

Tobacco Industry Political Power and Influence in Florida From 1979 to 1999

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This report is the latest in a series of reports that analyze tobacco industry campaign contributions, lobbying, and other political activity in California and other states. The previous reports are:

- M. Begay and S. Glantz. *Political Expenditures by the Tobacco Industry in California State Politics* UCSF IHPS Monograph Series, 1991.
- M. Begay and S. Glantz. *Political Expenditures by the Tobacco Industry in California State Politics from 1976 to 1991*. UCSF IHPS Monograph Series, 1991.
- B. Samuels and S. Glantz. *Tobacco Control Activities and the Tobacco Industry's Response in California Communities, 1990-1991*. UCSF IHPS Monograph Series, 1991.
- M.E. Begay and S.A. Glantz. *Undoing Proposition 99: Political Expenditures by the Tobacco Industry in California Politics in 1991*. UCSF IHPS, 1992.
- S.A. Glantz and L.R.A. Smith. *The effect of ordinances requiring smokefree restaurants on restaurant sales in California*. UCSF IHPS Monograph Series, 1992.
- M.E. Begay, M. Traynor, S. A. Glantz. *Extinguishing Proposition 99: Political Expenditures by the Tobacco Industry in California Politics in 1991-1992*. UCSF IHPS, 1992.
- M.E. Begay, M. Traynor, S.A. Glantz. *Tobacco Industry Political Expenditures in California State Politics, January-June, 1993*. UCSF IHPS, 1993.
- M.E. Begay, M. Traynor, S.A. Glantz. *Tobacco Industry Political Expenditures in California in the 1991-1992 Election*. UCSF IHPS, 1993.
- M.E. Begay, M. Traynor, S.A. Glantz. *The Twilight of Proposition 99: Preauthorization of Tobacco Education Programs and Tobacco Industry Political Expenditures in 1993*. UCSF IHPS, 1994.
- H. Macdonald and S. Glantz. *Analysis of the Smoking and Tobacco Products, Statewide Regulation Initiative Statute*. UCSF IHPS, 1994.
- H. Macdonald, M. Traynor, S. Glantz. *California's Proposition 188 : An Analysis of the Tobacco Industry's Political Advertising Campaign*. UCSF IHPS, 1994.
- S. Aguinaga, H. Macdonald, M. Traynor, M. Begay, S. Glantz. *Undermining Popular Government: Tobacco Industry Political Expenditures in California 1993-1994*. UCSF IHPS, 1995. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/tobexp>)
- M. Begay, and S. Glantz. *Question 1: Tobacco Education Outlays From the 1994 Fiscal Year to the 1996 Fiscal Year* UCSF IHPS 1995. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/q1>)
- F. Monardi, E. Balbach, S. Aguinaga, S. Glantz. *Shifting Allegiances: Tobacco Industry Political Expenditures in California, January 1995 - March 1996*. UCSF IHPS 1996 (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/sa>)
- F. Monardi, A. O'Neill, and S. Glantz. *Tobacco Industry Political Activity in Colorado 1979 - 1995*. UCSF IHPS 1996. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/co>)
- F. Monardi, and S. Glantz. *Tobacco Industry Political Activity in Washington 1983 - 1996*. UCSF IHPS 1996. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/wa>)
- F. Monardi, and S. Glantz. *Tobacco Industry Political Activity and Tobacco Control Policy Making in New Jersey 1982 - 1995*. UCSF IHPS 1997. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/nj>)
- E. Balbach, F. Monardi, B. Fox, S. Glantz. *Holding Government Accountable: Tobacco Policy Making in California, 1995-1997*. UCSF IHPS 1997. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/ca9596/>)
- S. Aguinaga-Bialous and Stanton A. Glantz. *Tobacco Control in Arizona 1973-1997*. UCSF IHPS 1997. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/az/>)
- F. Monardi, and S. Glantz. *Tobacco Industry Political Activity and Tobacco Control Policy Making in Pennsylvania 1979 - 1996*. UCSF IHPS 1997. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/pa>)
- B.J. Fox, J.M. Lightwood, S.A. Glantz, *A Public Health Analysis of the Proposed Resolution of Tobacco Litigation*. UCSF IHPS 1998. (Available on the World Wide Web at <http://www.library.ucsf.edu/tobacco/ustl/>)
- L. Goldman, and S.A. Glantz. *Tobacco Industry Political Activity and Tobacco Control Policy Making in Oregon 1985 - 1997*. UCSF IHPS 1998. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/or/>)
- F. Monardi, and S. Glantz. *Tobacco Industry Political Activity and Tobacco Control Policy Making in Wisconsin 1981 - 1998*. UCSF IHPS 1998. (Available on the World Wide Web at <http://www.library.ucsf.edu/tobacco/wi>)
- F. Monardi, and S. Glantz. *Tobacco Industry Political Activity and Tobacco Control Policy Making in Ohio 1981 - 1998*. UCSF IHPS 1998. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/oh/>)

EXECUTIVE SUMMARY

* The tobacco industry is a major political and legal force in Florida through campaign contributions, public relations efforts, lobbying and litigation, which at least from the late 1970s, has had a centralized political organization in Florida that defends and promotes its political and economic interests at the local and state levels of government. Although the industry has operated in the open in some political campaigns, it has also operated quietly behind the scenes, often through front groups, in various other state and local political campaigns.

* In Dade County in 1979, GASP of Miami ran a clean indoor air initiative without the active support of the local affiliates of the American Cancer Society, American Lung Association, and American Heart Association. Despite being outspent by the tobacco industry 90 to 1, GASP only lost by 820 votes. Had the health groups provided public and political support, the initiative may well have won, substantially increasing the momentum for clean indoor air ordinances in Florida and elsewhere.

* Prior to 1985, there were numerous ongoing local efforts to pass and enact a wide variety of local clean indoor ordinances. These efforts subsided considerably after the passage of the preemption clause in the weak Florida Clean Indoor Air Act (FCIAA) of 1985 which, at first, was supported by the American Cancer Society, American Lung Association, and American Heart Association. Since the passage of FCIAA, the tobacco industry has been able to stop all efforts by the three health groups and sympathetic politicians to repeal the preemption clause.

* After the passage of campaign contribution limit laws in 1991 in Florida, tobacco industry campaign contributions have been redirected away from individual candidates and to the two major political parties. In the 1993-1994 election cycle, the industry gave the largest amount of contributions with \$475,000 given to the parties compared to \$95,856 to political candidates. The largest contribution to a political party came from Philip Morris, which gave \$382,500 to the Republican Party. These contributions in conjunction with others has reinvigorated the two major parties as political power brokers who provide their candidates with advertising, technical assistance, and paid staff.

* During the 1997-1998 electoral cycle, the tobacco industry's total campaign contributions were \$398,194, with \$310,250 given to the two major political parties in comparison to \$84,194 for legislators. The Republican Party received \$227,250 compared to the Democratic Party which received \$82,500. The largest contribution to a political party came from Philip Morris, which contributed \$125,000 to the Republican Party.

* In August 1997, Florida and the industry settled a Medicaid fraud lawsuit. Under the terms of the settlement, the industry agreed to pay Florida \$11.3 billion, end outdoor billboards, pay for public anti-tobacco campaigns, remove vending machines from places accessible to children, end tobacco advertising on buses and trains, complete an anti-tobacco youth campaign within two years of the settlement, and not name the industry in anti-tobacco ads. Due to further negotiations with the industry, on September 11, 1998, the amount paid to Florida was increased to \$13 billion and restrictions on the two-year time limit regarding the youth anti-smoking campaign and specifically naming the industry in anti-tobacco advertisements were lifted.

* After February 1998, Florida began an effort to establish a \$200 million youth anti-smoking campaign called the Tobacco Pilot Program in an effort to meet the two year deadline. The Tobacco Pilot Program has engaged in an extensive media campaign known as the “Truth Campaign” which began in late April 1998 and included tough in-your-face print, billboard, and media advertisements which ran throughout Florida. The major theme of this campaign is that Florida youth should choose “Truth” rather than use tobacco and be targets of industry advertising manipulation in the use of tobacco.

* A report released on March 17, 1999 by the Florida Department of Health, Office of Tobacco Control regarding the progress of the Tobacco Pilot Program indicated that the Tobacco Pilot Program and its anti-tobacco media advertising campaign, in less than a year, had a substantial impact on influencing a significant number of Florida teens not to smoke. From February 1998 to 1999, the number of teens who were current smokers (smoked in the last 30 days) dropped from 23.3% to 20.9%. This represented 31,000 fewer Florida teenagers who were current smokers. These results represent the best results ever obtained in a large scale primary prevention program.

* Although new Republican Governor Jeb Bush publicly called for the continuation of the Tobacco Pilot Program and the Truth Campaign, the program’s funding was reduced from \$70.5 million to \$45.2 million (-36%) for the 1999-2000 Fiscal Year due to legislative votes by Republican colleagues in the House and the Senate to substantially reduce the funding of the program. These cuts were made despite public opinion polls showing that 57% of the public supported the program without any cuts and 30% supported the program with the \$8.5 million cut proposed by Governor Bush. Two projects of the Tobacco Pilot Program which are crucial to maintaining the viability of the program including the Truth Campaign and administrative support for the Students Working Against Tobacco (SWAT) also received large budgetary reductions.

* While the Tobacco Pilot Program received substantial funding cuts in the 1999 Legislative Session, funding for the American Heart Association’s Youth Fitness Program of \$3 million and \$1 million for the Just The Facts program which was derived from the \$45.2 million Tobacco Pilot Program budget, would have reduced the amount of funding for projects directly oriented towards tobacco control efforts to \$41.2 million for 1999-2000. On May 27, 1999, Governor Bush vetoed these two diversionary projects, as well as the \$2.5 million Sports for Life project which was related to tobacco control, further reducing the program’s funding of projects directly related to tobacco control efforts from \$70.5 million to \$38.7 million (-45.1%).

* For the past twenty years, a consistent pattern has emerged with respect to the American Cancer Society, the American Heart Association, and the American Lung Association missing key political opportunities that would have significantly advanced anti-tobacco efforts and public health in Florida. These lost opportunities included failing to support GASP of Miami in its 1979 Dade County clean indoor air initiative, supporting the preemption clause in the Florida Clean Indoor Air Act of 1985 which essentially quashed a blossoming grassroots anti-tobacco movement, and failing to forcefully advocate for the Tobacco Pilot Program by holding specific legislators directly and publicly accountable for the substantial funding cuts that occurred in the 1999 Legislative Session.

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INTRODUCTION

Early in Florida's history, agriculture was the primary activity in the economy. Over the years, tourism and industrial activities have joined agriculture as important factors in the Florida economy. Tobacco production and manufacturing have always played a small but important role in Florida agriculture. In 1996, for example, 20,100,000 pounds of tobacco was grown and harvested on 7500 acres in Florida.[1] Recent statistics also indicate that Florida ranked eighth among all states in total cash receipts derived from the production of tobacco products.[1] The manufacturing of tobacco products from tobacco plants in Florida has occurred primarily with the production of cigars. Most cigar manufacturing plants are located in Tampa, Jacksonville, Miami, and Key West. The two largest cigar manufacturers in the state are Swisher and Sons in Jacksonville and Hav-a-tampa located in Tampa.

From 1978 to 1998, the consumption of tobacco products in Florida declined at a per capita rate similar to the decline of consumption of tobacco products for the United States (Figure 1). Despite this drop in tobacco consumption, from 1990 to 1994 the Centers for Disease Control estimated (the last year they reported such information) that about 29,000 Floridians die each year from illnesses related to tobacco use.[1] The Centers for Disease Control also report, that on the average during this period, the annual years of potential life lost by those who died due to smoking related causes in Florida was 13 years. [1]

From the late 1970s to 1985, Florida was also an early and important battleground for numerous local campaigns in which local nonsmokers' rights activists defeated the tobacco industry and secured passage of local clean indoor air ordinances. Florida was also the first state in which the tobacco industry stopped the process of local ordinance development and passage by winning passage of a weak statewide law, the Florida Clean Indoor Air Act of 1985. This law preempted

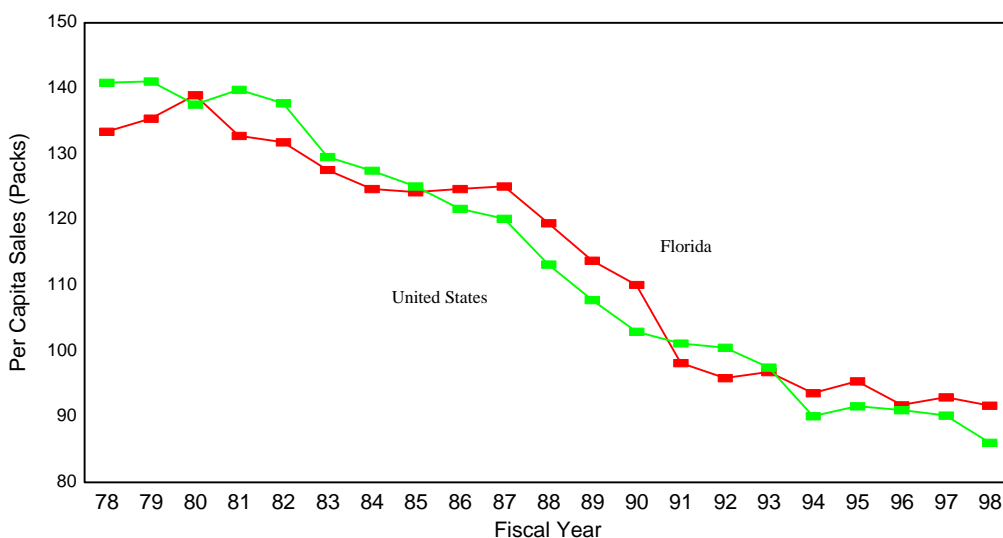


Figure 1. *Per Capita cigarette consumption has declined at a similar rate in Florida compared to the United States. Source: The Tax Burden on Tobacco, 1999 (The Tobacco Institute).*

the right of local communities to enact such ordinances and repealed all previously passed local clean indoor air ordinances, including ordinances that were stronger than the state law.

In 1994, Florida adopted a law which allowed the state to sue the tobacco industry for Medicaid fraud related to the state's cost for smoking related diseases. In 1995, Florida filed a Medicaid fraud lawsuit against the tobacco industry which was settled out of court in 1997. As a result of the money damages obtained in the settlement, in 1998, Florida established a very successful youth anti-tobacco program which included an edgy and in-your-face anti-tobacco advertising "Truth Campaign" which urged youth not to use tobacco and that they were being manipulated by the tobacco industry. The campaign succeeded in one year in reducing the percentage of teens who said they smoked in the last 30 days from 23.3% to 20.9%. Despite this unprecedented success, the Florida Legislature, with little opposition from the Bush Administration, significantly reduced the funding of the program and the Truth Campaign for Fiscal Year 1999-2000.

In many ways, the history of tobacco control efforts in Florida in the past twenty years has included a series of initial strong steps against the tobacco industry followed by successful counteractions by the tobacco industry. Despite ongoing and strong public support for tobacco control, the mainstream health groups in Florida, due to their extreme caution, have not been willing to take the strong actions necessary to translate this public support into political action to protect the public health from the tobacco industry. In many ways, Florida illustrates a series of opportunities lost.

THE 1979 DADE COUNTY INITIATIVE

From the late 1970s to 1985, Florida was at the leading edge of nonsmoker protections. During and after the passage of the Minnesota Clean Indoor Air Act of 1975, the first clean indoor air law to pass in the United States, activists in Florida and California were also engaging in significant activity to pass clean indoor air ordinances. The tobacco industry viewed these developments with great alarm. In a secret research report prepared by the Roper Organization for the Tobacco Institute, the report [2] concluded that prior setbacks for the industry such as danger warnings on cigarette packages and removing tobacco advertisements from television could be weathered because they were perceived as being against smokers and not the industry. However, the report also noted that:

The anti-smoking forces' latest tack, however, on the passive smoking issue--is quite a different matter....Nearly six out of ten believe that smoking is hazardous to the nonsmokers' health, up sharply over the last four years. More than two-thirds of nonsmokers believe it; nearly half of all smokers believe it.

This we see as the most dangerous development to the viability of the tobacco industry that has yet occurred.[2]

Two of the earliest clean indoor campaigns in Florida occurred in Dade County. In the Dade County initiative campaigns, which generated much political interest, conflict, and local and national media attention, significant political resources were expended by citizen anti-smoking activists to pass and the tobacco industry and its supporters to oppose the clean indoor air proposals.

The first Dade County initiative was initiated in April 1979, when the Miami, Florida chapter of the Group Against Smoking Pollution (GASP) initiated a campaign to have a clean indoor air

ordinance enacted for Dade County. Key sections of the proposed ordinance allowed smoking in designated areas of public or commercial buildings (except restaurants) in their lobbies, waiting rooms, school lounges, employee lounges, and employee cafeterias as long as the designated area was no more than 50% of the total area or seating capacity. It prohibited smoking in all other non-designated enclosed areas of public and commercial buildings. The ordinance also required that restaurants set aside at least half of their seats for nonsmokers. Where smoking areas were designated in buildings; walls, partitions and other physical barriers would need to have been constructed to prohibit the permeation of smoke into non-smoking areas. A violation of the ordinance was punishable by a fine of up to \$500 upon conviction.

By the fall of 1979, GASP, led by GASP President Charles Freefield and Vice-President Dr. Charles Tate, collected the valid signatures of over 10,000 Dade County voters which forced the Dade County Commission either to adopt the proposal or place it on the ballot for a county wide vote. On December 9, 1978, the Board of Commissioners of Dade County, Florida voted to hold a special election.

Shortly after the measure was approved for the ballot, tobacco industry representatives in Florida and nationally quickly began to mobilize and develop a campaign to defeat the initiative. One of the first strategies that was considered and later abandoned was to have the initiative overturned in the courts. According to a R. J. Reynolds internal document, [3] in December 1978, Tallahassee attorney Wilson Wright along with the Tobacco Institute in Washington, D.C. and the tobacco industry's high level joint legal and policy coordinating committee, the Committee of Counsel, were exploring legal options "... to keep the Dade County Commissioners from being forced to act on the initiative." [3] The memo also described the Tobacco Institute's efforts to begin mobilizing political support through its Tobacco Action Network in Florida against the GASP initiative.

The Tobacco Action Network (TAN) was established as an industry sponsored organization in all states including Florida to promote and defend the political and economic interests of the tobacco industry at the state and local levels. [4] It was comprised of a state TAN Director who worked with regional and national Tobacco Institute representatives, a state TAN advisory committee comprised of tobacco growers, wholesalers, retailers, vendors, tobacco company representatives, and the state legislative counsel for the Tobacco Tax Council and the Tobacco Institute. All local and state political actions by state TANs first had to be approved by the Tobacco Institute national headquarters in Washington, D.C. [4] TAN networks also encouraged the involvement of volunteers associated with the tobacco industry in the state to assist in such political activities as attending meetings, testifying, speaking to groups, circulating petitions, and contacting the media. [4]

In January 1979, the tobacco industry, which kept its involvement in the campaign secret for as long as it could, contracted with the political consulting firm of Allem & Associates to develop a campaign action plan that included a proposed budget for a soon-to-be-created organization to fight the GASP initiative known as Dade Voters for Free Choice. [5] [6] The industry also had a preliminary poll conducted in January 1979 by the Houston-based V. Lance Tarrance & Associates polling firm, which indicated that Dade County voters supported the GASP proposal by a margin of 65%-35%, with 5% undecided. [6]

In order to counter this trend, a memorandum by Ernest Pepples, Vice-President and General Counsel of Brown & Williamson, in mid-February stated:

The Tarrance poll also shows that the people will vote against additional intrusion by government if an intelligent effort is made to inform them. A campaign is underway to do just that. The attack theme will be 'Too Much Government' and will stress unnecessary tax costs and costs to businesses required to comply with the proposed ordinance. Just the cost of running this special election (there's nothing else on the ballot) will exceed \$400,000 in taxpayers' money. [7]

The memorandum also stated that a campaign committee had now been formed named Dade Votes for Free Choice, Inc. (DVFFC) to oppose the GASP proposal and:

It was to be headed by Joe Robbie who was the managing partner of the Miami Dolphins. The committee has hired a top-flight professional campaign firm which has prepared a plan of action and is already in motion. Brown & Williamson and other tobacco concerns have donated the necessary funds to launch the program. The committee, of course will seek full cooperation from all elements of the tobacco industry in Florida. [7]
[Emphasis added]

Besides Robbie, the key position of campaign manager was assumed by Jim Krog, a former aide to ex-Democratic Governor Reuben Askew. [7] The industry also agreed that a campaign budget of less than \$900,000 was to be provided to DVFFC. [8] The agreed upon breakdown of the contributions were: 40% for R. J. Reynolds, 30% for Philip Morris, 20% for Brown & Williamson, and 10% for Lorillard.

In addition to the media effort, one of the first steps that Robbie took was to seek the support of "prominent citizens" of Dade County to obtain their commitment to support the campaign against the GASP initiative.[9] According to the Campaign Action Plan produced by the industry's political consulting firm Allem & Associates, they wanted:

...to give our campaign a solid foundation of business support identifying our cause with the larger cause of economic development in Dade County. The canvass should result in a larger committee, identification of special groups that can assist us mechanically in the campaign, and sources of contributions to help finance the campaign. [6]

He initiated this effort by holding a party at the exclusive Palm Bay Club on March 1, 1979. The guests [10] to this party (Table 1) included powerful Dade County insiders from the media, banking, business, union, and political sectors. Also attending the party were tobacco industry executives from Philip Morris, Inc., R. J. Reynolds Tobacco Company, Brown & Williamson Tobacco Company, Lorillard Tobacco Company, and Liggett Myers Tobacco Company. [11] [12]

At about the same time as the Palm Bay Club party, DVFFC also began an effort to meet with "...specialized trade and industrial groups who are likely to be aligned with our position on this referendum." [6] A further effort that the campaign undertook was to organize team captains "...in the condo section of Miami Beach, and the single family dwelling section of North Miami proper." [6] The purpose of the team captains was to increase voter turnout in areas where voters could be motivated by personal contact.

