G. Rathbun	Jim G. Rathbun
								Michael S. Raynor, Jr	Michael S. Raynor, Sr	Michael S. Raynor, Sr
								Keith A. Teel	Guy M. Spearman, III	Guy M. Spearman, III
								Leslie H. Turner, III	L. Henry Turner	
								Jack M. Williams		
RJ Reynolds / Reynolds American / RAI Services	Keith A. Teel	none	J. Larry Williams	John Raymond Aukeman	Kim DiGiacomo	Kim DiGiacomo	Kim DiGiacomo	Jim Magill	Claudia Diaz de la Portilla	Brady J. Benford
				Allison S. Carvajal	Jim Magill	Jim Magill	Jim Magill	Kimberly F. McGlynn	Jim Magill	John McKager Stipanovich
				Kim DiGiacomo	John McKager Stipanovich	John McKager Stipanovich	John McKager Stipanovich	John McKager Stipanovich	Kimberly F. McGlynn	J. Larry Williams
				Jim Magill	J. Larry Williams	J. Larry Williams	J. Larry Williams	J. Larry Williams	John McKager Stipanovich	
				David E. Ramba					J. Larry Williams	
				John McKager Stipanovich						
				J. Larry Williams						
Swisher International						Brian B. Jogerst	Ken Plante	Nicholas V. Iarossi	Nicholas V. Iarossi	Nicholas V. Iarossi
						Ken Plante		Ken Plante	Ken Plante	Ken Plante



Company	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
UST Public Affairs, Inc. (acquired by Altria in 2009)			Rodney Barreto	Courtney Cunningham	Courtney Cunningham	Charles F. Dudley	Charles F. Dudley	Melissa Akeson	Charles F. Dudley	(see PM / Altria)
			Courtney Cunningham	Charles F. Dudley	Charles F. Dudley	Mercer Fearington, Jr.	Stephen D. Dyal	Charles F. Dudley	Patrick R. Maloy	
			Charles F. Dudley	Patrick R. Maloy	Patrick R. Maloy	Beth Gosnell	Mercer Fearington, Jr.	Stephen D. Dyal		
			Patrick R. Maloy	Brian May	Brian May	Patrick R. Maloy	Beth Gosnell	Mercer Fearington, Jr.		
			Brian May	Loren Rachel Weiner	Loren Rachel Weiner	Foyt T. Ralston	Patrick R. Maloy	Grace Potter Lovett		
			Loren Rachel Weiner			Noreen Reboso	Foyt T. Ralston	Patrick R. Maloy		
						William D. Rubin	William D. Rubin	Foyt T. Ralston		
						J. Clark Smith	J. Clark Smith	William D. Rubin		
						Heather Turnbull	Heather Turnbull	J. Clark Smith		
								Heather Turnbull		

APPENDIX F: Voluntary Health Agency Legislative Lobbyists by Agency, 2001-2010										
Agency	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
National American Cancer Society / Cancer Action Network					James R. Daughton, Jr.			Leonard W. Parkhurst, Jr.	Leonard W. Parkhurst, Jr.	
									Wendy Smith Hansen	
									S. Curtis Kiser	
Florida Division American Cancer Society	James R. Daughton, Jr.	Aaron Czyzewski	James R. Daughton, Jr.	James R. Daughton, Jr.	Mark W. Anderson	James Daughton	Mark W. Anderson	Chip Case	Jerry Wayne Bertsch, Jr.	Hubert (Bo) Bohannon
	Ralph A. DeVitto	James R. Daughton, Jr.	Stephen H. Grimes	Paul E. Hull	Thomas M. Fiorentino, Jr.	A. Michelle Mattox	Thomas M. Fiorentino, Jr.	Mark W. Anderson	Hubert (Bo) Bohannon	Chip Case
	S. Curtis Kiser	Ralph A. DeVitto	Paul E. Hull	S. Curtis Kiser	David Griffin	Mark Anderson	Wendy Smith Hansen	Jerry Wayne Bertsch, Jr.	Mayte Canino	Thomas M. Fiorentino, Jr.
		Paul E. Hull	Susan L. Kelsey		Shannon B. Hewett	Thomas Fiorentino	Shannon B. Hewett	Hubert (Bo) Bohannon	Chip Case	Michael J. Fischer
		S. Curtis Kiser	S. Curtis Kiser		Paul E. Hull	David Griffin	Paul E. Hull	Jennifer A. Bourgeois	Thomas M. Fiorentino, Jr.	Wendy Smith Hansen
					S. Curtis Kiser	Shannon Hewett	S. Curtis Kiser	Mayte Canino	Michael J. Fischer	Richard J. Heffley
					Georgia F. McKeown	Paul E. Hull	Georgia F. McKeown	Thomas M. Fiorentino, Jr.	Thomas J. Grigsby	Kelly W. Horton
					Ryan D. Reid	S. Curtis Kiser	Jared Mitchell Ross	Michael J. Fischer	Wendy Smith Hansen	Paul E. Hull
						Georgia F. McKeown		Stephen H. Grimes	Richard J. Heffley	Georgia F. McKeown
						Ryan Reid		Wendy Smith Hansen	Kelly W. Horton	Joseph G. Mobley
								Richard J. Heffley	Paul E. Hull	Ryan David Reid
								Shannon B. Hewett	S. Curtis Kiser	Jared Mitchell Ross
								Kelly W. Horton	Georgia F. McKeown	Nancy A. Teixeira
								Paul E. Hull	Joseph Mobley	Whitney W. Walker