DVFFC also conducted an extensive telephone contact campaign of over 80,000 households. [6] The approach in this campaign was an initial "sensitizing letter" sent to all Dade County households. After the letters were sent, all households were contacted by telephone. From the phone contact it was determined if the household members supported or opposed the initiative and "... the kinds of issues that may sway their opinions." [6] If a household was undecided or could be swayed, a computerized follow-up letter was sent addressing the issue of concern. Following this mailing, a computerized letter was sent to household members that opposed the initiative or could be swayed

TABLE 1. PROMINENT DADE COUNTY CITIZENS WHO ATTENDED THE JOE ROBBIE MARCH 1, 1979 PARTY

1. William L. Vianda--General Manager of WIOD Radio
2. Glenn Rinker--WPLG-TV (Channel 10)
3. Lester Freeman--Executive Director, Greater Miami Chamber of Commerce
4. Neal F. Adams, Sr.--Dade County Commissioner
5. Nicholos Buonicotti--Attorney and Miami Dolphins Middle Linebacker
6. Barry L. Garber--Attorney
7. Cy Mandel--Cye's Rivergate Restaurant
8. Leslie P. Pantin, Sr.
9. Miami Mayor Maurice Ferre
10. Garth Reeves--Miami Times
11. Mr. and Mrs. Robert H. Simms--Community Relations Board
12. Congressperson Claude Pepper
13. Robert L. Shevin, Esq.--First Federal Savings
14. Arnold D. Shevin
15. J. Bernard Shumate, President--National Bank of Florida
16. Charles R. Hadley (campaign worker for Congressperson Claude Pepper)
17. T. Willard Fair, President--Urban League of Greater Miami
18. State Representative Robert Hector
19. Howard Kleinberg, Editor--Miami News
20. Hank Meyer--Hank Meyer Associates (public relations)
21. Talbot D'Alemberte--First National Bank
22. Robert Ellyson, Partner in Charge--Coopers & Lybrand
23. Frank Thorn, General Manager--OMNI International Hotel
24. Claude Lindley, District Sales Manager--Northwest Airlines
25. Pat Tornillo, Executive Director--United Teachers of Dade County
26. Murray Sisselman, President--United Teachers of Dade County
27. William R. Brazzil--WTVJ-TV (Channel 4)
28. Stephen J. Waters, Executive Vice President--Chase Federal Savings & Loan
29. Stuart Thomas, Group Manager--Sears Roebuck and Co.
30. Mr. and Mrs. Kenneth W. Whittaker--former head of the FBI in Miami
31. William S. Ruben, Chair--Jordan Marsh Department Store
32. State Representative James F. Eckhart
33. State Representative Bill Flynn
34. State Representative A.M. "Tony" Fontana
35. State Representative Joseph M. Gersten
36. State Representative John Cyril Malloy
37. State Senator Robert W. McKnight
38. Jerry McSwain, Account Executive--Delta Airlines
39. Ted Tiemeyer, President of Syndications--Keyes Company
40. Walter Revell, President--Post, Buckley, Schuh & Jarnigan, Inc.
41. Tibor Bollo--Florida East Coast Properties, Inc.
42. State Representative Robert Reynolds
43. Richard A. Pallot, Chairman of the Board--Royal Trust Bank of Miami
44. Mr. and Mrs. Jim Bishop
45. Tom Chamberlain and Charles Hogue--Price Waterhouse & Co.
46. Dave Walker, Assistant Vice President--Southern Bell Telephone Co.
47. Marley Halversen--Marriot Hotel
48. Edward J. DiSano--Eduardo's Club Gables

Source: [10] Markel, Edmond, *List of Those Who Attended the Joe Robbie Cocktail Party*. (R. J. Reynolds Tobacco Co. legal document produced in the case of: *State of Minnesota, et. al., v. Philip Morris, Inc., et. al.*, No. C1-94-8565, 2nd District, Minnesota). Minneapolis: Minnesota Tobacco Document Depository; March 2, 1979. Bates No.: 500079 8299 - 50079 8309.

to oppose the initiative. Computerized printouts by address were also provided to the team captains in a get-out-the-vote effort.

Another strategy used by the industry in conjunction with DVFFC against the GASP initiative was to utilize tobacco company employees to work in various capacities for DVFFC. On March 15, 1979 Philip Morris, Inc. indicated in an inter-office memorandum that it was developing a question and answer fact sheet on the campaign along with an invitation to volunteer in the campaign for its exempt Dade County employees. [13] Similarly, in a March 19, 1979 memorandum, [14] Lorillard Tobacco was proposing to give its Dade County sales employees a paid day off on May 8th in the "...event they wish to volunteer to assist in the get-out-the-vote effort." On March 22, 1979, Krog of DVFFC and Tobacco Institute Florida Representative Sandy Walters began to train campaign workers on how to hand out literature, bumper stickers, and work at counter displays. Among the volunteers were "4 or 5 team leaders" from the Brown & Williamson Tobacco Company. [15] In regard to this training, an internal Lorillard memorandum also indicated:

Arthur Stevens called me on 3/29/79 and asked me what went on at the meeting. The only people that attended were cigarette personnel.

| | |
|-----------|---------|
| Lorillard | 1 |
| R.J.R. | 1 |
| P. Morris | 20 |
| L + M | 2 |
| A.T. | 0 |
| B + W | 4. [16] |

In comparison to the approximately \$900,000 that the industry raised for DVFFC to defeat the initiative, GASP was able to raise close to \$10,000 [17] and thus was outspent by the industry by about 90 - 1. Despite this large disparity, GASP was able to run some television advertisements to counter the DVFFC's campaign advertisements. GASP was able to accomplish this due to the Federal Communication Commission's Fairness Doctrine, which was in force at the time. The Fairness Doctrine required private broadcasters on public airwaves to air both sides of a controversial issue by responsible spokespersons if one position had already been aired by the station. The advertisements that GASP ran for free at about a one to four ratio to industry and DVFFC paid ads, were borrowed from the proponents of California's 1978 Proposition 5 clean indoor air initiative. [17] The ads featured Hollywood celebrities such as Charlton Heston and Cornell Wilde arguing for fairness towards nonsmokers by allowing some areas in public and private buildings to be smoke-free. Some of the ads also emphasized that large tobacco companies were spending a large amount of money to distort the facts about the initiative. [18] GASP's primary print media campaign advertisement theme which was: "Be Fair! Vote for Clean Indoor Air, May 8th, Okay" [18] also emphasized fairness by smokers towards non-smokers regarding smoking in public buildings.

GASP received little or no campaign support from the local affiliates of the American Cancer Society, American Heart Association, and American Lung Association. At one point during the campaign frustrated GASP members picketed the local office of the American Cancer Society. [17] The local affiliate of the American Cancer Society took the position that the best means to reduce smoking was through education and not legislation. [17]

By mid-to-late March 1979, an internal tracking poll completed for the industry and DVFFC by V. Lance Tarrance & Associates indicated that the industry's advertising campaign was beginning to have a major impact. The poll results indicated that Dade County voters were nearly even with 47% in favor and 45% opposing the GASP initiative. [19]

As the election date drew near, industry officials were also concerned about the public perception that the entire opposition campaign was conducted by the tobacco industry. In regard to this concern, a Brown and Williamson memorandum indicated:

The general philosophy reflected in the attached statement is: No Gloating in success, no anger in reverse, no apology for spending, no criticism of the adversary, no put-down of anti-smokers. Any comment by BWT should be short and flat, directing the media to Joe Robbie for further details. The other companies are adhering to the foregoing principles, which were also observed in connection with the victory in California. It was resolved to have the principal statements issued by local citizens who are volunteers in the effort to defeat the ordinance. This is consistent with the structure of Dade Voters for Free Choice which features the leadership and involvement of Miami citizens and businesses. We do not want the companies to be perceived as suddenly pulling off the Dade Voters' masks and saying, in effect, 'Yeah. Yeah. It was us all along. [20]

On May 8, 1979 Dade County voters narrowly defeated the GASP initiative, by 820 votes, 95,692 (49.8%) for and 96,512 (50.2%) against. The electoral win by the industry's DVFFC, helped to promote and maintain the industry's position and reputation of opposing any challenge locally and nationally regarding the regulation of tobacco products. [21]

In a post election analysis, the industry also believed that the closeness of the vote was due to a low turnout of about 20% in a special election costing the industry and DVFFC "...about five or six percentage points." [22] The industry believed that if the election had a sizeable turnout, then the margin of success would have been comparable to the vote percentage difference in the 1978 California Proposition 5 initiative. [22]

Other factors that the industry attributed to the closeness of the vote as a result of information obtained in a post election poll by V. Lance Tarrance & Associates, included:

... unlike California, the undecideds in Dade County split evenly instead of favoring our position. Another difference from California is that the group making up its mind on election day went against us.

Media penetration was about the same in Dade County as in California.

The campaign in Dade County, however, got off on the wrong theme. The free choice/right to smoke/civil liberties (i.e. you shouldn't take people's rights away) did not play well. We should have stuck to the California theme of government intrusion. For example, former smokers who constitute a swing group, were not converted to our side this time. In California, 52% of the former smokers voted our way whereas in Dade County only 45% voted against the ordinance. The right-to-smoke theme failed to convert the former smoker. [22]

Given the closeness of the election, it is also likely that the initiative would have passed had the large voluntary health agencies provided even modest support.

THE 1980 DADE COUNTY INITIATIVE

Shortly after the 1979 initiative, GASP began an effort to have Dade County Commissioners adopt a similar version of the clean indoor air ordinance which had just been narrowly defeated. The major difference between the first GASP proposal and the second one was that the fine for a violation of the ordinance was reduced from \$500 to \$200. [23] On

September 18, 1979, the Dade County Commissioners voted by 6 - 3 against a motion sponsored by GASP to adopt a clean indoor air ordinance. [23] As a result of the vote, GASP began to organize another initiative drive to have the issue placed on the ballot during the Florida presidential primary election in September 1980.

Meanwhile, another group of Dade County citizens had formed a committee named the Citizens' Committee on Clean Indoor Air (CCCIA) which was chaired by Athalie Range, who was (and still is) an African-American funeral home owner. The CCCIA objective was to develop a more moderate ordinance to the GASP proposal. Dr. Charles Tate, who was one of the leaders of the first GASP initiative, also worked very closely with the CCCIA. [24] [25] His presence on the CCCIA was not known to GASP President Charles Freefield in early April 1980. Freefield was quoted in the *Miami Herald* as saying:

...he didn't know about the Range group. And he expressed amazement that one of GASP's key officers had joined the Clean Indoor Air committee. 'I can't believe that anything they will propose will be more adequate than what we have written,' Freefield said. [26]

Despite this lack of communication and unified effort, on April 15, 1980, Dr. Tate and Miami GASP leader Charles Freefield approached the Dade County Commission in a united front to formally present a petition for an alternative initiative to CCCIA on clean indoor air. The petition was approved, without objection, by the Dade County Commission. At the presentation, Dr. Tate also promised:

...the petitions would not be placed in restaurants and that he would work closely with the group calling themselves the 'Citizens Committee on Clean Indoor Air' which is attempting to draft a smoking restriction ordinance rather than go the initiative route. The Committee includes members of anti-smoking groups as well as members of the business community that would be affected by the implementation of such an ordinance. Dr. Tate offered to drop GASP's petition effort if the Committee arrived at a solution deemed workable by all sides. [27]

The CCCIA proposal which was formally presented to the Dade County Commission on June 3, 1980, called for the restriction of smoking in: "... commercial buildings establishments (including retail stores, restaurants, and office buildings) public transportation vehicles, elevators, educational and cultural facilities, health care facilities, indoor entertainment and recreation facilities, and workplaces." [28] Despite Dr. Tate's earlier public call to work out a compromise, there were three notable differences between the GASP proposal and the CCCIA proposal. Unlike the GASP proposal, the CCCIA proposal exempted from non-smoking restrictions, restaurants with less than 50 seats, facilities with installed and approved mechanical air filtration devices, and all public places under 1250 square feet of floor space which were under common management and had single or related activities. The Dade County Commissioners took no action on the proposal. Two of the five Commissioners, however, did publicly agree to study CCCIA's proposal. [28]

On August 13, GASP's initiative petition signatures were validated by the Dade County Election Department. The validation had occurred through a random sample of the petition signatures. However, the Greater Miami Hotel and Motel Association, the Miami Chapter of the Florida Restaurant Association, and the Florida Restaurant Association successfully challenged the random sample method in court and required the signatures to be validated signature-by-signature. This delayed the vote on the GASP proposal from the October 7, 1980 runoff election to the November 4, 1980 general election. In August 1980, an industry analysis of

the competing clean indoor air proposals noted that it was in the industry's interest to have the GASP proposal delayed from the October 7 election to the November 4 election when the voter turnout was expected to be much higher and thus more favorable to the industry. [29]

On September 2, 1980, the Dade County Commission, by a 5 - 3 vote, passed the CCCIA proposal in a first reading. Among the endorsers of the CCCIA proposal were the Miami chapter of the Florida Restaurant Association, the Greater Miami Chamber of Commerce, the Greater Miami Hotel and Motel Association, the League of Women Voters, the Dade-Monroe Lung Association, the Miami chapter of the American Heart Association, and the Miami chapter of the American Cancer Society. [26] [27] A second reading was scheduled for September 16. [30]

A new poll also completed for the industry at that time by V. Lance Tarrance & Associates indicated that 54% of Dade County voters supported the GASP proposal and 42% were against with 4% being undecided. The Tobacco Institute believed that the closeness of the percentages with the ability to change voter opinion through advertising and campaigning approaches made Dade County "a winnable situation." [31]

On September 16, 1980, in a 5 - 4 vote, the Dade County Commissioners rejected the CCCIA proposal in the second reading. This meant that the CCCIA proposal was now dead, leaving the GASP initiative as the only surviving clean indoor air proposal. According to Miami GASP member Andrew Geil who took an active role in both GASP campaigns, this vote was very harmful to GASP because they had to spend at least six weeks fighting the CCCIA proposal instead of promoting the second GASP proposal. He believed that the reversal of the vote by the commissioners was a ploy "to take GASP out." [17]

The Tobacco Institute's Executive Committee voted to provide a budget of \$521,000 in a 60-day campaign against the GASP proposal. [31] The name of the committee to oppose the second GASP proposal was Floridians Against Increased Regulation (FAIR). Jones Goldman & Company of Connecticut, which had considerable experience with Dade County issue campaigns, was hired to advise and run the campaign. The campaign vice-chair of FAIR was Miami attorney Barry Garber [27] who also attended the original Palm Bay Club party hosted by Joe Robbie and the tobacco industry during the 1979 GASP initiative (Table 1).

One strategy used by the industry in the second initiative was to avoid TV ads and instead use radio ads, which primarily targeted the Hispanic and African American communities. Print media ads also targeted these communities as well as all other communities. [32] The reason [32] the industry excluded TV ads was that the Fairness Doctrine allowed GASP in the 1979 initiative campaign to run its own television ads that countered DVFFC's ads. The industry wanted to avoid giving GASP free television air time the second time around.

As in the first initiative, the industry utilized company employees to participate in FAIR's effort. Among other activities employees were utilized to assist in, were election day get-out-the-vote efforts, distributing campaign material to retail outlets, and monitoring radio and television talk shows. [33]

The campaign themes used by FAIR in the second election was passage of the GASP proposal would mean more regulation, fewer police officers enforcing other criminal activities, and wasted tax money. In one print advertisement, FAIR's message argued: "It Could Happen

Here. If the no-smoking Regulation Wins Everybody will lose. Fewer police on the streets! Relocation at work! Wasted tax money! An issue that will further divide our community! Another basic freedom lost! Enough is Enough! Vote Against More Regulation!" [34]

By contrast, GASP was able to raise \$3,200 in the second initiative campaign. This meant that they were outspent by the industry by a margin of about 130 - 1. Because of the small campaign budget, GASP was precluded from running television advertisements. GASP's media campaign was primarily done through the print media. Due to GASP's small budget, the small number of advertisements that ran in local newspapers was primarily limited to about a tenth of a page. [17] A major theme of the ads which were reflected in one of GASP's larger ads (which was four by five inches and cost about \$600) was that smoking causes a variety of medical costs due to sickness and death. [17]

On November 4, 1980, the vote for the second GASP initiative was 217,854 (47.6%) for and 240,151 (52.4%) against. [35] The vote difference of those against the initiative had jumped from 820 in the first campaign to 22,297 in the second campaign. The percentage of votes against had also risen from 50.2% in 1979 to 52.4% in 1980. Also, the number of total votes had sharply increased from 192,204 in 1979 to 458,005 in 1980. After the results came in, GASP President Charles Freefield was asked if GASP would try a third initiative attempt. He replied:

I'm not saying we're not and I'm not saying we will... We're going to have to reevaluate the situation. But it seems that the people of Miami have a death wish. [35]

As it turned out, this was the last time Miami GASP attempted to enact a clean indoor air ordinance in Dade County.

OTHER LOCAL TOBACCO POLICY MAKING IN THE LATE 1970s AND EARLY 1980s

Before and after the Dade County initiative campaigns were being waged, a number of other significant clean indoor air campaigns were being waged in various parts of Florida. Clean indoor air proposals occurred in Collier County in 1978, Leon County in 1979, the City of Zephyrhills in 1979, the City of Tallahassee in 1979 and again in 1984, Palm Beach County in 1979, Lee and Charlotte Counties in 1981, Manatee County in 1982, the City of Punta Gorda in 1982, the City of Ormond Beach 1983, Martin County in 1983, the Cities of Dunedin and Gainesville in 1984, and the Cities of Ocala, Jacksonville, and Inverness in 1985. The following is an overview of each of these campaigns.

Collier County

Tobacco industry representatives from Lorillard and R. J. Reynolds first learned of the proposed clean indoor air ordinance for Collier County in late November 1977. [36] The ordinance was sponsored by a local group called Right to Breathe, which included two Collier County Commissioners as well as other prominent citizens of Collier County. [36] The proposed ordinance prohibited smoking at all public meetings in museums, the courthouse, libraries, auditoriums, theaters, and all mercantile stores. It called for separation of smokers and nonsmokers in restaurants with over 100 seats, all public sales and service areas, educational institutions, hospitals, and nursing homes. Bars were exempt from the smoking prohibitions. Violation of the ordinance was punishable by a fine of \$500 and/or 60 days in jail. [36] A

hearing on the proposed ordinance was to be held by the Collier County Commissioners on January 10, 1978.

The tobacco industry quickly mobilized to defeat the proposed ordinance. Lorillard and Brown & Williamson sales representatives contacted local retailers who sold cigarettes to call the Commissioners to oppose the ordinance and also attend the upcoming hearing. The news media was also contacted. [36] According to an internal Tobacco Institute document about Jim Ward, Sales Representative of the Brown & Williamson Tobacco Company:

...through his Fort Myers contacts, was able to obtain great media coverage from the local stations WEVU-TV, WBBH-TV, WINK TV and Radio. WEVU editorially denounced the ordinance.

Also contacted for support or information by John Bankhead, Southeast Public Affairs Manager for the Tobacco Institute, were:

Donald Pickworth, County Attorney; Thomas Peek, President, Naples Area Chamber of Commerce; Jack McGregor, Southland Corporation; John West, Resident Manager of the Marco Beach Hotel; an assistant to Chuck Cavill, President of the Motel/Hotel Association; Tom Schmader, Owner of the Tobacco Box; the owner of the Boston Stoker South; Mrs. Jim Patton, Manager of Tobacco Road; and Party Pantry. [36]

On January 10, 1978, about 90 people showed up for the hearing. It was estimated that sixty were in favor of the ordinance and thirty opposed it including several prominent retailers in the area. [36] Three citizens testified against the ordinance, including Ron Jordan of the Florida Restaurant Association. Six citizens testified in favor of the ordinance emphasizing the health hazards of smoking. After the testimony, the ordinance was defeated in a first reading by a vote of 3 - 2. However, the same clean indoor ordinance was eventually reconsidered and passed by the Collier County Commission on May 23, 1978.

On April 3, 1981 Collier County Judge Thomas Trattis ruled that the ordinance was unconstitutional. [37] The ruling was based on an arrest of an individual who was smoking in a bank line and charged with a criminal misdemeanor. The judge ruled that the ordinance was vague and allowed an unreasonable use of the police power.

On August 28, 1981 a new ordinance was proposed by Right to Breathe that was similar to the old ordinance with one major exception. Tobacco industry and restaurant representatives lobbied the Commissioners to reduce the designated non-smoking floor space in public buildings from 50% to 35%. [38] The new ordinance with the tobacco and restaurant industry's amendment passed by a 4 - 1 vote.

Leon County

On October 9, 1979 the Leon County Commission held a hearing on a proposed clean indoor air ordinance. The ordinance prohibited the smoking of tobacco in public buildings, with a violation of the ordinance punishable by a fine of not more than \$100. [39] The tobacco industry presented testimony at the meeting through Florida TAN Director Sandra Walters and Tobacco Institute Legislative Counsel Wilson Wright. Also attending the hearing were tobacco industry employees who sat in the audience but did not testify. [39]

After listening to the testimony, the Leon County Commissioners voted 3 - 2 to defeat the proposed ordinance. Instead, Commissioner Gayle Nelson suggested that the issue might be placed on the ballot as a straw vote to determine public sentiment of the proposal. [40] However, the two Commissioners, Bob Henderson and Jim Crews, who voted for the ordinance said they opposed the idea. Crews stated: "We already have a good gauge of how the people feel about this from the public hearing." [40] Local anti-smoking activist, Bob Hurst (who helped to sponsor the defeated ordinance) also opposed a straw vote.

The industry also opposed a straw vote. According to the Tobacco Institute's Legislative Counsel Wilson Wright:

As somebody said at the public hearing, we have an elective form of government to make these decisions. And once those decisions are made, you should accept that.

At what point do you stop filling the ballot with issues?

I question the legal basis for a referendum, since we don't have a charter. Unless you're under a charter form of government, I don't know of any authority to conduct a referendum. [40]

After the hearing, the issue quietly faded away with a straw vote on the smoking issue never occurring.

City of Zephyrhills

In Zephyrhills, a clean indoor air initiative sponsored by anti-smoking activist and bookstore owner G. Don Kosuth [41] appeared on the April 5, 1979 ballot. The ordinance proposed to prohibit smoking in elevators, buses and taxis, school buildings, libraries, city council chambers, other public buildings, business or professional outlets open to the public, meeting halls, assembly halls, and other enclosed areas where two or more people were present. The ordinance also called for a \$50 fine for the first offense with a judge determining the number of days in jail for additional offenses. [42] Instrumental in fighting the proposed ordinance was the Tobacco Institute, which contributed \$488.20 to defeat the measure. This included the cost of two newspaper ads and a direct mailing to 500 targeted households. [43] According to an internal memo by Philip Morris' Director of Public Affairs, Bernie Robinson:

The campaign against the anti-smoking proposal is being conducted totally by local citizens with some guidance from John Bankhead, the Tobacco Institute Area Manager.

In his January 24 memo to Jack Kelly, John Bankhead stated as follows: the plan will be simple and unsophisticated to stay in line with the campaign methods of local politicians so that the impression of industry presence is minimized and will utilize resources such as the local grapevine to the fullest extent possible. [43]

Also instrumental in fighting the proposed ordinance was a coalition of smokers and business owners who formed an organization called Citizens for Responsible Government. Leading this effort was Zephyrhills restaurant owner Larry Miller. [43]

The initiative lost by a margin of over 2 - 1. The final vote was 200 voting yes and 512 voting no. The percentage of city voters who actually voted on the initiative was about 22%.

City of Tallahassee

In early October 1983, three organizations, including the Tallahassee chapter of the Group Against Smoking Pollution (GASP), the Big Bend Branch of the American Lung Association, and Other Citizens of Tallahassee (OCT) presented a proposed clean indoor air ordinance to the Tallahassee City Council. [44] The proposed ordinance allowed smoking in private, enclosed offices of public buildings. It prohibited smoking in all other areas of public buildings. It also prohibited smoking in the general service areas of retail and service-oriented businesses, all malls in general traffic areas outside specific businesses, all private auditoriums (except on stage when smoking was part of a performance), movie theaters, and the waiting rooms of health care facilities. Restaurants with a seating capacity of more than 50 were also required to create a non-smoking section for at least one-third of the seating capacity. [44]

Opposition to the proposed ordinance came from the local chapter of the Lodging and Restaurant Association and the Florida branch of the Tobacco Institute. John Harvey who was the president of the Lodging and Restaurant Association, argued that the proposed ordinance was unnecessary because non-smoking sections in restaurants should be created voluntarily upon customer demand. [45] Jack Shoemaker of the Tobacco Institute also argued that the ordinance was attempting to “legislate morality,” would “make criminals out of smokers,” would place an undue burden on the police who “really have better things to do with their time,” and would cost the taxpayers thousands of dollars. [45] He also stated that groups like GASP and the American Lung Association who supported the ordinance were “militant.”

By mid-December 1983, city staff prepared a revised version of the ordinance, which was weaker than the ordinance originally proposed. In the later version, smoking was prohibited in elevators, theaters and auditoriums, public waiting and meeting rooms of government owned or leased buildings, museums and galleries, public conveyances except taxis, health care facilities, and public libraries. Missing from the later version of the ordinance was the prohibition of smoking in all other private businesses, including restaurants. [46] Instead, in this latest version, private businesses including restaurants were given the option of voluntarily complying with the ordinance by posting a sign. In January 1984, the City Council adopted, after a second reading, this weaker version of the clean indoor air ordinance. Anti-smoking advocates stated that the law was “...little more than the foundation for a stronger one in the future.” [47]

In August 1984, amendments to the clean indoor air ordinance addressed smoking in retail stores, restaurants, and banning free cigarette samples to the public. [48] The amendments included requiring restaurants with seating capacity of more than 25 people to set aside at least 30% of their floor area as a non-smoking area. However, restaurants were given the option of opting out of the ordinance if they publicly advertised they had done so. Also, another amendment prohibited smoking in retail stores that could accommodate more than 100 people or employed more than 25 people. [49] A public hearing before the City Council to discuss the proposed amendments was scheduled on October 23. The tobacco industry immediately mobilized in a full campaign against the proposed amendments to the ordinance. TAN volunteers were asked to contact the City Council members to voice their opposition to the amendments. [48] In early November, the City Council adopted the new amendments strengthening the ordinance.

Palm Beach County

In mid-1979, the American Lung Association of Southeast Florida's Smoking Deterrent Committee in conjunction with Palm Beach County Commissioner Dennis Koehler sponsored an ordinance to prohibit smoking in public places. [50] The ordinance as it was originally introduced, proposed to prohibit smoking in public and commercial buildings which was defined as including restaurants and public meetings, except in designated smoking areas. The designated smoking areas were not to exceed more than one-half of total floor space, except bars which could have smoking areas in 100% of their floor space. Public places which had a floor space of less than 400 square feet could not have a designated smoking area. [50]

On August 3, 1979, the Palm Beach County Department of Environmental Regulation asked for comments on the proposed clean indoor air ordinance. By September 25, 1979, a revised fifth draft of the ordinance was sent out for public comment. [50] In this draft, places of employment not frequented by the public, bars, and restaurants with a seating capacity of 50 seats or less were exempt from the ordinance. Smoking areas could be designated based on floating areas due to customer demand, fixed areas not to exceed more than one-half of the floor space, or a combination of these two prior options. On August 18, 1979, the Commission passed this version of the ordinance.

In mid-February 1980, the American Lung Association presented the Commissioners a petition with 6000 signatures for the enactment of a newer version of the ordinance. [50] This petition was referred to the county counsel for legal review. On May 15, 1980, the Commissioners voted to refer the ordinance back to the county counsel for further review. [50]

The continual revisions and delays in the ordinance were due to objections by the local chapter of the Florida Restaurant Association, the local chapter of the motel and hotel association and the tobacco industry. According to a fall 1980 edition of the tobacco industry's TAN Florida Newsletter:

In Palm Beach County the act is the seventh in a series of draft proposals submitted for the commission for approval. The previous six were unacceptable to local business groups or found to be legally vulnerable, meaning they could not withstand a court challenge. The local restaurant and lodging associations have worked long and hard together with TAN volunteers in the area to ensure the voice and rights of smokers are heard and respected. The commission has approved the measure on first reading and scheduled a public hearing over strong objections of the Tobacco Institute (T.I.). The Institute, the trade association of the tobacco industry, remains steadfast in its opposition to any further government intrusion into the daily lives of private citizens. [51]

The TAN newsletter also noted that TAN volunteers from Lorillard Tobacco Company and Philip Morris were lobbying intensely to obtain three out of five votes necessary to kill the proposed ordinance. [51]

After the second version of the seventh draft was produced, the Commission voted 3 - 2 to place the matter for a vote at the next regularly scheduled commission meeting. On Tuesday July 29, 1980, the Palm Beach County Commission approved the ordinance in a first reading by a vote of 3 - 2. Under this version which was similar to the fifth draft, smoking was prohibited in restaurants and other public and commercial buildings. Bars and restaurants with less than 50 seats and small public places were exempt. Like the fifth draft, smoking areas could be designated by owners in response to customer demand, in a fixed smoking area not to exceed

50% of the floor space, or a combination of both of these options. [52] The American Lung Association of Southeast Florida, as well as local and state affiliates of the Florida Restaurant Association supported this version of the ordinance. [52] Opposing the ordinance was the Tobacco Institute, which warned the County Commission:

...that if they approved the ordinance, it could start the ball rolling for other areas to pass similar ordinances resulting in the possible 'dismantling' of the (tobacco) industry. [52]

On August 26, 1980 the County Commission by a 3 - 2 vote adopted this latest version of the ordinance.

Lee County

In late 1980, the American Lung Association of Southeast Florida approached the Lee County Commission to consider adopting a clean indoor air ordinance, which was identical to the one adopted by nearby Collier County. [53] The presentation was made by Dr. Vernon C. MacKenzie who was a retired assistant surgeon general of the U.S. Public Health Service. After the presentation, the Commission instructed the county counsel to review the proposal. A public hearing was subsequently set for February 12, 1981. [53]

The tobacco industry immediately began to mobilize with the assistance of its TAN volunteers to defeat the proposal. [53] At the hearing, proponents of the ordinance stated it was necessary to protect the health of non-smokers. Opponents of the ordinance stated that it was unenforceable and anti-business. One leading opponent who testified was Joe Miller [54] who represented the Lee County Restaurant Association. At the hearing, he told the Commission:

We should not be in a position to moralize on this. On behalf of the Lee County Restaurant Association, the food service industry objects to this ordinance. We provide a service--no one is forced to come to our establishments. It's not enforceable, and would be a nuisance to all concerned. [54]

After the testimony, the commission took no action. Instead, they agreed to have a workshop on the issue in the near future. Despite this interest in public workshops on the issue, no clean indoor air ordinance was subsequently passed and the issue quietly faded away.

Charlotte County

In August 1977, Charlotte County Commission adopted an ordinance prohibiting the smoking of tobacco products in some public places. On October 27, 1981 a clean indoor air ordinance proposal at a public hearing was made by the local chapter of the American Lung Association and the group Right to Breathe that was designed to strengthen the old ordinance. [55] The tobacco industry immediately began to mobilize through its TAN volunteers to defeat this new proposed ordinance. [55]

Before passage of the ordinance, Doug Sessions of the Tobacco Institute argued before the County Commission, that the Commissioners had inappropriately made a determination that secondhand smoke was harmful. He further stated that:

...no evidence has proved that smoke has a physiological effect on the non-smoker, though it may stimulate physiological responses.

The United States Government has not determined tobacco smoke is injurious to the health of a non-smoker. The evidence is by far incomplete and unconvincing. [56]

Commission Chair Robert Shedd, a doctor, arguing against Session's testimony and in favor of the ordinance stated:

There's no question in my mind... the tragedy of tobacco on human lives is incalculable.

Even the few doctors who smoke--and there aren't many of them left--can see the effects of tobacco first hand--admit that it's stupid and it's hurting them. The only reason they are doing it is because they are addicted and they can't quit. [56]

On December 8, 1981 the Charlotte County Commission enacted the ordinance. The ordinance prohibited smoking in elevators, retail, grocery, and food stores which employed more than eight people, health care facilities except private rooms, public meetings attended by more than eight people, government buildings with public access, theaters, art galleries, libraries, museums, and other cultural facilities supported by public funds. [56] Exempted from the ordinance was smoking in theater lobbies, office and work areas not open to the public, public areas between stores in shopping malls, restaurants, and bars. [56] A violation of the ordinance was a criminal misdemeanor with a fine of up to \$500 and up to 60 days in jail. [56]

Manatee County

On June 8, 1982, the Manatee County Commission instructed county counsel to draft a proposed clean indoor air ordinance. The request for the ordinance came from the local chapter of the American Lung Association. On June 29, 1982 a public hearing was held in Manatee County. The proposed ordinance [57] prohibited smoking in elevators, areas of government buildings in which the general public had usual access, areas in schools where students and the general public had usual access, school buses, conveyances except taxis, any theater except where smoking is part of the production, any indoor facility financed with any public funds, and retail stores except in walkways which connect stores. The proposed ordinance also allowed the owner of a premises to designate separate rooms or areas where smoking was permitted. The penalty for violation of the proposed ordinance was a criminal misdemeanor.

The tobacco industry immediately began a drive to oppose the ordinance. A June 18, 1982 letter by Douglas Sessions of the Tobacco Institute and Florida TAN in an effort to seek support of local TAN volunteers warned:

As you are aware, this proposal is yet another example of increased needless governmental intrusion into the daily lives of citizens.

I need your help in objecting to this proposal which is unnecessary, infeasible, and totally unenforceable. If you agree that we need less government interference and less regulation in our daily lives, I urge you to write letters to the Chairman and members of the Commission expressing your opinion and making known your opposition. [58]

Despite the industry's efforts, on July 6, 1982, the Commission adopted the new ordinance.

City of Punta Gorda

In December 1981, the local chapter of the American Lung Association and the group Right to Breathe approached the Punta Gorda City Council to adopt an ordinance similar to the one that had been adopted in Charlotte County. The ordinance prohibited smoking in elevators, any retail store with more than eight employees, food stores with more than eight employees, any public meeting attended by more than eight people, theaters, except where smoking is part of the dramatic performance, art galleries, museums, public transport or transport used by the public except taxis, and government buildings where the public has access to the normal course of business. The ordinance also allowed designated smoking areas in external enclosed areas of malls and shopping centers, lobbies of theaters, work areas not entered by the public during normal work hours, tobacco shops, in-patient sleeping quarters of non-ambulatory hospital areas where the doctor writes an order allowing smoking, governmental buildings where the use is for activities other than governmental purposes, and private clubs. Violation of the ordinance was punishable as a criminal misdemeanor with fines of up to \$500 and up to 60 days in jail. [59] The Council asked the city attorney to review the proposal and report back to them in their January meeting. On January 20, 1992 the city attorney informed the Council that:

...the ordinance, in his opinion, could be successfully challenged in a court of law. Although he believed smoking could be regulated by government, it was his opinion an ordinance of this nature could not withstand legal challenge until tobacco products was banned completely by Congress. He based his opinion on decisions handed down concerning the exchange of air (ambient smoke) addressed in Collier County, Florida and Newport News, Virginia decisions. [59]

After some discussion among the council members, a public hearing was called for on February 3, 1982. [59] The tobacco industry mobilized against the proposed ordinance by developing alliances with business people and by mobilizing local TAN volunteers to contact the council members voicing their opposition to the proposed ordinance. [59] [60]

At the hearing, John Read of Right to Breathe testified. So did Douglas Sessions, Jr. who was the state director of the Tobacco Institute for Florida. After some debate among the Council members, Mayor J. J. Reilly called for a motion to consider the proposal for a second reading. No Council member called for the motion. The mayor then ruled the proposed ordinance was dead due to a lack of a motion for a second reading. The tobacco industry believed that this political victory was due to its mobilization and support by TAN volunteers. [61] As was noted in an internal industry document:

The attached [newspaper article] will be of interest in view of the current anti-tobacco sentiment in south Florida. It has been quite some time since the pro-tobacco forces won so handily. Doug Sessions' fine efforts, your interest and work of your sales representatives who took the time to make the phone calls is much appreciative. As the article indicates, it made a difference with Mayor Reilly. [62]

City of Ormond Beach

On April 26, 1983 the American Lung Association made a presentation regarding the potential adoption of a clean indoor air ordinance. An initial hearing was held on the proposal on May 31. Before the hearing, the tobacco industry obtained the signatures of over 1000 people opposing the proposed ordinance. The industry also contacted numerous local businesspeople urging that they contact the Ormond Beach Council members to oppose the ordinance. [63]

On July 19th after public testimony by Jack Shoemaker of the Florida TAN and Gordon Kipp of the American Lung Association, the Ormond Beach City Council voted in a first reading to conduct a straw ballot on the question. [63] After the vote, the Florida TAN issued the following statement:

We're very disappointed in the vote of the City Commissioners of Ormond Beach on this matter. We think it unfortunate that the commissioners let the emotionalism of the issue prevail over the facts. We agree with Commissioner Bill Callum who indicated that referenda ought to be held for important issues, not an annoyance issue like this. We hope that the citizens of Ormond Beach will vote against the question when it is placed on the ballot in November. It's too bad that the city's going to have to spend money to get its electors to vote on an issue that we feel is unreasonable, impractical, unnecessary and unenforceable. [63]

On August 2nd, the industry through an intensive lobbying effort, was able to convince the Council to delay final consideration until September 20. [64] On August 24th, a nine-person committee appointed by the mayor met to consider possible language for the straw ballot initiative. On August 25, the local motel and hotel association came out against the ordinance. On September 20, the nine-person commission voted to recommend to the City Council that the language of the straw ballot should be: "Should the City Council adopt an ordinance to regulate air quality standards in private business establishments?" However, the City Council, in a second reading, tabled the motion for a straw vote. The reason the motion was tabled was that Council members publicly suggested that the American Lung Association, the Chamber of Commerce, and the local chapter of the Florida Restaurant Association should work on a compromise version of the ordinance. The compromise version of the ordinance was never written. Subsequently, the proposed ordinance was never reintroduced and became a dead issue.

Martin County

An ordinance similar to the one that passed in Palm Beach County [65] was heard by the Martin County Commissioners on August 25, 1983. The hearing occurred due to a petition that was signed by about 500 residents supporting a clean indoor air ordinance. [66] The petition and ordinance was drafted by the American Lung Association of Florida. The industry immediately began efforts to mobilize its TAN volunteers to oppose the proposed ordinance. [66] Shortly after the hearing, a straw poll of Chamber of Commerce members indicated that 63% favored a clean indoor air ordinance. [67]

At the September 12, 1983 hearing, anti-smoking advocates argued that people with respiratory ailments should be able to go to public places without being exposed to tobacco smoke. Jack Cannon, who was the chair of the American Lung Association's Lung Disease Prevention Committee told the Commissioners:

It's only reasonable and just that people with respiratory ailments be able to go to public places without indiscriminate exposure to tobacco smoke. [67]

However, Jack Shoemaker of the Tobacco Institute argued that there was no evidence that secondhand smoke was harmful. According to Shoemaker, public demand of businesses and not government ordinances should be the basis for segregating smoking and non-smoking areas. [67]

After the testimony, the Commissioners decided to review various proposals for future consideration. After due consideration, on December 6, 1983, the Commission passed a clean indoor air ordinance which was similar to the proposed ordinance originally introduced.

City of Dunedin

In early April 1984, the Fire Department of the City of Dunedin had been developing a proposal to restrict and prohibit smoking in public and private buildings. The industry immediately began an effort to mobilize opposition to the proposed ordinance through its TAN volunteers. [68] The proposed ordinance never made it for consideration before the City Council.

City of Gainesville

The idea for a clean air ordinance for the City of Gainesville first occurred due to a letter sent on April 24, 1984 by the Alachua County Medical Society to the Gainesville City Council. [69] At a public hearing, which occurred on May 7, the matter was referred to the Operations Committee of the Gainesville City Council for further deliberation.

Before the final August 28 meeting of the Operations Committee, the *Gainesville Sun* ran two strong editorials supporting a non-smoking provision in private workplaces. The Operations Committee met on August 28 to finalize a fourth and final draft of a clean air ordinance, which it presented to the City Council at its September 10th meeting. The proposed ordinance, which contained some provisions of an ordinance recently adopted in San Francisco, [69] allowed smoking in not more than 33% of public areas of government buildings. In confined and non-public work areas of government buildings, smokers could negotiate for a designated smoking area. If an agreement could not be reached, the non-smokers would prevail and the area would be designated non-smoking. [69]

The ordinance also allowed smoking in not more than 67% of public areas of privately operated and owned buildings. In confined and non-public work areas of private buildings, smokers could also negotiate for a designated smoking area. If an agreement could not be reached, the non-smokers would prevail and the area would be designated non-smoking. Public areas in private buildings in this ordinance was defined as areas in restaurants, retail stores, lobbies of banks, hotels, theaters, and waiting rooms of health care facilities and professional offices. [69]

The tobacco industry took several actions to counter the proposed ordinance. It mobilized its local TAN volunteers to contact City Council members to oppose the proposed ordinance. In addition, Jack Shoemaker, Regional Director of the Tobacco Institute personally contacted 150 business owners to oppose the ordinance. He also contacted the Gainesville Chamber of Commerce seeking their opposition to the proposed ordinance. The Chamber of Commerce sent a survey to its members which was later released to the city council. The survey indicated that a majority of the business owners favored restrictions on smoking in public and private places. [69]

The industry also contacted the *Gainesville Sun*, but had no success convincing the editors to oppose the proposed ordinance. In addition, the industry contacted former city council members, University of Florida officials, and the Florida Farm Bureau to assist in opposing the proposed ordinance before the City Council. [69] However, privately the industry conceded that:

The situation is not good at this point with all indications showing that the commission will pass this ordinance by a 4 to 1 vote at best. We will attempt to convince the commission to water down the present proposal by excluding the private sector. [69]

On September 25, 1984, the Gainesville City Council reviewed the ordinance recommended by the Operations Committee. During the hearing, the Tobacco Institute representative Attorney Dick Jones (who was a former Gainesville City Council member) argued that planning board review was required first before passage of the ordinance. [70] Also representing the Tobacco Institute was former U.S. Air Force Surgeon General George Schafer who stated that there was no evidence of a health problem due to secondhand smoke. [70] Despite these arguments, on October 23, 1984, in a first reading, the ordinance passed by a vote of 5 - 0. On November 5, 1984, in a second and final reading, the Council passed the ordinance, again, by a vote of 5 - 0.

City of Ocala

On December 18, 1984, a clean indoor air proposal was presented to the Marion County Commission. The Marion County Administrator suggested that the proposal should be submitted to the City of Ocala, which is the main city in Marion County, since it would only affect rural unincorporated areas. In anticipation of the submission the tobacco industry immediately began to mobilize against the ordinance. [71] Their plan of action included: one-on-one meetings with the Ocala city manager, council members, mayor, and city attorney. Plans were also made to contact "...local allied groups such as the Restaurant Association, Hotel and Motel Association, retail grocers, and department stores to defeat the proposal." [71] Non-company TAN volunteers were also contacted for their support.

Despite this political opposition, a proposed ordinance was brought before the City Council in early 1985. The ordinance proposed to prohibit smoking in city owned or operated buildings. This included confined and non-public work spaces of such city owned buildings. One exception to this was that individual city agencies could designate smoking areas of not more than 33% of their floor space. These smoking areas had to be plainly identified with appropriate signs. Also, city employees were allowed to request a "smoking only" area near or around their confined non-public work space. Each city agency was required to make reasonable accommodations to provide such an area as long as it was not objectionable to other employees. In any accommodation made regarding smoking areas the objections of non-smoking employees would prevail. Another exception to the proposed ordinance was smoking in city owned or operated buildings with private rooms or halls during private social functions.

After considerable discussion the City Council adopted the original provisions of the proposed ordinance on March 12, 1985.

City of Jacksonville

On March 12, 1985 Jacksonville City Council member Edgar Holtsinger introduced a proposed clean indoor air ordinance that would prohibit or restrict smoking in municipally owned buildings including workplaces in those buildings. A similar proposal had been introduced in 1984 but was withdrawn due to lack of support. [72] The tobacco industry immediately began an effort to defeat the proposal. The industry's plan of action included: one-on-one meetings with the Jacksonville city manager, council members, mayor, and city attorney. Plans [72] were also made to contact "...local allied groups such as the Restaurant Association, Hotel and Motel Association, retail grocers, and department stores to defeat the proposal." Non-company TAN volunteers were also contacted for their support.

The proposed ordinance was later withdrawn due to the state preemption clause of the Florida Clean Indoor Act of 1985, which was enacted later that year.

City of Inverness

On March 5, 1985, Inverness City Councilperson Vincent Scheer introduced an ordinance similar to the one that had been recently adopted by the City of Gainesville. In response the tobacco industry began an effort to organized a direct lobbying campaign with "...one-on-one meetings with each council member, the City Manager, the Mayor, and city attorney." [73] This ordinance was never passed due to the state preemption clause, which was adopted in the Florida Clean Indoor Act of 1985 which was enacted later that year.

Summary of the Local Campaigns

Starting in Dade County in 1979, all of these local clean indoor air campaigns were initiated by various different local organizations and grassroots activists. These local efforts were initiated without any statewide coordination, information sharing, strategic planning, or resource allocation. This approach was in direct contrast to the tobacco industry's centralized and highly coordinated statewide Tobacco Action Network.

As a result of this lack of strategic statewide grassroots coordination by anti-tobacco advocates, the degree of commitment to a particular campaign by local activists varied around the state at different times and places. For instance, in the 1979 Dade County initiative run by GASP of Miami, the local affiliates of the American Lung Association, the American Cancer Society, and the American Heart Association refused to assist in the initiative. Due to the extreme closeness of the vote in that campaign, their participation, resources, and public support in coalition with GASP of Miami could well have reversed the results of the election in favor of passage of the initiative. A victory in Dade County would have provided substantial political momentum for the clean indoor air movement in Florida and probably would have made it more difficult for the tobacco industry to fight local ordinances elsewhere in the state. In contrast to the three major health groups, the tobacco industry clearly understood the power of such a precedent. Even so, during the late 1970s and early 1980s, Florida remained one of the centers of nonsmokers' rights activity along with California and Colorado. During this period, at least 16 local governments considered indoor air ordinances with eight of the ordinances being enacted into law.

This wide variability and commitment in local efforts resulted in wide differences in terms of whether private, public, or private and public establishments were covered by these local clean indoor ordinances. It also resulted in varying degrees of aggressiveness in terms of how the ordinances were going to regulate clean indoor air. For instance, the City of Ocala's ordinance covered government buildings and was self-enforced by individual city agencies. By contrast, Manatee County's ordinance prohibited smoking in public buildings and retail stores. The penalty for violation of the Manatee County ordinance was a criminal misdemeanor. All of this progress, however, was about to end with the introduction in the Florida Legislature of the Florida Clean Indoor Air Act of 1985.

THE FLORIDA CLEAN INDOOR AIR ACT OF 1985

By 1985, about fifty cities and eleven counties in Florida had enacted clean indoor air ordinances. [74] In the 1985 legislative session, Representative Sam Bell (D-Daytona Beach) filed House Bill 281 to establish a statewide Florida Clean Indoor Air Act (FCIAA) to establish minimum standards for smoking indoors. The American Lung Association of Florida authored the bill [74] and worked in league with the American Cancer Society and the American Heart Association to have the bill enacted.

The proposed law contained provisions [75] prohibiting smoking in public places except in designated smoking areas or in halls for private functions. Under the law, public places was defined as: government buildings, establishments selling alcoholic beverages with more than 50 seats, restaurants with more than 50 seats, retail stores except stores where the primary product is tobacco products, mass transit and mass transit terminals, elevators, hospitals, nursing homes, educational facilities, libraries, courtrooms, jury deliberation rooms, grocery stores, school buses, museums, theaters, auditoriums, arenas, recreational facilities, and places of employment. Another provision of the law permitted restaurant owners with more than 50 seats to allow smoking throughout the entire restaurant if the customers did not demand a no-smoking section. The Florida Department of Health and Rehabilitative Services was mandated to administer the new law. The proposed law also protected the process of passing local ordinances by allowing local governments to pass regulations at least as strong as those in the act. A violation of the law would result in a civil fine of no more than \$100 for the first offense and not more than \$500 for each subsequent violation.