Agency	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	
Florida Division American Cancer Society (cont'd)								S. Curtis Kiser	Jared Mitchell	Ross	
								Georgia F. McKeown	Ryan David Reid		
								Joseph Mobley	Whitney W. Walker		
								Jared Mitchell Ross			
Florida American Heart Association	Jean M. Gonzalez	Patrick W. Kennedy	Patrick W. Kennedy	Patrick W. Kennedy	Nikole Souder- Schale	Nikole Souder- Schale	James Kotas	Stephen H. Grimes	James A. Mosteller	Chip Case	
	Patrick W. Kennedy			Nikole Souder- Schale			James A. Mosteller	Wendy Smith Hansen	Nikole Souder- Schale	James A. Mosteller	
				Jean G. Burhans				Nikole Souder- Schale	Richard J. Heffley	Nikole K. Souder-Schale	
				Christine P. Fisher					Kelly W. Horton		
								Erik H. Kirk			
								James A. Mosteller			
								Daniel W. Pollock			
								Nikole Souder- Schale			
Florida American Lung Association	Christine P. Fisher	Christine P. Fisher	Christine P. Fisher	Christine P. Fisher	Geoffrey P.R. Becker	Geoffrey P.R. Becker	Geoffrey P.R. Becker	Geoffrey P.R. Becker	Geoffrey P.R. Becker	Geoffrey P.R. Becker	
	Tad P. Fisher	Tad P. Fisher	Brenda P. Olsen	Brenda P. Olsen	James R. Daughton, Jr.	James R. Daughton, Jr.	James R. Daughton, Jr.	James R. Daughton, Jr.	James R. Daughton, Jr.	James R. Daughton, Jr.	
	Brenda P. Olsen	Brenda P. Olsen			Christine P. Fisher	Joshua Doyle	Joshua Doyle	Joshua Doyle	Joshua Doyle	Amanda Fliger	
											Wendy E. Hedrick
						Warren H. Husband	Warren H. Husband	Warren H. Husband	Stephen H. Grimes	Wendy E. Hedrick	Warren H. Husband
						Brenda P. Olsen	Brenda P. Olsen	Brenda P. Olsen	Wendy Smith Hansen	Warren H. Husband	Aimee Diaz Lyon

Agency	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Florida American Lung Association (cont'd)					G. Herb Sheheane	G. Herb Sheheane	G. Herb Sheheane	Warren H. Husband	Brenda P. Olsen	Brenda P. Olsen
								Brenda P. Olsen	G. Herb Sheheane	G. Herb Sheheane
								G. Herb Sheheane		
Florida Tri-Agency Coalition on Smoking or Health	Ralph A. DeVitto	Aaron Czyzewski	Stephen H. Grimes	Paul E. Hull						
	S. Curtis Kiser	Ralph A. DeVitto	Paul E. Hull	S. Curtis Kiser						
	Steven J. Uhlfelder	S. Curtis Kiser	Susan L. Kelsey							
		Steven J. Uhlfelder	S. Curtis Kiser							