The tobacco industry immediately began to mobilize in opposition to the bill. The industry's plan of action included direct lobbying by contacting all members of the legislature and by meeting with the Speaker of the House and the Chair of the House Rules Committee. In addition the industry requested the support of all Florida TAN volunteers. The industry also sought the support of statewide organizations that would be affected by the legislation including "...hotels and motels, restaurants, chambers of commerce, outdoor advertisers, vendors, retailers, department stores, unions, and other tobacco-related groups." [76]

By April 1985, the industry had obtained the support of Barnett Banks of Florida, Florida Restaurant Association, Florida Retail Federation, Florida Chamber of Commerce, Florida State University economist Dr. Richard Wagner, Florida State University pollster Dr. Phil Downs, the Swisher Cigar Company, the National Federation of Independent Businesses, Daytona Speedway, Florida Independent Beverage Association, the A.F.L.-C.I.O., Associated Industries of Florida, and Georgia Pacific Corporation to oppose the proposed clean indoor air act. [77]

On April 22, 1985 several members of an industry coalition met at Tallahassee Attorney Wilson Wright's office who represented the Tobacco Institute to discuss their strategy regarding a hearing the next day on the proposed law before the Rehabilitative and Social Services Subcommittee of the House Health and Rehabilitative Services Committee. Table 2 provides a list of those members of the coalition. The coalition concluded that the bill would not be defeated in the Subcommittee or Committee hearing. [77] Instead, it was concluded that:

...it was still necessary to show a unified opposition to the bill by the business community in Florida in an effort to put the sponsors into a position of compromise later for a watered down version. [77]

**TABLE 2. MEMBERS OF THE PRO-TOBACCO COALITION OPPOSING THE
PROPOSED FLORIDA CLEAN INDOOR AIR ACT OF 1985
WHO ATTENDED THE PRE-STRATEGY MEETING**

| | |
|--|---|
| <u>Tobacco Institute:</u> | Wilson Wright Bill Roberts John Bankhead Jack Shoemaker Page Sutherland Bill Coulter (Also Florida Airport Managers Association) |
| <u>Tobacco Institute Scientific Consultants:</u> | Dr. Jack Peterson (Center for Environmental Health) Dr. Nancy Balter (Center for Environmental Health) Dr. Myron Weinberg |
| <u>Covington & Burlington:</u> | Ed Beder |
| <u>Barnett Banks of Florida:</u> | Fred Martin |
| <u>Florida Restaurant Association:</u> | Barrett Johnson |
| <u>Florida Retail Federation:</u> | John Rodgers |
| <u>Florida Chamber of Commerce:</u> | Scott Carruthers |
| <u>F.S.U. Economist:</u> | Dr. Richard Wagner |
| <u>F.S.U. Pollster:</u> | Dr. Phil Downs (Kerr and Downs) |
| <u>Swisher Cigar:</u> | Tim Mann |

Source: [77] Bankhead, John, *Florida Situation*. (Lorillard legal document produced in the case of: *State of Minnesota, et. al., v. Philip Morris, Inc., et. al.*, No. C1-94-8565, 2nd District, Minnesota). Minneapolis: Minnesota Tobacco Document Depository; April 25, 1985. Bates No.: 85703584 - 85703590.

Testifying at the Subcommittee hearing on behalf of the pro-tobacco coalition and against the proposed clean indoor air ordinance were representatives from the Tobacco Institute, Tobacco Institute scientific consultants, Swisher Cigar, Covington and Burlington, tobacco distributors in Florida, Associated Industries of Florida, Florida Chamber of Commerce, Florida Retail Federation, Barnett Banks of Florida, Florida Restaurant Association, and the Florida Airport Managers Association. [77] Those that testified against the bill offered a variety of arguments against the bill including: a majority of voters in the state opposed laws restricting smoking in the workplace, it was unconstitutional, it would undermine the role and contributions of the cigar industry in Florida, it would impose high monetary costs related to implementing the law, and it would be difficult to enforce. After making several small technical amendments to the bill, the Subcommittee voted 5 to 1 against an amendment by Representative William C. Bankhead (R- Ponce de Leon) to strike the legislative intent of the bill which was that secondhand smoke was hazardous to nonsmokers. (This provision raised the issue of whether the industry was selling a viable product.) In opposing the proposed amendment, the bill's sponsor, Representative Bell, argued that:

...testimony from 'two Ph.D.'s' was not as strong as an M.D.'s testimony on the subject and co-sponsor Evans-Jones read from (a) decision in Shimp case [in which a court ordered New Jersey Bell to provide a smoke free workplace for employee Donna Shimp, who successfully sued claiming that she was harmed by secondhand smoke] quoting (the) judge who said Environmental Tobacco Smoke is a health hazard. [77]

After the vote, the pro-tobacco coalition met again in Wilson Wright's office to develop a strategy for the full Committee meeting, which was to be held that same afternoon. [77] The coalition learned that Dr. Charles Tate (who could not attend the Subcommittee hearing) had been asked to testify by the bill's sponsor Representative Bell. At the hearing, Dr. Tate, as well as Tobacco Institute scientific consultants Drs. Jack Peterson, Phil Downs, and Nancy Balter testified regarding the proposed legislation. Representative Bankhead attempted once again to strike the legislative intent section of the bill but failed on a voice vote. [77]

The next day, the pro-tobacco coalition met to devise its strategy regarding the Senate version of the bill that was to be heard before the Senate Government Operations Committee that same day. [77] It was determined that the same testimony would be given that had previously been given in the House. However, the sponsor of the Senate version of the bill, Senator Jeanne Malchon (D-St. Petersburg)....a past president of the American Lung Association of Florida, determined that she did not have the votes for passage. She requested that the bill be postponed for several days. [77] The reason that the Senate version of the bill did not have the votes for passage was that some Committee members were concerned with the workplace provisions of the bill.

After the postponement the pro-tobacco coalition met again. It assigned several coalition members to contact members of the Senate Rules Committee, House Rules Committee, and the Senate Government Operations Committee. [77] In addition, the coalition sent:

... a delegation of business leaders from the Florida Chamber of Commerce, National Federation of Independent Businesses, Barnett Banks of Florida, and Associated Industries of Florida (who) will meet with Senate President Harry Johnston, an avid supporter of the bill to determine what priority he has placed on getting the legislation passed.

Johnston has other important issues of concern to him which have not yet been given committee attention that may lessen the importance he will place on having the smoking bill considered. Determining his priority for the bill will help us in planning for committee action in the Senate. [77]

The next evening industry coalition members including Anne Browder of the Tobacco Institute in Washington D.C., Larry Bewley of R. J. Reynolds, Tallahassee Attorney Wilson Wright, as well as Maryland State Senator and African-American, Clarence Mitchell, met with members of the Florida Legislative Black Caucus. [77] Senator Mitchell urged their opposition to all clean indoor acts and the response from two legislators was very positive.

Preempting Local Ordinances

As deliberations on the bill continued, it was substantially weakened in the Senate Government Operations Committee. [74] Senator Malchon had met with the restaurant representatives who argued that they would support the bill if there was statewide uniform standards that also preempted local smoking ordinances. [74] She agreed to their proposal. [74] (Preemption has been the tobacco industry's central strategy for fighting local tobacco control ordinances.) The preemption clause (which Florida was one of the first states to enact) prohibited local governments from passing any new clean indoor air ordinances including

ordinances with provisions stronger than the state law. It also superceded all ordinances which had already been passed by local governments. In addition, the final version of the law maintained the civil penalties for a violation of the act. Criminal penalties for violation of local clean indoor air acts had been a common feature of local ordinances prior to the adoption of the Florida Clean Indoor Air Act. The final version of the law, which passed in May 1985, included these two provisions as well as the other ones originally proposed in the original version of the bill. [74]

Supporters [74] of the new law included Jack Cannon who was a board member of the American Lung Association of Florida. After the bill was passed, Cannon stated:

I'm absolutely delighted with it. It's my belief that it's the best nonsmokers' state act that exists anywhere in the United States and it's the only act that exists in a major tobacco state. And I think that's a super comment about it. [74]

Cannon did object to the restaurant provision of the bill. He argued that:

For all practical purposes, a proprietor only has to claim that there is no demand for a no-smoking section and he can probably declare...his restaurant a smoking area. [74]

Another supporter of the bill was Tobacco Institute representative Jack Shoemaker. After the bill's passage, Shoemaker stated:

...you know the legislation may be no more than a puff of smoke. You know the thing won't be enforced. [74]

Critics of the new law included many local governments whose ordinances were preempted by the new law. One early reaction came from Gainesville Mayor Gary Gordon, who angered over the preemption provision, stated:

If a community wants to be a little tougher in pollution control, then the community ought to be allowed to do so. [74]

In October 1986, Palm Beach County anti-smoking activist Jack Cannon, in a reversal of his earlier support for the preemption clause in the new law, filed a lawsuit on behalf of himself and Florida GASP requesting that a Palm Beach Circuit Court rule that the preemption section of the Florida Clean Indoor Air Act was unconstitutional. The defendant in the case was the State of Florida. On October 28, 1986, the Florida Chamber of Commerce, the Associated Industries of Florida, the Florida Motel and Hotel Association, and the Florida Retail Federation made a motion to intervene [78] in the case in support of the State of Florida's motion for Judgment on the Pleadings. The Motion for Judgment on the Pleadings essentially asked the court to rule in a summary fashion that Cannon's lawsuit was invalid. The law firm representing the business organization interveners was the Tallahassee law firm of Messer, Vickers, Caparello, French, and Madsen. [78] The tobacco industry, through the law firm of Covington & Burlington, [78] also provided legal support to this Tallahassee law firm in its effort to have Cannon's lawsuit found invalid.

The case was eventually dismissed with the judge ruling that local governments were creatures of the state. State government had the right to enact laws for a public purpose that superseded local laws.

“Smokers’ Rights” Legislation

In the 1990 Legislative Session, proposed amendments to the Florida Clean Indoor Air Act included prohibiting smoking in health care facilities, day care centers, common areas such as hallways, corridors, lobbies, aisles, water fountains areas, restrooms, stairwells, entryways, and conference rooms in public places, and mandated a 35% non-smoking set aside area in restaurants with 50 or more seats. The legislative amendments were sponsored by Representative Fred Lippmann (D-Hollywood) in league with the American Lung Association of Florida. [79]

Other new amendments to the act mandated designated smoking areas in certain public buildings and created non-discrimination language regarding adverse employer personnel actions in the hiring, firing, or promotion of employees due to employee smoking. [80] Critics of the amendments claimed that Representative Lippmann's amendments would greatly weaken a law that was weak already due to lax state enforcement. [81] According to staff attorney Kathleen Sheg of the national anti-tobacco advocacy group, Action on Smoking and Health, the new amendments substantially weakened the act. [82] According to Sheg, under the old law, smoking areas could be designated in public facilities. Under the new law, smoking areas were required in certain public areas. Sheg believed that the effect of this provision was to mandate smoking areas where previously they were discretionary. [82] In addition, the other new amendment provided workplace protections for smokers which was not a provision of the previous law. [82]

On May 14, 1990, the Florida House passed all of the new amendments except for the “hiring” provision in the employer non-discrimination section which Representative Lippmann withdrew due to pending court cases that might have affected the provision.[79]

After the new amendments were passed, Peter Baljet, President of the Board of Directors of the American Lung Association of Florida stated at the Board of Director's meeting of the American Lung Association of Southeast Florida:

The recent legislative happenings...um. We were sailing very nicely... The bill was great until all hell broke loose about three days ago when certain amendments were added to the bill that placed the American Lung Association of Florida in a somewhat uncomfortable position. The language mandates the creation of smoking places. Now how in the world can we support a bill that mandates the creation of smoking areas? That's the basic issue.

There's another issue. Meanwhile, the newspapers around the state of Florida are hailing the bill as the best thing that ever happened to the state. You see how we will have a terrible political problem. Pretty soon our sponsor Mr. Lippman is going to be very upset at us because he is getting great credit... the bill is getting great credit in the public press and we may have to take a position that it's not our bill and we can't support it.

I have called...and Sandra's [Kessler, Executive Director of the American Lung Association of Florida] working at that right now very hard... I have called for a meeting with the key legislators up in Tallahassee and the key leadership in the American Lung Association of Florida. [83]

Later in that discussion, in an exchange between Sandra Kessler, Executive Director of the American Lung Association and Dorothy H. Wilken, member of the board of directors of the American Lung Association of Southeast Florida, Wilken stated that Representative Lippman might have cut a deal with Philip Morris. It was also argued that the American Lung Association did not have control of Representative Lippman. However, Baljet denied this, arguing:

It's a very interesting situation, and its very interesting the way this is coming around. Our legislative lobbyist, of course, in Tallahassee is Carolyn Christensen-Spore and she's there on a day to day basis. She assures us and continues to assure...to assure us as late as yesterday that there is no double dealing here on the part of Representative Lippman...

I'm not sure what is taking place. There were some very tough amendments being proposed that he had to negotiate out and the only way we can get our hands on that particular scenario is by meeting. Going right there and see what's up. [83]

However, Baljet's denial did not mollify critics such as Rita Zemlock, President of Miami GASP. At a press conference on May 21, 1990 in West Palm Beach she told the press:

I was formerly a member of the American Lung Association of Miami-Dade. In the past two months our organization's leadership has been disassociated from the Lung Association as a result of the Lung Association's alliance and linkage with Representative Fred Lippman of Hollywood, Florida. During the past five months Rep. Lippman has been working behind the scenes with the cigarette industry in developing an amendment to the Florida Clean Indoor Air Act of October, 1985. When GASP of Miami exposed the dangerous elements of this law several months ago, I was dismissed from the Lung Association for blowing the whistle. From what we have been able to determine, the Lung Association has chosen to place its mark of affiliation on whatever smoking law amendment comes out of Tallahassee, regardless of how harmful it is for nonsmokers of Florida. In that way it can claim credit for doing something useful for its members, who don't really understand what is happening. [84]

Meanwhile, on May 16, 1990, Senator James Scott (R-Fort Lauderdale) had also introduced an amendment to the FCIAA in the Senate, which forbade discrimination by employers in the hiring of employees due to smoking. (At the time securing passage of such "smokers' rights" legislation was a high priority for the tobacco industry.) After the introduction of the new amendment, Senate sponsor Jeanne Malchon (D-St. Petersburg) who strongly opposed the amendment threatened to kill the bill for the year. [85] Her rationale was that this should be an employer's decision based on a case-by-case basis. Nevertheless, in a compromise with the industry, Senator Malchon agreed to keep the nondiscrimination provision if the industry agreed to not oppose an amendment requiring restaurants with more than 50 seats to set aside 35% as non-smoking seats. Due to this compromise, the final version of the bill which was sent to the Governor mandated that a personnel action due to employee smoking could not be undertaken in relation to firing, promotion, reassignment, change of duties, or compensation as a result of smoking. [85]

Supporting the legislation were the American Lung Association and the American Cancer Society who called on Governor Bob Martinez to sign the new amendments into law. [86] They argued that the law gained more than it lost by expanding smoke free areas in health care facilities, day care centers, restaurants, schools, and common areas in hallways, lobbies, restrooms, and conference centers. [86] The American Heart Association, on the other hand, urged the Governor to veto the bill. [86]

Shortly after the passage of the amendments by the Florida Legislature, Governor Bob Martinez, sided with the American Heart Association and grassroots anti-smoking activists such as Miami GASP and Jack Cannon of Palm Beach County regarding objections to the workplace non-discrimination provision and vetoed the bill.

Prior to the 1991 legislative session, in an initial effort to again push for the employment non-discrimination clause, a 1991 plan for the Florida smokers' rights movement developed by Kenneth W. Walton & Associates of Tallahassee informed the R. J. Reynolds Tobacco Company

that it had called for local chapters of the Florida smokers' rights movement to "...write letters, set-up personal meetings, and make phone calls in support of the anti-discrimination measure." [87] During the 1991 legislative session, new amendments to the act would have prohibited smoking in day care facilities, schools, universities, and common areas of certain other buildings. It also would have required restaurants with more than 50 seats to designate at least 35% of their seats for non-smokers. Early in the legislative session these amendments passed the House by a vote of 103 - 8. In the Senate, it passed by a margin of 31 - 3. Because the Senate had added two minor amendments, the bill was sent back to the House. In the House, Philip Morris lobbyists in league with Representative James Burke (D-Dade County) succeeded in adding a new amendment which supporters argued was a civil rights measure. The measure would have prohibited discrimination against employees who smoked during their free time. [88] This prompted Representative Lois Frankle (D-West Palm Beach) to comment:

Oh great. We have Martin Luther King, Rosa Parks, Susan B. Anthony, and now Philip Morris. [88]

The House passed this new provision by 60 - 51. This action required that the bill be sent back to the Senate. Due to the new amendment, Senator Malchon withdrew the measure killing the bill for the year.

In the 1992 legislative session, the Senate and the House approved a similar bill to the one that was introduced in the 1991 legislative session. Like the 1991 measure, smoking was prohibited in public buildings as well as requiring restaurants with over 50 seats to set aside at least 35% of their seats as non-smoking areas. The bill also made it illegal to discriminate against persons who used "legal agricultural products." Governor Lawton Chiles vetoed the measure stating:

There is not a scintilla of evidence that such 'discrimination' even exists in the state of Florida. [89]

Chiles also stated that he was vetoing the bill due to the phrase -- legal agricultural products -- which he said was vague and could be construed as banning discrimination against abusers of alcohol. [89]

In the 1993 legislative session, with the support of the three voluntary health associations and grassroots anti-smoking activists, the Florida legislature passed a new amendment and interpretation of the act that prohibited smoking in public places including retail stores.[90] In July 1993, the Florida Department of Health and Rehabilitative Services issued rules to implement the new amendment. The new regulations prohibited smoking in common areas of airports, bus and train stations. It also required store owners to implement and post smoking policies or be fined \$75. The new rule also prohibited smoking in the common areas of malls.[90]

In the 1997 Legislative Session, the American Heart Association, American Lung Association, the American Cancer Society, and Governor Lawton Chiles sponsored an amendment to repeal the preemption clause in the Florida Clean Indoor Air Act. [91] Also calling for its passage was the Florida Department of Health. [91] There were 15 sponsors of the legislation in the Senate and 50 sponsors in the House. However, industry lobbyists were able to kill the bill in the House Health Care Standards Committee by a vote of 5 - 3. One day earlier the amendment had also been killed in the Senate Community Affairs Committee by 4 - 3. [91] The amendment would have let local governments pass more restrictive anti-smoking ordinances than

the current state law. It would have also forced the industry to battle local ordinance attempts in many areas rather than focus its political strength in Tallahassee.

In the 1998 Legislative Session, a similar bill to repeal the preemption clause passed the Senate Community Affairs Committee by 4 - 2. However, the bill, which was also scheduled to be heard in the Senate Commerce Committee never came to a vote because there were not enough votes for passage. In the Florida House, the bill to repeal preemption died in the House Community Affairs Committee by 4 - 5. These Committee votes killed the bill for the 1998 Legislative Session.

The movement to repeal state preemption in Florida continues. By 1998, 15 counties, 19 cities, and 30 organizations and public officials in Florida [92] (Table 3) had publicly called on the state legislature to repeal the state preemption clause contained in the Florida Clean Indoor Air Act. So far, these groups have failed.

**TABLE 3. LOCAL GOVERNMENTS, PUBLIC OFFICIALS,
AND ORGANIZATIONS WHO SUPPORTED A REPEAL
OF THE STATE PREEMPTION CLAUSE IN 1998**

- | | |
|------------------------------------|--|
| 1. Alachua County | 35. Governor Lawton Chiles |
| 2. Bradford County | 36. Attorney General Bob Buttersworth |
| 3. Broward County | 37. House Speaker Dan Webster |
| 4. Collier County | 38. Secretary Jim Howell, Florida Department of Health |
| 5. Dade County | 39. American Cancer Society |
| 6. Duval County | 40. American Heart Association |
| 7. Escambia County | 41. American Lung Association |
| 8. Hillsborough County | 42. Tobacco Free Florida Coalition |
| 9. Lake County | 43. Cancer Control and Research Advisory Council |
| 10. Leon County | 44. Florida Association of Counties |
| 11. Manatee County | 45. Florida Alcohol and Drug Abuse Association |
| 12. Pasco County | 46. Florida Society for Respiratory Care, Inc. |
| 13. Palm Beach County | 47. Clearinghouse on Human Services |
| 14. Pinellas County | 48. H. Lee Moffit Cancer Center & Research Institute |
| 15. Polk County | 49. Sickle Cell Disease Association of Florida |
| 16. City of Apopka | 50. American Diabetes Association |
| 17. City of Aventura | 51. GASP of Miami |
| 18. City of Boynton Beach | 52. Broward Regional Health Planning Council |
| 19. City of Dunedin | 53. Health and Human Services Board of Broward County |
| 20. City of Eatonville | 54. Health Council of South Florida |
| 21. City of Ft. Lauderdale | 55. Florida Thoracic Society |
| 22. City of Hollywood | 56. Florida Medical Association |
| 23. City of Homestead | 57. Florida Nurses Association |
| 24. City of Jupiter | 58. Florida Voluntary Health Association |
| 25. City of Jacksonville | 59. Asthma and Allergy Foundation of America, Inc. |
| 26. City of Kenneth City | 60. National Kidney Foundation of Florida |
| 27. City of Marianna | 61. Certification Board for Addiction Professionals of Florida |
| 28. City of North Reddington Beach | 62. Florida Academy of Family Physicians |
| 29. City of Ormond Beach | 63. Florida Dental Hygiene Association |
| 30. City of Pinellas Park | 64. Winter Park Health Foundation |
| 31. City of Palm Beach Gardens | |
| 32. City of St. Petersburg Beach | |
| 33. City of Starke | |
| 34. City of Winter Park | |

Source: [92] *Local Governments In Support of Preemption Repeal and Key Leaders/Organizations In Support of Preemption Repeal*. Tampa: American Cancer Society, Florida Division, Inc. 1998.

Summary

In the late 1970s and early 1980s, Florida emerged as one of the leading states in the battle for nonsmokers' rights. Despite the major defeat of the GASP of Miami's initiatives in Dade County in 1979 and 1980 which temporarily contributed to the public perception that the industry could not be defeated at the local level, local activists while poorly coordinated, were able to pass eight ordinances over a six year period. The tobacco industry responded with a well financed and well coordinated campaign to oppose these ordinances and others, both through direct action and by working through many business allies such as the Florida Restaurant Association. When the health groups went to the state legislature to try to pass a statewide law, the tobacco industry took control of the situation, weakened the law, and inserted preemption. The health groups, at first, accepted preemption as a reasonable compromise. Due to the power of the tobacco industry in Tallahassee, this stopped any further progress on clean indoor air in Florida.

THE FLORIDA MEDICAID THIRD PARTY LIABILITY ACT OF 1994

When Lawton Chiles was inaugurated as Florida's 41st Governor of Florida on January 8, 1991, the tobacco industry had no indication of his future effort to amend Florida law so that the industry would be held liable for Florida's share of Medicaid cost for smoking related diseases. Among those attending the formal cocktail party in the Governor's Mansion after the inauguration were R. J. Reynolds representatives Bert Gomez and Frank Gross and Tallahassee Attorney and R. J. Reynolds lobbyist Wilson Wright. [93] Besides the honor of attending the inauguration ceremonies, they also believed that:

...being proactive and allowing the politicians to really understand our rules and RJR policies on marketing functions is the only solution that can prevent greater marketing restrictions in the future. [93]

During the 1994 legislative session, Pensacola Attorney Frederic G. Levin helped draft a tobacco specific Medicaid third party liability reform amendment for Senate sponsor W. D. Childers (D-Pensacola). The major purpose of the amendment was to make it easier to sue the tobacco industry and recover Medicaid costs for the state due to tobacco related illnesses. Another purpose of the amendment was to allow Florida to hire private lawyers to litigate on its behalf in exchange for a percentage of any award. This law was the first of its kind in the nation. Besides Levin and Senator Childers, others who helped to draft the amendment were Harold Lewis, general counsel for the Agency for Health Care Administration, Beth Labasky, lobbyist for the American Lung Association, and Governor Lawton Chiles. [94] Levin later related that the idea for the amendment occurred as a result of a meeting of the Inner Circle, an elite group of 100 personal injury attorneys. [95]

In order to accomplish these goals, the amendment allowed the state to sue on behalf of smokers in a class action suit rather than on a case-by-case basis as had occurred in the past. This new litigation approach on behalf of all smokers meant monetary awards would potentially be higher due to the large number of people who were plaintiffs. It also was more efficient than suing on a case-by-case basis. Under the amendment, the state was allowed to use statistics showing that smoking caused disease for a general population rather than proving direct causality between individual smokers and specific illness. In the past, proving direct causality between smoking and cancer for individual smokers had been very difficult to do. The legal test for proving a statistical link between a whole group of people and smoking was an easier burden for

the plaintiffs to prove. The cigarette companies were also prohibited from arguing in court that smokers knew the risk. The amendment also prohibited tobacco firms from arguing whether it was their specific brands that caused the illness. This allowed Florida to assert a "market share" legal theory in which the largest tobacco firms would also bear the largest legal liability. [95]

The amendment, SB 2110, which was attached unnoticed and without public debate to a Medicaid fraud bill in the closing hours of the session, was passed by the Senate by 38 - 0 on April 7, 1994. After its passage, tobacco lobbyists noticed the new amendment and the House temporarily delayed a vote on the bill the next day. However, Chiles called House Rules Chair Peter Wallace (D-St. Petersburg) to call for a vote before noon. With Representative Ben Graber (D-Coral Springs) offering a one sentence explanation of the amendment, the House passed the bill by 118 - 0. [94]

Although the tobacco industry opposed the bill, it referred all questions regarding opposition to the bill to the business lobby Associated Industries of Florida (AIF). [94] AIF charged that under SB 2110, not only would the tobacco industry be affected, but also other industries and the entire Florida economy would be affected. AIF argued that the bill would impact other sectors of the economy such as: the newspaper industry due to employee illness after exposure to video display terminals; the dairy industry due to product contamination and cholesterol and heart disease risk; the automobile industry due to car accidents; the citrus and agriculture industry due to potential trace pesticides found in the products; and the soft drink industry due to potential risks from artificial sweeteners. [96] AIF also strongly urged Chiles to veto the bill as soon as it reached his desk.

On March 18, 1994, after the legislation had already passed, the Florida Tri-Agency Coalition on Smoking or Health which includes as members, the American Heart Association, American Cancer Society, and American Lung Association, announced their support for the bill. In their press release, they also:

...announced plans to strengthen the legislation and reshape it as pro-business by explicitly limiting the state's right to sue [only] the tobacco industry. [97]

They also called for Chiles to sign the legislation. However, Chiles while privately supporting the legislation, continued to remain publicly silent as to his intentions. [98]

On May 23, 1994, Chiles did make his intentions known by sending a hand-delivered letter to Jon Shebel of AIF indicating that he supported the bill. Chiles also wrote:

Your letter indicates that your association's membership is fearful that this legislation could be used against a wide variety of industries and products, such as dairy, beef, sugar, pharmaceuticals and medical devices, automobiles, power plants, citrus, and soft drinks. While it is arguable as to whether the legislation could be used in this fashion, I will tell you that I would not support its use against the industries listed in your letter. *I believe the bill should and will be used solely as a way to allow the taxpayers of Florida to recoup monies spent to treat diseases caused by a known addictive carcinogen, namely tobacco.* The tobacco companies responsible for causing these tobacco-related illnesses should help pay for the treatment of those illnesses, rather than forcing those costs to be borne solely by the taxpaying public. To the extent that other industries are concerned about this legislation possibly being used in an overly broad fashion, I would be willing to consider appropriate language you draft on behalf of Associated Industries to allay fears that this legislation could be applicable to the myriad of industries set forth in your letter. [99] [*Emphasis added.*]

On May 26, 1994, Governor Chiles signed SB 2110 into law. This legislation was the first of its type in the country. In signing the law, Chiles said:

For decades now, tobacco companies have turned an enormous profit--while their victims have turned to the taxpayers for treatment. It's time that those responsible are made to pay. [100]

Despite Governor Chiles earlier written assurance that the new law only covered the tobacco industry, AIF continued to argue [101] until early June that the bill was overly broad and threatened all business sectors in Florida. AIF urged its members to contact their legislators to introduce a measure to repeal the legislation in a Special Session that was to be held on June 7. However, the repeal issue was not considered by the legislature during the Special Session.

However, in July 1994, Philip Morris, Inc., Publix Supermarket, Inc., the National Association of Convenience Stores, and AIF filed a lawsuit in local circuit court to overturn the new law a day before it went into effect. [102] The lawsuit argued that the new law was unconstitutional and violated due process by removing legitimate defenses to product liability lawsuits. The lawsuit also argued that the law was illegal because it did not follow proper procedures in its passage. A spokesperson for Governor Chiles stated that a lawsuit had been expected and they would defend against it. [102] The case was quickly dismissed by the court on the grounds that the court did not have jurisdiction over acts of the legislature designed to promote the public interest and which had been voted on through binding legislative votes.

In February 1995, the State of Florida through Democratic Attorney General Bob Butterworth filed a lawsuit against the tobacco industry in Palm Beach County Circuit Court. The lawsuit sought to recoup costs for treating Florida Medicaid patients suffering from smoking related illnesses and it called for the funding of a corrective public education campaign relating to the issue of smoking and health. In addition, the lawsuit asked the Court to order the tobacco industry to take reasonable measures to prevent the distribution and sale of cigarettes to minors, fund clinical smoking cessation programs, and dissolve the industry-supported Council for Tobacco Research and the Tobacco Institute. Governor Chiles called the lawsuit:

...an aggressive challenge to an industry that callously markets its products to our youth in a shallow effort to hook yet another generation as a new customer base. [103]

In March 1995, Governor Chiles issued an Executive Order that the law would only be used to litigate against the tobacco industry.

Tobacco Industry Campaign Contributions

During the 1993-94 election cycle, when the Medicaid Third Party Liability Act was before the Legislature, tobacco industry campaign contributions nearly doubled (Figure 2) particularly to the Republican Party.

Due to a 1991 change in Florida's campaign contributions law in which each candidate was limited to \$500 in contributions for the primary and general elections, the tobacco industry substantially shifted their restricted contributions to individual candidates to unlimited contributions to the two major political parties. As is indicated in Figure 2, this shift in campaign contributions by the industry from individual candidates to the two major political parties has continued throughout the 1990s. The result of this shift in campaign contributions by the tobacco

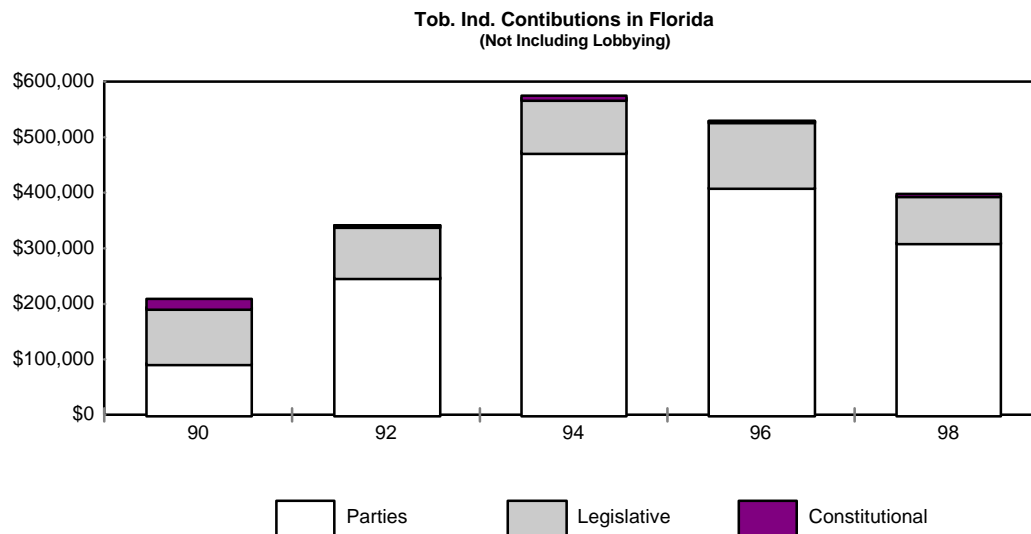


Figure 2. *Tobacco industry political expenditures to the two major political parties rose rapidly after the 1989-1990 electoral cycle.*

industry and other corporate contributors has been to reinvigorate the formerly weak two major political parties as key power brokers. This situation has occurred because the political parties have provided technical support, paid staff, and political advertising (as long as it was not specifically aimed at a particular candidate) for chosen political candidates. These expensive campaign tasks were formerly provided by the candidates themselves. In addition, a 1995 court ruling and 1997 amendment to Florida election law has allowed this trend to continue. In 1995, a Florida appeals court ruled that political parties could pay for candidates advertisements as long as they endorsed three or more candidates in the advertisement. [132] This rule has become known as the “three pack” rule. In 1997, the Florida legislature codified the court ruling into law. This ruling legally established that the political parties could cover campaign costs related to “three pack” advertising.

In the 1993-1994 election cycle as is indicated in Table 4, in a continuation of the trend of contributions to the two major political parties and away from individual candidates, the industry gave \$475,000 to the parties compared to \$95,856 to political candidates. In comparing the campaign contributions to the two major political parties as is shown in Table 5, the Republican Party received \$427,000 compared to the Democratic Party which received \$48,000. The largest contributor to the Republican Party was Philip Morris, Inc. which contributed \$382,500.

The Campaign to Repeal the Law

As the 1995 legislative session began, the AIF, the industry, and its business allies began a major campaign to repeal the new law. Bolstering this effort was the amount of political contributions made by the tobacco industry to the two major political parties (particularly the Republican Party) and individual Florida legislators. On April 28, 1995, the House Commerce Committee voted 28 - 0 to repeal the new law. [104] The tobacco lobbyists’ strategy was to attach the repealed anti-tobacco law to a health-care reform bill that had the support of Chiles. [104] The sponsor of the bill, Harry Goode (D-Melbourne) in support of committee passage,

**TABLE 4. SUMMARY OF TOBACCO INDUSTRY
POLITICAL EXPENDITURES IN 1993-1994 ELECTION CYCLE**

| | PM | RJR | TI | UST | CAA | HAVATAMPA | OTHERS | TOTAL |
|------------------------|-----------|----------|----------|---------|----------|-----------|---------|-----------|
| Political Party | \$412,500 | \$8,500 | \$29,500 | \$2,000 | \$22,000 | \$0 | \$500 | \$475,000 |
| Legislature | \$49,803 | \$36,053 | \$7,000 | \$1,250 | \$0 | \$750 | \$1,000 | \$95,856 |
| Constitutional | \$3,000 | \$500 | \$250 | \$0 | \$0 | \$0 | \$0 | \$3,750 |
| Total | \$465,303 | \$45,053 | \$36,750 | \$3,250 | \$22,000 | \$750 | \$1,500 | \$574,606 |

Source: Campaign disclosure statements from the Florida Department of State, Division of Elections.

Note: In this table, "tobacco industry" sources of funds included: Phillip Morris, Inc., R. J. Reynolds Tobacco, the Tobacco Institute, U.S Tobacco, Cigar Association of America, Hav-a-tampa Cigar, and Helme Tobacco Company. Not included in these calculations were contributions to candidates at the local level which was not available. Also not included were contributions from non-tobacco subsidiaries such as Philip Morris' Kraft General Foods and Miller Beer and individuals associated with the tobacco industry.

**TABLE 5. CONTRIBUTIONS MADE TO POLITICAL PARTIES AND
PARTY CONTROLLED COMMITTEES IN 1993-1994**

| Party/Committee | PM | RJR | TI | UST | CAA | OTHERS | TOTAL |
|-------------------------|-----------|---------|----------|---------|----------|--------|-----------|
| Democratic Party | \$30,000 | \$1,000 | \$17,000 | \$0 | \$0 | \$0 | \$48,000 |
| Republican Party | \$382,500 | \$7,500 | \$12,500 | \$2,000 | \$22,000 | \$500 | \$427,000 |
| | | | | | | | \$0 |
| TOTAL | \$412,500 | \$8,500 | \$29,500 | \$2,000 | \$22,000 | \$500 | \$475,000 |

Source: Campaign disclosure statements from the Florida Department of State, Division of Elections.

Note: In this table, "tobacco industry" sources of funds included: Phillip Morris, Inc., R. J. Reynolds Tobacco, the Tobacco Institute, U.S. Tobacco, Cigar Association of America, and Helme Tobacco Company. Not included in these calculations were contributions to local parties which was not available. Also not included were contributions from non-tobacco subsidiaries such as Philip Morris' Kraft General Foods and Miller Beer and individuals associated with the tobacco industry.

argued that the tobacco industry's rights were in danger. On May 2, 1995, the Senate voted 32 - 7 to repeal the law. On May 7, 1995, the House followed the Senate, and voted 102 - 13 to repeal the law. After the session ended, Governor Chiles vetoed the repeal.

This veto set the stage for a repeal vote by the Senate and House in the 1996 legislative session. [105] In support of the repeal legislation, John French, lobbyist for Philip Morris stated:

The governor has put us in a position where we have no choice, and we have to finish a job that we started. That has been our message to the Legislature: Finish the job. [105]

However, Steve Uhlfelder, a Tallahassee attorney and lobbyist working without pay for the American Cancer Society, American Lung Association, and American Heart Association, argued:

This is a defining issue. If the Florida Legislature can uphold this, they can do more for the health of the people than anything else they have done for years. [105]

In early March, an anti-tobacco group called the Coalition to Clear the Air for Florida Taxpayers unleashed an advertising campaign on Florida television and radio stations to preserve the Medicaid tobacco liability law. In the ad, an announcer stated:

Don't let killer tobacco put a smokescreen on the truth. Every year tobacco kills thousands of Floridians. Taxpayers lose millions to smoking-related illnesses. And more children are getting hooked on deadly poison. [106]

After the announcer's statement, Governor Lawton Chiles completed the ad by stating:

That's why I'm fighting Big Tobacco. Let's make them pay for the damage they cause. You can help. Call your state senator. Tell 'em to join the fight--for you--against tobacco. [106]

This ad campaign started nine days after the AIF and tobacco industry unleashed their own campaign. Their advertisements on Florida television, radio and print media stated:

Coming soon to a theater near you, with all the drama and suspense of...a bad business law, that's bad news for jobs and growth in Florida. Reviewers called it a sneak amendment that was passed on the sly. Tallahassee insiders and the governor want to keep this anti-business law, but Floridians and over 80 percent of our state legislators want the law repealed. [106]

During the legislative session, the Senate passed by 35 - 3, a compromise measure backed by Governor Chiles and Senator Rick Dantzler (D-Winter Haven) which restricted the Medicaid liability law to the tobacco industry. However the compromise measure died in the House. The legislation was not brought up due to other pressing legislation. Some members of the House also felt that they should not give special preference to the tobacco industry and other business organizations. This action killed the effort to repeal the Medicaid liability law for that year. [106]

In the 1996 legislative session, a bill was again introduced in the Senate to kill Florida's lawsuit against the tobacco industry. On March 13, 1996, the Senate began deliberation and debate on the bill. The tobacco industry, which had fifty lobbyists, more than one for each member of the Florida Senate, initially believed that it had the votes to pass the bill and override a veto.

They also calculated that they had the support of Senator Ginny Brown-Waite, (R-Hernando County). However, when Senator Brown-Waite rose to speak, she stunned the chamber by stating:

I can't sit here any longer and play the tobacco game. I was awake all night laboring over this. This is a vote that I am going to be proud of. [107]

The basis for her decision was due to the previous deaths of her mother, father, and sister as a result of smoking cigarettes. [107] Her vote meant that pro-tobacco Senators lacked the two-thirds majority necessary to override a veto in the Senate. A short while later, not having the votes to override a veto, supporters of killing the lawsuit withdrew their motion. The attempt to stop the lawsuit was dead for the year.

In the 1997 Legislative session, another attempt was made early in April to stop the lawsuit. However, shortly afterwards, House Speaker Daniel Webster (R-Winter Garden) and Senate President Toni Jennings (R-Orlando) announced that the legislation to end the lawsuit

was dead. They said that neither chamber had the two-thirds votes needed to override a veto. [108]

Florida Tobacco Lawsuit Settlement

Meanwhile, on April 18, 1997, Palm Beach County Circuit Court Judge Harold J. Cohen ruled that eight Liggett Tobacco company documents needed to be produced documenting industry-wide crime or fraud relating to the dangers of smoking. The Special Master of the Court found that the tobacco defendants engaged in major efforts to hide from the public the health dangers related to smoking. In addition, the Special Master found that there was evidence that the defendants had used their attorneys to carry forth fraudulent activities related to the true nature of the dangers of smoking which voided the industry's claims that it did not have to produce the documents because of attorney-client privilege. [109]

On August 6, 1997, after exhausting legal remedies to keep the documents concealed, the tobacco companies released the eight documents. The documents indicated that industry lawyers had abused attorney-client privilege in order to conceal information that the companies had about the health dangers of smoking. One of the documents indicated that the industry knew that testing of cigarette additives was inadequate. They searched around the world for a place to disprove a connection between smoking and health effects. In their search they attempted to find geographic areas of people who did not smoke and who also had a significant degree of cancer. The industry downplayed the significance of the documents. In a press statement, R. J. Reynolds wrote:

Far from smoking guns, these documents are the legal equivalent of firing blanks. [110]

On August 25, 1997, the tobacco industry settled the lawsuit with the State of Florida. Under the terms of the settlement, the tobacco companies, based on their market share, agreed to pay Florida \$11.3 billion over 25 years, with additional comparable amounts paid in perpetuity. The industry also agreed to end all outdoor advertising billboards, to pay for corrective public anti-tobacco campaigns, remove vending machines from places accessible to children and to end tobacco advertising on buses and trains. Two hundred million dollars were allocated to a two-year "Pilot Program" to reduce smoking among teens. The agreement also prohibited the state from attacking the tobacco industry in anti-tobacco media advertisements.[111] This last restriction was directed at preventing Florida from running anti-smoking advertisements to kids that directly attacked the tobacco industry which had proven so effective in reducing smoking in California. [112] Both the time limit and limited scope of the Pilot Project were viewed as problematic, but the Chiles Administration moved rapidly to get the program off the ground.

In addition, the industry and Florida agreed to a "most favored nation clause" which provided that if the industry entered into a subsequent pre-verdict settlement agreement that was more favorable than the Florida agreement, the terms of the Florida agreement would be revised so that Florida would receive treatment at least as favorable as the new settlement agreement.

The settlement money was subsequently allocated by the Chiles Administration to pay for part of the state's share of health care for Florida's elderly and poor with smoking related diseases. The funds were also allocated for health care for children.

The state also began an effort to establish a \$200 million anti-smoking campaign targeted towards youth in an effort to meet the two year deadline negotiated in the original settlement. In further negotiations following settlement of Texas' similar case against the tobacco industry, Florida used the most favored nation clause to eliminate both the time and content restrictions on the anti-tobacco campaign. A revised agreement was made with the tobacco industry on September 11, 1998. Under the terms of the renegotiated settlement, the amount paid to Florida was increased to \$13 billion. Also, restrictions on the two-year time limit regarding the completion of the youth anti-smoking campaign and specifically naming the industry in anti-tobacco advertisements were lifted.

Other new renegotiated provisions included that the industry would refrain from distributing or selling tobacco products by catalogue or by direct mail, making misrepresentations of fact regarding the health consequences of any tobacco product, limiting or suppressing research related to smoking and health, taking any direct or indirect action to target children in the advertising, promotion, or marketing of cigarettes, or taking any action to initiate or increase the incidence of underage smoking in Florida.

On December 11, 1998, one day before Governor Chiles died of a heart attack, an arbitration panel announced that private lawyers who represented Florida in the tobacco lawsuit were entitled to \$3.4 billion in attorney fees. The Republican Governor-elect Jeb Bush called this amount "obscene." This settlement amount also prompted Bill Herrie of the National Federation of Independent Businesses to declare:

The astronomical tobacco litigation fee...sends shivers down the spine of small businesses across Florida.
[113]

Despite this grumbling, however, the fact remained that Chiles had dramatically reduced the subsidy of the tobacco industry provided by Florida taxpayers through the medical care system and empowered the state to launch a major tobacco control program that would attract international attention.

THE FLORIDA TOBACCO PILOT PROGRAM

Due to the original settlement's requirement that the State of Florida complete a youth anti-smoking program within two years, efforts to establish the program occurred soon after Florida released its first tobacco settlement payment in February 1998. Many observers worried that the tobacco industry's goal was to not allow enough time to adequately develop and implement the program. This lack of time to get the program in place, in turn would have resulted in negative tobacco control program results which would have provided an argument not to fund the program any further. Governor Chiles took this challenge seriously and created a Tobacco Pilot Program in the Governor's Office to develop and implement the program.

The first high profile step in developing the program occurred in March 1998, when teenagers from all parts of the state met at the Governor's Summit on Tobacco Education. At the Summit, 600 young people participated in developing a plan to include all Florida youth in an effort for tobacco control by assessing and discussing four proposed goals for the program. The four program goals included:

- Changing youth attitudes regarding tobacco use.
- Empowering youth in leading community involvement against tobacco.
- Reducing the availability of tobacco products to youth.
- Reducing youth exposure to second-hand smoke.

A new statewide organization called Students Working Against Tobacco (SWAT) was also formed to coordinate this effort.

Prior to the tobacco settlement, local coalitions addressing tobacco control existed in 25 communities throughout Florida. All of these coalitions, which had limited resources and funding, were quickly replaced by state-funded and sponsored community partnerships in all of Florida's 67 counties to address youth anti-smoking efforts. The community partnerships were also provided paid staff known as County Tobacco Prevention Coordinators. Statewide strategies were further developed on May 18 -19, 1998 at a meeting of all 67 community partnership chairpersons and Tobacco Prevention Coordinators who assisted local community partnerships. Two central goals of the meeting were the further development of community partnerships to include empowering youth in anti-tobacco efforts and strategies in recruiting new youth into local SWAT's. By June 30, 1998 youth membership in local SWAT's had increased by 75%. By that time, each local SWAT was also conducting meetings and had elected a representative to the statewide SWAT board.

From June 18 -19, 1998, 67 SWAT representatives and four at-large representatives met in St. Petersburg. At the meeting, they formally created a new statewide SWAT organization. Chuck Wolfe, director of the Tobacco Pilot Program within the Governor's Office, also facilitated rapid state approval and recognition of this group shortly after their meeting when he formally appointed all 71 members as the official board of directors of the statewide SWAT. At the meeting, the youth elected a 10-member executive board and chairs and vice chairs for each of the five Tobacco Pilot Program components.

The program components created to implement the four goals of the program were:

- Youth Programs and Community Partnerships
- Education and Training
- Marketing and Communications
- Enforcement
- Research and Evaluation.

The *Youth Program and Community Partnerships* component has the objectives of increasing youth participation in tobacco-free community partnerships in every Florida county, providing technical assistance and training to the community partnerships, and monitoring to ensure that youth are empowered and assume leadership roles in the tobacco-free activities. Further objectives of this program component were to increase minority youth involvement in tobacco-free activities, provide opportunities for youth involved in sports to find alternatives to tobacco use, and provide opportunities for youth involved in visual and performing arts to create programs supporting tobacco-free alternatives.

The *Education and Training Component* has the objectives to conduct leadership training seminars on the role of the community partnerships and tobacco use in Florida, promote

tobacco-free curricula such as *Life Skills Training and Project Towards No Tobacco Use* for local school districts, develop an elementary reading program focused on assisting students to remain tobacco-free, and develop grants for youth tobacco cessation programs.

The *Marketing and Communication Component* has the objectives of developing a full scale advertising campaign focusing on keeping youth tobacco-free, informing youth of the risks of secondhand smoke, developing youth awareness of the program, linking anti-tobacco messages with popular sports teams and athletes, creating a communication network on the Internet, educating youth on the addictive nature of tobacco, deglamorizing the use of tobacco by youth, and showing youth that peer pressure to use tobacco can be countered and resisted.

The *Enforcement Component* has the objectives of educating retailers about the consequences of the sale of tobacco products to youth, training retailers on how to accurately identify underage buyers, conducting enforcement actions in relation to outlets that sell tobacco to minors, conducting enforcement actions in relation to youth possessing tobacco, reducing the possibility of youth obtaining false identification, and establishing a toll free line for the public to report the sale of tobacco products to youth.

The *Research and Evaluation Component* has the objectives of evaluating in what manner the other four components are changing youth attitudes towards tobacco use, empowering youth to engage in anti-tobacco activities, reducing the availability and accessibility of tobacco, reducing youth exposure to second-hand smoke, and synthesizing the results of all surveys to provide a comprehensive picture of how youth anti-tobacco efforts are operating. These analyses will be conducted through population based surveys such as: the Florida Behavioral Risk Factor Surveillance System, the Florida Pregnancy Risk Assessment Monitoring System, and the Florida Youth Tobacco Survey. Other data will come from the National Cancer Institute's ASSIST program (state tobacco control programs in 17 states, not including Florida) and enforcement of the Synar Amendment (a Federal law which requires enforcement of youth access laws for states to receive substance abuse prevention funds from the Federal government).