**APPENDIX G: Voluntary Health Agency Executive Branch Lobbyists by Agency, 2001-2010**

Agency	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
National American Cancer Society / Cancer Action Network									Wendy Smith Hansen	
									S. Curtis Kiser	
Florida Division American Cancer Society	James R. Daughton, Jr.	Aaron Czyzewski	James R. Daughton, Jr.	James R. Daughton, Jr.	James R. Daughton, Jr.	Mark W. Anderson	Mark W. Anderson	Mark W. Anderson	Hubert "Bo" Bohannon	Hubert "Bo" Bohannon
	Ralph A. DeVitto	James R. Daughton, Jr.	Paul E. Hull	Paul E. Hull	Thomas M. Fiorentino, Jr.	James R. Daughton, Jr.	T. Martin Fiorentino, Jr.	Hubert "Bo" Bohannon	T. Martin Fiorentino, Jr.	T. Martin Fiorentino, Jr.
	S. Curtis Kiser	Ralph A. DeVitto	S. Curtis Kiser	S. Curtis Kiser	David Griffin	Thomas M. Fiorentino, Jr.	Wendy Smith Hansen	T. Martin Fiorentino, Jr.	Michael J. Fischer	Wendy Smith Hansen
		Paul E. Hull			Shannon B. Hewett	David Griffin	Shannon B. Hewett	Michael J. Fischer	Wendy Smith Hansen	Richard J. Heffley
		S. Curtis Kiser			Paul E. Hull	Shannon B. Hewett	Paul E. Hull	Wendy Smith Hansen	Richard J. Heffley	Kelly W. Horton
					S. Curtis Kiser	Paul E. Hull	S. Curtis Kiser	Richard J. Heffley	Kelly W. Horton	Paul E. Hull
					Georgia McKeown	S. Curtis Kiser	Georgia McKeown	Shannon B. Hewett	Paul E. Hull	Georgia McKeown
					Ryan D. Reid	Michelle Mattox	Jared Mitchell Ross	Kelly W. Horton	S. Curtis Kiser	Joseph G. Mobley
						Georgia McKeown		Paul E. Hull	Georgia McKeown	Ken Pruitt
						Ryan D. Reid		S. Curtis Kiser	Joseph G. Mobley	Ryan David Reid
								Georgia McKeown	Ryan David Reid	Jared Mitchell Ross
								Joseph G. Mobley	Jared Mitchell Ross	Nancy A. Texeira
								Jared Mitchell Ross	Whitney W Walker	Whitney W Walker
	Florida American Heart Association	Jean Maynard Gonzalez	Patrick W. Kennedy	Patrick W. Kennedy	Patrick W. Kennedy	Nikole K. Souder-Schale	Nikole K. Souder-Schale	James Albert Mosteller	Wendy Smith Hansen	James Albert Mosteller
				Nikole K. Souder-Schale			Nikole K. Souder-Schale	Richard J. Heffley	Nikole K. Souder-Schale	Nikole K. Souder-Schale
				Jean G. Burhans				Kelly W. Horton		
				Christine P. Fisher				Erik H Kirk		

Agency	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Florida American Heart Association (cont'd)								James Albert Mosteller		
								Nikole K. Souder-Schale		
Florida American Lung Association	Christine P. Fisher	Christine P. Fisher	Christine P. Fisher	Christine P. Fisher	Geoffrey P.R. Becker	Geoffrey P.R. Becker	Geoffrey P.R. Becker	Geoffrey P.R. Becker	Geoffrey P.R. Becker	Geoffrey P.R. Becker
	Tad P. Fisher	Tad P. Fisher	Brenda P. Olsen	Brenda P. Olsen	James R. Daughton, Jr.	James R. Daughton, Jr.	James R. Daughton, Jr.	James R. Daughton, Jr.	James R. Daughton, Jr.	James R. Daughton, Jr.
	Brenda P. Olsen	Brenda P. Olsen			Christine P. Fisher	Joshua E. Doyle	Joshua E. Doyle	Joshua E. Doyle	Joshua E. Doyle	Amanda Fliger
					Warren H. Husband	Warren H. Husband	Wendy E. Hall	Wendy Smith Hansen	Wendy E. Hedrick	Wendy E. Hedrick
					Brenda P. Olsen	Brenda P. Olsen	Warren H. Husband	Wendy E. Hedrick	Warren H. Husband	Warren H. Husband
					G. Herb Sheheane	G. Herb Sheheane	Brenda P. Olsen	Warren H. Husband	Brenda P. Olsen	Aimee Diaz Lyon
							G. Herb Sheheane	Brenda P. Olsen	G. Herb Sheheane	Brenda P. Olsen
								G. Herb Sheheane	G. Herb Sheheane	
	Florida Tri-Agency Coalition on Smoking or Health	Ralph A. DeVitto	Aaron Czyzewski	James R. Daughton, Jr.	James R. Daughton, Jr.					
S. Curtis Kiser		Ralph A. DeVitto	John J. Harris	John J. Harris						
Steven J. Uhlfelder		Paul E. Hull	Paul E. Hull	Paul E. Hull						
		S. Curtis Kiser	S. Curtis Kiser	S. Curtis Kiser						
			Lawrence E. Sellers	Lawrence E. Sellers						