Since this initial planning period, the community partnerships and the SWAT's have engaged in several projects in an initial move to meet the four goals of the program. [114] In June 1998, the SWAT's began encouraging local businesses and restaurants to adopt voluntary smoke free programs. (The 1985 Florida Clean Indoor Air Act preempted communities from requiring these actions.) By June 30, 1998, 71 businesses and 791 restaurants adopted no smoking policies. [115] The SWATs also held a number of educational events about the dangers of smoking in all Florida counties. These presentations were held for the purpose of solely combating smoking such as the Great American Smoke-Out or in conjunction with other community events such as during the Jefferson County Watermelon Festival.

During this time, SWAT teams also met with local government officials to provide education on tobacco prevention approaches that have been found to be effective in relation to youth. This effort included presenting information at school board meetings and providing school officials with a petition regarding tobacco use on school property. SWAT members also gave presentations in educational facilities to peers and to younger children regarding the dangers of tobacco use. In addition, SWAT teams throughout the State of Florida conducted Minority Youth Expos in an effort to reach minority youth regarding the dangers of tobacco use.

During the summer of 1998, the SWATs continued to hold community workshops regarding the hazards of tobacco use. Other activities included providing back-to-school educational classes to younger children. With the beginning of the school year in September 1998, the community partnerships initiated the process of establishing three tobacco prevention education programs in the schools. The programs, which have been approved by the Centers for Disease Control, included: *Life Training Skills*, *Towards No Tobacco Use*, and the *Study, Question, Understand, Act, Debrief, Success* programs.

The Truth Campaign

Finally, the Tobacco Pilot Program has engaged in an extensive media campaign to discourage youth from using tobacco. Based on guidance provided by the teens themselves, the advertising campaign concentrated on discrediting tobacco use and the tobacco industry's allies and agents (and later, after the settlement was renegotiated, the tobacco industry itself), rather than simply discussing the hazards of tobacco use. The anti-smoking advertising campaign became the most visible and most popular part of the program. The initial settlement with the tobacco industry prohibited attacking the tobacco industry, so the campaign avoided mentioning the industry by name while explicitly attacking industry allies in the advertising, publishing, and movie making businesses. The major theme that emerged from the young people who helped to shape the campaign was that youth should choose "Truth" rather than be targets of advertising manipulation in the use of tobacco. The slogan of these advertisements is: "Their brand is lies. Our brand is Truth."

The campaign began in late April 1998. This phase included tough in-your-face print and media advertisements throughout Florida. The second and ongoing phase of the campaign began in June 1998 with tough billboard advertisements in all major markets of Florida. For example, one billboard read: "Welcome to Killing Field." Finally, in late July 1998, a "Truth Tour Train" departed from Pensacola, Florida on a 13-day, 1000-mile plus trek through Florida communities. Riding in the train were a number of Florida teenagers. The purpose of the trek was to build awareness about the Truth Campaign, recruit new members for the SWAT's, and to present a petition to Hollywood calling for the end of glamorization of tobacco use in movies.

The tobacco industry hated the campaign, especially after Governor Chiles used the most favored nation clause to remove the stricture against attacking the industry and created an advertisement named "Demon Awards" that showed the tobacco industry winning an award in hell for killing more people than murder, suicide, and illegal drugs. Adolph Hitler and Joseph Stalin sat in the audience of the mock awards ceremony.

An initial study by Florida State University provided some early information on the progress of the media campaign. The design of this study was a pre-test survey conducted in April 1998 before the media campaign began and a post-test survey conducted in September 1998 after the media campaign had run for five months. The purpose of the study was to document youth exposure to the anti-media campaign and to document changes in behavior regarding tobacco use as a result of the media campaign. According to the Florida Anti-Tobacco Media Evaluation report [116] released in September 1998, about 28% of the youth surveyed indicated they heard or saw one or more anti-tobacco advertisements daily. About 66% indicated they heard or saw one or more anti-tobacco advertisements weekly. The most frequently reported media for hearing and seeing the anti-smoking advertisements was television. Another 53%

reported seeing the ads in movie theaters. When all the media sources were considered, 77% of the youth said they saw or heard seven or more anti-tobacco advertisements weekly.

In addition, during this five month period, knowledge of the Truth Campaign also grew with about 57% of youth stating they knew about the campaign and 87% stating they were aware of specific anti-tobacco messages.

In another section of the study, youth were asked questions regarding confirmed or validated awareness of specific aspects of the campaign rather just being aware of the campaign. About 90% demonstrated confirmed awareness with the campaign or with one or more of its components such as anti-tobacco advertisements.

Finally, 47% of the youth surveyed said that tobacco companies were initiating deception in their advertisements which was an increase of 6% from April 1998. There was also a 15% increase in youth from April 1998 that also thought that tobacco companies were targeting youth to replace dying smokers.

Almost immediately, political opposition emerged to discount the evidence that the program was working. On November 11, 1998, in response to early encouraging evidence that the program was working, Florida House Appropriations Chair Jim King (R-Jacksonville) called for the program to be substantially reduced. He stated:

Obviously, these are impressive numbers, if correct. But even so, no advertising program can be evaluated in a single year. The Legislature is constantly getting requests to fund other programs using tobacco. How much is enough with spending on tobacco? [117]

At the same time that program opponents were working to discount the reported program successes, program supporters were trying to lower expectations of actual behavior (smoking) change, since most public health experts felt that it would take several years to produce an effect that was large enough to measure, even if the program was working well. For example, Bill Novelli, president of the Washington, D.C. based Campaign for Tobacco-Free Kids stated:

This is definitely an encouraging set of data. But changing behavior is going to take a long time. There is no indication the battle with tobacco is won. [117]

In the end, the Truth Campaign would produce results that stunned both its friends and foes.

The 1999 Florida Legislative Session

On January 21, 1999, Governor Jeb Bush urged that the anti-tobacco Truth Campaign targeted at convincing minors that smoking was harmful and caused by the manipulation of the tobacco industry should be continued. On February 28, 1999, the Florida Department of Health asked the legislature for \$61.5 million to continue the Tobacco Pilot Program, [118] an \$8.5 million cut. The request asked that the target audience of the effort be expanded to 18 to 24 year olds and for money to continue research on the success or failure of the program.

The Legislature remained unimpressed and continued to propose cutting the program even more than the Governor. Early in the 1999 Legislative Session, an initial recommendation by Senator Ronald Silver (D-North Miami), Chair of the Florida Senate Budget Subcommittee on

Health and Human Services, called for a general funding cut of the Tobacco Pilot Program at 40% of the previous fiscal year budget. (Specific amounts to be cut for particular line items such as the Truth Campaign were negotiated and approved at the end of the Legislative Session.) Senator Silver's justification for the cut was that he was not convinced that the program was working. A subsequent budget recommendation by the Senate Subcommittee called for funding the program at \$50 million. On March, 18, 1999 the full Senate Budget Committee adopted and approved the Subcommittee's recommendation of a budget of \$50 million for the Tobacco Pilot Program, a \$20 million cut from the 1998-1999 levels.

In the Florida House, an early initial recommendation by a budget Subcommittee on Health and Human Services Appropriations chaired by Representative Debby Sanderson (R-Fort Lauderdale) called for zero funding the Tobacco Pilot Program. Sanderson had previously and publicly been on record opposing any funding for the program as early as January 1999. Her opposition stemmed from her belief that the anti-smoking media campaign was not working and was "embarrassing." With the encouragement of House Speaker John Thrasher (R-Orange Park) in mid-March, the full House Fiscal Responsibility Committee voted to zero fund the program.

None of the health groups in Florida offered any public criticism of any politician who was proposing to cut the program.

Both the Senate and House actions placed the Republican Governor in conflict with the Republican-dominated Senate and House. These initial proposals also placed in serious doubt whether an integrated program, as had existed under Governor Chiles, which included education, community programs, and advertising, and evaluation, could be maintained.

Before these budget committee proposals were developed and enacted, in February and March 1999, the Tri-Agency Coalition on Smoking or Health, consisting of the American Heart Association, American Lung Association, and American Cancer Society approached several major and regional newspaper editorial boards in Florida including the *Lakeland Ledger*, *Sun Herald* (Port Charlotte), *Miami Herald*, *St. Petersburg Times*, *Orlando Sentinel*, *Florida Times Union*, *Tallahassee Democrat*, *Tampa Tribune*, *Ft. Lauderdale Sun Sentinel*, *Palm Beach Post*, *News Journal* (Pensacola), and the *Gainesville Sun* to obtain general editorial support for the Tobacco Pilot Program. [119] Several of these papers, including the *St. Petersburg Times*, *Ft. Lauderdale Sun Sentinel*, and the *Orlando Sentinel* subsequently ran editorials in the middle of the 1999 Legislative Session supporting the program and urging the legislature not to cut its funding.

In addition, in an early response to the proposed budget cuts, the health groups ran political advertisements on March 8, 1999 in the *Fort Lauderdale Sun-Sentinel* and *Miami Herald*. The advertisements called for the voters to contact their elected South Florida representatives to support Governor Bush's budget recommendation of \$61.5 million. They did not protest the \$8.5 million cut that Bush proposed. In addition, the advertisements did not mention that some key Florida legislators in the Florida Senate and House (particularly Senator Ronald Silver and Representative Debby Sanderson) were actively working to drastically reduce or eliminate the Tobacco Pilot Program. In particular, when contacted by the media for comment on Sanderson's proposal to end the program entirely, lobbyists for the American Cancer Society, American Lung Association, and American Heart Association either refused to criticize Sanderson or refused to make any comment.

In contrast to the Tri-Agency Coalition's refusal to confront specific politicians, on March 16, 1999 about 40 teenage supporters of the Tobacco Pilot Program held a noisy demonstration at the state capitol. [120] The boisterous protest was aimed primarily at Representative Debby Sanderson because her Subcommittee had recommended eliminating the Truth Campaign and zero funding the Tobacco Pilot Program. At one point, the protestors, who were near Representative Sanderson's House office, began chanting "We want Debby." [120] Sanderson refused to meet with the teens. The demonstration attracted media attention and angered several lawmakers.

The next day, March 17, the Florida Department of Health, Office of Tobacco Control released a press release [121] which indicated that after less than a year of operation, the Florida anti-tobacco campaign was making significant progress. In a recent survey of over 20,000 Florida middle and high school students, 15.6% more than the previous year said they definitely would not use tobacco in the future. The survey also found that the percentage of teenagers who were current smokers (smoked in the last 30 days) dropped from 23.3% to 20.9% in the period between February 1998 to 1999. (Figures 3 and 4 show this trend calculated separately for public middle school students and for public high school students in Florida.) This represented 31,000 less teenagers who decided not to smoke. The largest drop of those who were current smokers were middle school students with cigarette use dropping from 18.5% to 15.0% from February 1998 to 1999. These drops in youth smoking represented an unprecedented success that

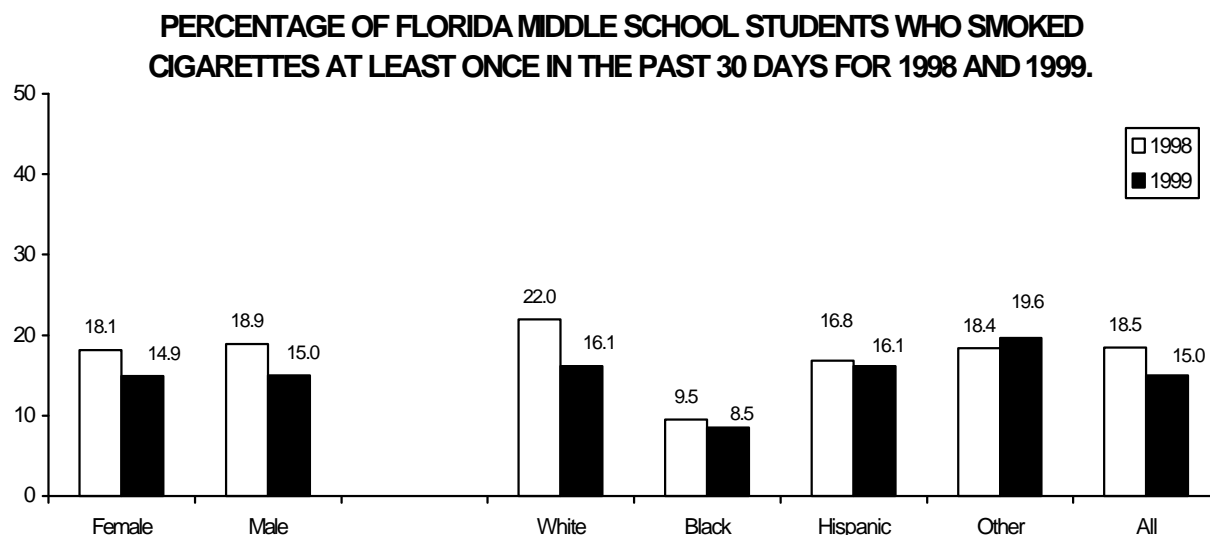


Figure 3. *The Florida Pilot Program dramatically reduced youth smoking in just nine months. These results are unprecedented. SOURCE: [122] 1999 Florida Youth Tobacco Survey, Florida Department of Health; March 23, 1999, Page 1.*

immediately catapulted the Tobacco Pilot Program into the position of being a worldwide model of a successful youth tobacco control.

The Florida Department of Health, Office of Tobacco Control's Press Release, explicitly credited the Truth Campaign's irreverent anti-industry campaign with this success:

The reduction in youth smoking, coming after years of rising youth tobacco use nationwide, is the latest in a string of promising results for the year-old program. Membership in the program's 11 month-old youth

advocacy group, Students Working Against Tobacco, recently topped 8,000. What's more, a telephone survey of teens in September showed nine out of 10 teens were aware of the program's irreverent youth-targeted advertising campaign, dubbed "truth" by the teens who helped develop it.

That September survey also showed teen attitudes about tobacco—especially those targeted by the advertising campaign—were changing in the right direction. Just six months after the counter-marketing

effort was launched, more teens felt strongly that tobacco has nothing to do with being cool and that their generation was being targeted by the tobacco industry to replace dying smokers. [121]

Despite the fact that the Administration bragged that the Truth Campaign was a stunning

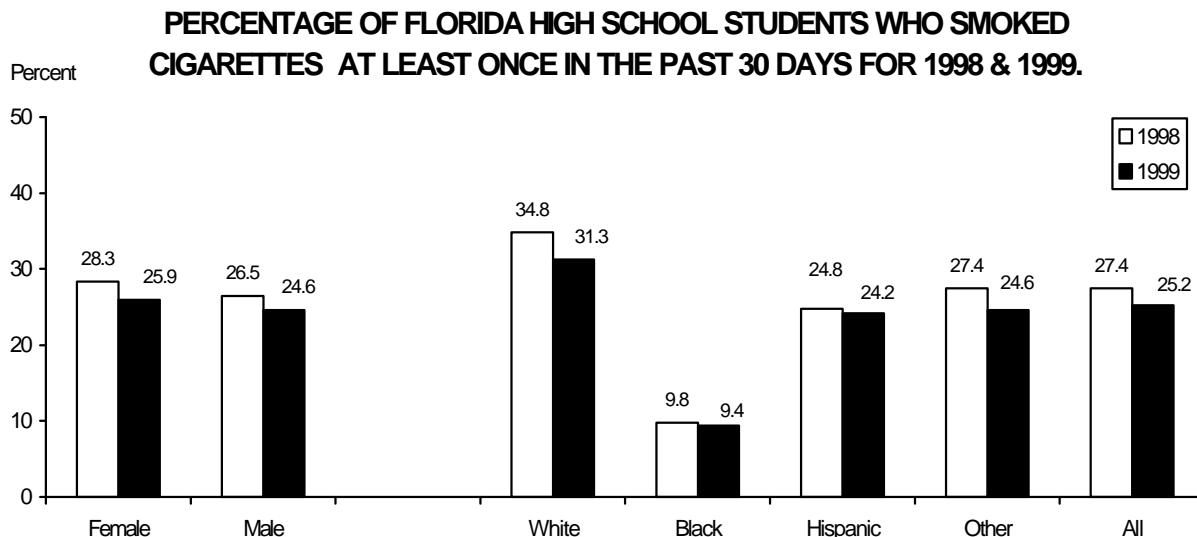


Figure 4. [122] *SOURCE: 1999 Florida Youth Tobacco Survey, Florida Department of Health; March 23, 1999, Page 1.*

success, the same day that the results were announced, Peter Mitchell who was the Acting Director of the Tobacco Pilot Program was forced to resign by Governor Jeb Bush and Department of Health Secretary Bob Brooks. [120] (Mitchell had replaced Chuck Wolfe, who had been on Governor Chiles' staff, when Bush became Governor. In addition, the Florida Pilot Program was moved from the Governor's Office to the Health Department.) In explaining why Mitchell was dismissed, Brooks said:

We have to head in a different direction with more education and cessation campaigns. His strength is marketing. We're headed in the other direction. [120]

However, Mitchell's dismissal prompted Senator Buddy Dyer (D-Orlando) to state:

It's troubling to us that when the program is coming under attack, they would dismiss a key person and someone who is most informed on the program. He's someone who was trusted by Democrats and Republicans. [120]

Dyer also stated that it was "odd" and "troubling" that the resignation occurred one day after the teenage demonstration had angered several lawmakers.

Mitchell's firing attracted substantial media attention to efforts to cut or end the Truth Campaign. When contacted by the media, the health groups declined to comment.

Mitchell's firing also attracted the interest of some of the Democrats in the Legislature, who sought to use the controversy to draw attention to the battle over the program. Senator Howard Forman (D-Cooper City) demanded that Bob Brooks appear before a Senate Health Committee to explain why Mitchell had been dismissed. On making this request, he commented:

He was doing a fine job, and out of the clear, blue sky he's asked to leave. We want to know why. [120]

He did not appear.

Despite these contradictory signals on the future administrative and policy direction of the Tobacco Pilot Program, on March 23, 1999, representatives of the American Cancer Society, American Heart Association, and American Lung Association joined Secretary of Health Bob Brooks in a Tallahassee news conference to laud the new findings of the Florida Youth Tobacco Survey. [122] [123] Brooks noted at the press conference that:

I think it is very important that we continue a more comprehensive program that addresses tobacco prevalence among youth and young adults. [123]

None of the health groups raised obvious questions about the future direction or tone of the program, much less Mitchell's firing.

On March 25, 1999, with bipartisan sponsorship in the Florida Senate by Senate Minority Leader Buddy Dyer (D-Orlando) and Majority Leader Jack Latvala (R-Palm Harbor) the Senate increased the proposed funding of the program by \$11 million to \$61 million. [124] This was approximately the same amount originally proposed by Governor Bush to fund the program which was a \$8.5 million reduction in funding from the previous fiscal year.

One day later, the Florida House increased the proposed amount to be spent on the program from \$0 to \$30 million. [125] In support of this move, Representative Sanderson told her colleagues:

I just think the air needs to be cleared about this. . . . It has never been my position, nor our intent, not to fund the pilot program... The speaker and I have said it was only prudent to have some data to evaluate it. [126]

However, Representative John Cosgrove (D-South Dade) dismissed Sanderson's concession of \$30 million as being too small to adequately fund and support the program.[126] In response to Sanderson's concession, he stated:

That is just another example of smoke and mirrors... The program needs \$61 million. the governor asked for \$61 million. . . . If you play with smoke and mirrors, folks, you are going to get burned by your voters.

Let me talk to you today about Jack the Ripper.... Jack the Ripper was kinder and gentler about disemboweling his victims than this Legislature has been with this program so far.[126]

As the political maneuvering over the program continued in the Florida legislature, on April 1, 1999 President Bill Clinton issued a statement through the Office of the Press Secretary in the White House regarding the success of the program, which said:

Today, the Centers for Disease Control and Prevention is publishing promising new results from the youth anti-smoking program launched by the late Florida Governor Lawton Chiles. The study shows that in just one year, smoking has declined by 19 percent among middle school students and by 8 percent among high schoolers. These results show why every state should have a comprehensive program to reduce youth smoking and why I oppose any legislation waiving the federal government's claim to tobacco settlement funds without making a commitment from the states to fund such efforts. Without such a commitment, states won't have to spend a single penny of the \$246 billion settlement to reduce youth smoking. We must act now: every day, 3000 children become regular smokers and 1000 will have their lives cut short as a result. [126]

On April 6, 1999, the Tri-Agency Coalition on Smoking or Health released a poll conducted from March 27-29, 1999 and commissioned by the Washington, D.C.-based Campaign for Tobacco Free Kids. [127] The poll indicated 49% of the voters thought that the Tobacco Pilot Program should be funded at the last fiscal year amount of \$70.5 and 30% agreed that it should be funded at least at Governor Bush's proposed level of \$61.5 million.

The poll also showed that 77% of the respondents said that they would be more likely to vote for a legislator who supported the program; only 14% said cutting the program in half would make them more likely to vote for a legislator.

Despite these poll results, on April 30, 1999, the Florida House and Senate adopted a compromise budget agreement which substantially reduced spending for the Tobacco Pilot Program from the 1998-1999 budget of \$70.5 million to \$45.2 million for the 1999-2000 budget or a reduction of 35.9%. On May 27, 1999, Governor Bush vetoed three projects totaling \$6.5 million which were funded by the Tobacco Pilot Program. These projects included the Sports for Life Program, the American Heart Association's Youth Fitness Program, and the Just The Facts program. This further reduced the spending for the Tobacco Pilot Program from \$70.5 to \$38.7 million or a reduction of 45.1%.

Table 6 provides a comparison of the final budgets for the program for 1998-1999 and 1999-2000. Among the line items which received the largest cuts were funding for administrative support of the newly established Students Working Against Tobacco organizations (SWAT's) which now operate in all Florida counties (-62.7%) and the Truth Campaign (-53.8%). The Truth Campaign has provided edgy in-your-face anti-smoking advertisements aimed at persuading Florida teens that smoking is dangerous and that they were being manipulated by the industry. The SWAT's provided teens with the ability to get involved in local and state tobacco control education and planning efforts.

In addition, the legislature agreed to allow, on a one time basis, about \$10 million in unspent carryover funds from the 1998-1999 budget to be used for the 1999-2000 budget. The allocation of these funds for specific programs such as the Truth Campaign or administrative support for the SWAT's is discretionary based on the administrative and policy prerogatives of the Florida Secretary of Health and the Governor.

Language in the final Conference Committee report of the Legislature had also required that from the \$45.2 million, a \$1.5 million one-time allocation be made for traffic law and substance abuse education courses containing a tobacco education component with an additional \$300,000 paid to each provider for the development and implementation of these courses. Another one-time allocation included \$425,000 to add a tobacco control component for the Dade County-based substance abuse education program known as Drug-Free Youth In Town.

TABLE 6. BUDGETARY ALLOCATIONS FOR THE FLORIDA TOBACCO PILOT PROGRAM FOR FY 1998-1999 and FY 1999-2000

| FUNDING CATEGORY | FISCAL YEAR 1998-1999 | FISCAL YEAR 1999-2000 | % CHANGE |
|---|-------------------------|-----------------------|----------|
| MARKETING | \$26 MILLION | \$12 MILLION | -53.8% |
| EDUCATION & TRAINING | \$13 MILLION | \$7 MILLION | -46.20% |
| YOUTH & COMMUNITY PARTNERSHIPS | \$15 MILLION | \$5.6 MILLION | -62.7% |
| ENFORCEMENT | \$8.5 MILLION | \$5.1 MILLION | -40% |
| MINORITY PROGRAMS | (NO SEPARATE LINE ITEM) | \$4 MILLION | ----- |
| EVALUATION | \$4 MILLION | \$4 MILLION | 0% |
| SALARIES | \$4 MILLION | \$1 MILLION | -75% |
| TOTAL | \$70.5 MILLION | \$38.7 MILLION | -45.1% |

Sources: American Cancer Society of Florida, Conference Report On Senate Bill 2500, General Appropriations for 1999-2000, and Governor Jeb Bush's Veto Message of May 27, 1999.

Previously, Drug-Free Youth in Town had not conducted tobacco control education in its general substance abuse programs. Both of these programs were not vetoed by Governor Bush and will be funded in the 1999-2000 fiscal year.

Another one-time allocation of up to \$2.5 million was made for the Sports for Life program which included promoting a tobacco-free message in organized and "alternative" or "extreme" youth sporting events. In addition, a one-time allocation of \$1,000,000, which was largely unrelated to tobacco control efforts, would have provided funding to a general teen substance abuse school education program known as Just the Facts. This allocation would have contributed to ongoing efforts by the program to educate teens in Florida schools about a variety of issues associated with a number of abused substances. Among the many substances addressed in this general substance abuse program is tobacco. However, Governor Bush vetoed both of these programs.

In addition, a one-time allocation of up to \$3,000,000 of the \$45.2 million budget for 1999-2000, was also made to the American Heart Association's Youth Fitness Program. This program, which was largely unrelated to direct tobacco control efforts, [128] was a comprehensive program that provides funding for schools to encourage children to exercise more and build healthier hearts. The primary component of the program was physical education and exercise. Supplementing the exercise component were educational approaches emphasizing how to watch for heart attack signs, control high blood pressure and cholesterol, eat more nutritional foods, and avoid smoking. The smoking avoidance component represented a very small part of the total program. The funding for this program was to be allocated as a demonstration pilot program in elementary and middle schools in a few counties in Florida. Funding for this

program occurred independently of the lobbying efforts of the Tri-Agency Coalition on Smoking or Health.

Commenting on this funding allocation, American Heart Association of Florida/Puerto Rico spokesperson and Vice-President of Public Advocacy, Brian Gilpin, said:

They [the American Cancer Society] were surprised. But, not any more surprised than we were. It showed up as a line item in the [Tobacco] Pilot Program. And the very first day on the next morning when I saw it, I had a discussion with our CEO. We thought, well, should we still do this, because this was never our intention? But, the more we thought about it, we thought, hey, we have a good program and we are going to have a great program and you know we're not going to take the money or advocate taking the money out or away from the [Tobacco] Pilot Program... We could have made some statements that, well, this wasn't our intention, spend the money where you want because the proviso language says up to \$3 million can be spent. So, I mean, folks in the [Tobacco] Pilot Program could say we are not obligated to spend the money. So things like that could happen. But we are fully dedicated and fully committed to spending the \$3 million on Youth Fitness Programs in the schools. [129]

Originally in the 1999 Legislative Session, legislative sponsors of the bill, including Senator William "Doc" Myers (R-Stuart) and Representative Alex Diaz de la Portilla (R-Miami) sought \$20 million to integrate the American Heart Association's program in all schools in Florida. [130] They specifically were seeking to obtain this funding through Florida's tobacco settlement money. [131] Later in the 1999 Legislative Session, the original monetary amount and the scope of the program was scaled back to be a demonstration project in just a few schools. However, this program was also vetoed by Governor Bush.

Prior to these gubernatorial line item vetoes and regardless of the American Heart Association's intent, legislative funding for two of these programs had already resulted in a smaller tobacco control program. As a result of an initial \$3 million diversionary allocation to the American Heart Association's Youth Fitness Program along with the \$1 million diversionary allocation to the Just The Facts program, legislative funding of projects directly related to tobacco control in the Tobacco Pilot Program for 1999-2000 had decreased from \$70.5 to \$41.2 million (instead of \$45.2 million). Due to Governor Bush's veto of these two diversionary programs along with the \$2.5 million tobacco control-oriented Sports for Life Program, the final funding for projects directly related to tobacco control efforts in the Tobacco Pilot Program was reduced even further from \$70.5 to \$38.7 million or a reduction of 45.1%.

Tobacco Industry Campaign Contributions: 1997-1998

One major factor that may have had a substantial impact on the funding cuts for the program is the amount of campaign contributions that the tobacco industry has made to legislators and the two major political parties during the 1997-1998 electoral cycle.

During the 1997-1998 electoral cycle, as is indicated in Table 7, the tobacco industry's total campaign contributions were \$398,194. Contributions to the two major political parties in comparison to legislators was \$310,250 to \$84,194. As is indicated in Table 8, of the campaign contributions to the two major political parties, the Republican Party (which now controls both houses of the Florida Legislature and the Governor's Mansion) received \$227,250 compared to the Democratic Party which received \$82,500. The largest contributor to the Republican Party was Philip Morris, Inc. which contributed \$125,000.

TABLE 7. SUMMARY OF TOBACCO INDUSTRY POLITICAL EXPENDITURES IN 1997-1998 ELECTION CYCLE

| | B&W | PM | RJR | TI | CAA | Hava | Others | Total |
|------------------------|----------------|-----------|------------|-----------|------------|-------------|---------------|--------------|
| Political Party | \$500 | \$150,000 | \$45,000 | \$106,500 | \$1,000 | \$1,000 | \$6,250 | \$310,250 |
| Legislature | \$500 | \$26,344 | \$17,750 | \$26,750 | \$10,000 | \$500 | \$2350 | \$84,194 |
| Constitutional | \$500 | \$1,000 | \$0 | \$500 | \$0 | \$1,250 | \$500 | \$3,750 |
| Total | \$1,500 | \$177,344 | \$62,750 | \$133,750 | \$11,000 | \$2,750 | \$9,100 | \$398,194 |

Source: Campaign disclosure statements from the Florida Department of State, Division of Elections.

Note: In this table, "tobacco industry" sources of funds included: Brown & Williamson Tobacco Company, Phillip Morris, Inc., R. J. Reynolds Tobacco, the Tobacco Institute, Cigar Association of America, Hav-a-tampa Cigar, U.S. Tobacco, Smokeless Tobacco Council, and the Olive Tobacco Company. Not included in these calculations were contributions to candidates at the local level which was not available. Also not included were contributions from non-tobacco subsidiaries such as Philip Morris' Kraft General Foods and Miller Beer and individuals associated with the tobacco industry.

TABLE 8. TOBACCO INDUSTRY CONTRIBUTIONS MADE TO TWO MAJOR POLITICAL PARTIES AND PARTY CONTROLLED COMMITTEES IN 1997-1998 ELECTION CYCLE

| Party/Committee | PM | RJR | TI | CAA | HAVATAMPA | OTHERS | Total |
|-------------------------|-----------|------------|-----------|------------|------------------|---------------|--------------|
| Democratic Party | \$25,000 | \$5,000 | \$51,500 | \$1,000 | \$0 | \$0 | \$82,500 |
| Republican Party | \$125,000 | \$40,000 | \$55,000 | \$0 | \$1,000 | \$6,750 | \$227,250 |
| TOTAL | \$150,000 | \$45,000 | \$106,500 | \$1,000 | \$1,000 | \$6,750 | \$310,250 |

Source: Campaign disclosure statements from the Florida Department of State, Division of Elections.

Note: In this table, "tobacco industry" sources of funds included: Phillip Morris, Inc., R. J. Reynolds Tobacco, the Tobacco Institute, Cigar Association of America, Hav-a-tampa Cigar, and the Florida Tobacco and Candy Association. Not included in these calculations were contributions to candidates at the local level which was not available. Also not included were contributions from non-tobacco subsidiaries such as Philip Morris' Kraft General Foods and Miller Beer and individuals associated with the tobacco industry.

This substantial increase in contributions to the two major political parties has occurred due to a redirection of tobacco industry contributions away from political candidates to the two major political parties starting after a 1991 change in Florida's campaign contributions law. Under the 1991 law, each candidate was limited to \$500 in contributions for the primary and general elections.[131]

In addition in 1995, a Florida appeals court ruled that political parties could pay for candidates advertisements as long as they endorsed three or more candidates in the advertisement. [132] This has become know as the "three pack" rule. In 1997, the Florida legislature codified the court ruling into statutory law.

While the major shift in financial contributions by the tobacco industry has been to the two major political parties, the industry also provided individual legislators with some

contributions within the limitations of the 1991 campaign contribution law. Table 9 provides a list of the top 22 recipients of tobacco money in 1997-1998 election cycle which included 13 Republicans and 9 Democrats. Table 10 provides 1997-1998 tobacco industry contributions to legislative leaders.

| TABLE 9. TOP 23 TOBACCO INDUSTRY RECIPIENTS IN 1997-1998 | | | | |
|---|--------------|--------------|--------------|--------------------|
| Legislator/Candidate | Party | House | Total | Grand Total |
| Goode, Harry C. Jr. | D | House | \$2,750 | \$12,500 |
| Bronson, Irlo "Bud" | D | House | \$2,500 | \$7,500 |
| Minton, O.R. Jr. "Rick" | D | House | \$2,000 | \$4,750 |
| Meek, Kendrick | D | House | \$2,000 | \$3,000 |
| Arnall, Joe | R | House | \$2,000 | \$6,750 |
| Fasano, Mike | R | House | \$2,000 | \$4,500 |
| Littlefield, Carl | R | House | \$2,000 | \$4,000 |
| Bankhead, W. G. "Bill" | R | Senate | \$2,000 | \$6,050 |
| Bronson, Charlie | R | Senate | \$2,000 | \$2,000 |
| Stabins, Jeff | R | House | \$2,000 | \$6,250 |
| Andrews, Bill | R | House | \$1,750 | \$2,750 |
| Miller, Lesley Jr. "Les" | D | House | \$1,500 | \$4,000 |
| Ritter, Stacey Joy | D | House | \$1,500 | \$2,750 |
| King, James E. "Jim" | R | House | \$1,500 | \$5,150 |
| Gutman, Alberto "Al" | R | Senate | \$1,500 | \$6,600 |
| Villalobes, Alex | R | House | \$1,500 | \$3,000 |
| Cosgrove, John | D | House | \$1,250 | \$7,650 |
| Greene, Addie L. | D | House | \$1,250 | \$2,250 |
| Reddick, Alzo J. | D | House | \$1,250 | \$3,750 |
| Melvin, Jerry G. | R | House | \$1,250 | \$3,500 |
| Morse, Luis | R | House | \$1,250 | \$4,700 |

Source: Campaign disclosure statements from the Florida Department of State, Division of Elections.

Note: In this table, "tobacco industry" included: Phillip Morris, Inc., R. J. Reynolds Tobacco, the Tobacco Institute, Cigar Association of America, Pure Leaf Tobacco Company, Smokeless Tobacco Council, and the Florida Tobacco and Candy Association. Not included in these calculations were contributions to candidates at the local level which was not available. Also not included were contributions from non-tobacco subsidiaries such as Philip Morris' Kraft General Foods and Miller Beer and individuals associated with the tobacco industry. The Grand Total is calculated from all "tobacco industry" sources of funds from each two year election cycle from 1987-1988 to 1997-1998.

In the Senate, the three Republican leaders received no contributions from the industry. The Democratic Minority Leader, Buddy Dyer, received one contribution of \$500. In the House, four Republican leaders received contributions from the industry. The highest contribution of \$1,500 went to Republican Majority Leader, James King. This was followed by contributions of \$1,250 going to Republican Speaker Pro Tem, Luis Morse and \$1,000 going to Republican Majority Caucus Chair, Ralph Livingston. Appendix tables A-1 through A-8 lists all contributions made to legislators, statewide constitutional officers, and political parties (complete and historic records of payments to tobacco lobbyists for specifically lobbying on tobacco legislation was not available) since the 1987-1988 election cycle.

| TABLE 10. CONTRIBUTIONS MADE TO FLORIDA LEGISLATIVE LEADERSHIP IN 1997-1998 | | | | | | | | | |
|--|-------------------|-------|---------|-------|-------|-------|--------|---------|----------------|
| | Officeholder | Party | PM | RJR | TI | CAA | OTHERS | Total | Grand Total |
| Senate Leadership | | | | | | | | | |
| President | Jennings, Toni | R | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$1,750 |
| President Pro Tem | Casas, Roberto | R | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Majority Leader | Locke, Burt | R | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$2,500 |
| Minority Leader | Dyer, Buddy | D | \$0 | \$500 | \$0 | \$0 | \$0 | \$500 | \$4,000 |
| House Leadership | | | | | | | | | |
| Speaker | Webster, Daniel | R | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Speaker Pro Tem | Morse, Luis | R | \$500 | \$0 | \$250 | \$500 | \$0 | \$1,250 | \$4,700 |
| Majority Leader | King, James E. | R | \$0 | \$500 | \$500 | \$500 | \$0 | \$1,500 | \$5,150 |
| Majority Caucus Chair | Livingston, Ralph | R | \$1,000 | \$0 | \$0 | \$0 | \$0 | \$1,000 | \$1,000 |
| Majority Floor Leader | Maygarden, Jerry | R | \$0 | \$500 | \$0 | \$0 | \$0 | \$500 | \$2,500 |
| Minority Leader | Ritchie, Buzz | D | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$4,250 |
| Source: Campaign disclosure statements from the Florida Department of State, Division of Elections. | | | | | | | | | |
| Note: In this table, "tobacco industry" included: Phillip Morris, Inc., R. J. Reynolds Tobacco, the Tobacco Institute, and Cigar Association of America. Not included in these calculations were contributions to candidates at the local level which was not available. Also not included were contributions from non-tobacco subsidiaries such as Philip Morris' Kraft General Foods and Miller Beer and individuals associated with the tobacco industry. The Grand Total is calculated from all "tobacco industry" sources of funds from each two year election cycle from 1987-1988 to 1997-1998. | | | | | | | | | |

CONCLUSION

For the past twenty years, the tobacco industry has been a major political force in Florida government and politics. Since the late 1970s, the industry has had a centrally controlled and powerful political, campaign contribution, litigation, public relations and lobbying presence in Florida politics. It has vigorously defended and promoted its political and market interests at both the local and state levels of government. This presence has included engaging in insider power politics in Tallahassee and outsider grassroots campaigns elsewhere in the state.

Despite the power that the tobacco industry wielded in Tallahassee, nonsmokers' rights advocates were able to enact about 50 local ordinances restricting smoking in public places and workplaces through grass roots political action at the local level. They were successful in large part because they could muster the necessary resources to run a successful campaign in these smaller venues. This progress abruptly ended when the voluntary health agencies focused their efforts on Tallahassee and attempted to pass a statewide law in 1985. Rather than accepting defeat of their proposal, they allowed the tobacco industry to take control of the process and pass a weak, preemptive state law. Just as Florida was one of the early centers of local clean indoor air ordinances, it was the first place in which the tobacco industry succeeded in preempting such legislation.

While public health groups including the American Cancer Society, American Lung Association, and American Heart Association have maintained a lobbying presence in Tallahassee, they have generally not been able to match the power or resources of the industry on an insider basis in Tallahassee. In contrast to the tobacco industry, the power that these groups

have come from their high public credibility and visibility, not their ability to provide large campaign contributions. These groups have not, however, been willing to use this visibility and credibility to hold specific politicians accountable for pro-tobacco positions particularly when they proposed large cuts for the Tobacco Pilot Program. While they were willing to raise the issue of the program in general terms (in their newspaper advertisements, requests for editorial support, and the poll they released late in the 1999 Legislative Session) and mobilize a grassroots network to phone legislators privately protesting their actions, the health groups consciously decided to fight the battles over the Tobacco Pilot Program as insiders, the tobacco industry's turf.

Another significant development in the exercise of power by the tobacco industry was the passage of a campaign contribution limit law in 1991 in Florida. Since the passage of the law, substantial campaign contributions by the tobacco industry have been redirected away from individual politicians and to the two major political parties. These contributions along with contributions by others has reinvigorated the two major parties as political power brokers who are beholden primarily to corporate interests such as the tobacco industry. This trend also indicates, that so far in Florida, so-called "clean money" public financing and campaign contribution limitation laws, although well intentioned, have missed a central point about power and how it is exercised by the tobacco industry and others. Those with the power and money are going to find methods to circumvent such laws to maintain their interests. The net effect has been to make it more difficult to link tobacco industry money to individual politicians, since most of the money is passed through the political parties. Other than linking the tobacco industry more strongly to the Republican Party than the Democrats in recent years, there has been a lessening in the ability to hold individual politicians accountable for their pro-tobacco behavior.

The tobacco industry and its allies received a major defeat by Governor Lawton Chiles, personal injury attorneys, and sympathetic politicians with the passage of the 1994 law that allowed Florida to sue the industry for damages as a result of Medicaid costs that Florida paid due to tobacco related illnesses and deaths. From 1995 to 1998, the industry and its allies attempted to kill or neutralize the law without success, due in large part, to the political power and skills of the late Governor Lawton Chiles. While the health groups supported Chiles in this effort, they entered the debate late in the process and played only a marginal role in the political battle to protect the Medicaid lawsuit. After Florida settled the lawsuit with the tobacco industry in August 1998, the Chiles Administration quickly established the Florida Tobacco Pilot program.

One of the key elements of the Tobacco Pilot Program is the in-your-face and edgy anti-smoking media Truth Campaign which is aimed at persuading Florida youth not to begin or to stop using tobacco because they are being manipulated to use tobacco by the industry. Initial studies indicated that within five months of the start of the campaign, a large percentage increase of Florida youth said they knew about the campaign, felt smoking was not desirable, and believed that tobacco companies were trying to get young people to smoke through advertising. In a recent survey released by the Florida Department of Health of over 20,000 Florida middle and high school students which examined the results of the anti-media campaign, 15.6% more in 1999 than in 1998 said they definitely would not use tobacco in the future. The survey also found that the percentage of teenagers who were current smokers (smoked in the last 30 days) dropped from

23.3% to 20.9% in the period between February 1998 to 1999. The Florida Tobacco Pilot Program had achieved the best results in reducing teen smoking ever obtained.

Although new Republican Governor Jeb Bush had publicly call for the continuation of the Tobacco Pilot Program and the Truth Campaign, he reduced the program's funding from \$70.5 million to \$61.5 million. Despite the program's popularity and subsequent evidence of effectiveness, the health groups accepted this cut. The Legislature proved to be an even more hostile environment. Working through several House Republican leaders, the Legislature further served the tobacco industry's interests by cutting the program to \$45.2 million (a decrease of 35.9%) for the 1999-2000 Fiscal Year. Two projects of the Tobacco Pilot program which are crucial to maintaining the administrative viability of the program including the Truth Campaign and administrative support for Students Working Against Tobacco (SWAT) received particularly large budgetary reductions of (-53.8%) and (-62.7%) respectively. During the legislative debate, other than supporting the Governor's budget, the health groups never mentioned any politicians by name who were proposing to cut the program's budget. As a result, their opponents acted without fear of being held publicly accountable for serving the tobacco industry's interests by cutting the program.

Perhaps equally important, the health groups did not protest when the director of the program who had a marketing orientation was terminated on the same day that the Truth Campaign's positive results were announced. Only some Democrats in the legislature raised objections. Instead of protesting the Administration's actions, they quietly shared the podium at a press conference with Secretary of Health Bob Brooks, the person who fired the director. Brooks had previously announced that he was seeking a new director with an orientation towards public education and smoking cessation programs and not media advertising and marketing. This signaled a significant policy shift away from the previous orientation of the Tobacco Pilot Program embodied in the Truth Campaign.

The willingness of the Legislature to gut the Florida Tobacco Pilot Program also disproves the commonly held belief that tobacco control advocates should focus on youth centered programs because no politician would dare attack such a program.

While the state legislature was voting for these substantial funding cuts, the American Heart Association, was independently lobbying for a non-tobacco control related Youth Fitness Program. Funding of \$3 million for the program (and according to the American Heart Association of Florida/Puerto Rico without their knowledge) came from the \$45.2 million Tobacco Pilot Program. This allocation along with the \$1 million allocation to Just The Facts program reduced the amount of legislative funding for actual tobacco control efforts by the Tobacco Pilot Program to \$41.2 million for 1999-2000 in comparison to the \$70.5 million for fiscal year 1998-1999. The cuts and diversion of funds by the American Heart Association exercise and Just The Facts programs represented a cut for actual tobacco control activities in the program of 41.6%. With the veto by Governor Bush of these two diversionary programs along with the veto of the tobacco control oriented \$2.5 million Sports for Life program, final funding for projects directly related to tobacco control efforts in the Tobacco Pilot Program decreased even further from \$70.5 to \$38.7 million or a reduction of 45.1%.

Opportunities Lost

One clear pattern that has occurred continuously in Florida for the past twenty years has been the unwillingness of the American Heart Association, American Cancer Society, and the American Lung Association to capitalize on key legislative and political events which would have significantly advanced tobacco control and public health efforts.

One of these missed opportunities occurred with the failure of the local affiliates of the three health groups in 1979 to support and actively campaign for the local clean indoor air initiative run by GASP of Miami. At the time, this initiative was receiving national attention for being at the cutting edge of local clean indoor air ordinances. Its defeat at the polls by 820 votes temporarily slowed political momentum and expectations that the industry could be defeated in such campaigns. Due to the extreme closeness of the vote in that campaign, the participation, resources, and public support of the health groups in coalition with GASP of Miami could well have reversed the results of the election in favor of passage of the initiative. In addition, a victory in Dade County would probably have substantially increased the momentum behind the clean indoor air movement throughout Florida and nationwide. The tobacco industry clearly understood the statewide and national significance of such local battles and devoted resources at a national level to protecting its interests; the health groups did not.

Another key lost opportunity occurred when the industry engaged in (along with its corporate and union allies) the watering down of the Florida Clean Indoor Air Act (FCIAA) of 1985 and the passage of one of the first state preemption clauses for local clean indoor air ordinances. The industry viewed these local ordinances which regulated secondhand smoke as a direct challenge to the viability of tobacco as a legitimate product. Prior to the passage of the FCIAA, there were a number of locally adopted clean indoor air ordinances as well as ongoing and vigorous efforts to pass and enact a wide variety of new ordinances including in Dade County. After the FCIAA, with its preemption clause, was enacted, at first, the three health groups publicly supported the legislation. One reason for their support was they wanted a bill at any cost even if it had detrimental provisions. They also did not want to alienate specific legislators by holding them accountable during and after the legislative session at the outsider grassroots level as well as on an insider basis. This was in contrast to anti-smoking activist Jack Cannon of Palm Beach County, for example, who was the sole plaintiff in a lawsuit to overturn the preemption clause. The health groups, with their insider and deferential orientation to official power in Tallahassee, accepted an outcome which essentially quashed a spontaneous grassroots anti-tobacco movement that had been blossoming in Florida for years. Since the passage of the FCIAA, the tobacco industry has also been able to defeat all efforts by the public health groups and sympathetic politicians to repeal the preemption clause.

The most recent example of a key lost opportunity occurred in the 1999 Legislative Session with respect to the political battle over the Tobacco Pilot Program. One early indicator of how this opportunity was lost was reflected in initial newspaper advertisements in South Florida run by the public health groups with respect to the proposed large cuts by the Florida Legislature for the Tobacco Pilot Program. The advertisements chose not to mention the sponsors of these cuts (which would have placed heightened public scrutiny and increased political pressure on them) or that such cuts were imminent. Instead, the advertisements urged

readers to call various South Florida legislators to support Governor Bush's \$61 million proposal for the program, even though Bush was proposing a substantial \$8.5 million cut in the program.

In addition, in a news conference which was held jointly with the Bush Administration, the public health groups lauded the first year results of the program, but chose not to raise the issue of how the recent firing of the director of the program signaled an *administrative and policy* shift by the Bush Administration away from the program's aggressive and successful advertising campaign and towards potentially less effective anti-tobacco education and smoking cessation programs.

Late in the 1999 Legislative Session, as it became apparent that the Tobacco Pilot Program and the Truth Campaign were about to receive substantial budget cuts, the three health groups continued to maintain their quiet insider approach by not publicly singling out specific legislators who were responsible for the cuts or urging the Governor to vigorously campaign for full funding of the program. While the health groups did mobilize a private effort to lobby and pressure legislators, they did not go public with their actions. This approach limited the health groups ability to hold individual legislators specifically accountable for their actions. This occurred even as legislators throughout the 1999 Legislative Session had already taken several direct and open budgetary and administrative actions which would have seriously undermined, changed, or destroyed the Tobacco Pilot Program. The final result of these deferential and insider oriented tactics was a budget cut from \$70.5 million to \$38.7 million.

The tobacco industry is a wealthy and aggressive adversary that clearly understands how to use the political process to protect its interests. Recognizing that the tobacco industry has no public credibility, it often works behind the scenes and through intermediaries. The experience in Florida, as elsewhere, demonstrates that it is exceptionally difficult to win against the tobacco industry in behind the scenes insider negotiations. In contrast, grassroots activists and the health groups' power lies with the public popularity of the anti-tobacco position that they espouse and their high credibility with the public (particularly in comparison to the tobacco industry and politicians). Unfortunately, in Florida the health groups have chosen to work on the tobacco industry's turf behind the scenes and avoid direct mobilization of the public to reward politicians who support their position and punish those who do not. The failure of the health groups to criticize politicians like Debbie Sanderson and John Thrasher for seeking to end the program sent a strong message to all politicians that they could attack the Florida Tobacco Pilot Program with impunity. The failure of the health groups to criticize the Bush Administration for firing the program director in the face of successful results sent a message that the program need not be managed aggressively.

Despite their success and international acclaim, as well as strong public support, the health groups failed to defend the Florida Tobacco Pilot Program. As with the loss of momentum in the 1980s when the Florida health groups lost their leadership on clean indoor air, in the late 1990s they are losing their leadership in anti-tobacco education and depriving Florida of a successful model. Given this history, one doubts whether the health groups will muster the political will to revive the Florida Tobacco Pilot Program and realize the opportunity that Lawton Chiles created.

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**TABLE A-1. CONTRIBUTIONS MADE TO LEGISLATIVE OFFICEHOLDERS
AND CANDIDATES IN 1987-1988**

| Legislator | Party | House | PM | RJR | TI | UST | HAVA | Total |
|--------------------------|--------------|--------------|-----------|------------|-----------|------------|-------------|--------------|
| Ascherl, Jack | D | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Bainter, Stan | R | House | \$0 | \$0 | \$250 | \$0 | \$0 | \$250 |
| Bankheau, William G. | R | Senate | \$500 | \$500 | \$800 | \$0 | \$0 | \$1,800 |
| Bauner, Vince | D | Senate | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Bronson, Irlo "Bud" | D | House | \$250 | \$0 | \$250 | \$300 | \$0 | \$800 |
| Burke, James "Jim" | D | House | 250 | \$0 | \$0 | \$0 | \$0 | 500 |
| Canady, Charles T. | D | House | \$750 | \$0 | \$0 | \$0 | \$0 | \$750 |
| Candy, George | D | House | \$500 | \$250 | \$250 | \$0 | \$0 | \$1,000 |
| Carpenter, Carl Jr. | D | House | \$0 | \$400 | \$900 | \$0 | \$0 | \$1,300 |
| Childers, W.D. | D | Senate | \$1,000 | \$600 | \$250 | \$0 | \$0 | \$1,850 |
| Clements, S.L. "Spud" | D | House | \$500 | \$200 | \$0 | \$0 | \$200 | \$900 |
| Crawford, Bob | D | Senate | \$500 | \$0 | \$1,000 | \$0 | \$0 | \$1,500 |
| Crotty, Richard T. | R | House | \$0 | \$0 | \$250 | \$0 | \$0 | \$250 |
| Drage, Thomas B., Jr. | R | House | \$0 | \$250 | \$0 | \$0 | \$0 | \$250 |
| Frishe, Jim | R | House | \$0 | \$0 | \$250 | \$0 | \$0 | \$250 |
| Garardeau, Arnett | D | Senate | \$0 | \$500 | \$0 | \$0 | \$0 | \$500 |
| Gardner, W.W. "Bud" | D | Senate | \$1,000 | \$0 | \$500 | \$500 | \$0 | \$2,000 |
| Goode, Harry C., Jr. | D | House | \$750 | \$250 | \$400 | \$0 | \$0 | \$1,400 |
| Gordon, Jack D. | D | Senate | \$0 | \$400 | \$0 | \$0 | \$0 | \$400 |
| Grant, John | R | Senate | \$0 | \$500 | \$500 | \$0 | \$0 | \$1,000 |
| Grinule, Art | R | House | \$0 | \$250 | \$0 | \$0 | \$0 | \$250 |
| Guber, Susan | D | House | \$0 | \$200 | \$0 | \$0 | \$0 | \$200 |
| Gustafson, Tom | D | House | \$500 | \$0 | \$500 | \$0 | \$0 | \$1,000 |
| Gutman, Alberto "Al" | R | House | \$0 | \$0 | \$450 | \$0 | \$0 | \$450 |
| Harden, Robert | R | House | \$0 | \$0 | \$200 | \$0 | \$0 | \$200 |
| Healey, Ed | D | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Huenink, Jeff | R | House | \$0 | \$0 | \$250 | \$0 | \$0 | \$250 |
| Ireland, Tim | R | House | \$0 | \$250 | \$0 | \$0 | \$0 | \$250 |
| Irvine, Chance | R | House | \$0 | \$250 | \$0 | \$0 | \$0 | \$250 |
| Jamerson, Doug "Tim" | D | House | \$0 | \$200 | \$0 | \$0 | \$0 | \$200 |
| Jennings, Harry | R | House | \$0 | \$250 | \$0 | \$0 | \$0 | \$250 |
| Jennings, Toni | R | Senate | \$500 | \$400 | \$350 | \$0 | \$0 | \$1,250 |
| Johnson, Bolley "Bo" | D | House | \$0 | \$0 | \$300 | \$0 | \$0 | \$300 |
| Jones, Dennis L. | R | House | \$0 | \$250 | \$400 | \$0 | \$0 | \$650 |
| Juri, Nilo | R | House | \$0 | \$0 | \$200 | \$0 | \$0 | \$200 |
| Kelly, Everett A.. | D | House | \$250 | \$350 | \$400 | \$0 | \$0 | \$1,000 |
| King, James E. Jr. "Jim" | R | House | \$0 | \$0 | \$250 | \$0 | \$0 | \$250 |
| Kiser, Curt | R | Senate | \$0 | \$1,000 | \$400 | \$0 | \$0 | \$1,400 |
| Lippman, Fred | D | House | \$0 | \$0 | \$250 | \$0 | \$0 | \$250 |
| Locke, Dick | D | House | \$250 | \$200 | \$0 | \$0 | \$0 | \$450 |
| Lombard, James M. | R | House | \$0 | \$0 | \$250 | \$0 | \$0 | \$250 |
| Mackey, Randy | D | House | \$0 | \$0 | \$250 | \$0 | \$0 | \$250 |
| MackKenzie, Anne | D | House | \$500 | \$300 | \$0 | \$0 | \$0 | \$800 |
| Margolis, Gwen | D | Senate | \$0 | \$900 | \$500 | \$0 | \$0 | \$1,400 |
| Martin, Sidney | D | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Mcewan, Bruce | R | House | \$250 | \$0 | \$350 | \$0 | \$0 | \$600 |
| Messersmith, Frank S. | R | House | \$750 | \$400 | \$400 | \$0 | \$0 | \$1,550 |
| Mitchell, Sam | D | House | \$0 | \$700 | \$300 | \$0 | \$0 | \$1,000 |
| Nergard, Charles "Chuck" | R | House | \$0 | \$0 | \$250 | \$0 | \$0 | \$250 |
| Patchett, R.Dale | R | House | \$1,000 | \$400 | \$1,500 | \$0 | \$0 | \$2,900 |
| Peeple, Vernon | D | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |

**TABLE A-1. CONTRIBUTIONS MADE TO LEGISLATIVE OFFICEHOLDERS
AND CANDIDATES IN 1987-1988**

| Legislator | Party | House | PM | RJR | TI | UST | HAVA | Total |
|--------------------------|--------------|--------------|-----------------|-----------------|-----------------|--------------|--------------|-----------------|
| Rehm, Gerald S."Jerry" | R | House | \$0 | \$450 | \$0 | \$0 | \$0 | \$450 |
| Renke, John | R | House | \$250 | \$250 | \$0 | \$0 | \$0 | \$500 |
| Roberts, Charlie | D | House | \$0 | \$0 | \$350 | \$0 | \$0 | \$350 |
| Rojas, Luis E. | R | House | \$0 | \$0 | \$200 | \$0 | \$0 | \$200 |
| Rudd, Hurley W. | D | House | \$0 | \$0 | \$500 | \$0 | \$0 | \$500 |
| Rush, Brian | D | House | \$250 | \$0 | \$0 | \$0 | \$250 | \$500 |
| Scott, Jim | R | Senate | \$0 | \$1,000 | \$900 | \$0 | \$0 | \$1,900 |
| Shelley, Robert J. | R | House | \$0 | \$250 | \$0 | \$0 | \$0 | \$250 |
| Silver, Ronald A. | D | House | \$0 | \$0 | \$400 | \$0 | \$0 | \$400 |
| Simon, Art | D | House | \$0 | \$0 | \$400 | \$0 | \$0 | \$400 |
| Simone, Peggy | R | House | \$0 | \$250 | \$0 | \$0 | \$0 | \$250 |
| Smith, Charles R."Chuck" | D | House | \$0 | \$0 | \$250 | \$0 | \$0 | \$250 |
| Stone, Frank | R | House | \$0 | \$0 | \$250 | \$0 | \$0 | \$250 |
| Tobiassen, Tom | D | House | \$0 | \$250 | \$250 | \$0 | \$0 | \$500 |
| Valdes, Carlos L. | R | House | \$0 | \$0 | \$200 | \$0 | \$0 | \$200 |
| Wetherell, T.K. | D | House | \$0 | \$0 | \$400 | \$0 | \$0 | \$400 |
| Young, Walter C. | D | House | \$0 | \$250 | \$0 | \$0 | \$0 | \$250 |
| TOTAL | | | \$13,000 | \$12,850 | \$17,700 | \$800 | \$450 | \$44,800 |

Source: Archival records and campaign disclosure statements from the Florida Department of State, Bureau of Archives and Records Management.

Note: In this table, "tobacco industry" sources of funds included: Phillip Morris, Inc., R. J. Reynolds Tobacco, the Tobacco Institute, U.S. Tobacco, and Hav-a-tampa. Not included in these calculations were contributions from non-tobacco subsidiaries such as Philip Morris' Kraft General Foods and Miller Beer and individuals associated with the tobacco industry.

**TABLE A-2. CONTRIBUTIONS MADE TO LEGISLATIVE OFFICEHOLDERS
AND CANDIDATES IN 1989-1990**

| Legislator | Party | House | PM | RJR | TI | UST | HAVA | OTHERS | Total |
|-----------------------------|-------|--------|---------|---------|---------|-----|---------|--------|---------|
| Albright, George | R | House | \$500 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Arnall, Joe | R | House | \$1,000 | \$0 | \$750 | \$0 | \$0 | \$0 | \$1,750 |
| Arnold, J. Keith | D | House | \$250 | \$500 | \$0 | \$0 | \$0 | \$0 | \$750 |
| Ascheri, Jack | D | House | \$500 | \$250 | \$0 | \$0 | \$0 | \$0 | \$750 |
| Bainter, Stan | R | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Beard, Malcolm E. | R | Senate | \$0 | \$500 | \$250 | \$0 | \$0 | \$0 | \$750 |
| Boyd, Allen | D | House | \$250 | \$250 | \$550 | \$0 | \$0 | \$0 | \$1,050 |
| Bronson, Irlo "Bud" | D | House | \$250 | \$250 | \$600 | \$0 | \$0 | \$0 | \$1,100 |
| Brown, Corrine | D | House | \$0 | \$250 | \$250 | \$0 | \$0 | \$0 | \$500 |
| Brown, Tom C. | D | Senate | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Burke, James "Jim" | D | House | \$0 | \$0 | \$250 | \$0 | \$0 | \$0 | \$250 |
| Bush, Brian | D | House | \$0 | \$0 | \$0 | \$0 | \$1,500 | \$0 | \$1,500 |
| Carpenter, Carl L. | D | House | \$500 | \$250 | \$250 | \$0 | \$0 | \$0 | \$1,000 |
| Clark, Bill | D | House | \$0 | \$250 | \$0 | \$0 | \$0 | \$0 | \$250 |
| Clemons, Scott | D | House | \$0 | \$250 | \$0 | \$0 | \$0 | \$0 | \$250 |
| Cosgrove, John F. | D | House | \$250 | \$250 | \$650 | \$0 | \$0 | \$0 | \$1,150 |
| Cradley, George | D | House | \$250 | \$250 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Crenshaw, Ander | R | Senate | \$1,000 | \$1,000 | \$0 | \$0 | \$0 | \$0 | \$2,000 |
| Crotty, Richard | R | Senate | \$2,000 | \$500 | \$650 | \$0 | \$0 | \$0 | \$3,150 |
| Dantzler, Rick | D | Senate | \$1,000 | \$250 | \$0 | \$0 | \$0 | \$0 | \$1,250 |
| Davis, Jim | D | House | \$0 | \$0 | \$0 | \$0 | \$250 | \$0 | \$250 |
| Deutsch, Peter | D | House | \$0 | \$250 | \$250 | \$0 | \$0 | \$0 | \$500 |
| Dias-Balart, Lincoln | R | Senate | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Dudley, Fred | R | Senate | \$2,000 | \$1,000 | \$250 | \$0 | \$0 | \$0 | \$3,250 |
| Feeney, Tom | R | House | \$0 | \$250 | \$0 | \$0 | \$0 | \$0 | \$250 |
| Figg, Mary | D | House | \$0 | \$0 | \$0 | \$0 | \$0 | \$100 | \$100 |
| Forman, Howard C. | D | Senate | \$2,000 | \$750 | \$500 | \$0 | \$0 | \$0 | \$3,250 |
| Garcia, Rudolfo, Jr. "Rudy" | R | House | \$0 | \$0 | \$0 | \$0 | \$200 | \$0 | \$200 |
| Geller, Steven | D | House | \$0 | \$250 | \$0 | \$0 | \$0 | \$0 | \$250 |
| Glickman, Ron | D | House | \$0 | \$0 | \$0 | \$0 | \$500 | \$0 | \$500 |
| Goode, Harry C., Jr. | D | House | \$500 | \$250 | \$1,000 | \$0 | \$0 | \$0 | \$1,750 |
| Graham, Dick | R | House | \$250 | \$250 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Grizzle, Mary R. | R | Senate | \$1,000 | \$1,000 | \$0 | \$0 | \$0 | \$0 | \$2,000 |
| Guber, Susan | D | House | \$0 | \$250 | \$500 | \$0 | \$0 | \$0 | \$750 |
| Gutman, Alberto "Al" | R | House | \$500 | \$500 | \$250 | \$0 | \$0 | \$150 | \$1,400 |
| Harden, Robert | R | House | \$500 | \$250 | \$250 | \$0 | \$0 | \$0 | \$1,000 |
| Harris, Bert J. | D | House | \$0 | \$250 | \$0 | \$0 | \$0 | \$0 | \$250 |
| Healey, Ed | D | House | \$500 | \$1,000 | \$0 | \$0 | \$0 | \$0 | \$1,500 |
| Hill, James C., Jr. | R | House | \$1,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Holland, J.J. "Toby" | R | House | \$0 | \$250 | \$0 | \$0 | \$0 | \$0 | \$250 |
| Holzendorf, Betty S. | D | House | \$0 | \$250 | \$0 | \$0 | \$0 | \$0 | \$250 |
| Huenink, Jeff C. | R | House | \$500 | \$250 | \$250 | \$0 | \$0 | \$0 | \$1,000 |
| Ireland, Tim | R | House | \$500 | \$250 | \$250 | \$0 | \$0 | \$0 | \$1,000 |
| Irvine, Chance | D | House | \$500 | \$350 | \$0 | \$0 | \$0 | \$0 | \$850 |
| Jamerson, Doug "Tim" | D | House | \$250 | \$250 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Jenne, Ken | D | Senate | \$0 | \$300 | \$0 | \$0 | \$0 | \$0 | \$300 |
| Johnson, Bolley "Bo" | D | House | \$0 | \$0 | \$500 | \$0 | \$0 | \$0 | \$500 |
| Jones, C. Fred | D | House | \$500 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Jones, Daryl L. | D | House | \$500 | \$100 | \$0 | \$0 | \$0 | \$0 | \$600 |
| Jones, Dennis L. | R | House | \$500 | \$250 | \$250 | \$0 | \$0 | \$0 | \$1,000 |
| Kelly, Everett | D | House | \$500 | \$500 | \$250 | \$0 | \$0 | \$0 | \$1,250 |
| King, James E. "Jim" | R | House | \$500 | \$500 | \$400 | \$0 | \$0 | \$0 | \$1,400 |

**TABLE A-2. CONTRIBUTIONS MADE TO LEGISLATIVE OFFICEHOLDERS
AND CANDIDATES IN 1989-1990**

| Legislator | Party | House | PM | RJR | TI | UST | HAVA | OTHERS | Total |
|---------------------------|-------|--------|-----------------|-----------------|-----------------|----------------|----------------|----------------|------------------|
| Kirkpatrick, George | D | Senate | \$1,000 | \$500 | \$250 | \$0 | \$0 | \$0 | \$1,750 |
| Langton, Mike | D | House | \$0 | \$0 | \$250 | \$0 | \$0 | \$0 | \$250 |
| Lawson, Alfred "Al" | D | House | \$0 | \$250 | \$0 | \$0 | \$0 | \$0 | \$250 |
| Lewis, Marian V. | R | House | \$0 | \$250 | \$0 | \$0 | \$0 | \$0 | \$250 |
| Liberti, Ray | D | House | \$1,000 | \$250 | \$850 | \$0 | \$0 | \$0 | \$2,100 |
| Lippman, Fred | D | House | \$1,000 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,500 |
| Logan, Willie | D | House | \$500 | \$250 | \$1,000 | \$0 | \$0 | \$0 | \$1,750 |
| Lombard, James M. | R | House | \$0 | \$750 | \$250 | \$0 | \$0 | \$0 | \$1,000 |
| MacKenzie, Anne | D | House | \$1,500 | \$750 | \$1,000 | \$0 | \$0 | \$0 | \$3,250 |
| Mackey, J.R. "Randy" | D | House | \$500 | \$500 | \$250 | \$0 | \$0 | \$0 | \$1,250 |
| Martinez, Elvin L. | D | House | \$500 | \$0 | \$0 | \$0 | \$500 | \$0 | \$1,000 |
| McEwan, Bruce | R | House | \$500 | \$500 | \$250 | \$0 | \$0 | \$0 | \$1,250 |
| McKay, John | R | Senate | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Meek, Carrie | D | Senate | \$1,000 | \$1,000 | \$250 | \$0 | \$0 | \$0 | \$2,250 |
| Mims, Tom | D | House | \$0 | \$500 | \$250 | \$0 | \$0 | \$0 | \$750 |
| Mitchel, Sam | D | House | \$250 | \$750 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Morse, Luis C. | R | House | \$250 | \$500 | \$0 | \$0 | \$0 | \$0 | \$750 |
| Mortham, Sandra Barringer | R | House | \$250 | \$250 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Ostrau, Norman | D | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Reddick, Alzo J. | D | House | \$0 | \$250 | \$250 | \$0 | \$0 | \$0 | \$500 |
| Ritchie, Buzz | D | House | \$250 | \$0 | \$0 | \$0 | \$0 | \$0 | \$250 |
| Roberts, Charlie | D | House | \$0 | \$250 | \$750 | \$0 | \$0 | \$0 | \$1,000 |
| Rojas, Luis E. | R | House | \$0 | \$250 | \$250 | \$0 | \$0 | \$0 | \$500 |
| Rudd, Hurley W. | D | House | \$500 | \$250 | \$250 | \$0 | \$0 | \$0 | \$1,000 |
| Safley, R.Z. "Sandy" | R | House | \$500 | \$250 | \$0 | \$0 | \$0 | \$0 | \$750 |
| Saunders, Ron | D | House | \$1,000 | \$1,000 | \$500 | \$0 | \$0 | \$0 | \$2,500 |
| Sembler, Charles II | R | House | \$0 | \$250 | \$0 | \$0 | \$0 | \$0 | \$250 |
| Silver, Ronald "Ron" | D | House | \$500 | \$500 | \$250 | \$0 | \$0 | \$0 | \$1,250 |
| Simone, Peggy | R | House | \$500 | \$250 | \$0 | \$0 | \$0 | \$0 | \$750 |
| Smith, Charles R. "Chuck" | D | House | \$750 | \$250 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Souto, Javier | R | Senate | \$2,000 | \$500 | \$500 | \$0 | \$0 | \$1,250 | \$4,250 |
| Stone, Frank | R | House | \$1,000 | \$0 | \$400 | \$0 | \$0 | \$0 | \$1,400 |
| Thomas, David L. "Dave" | R | House | \$1,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Thomas, Pat | D | Senate | \$1,000 | \$1,000 | \$250 | \$0 | \$0 | \$0 | \$2,250 |
| Thurman, Karen L. | D | Senate | \$0 | \$1,500 | \$650 | \$0 | \$0 | \$0 | \$2,150 |
| Tobiassen, Tom | D | House | \$750 | \$250 | \$250 | \$0 | \$0 | \$0 | \$1,250 |
| Tobin, Jack N. | D | House | \$500 | \$250 | \$0 | \$0 | \$0 | \$0 | \$750 |
| Trammell, Robert | D | House | \$250 | \$0 | \$500 | \$0 | \$0 | \$0 | \$750 |
| Wallace, Peter Rudy | D | House | \$1,000 | \$250 | \$0 | \$0 | \$0 | \$0 | \$1,250 |
| Weinstock, Eleanor | D | Senate | \$1,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Wetherell, T.K. | D | House | \$1,000 | \$250 | \$1,500 | \$1,000 | \$0 | \$0 | \$3,750 |
| Young, Walter C. "Walt" | R | House | \$0 | \$250 | \$0 | \$0 | \$0 | \$0 | \$250 |
| TOTAL | | | \$42,500 | \$32,750 | \$20,000 | \$1,000 | \$2,950 | \$1,500 | \$100,700 |

Source: Archival records and campaign disclosure statements from the Florida Department of State, Bureau of Archives and Records Management.

Note: In this table, "tobacco industry" sources of funds included: Phillip Morris, Inc., R. J. Reynolds Tobacco, the Tobacco Institute, U.S. Tobacco, Hav-a-tampa, Tropical Tobacco, Jose R. Martinez, Inc., Ramar Cigar, M. Martinez & Sons, Inc., P. Cerlis Corporation, Piloto Cigars, Inc., Arnaldo Laurencio, San Augustin Cigars, Inc., Central American Tobacco Company, Antillan Cigar Corporation, Campa Imports, Havana Tobacco Seed Leaf, Canelo Cigar Factory, Interamerica Cigar Company, Pure Leaf Tobacco Corporation, Orestos Lorenzo, Rosay Yo Cigars, and Olivia Tobacco Company. Not included in these calculations were contributions from non-tobacco subsidiaries such as Philip Morris' Kraft General Foods and Miller Beer and individuals

associated with the tobacco industry.

**TABLE A-3. CONTRIBUTIONS MADE TO LEGISLATIVE OFFICEHOLDERS
AND CANDIDATES IN 1991-1992**

| Legislator | Party | House | PM | RJR | TI | CAA | HAVA | OTHERS | Total |
|-----------------------------|-------|--------|---------|---------|---------|-------|-------|--------|---------|
| Arnall, Joe | R | House | \$0 | \$250 | \$0 | \$0 | \$0 | \$0 | \$250 |
| Arnold, J. Keith | D | House | \$500 | \$250 | \$250 | \$0 | \$0 | \$0 | \$1,000 |
| Ascherl, Jack | D | House | \$0 | \$100 | \$0 | \$0 | \$0 | \$0 | \$100 |
| Bainter, Stan | R | House | \$1,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Bankhead, William G. "Bill" | R | Senate | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Beard, Malcolm E. | R | Senate | \$1,000 | \$1,000 | \$250 | \$0 | \$500 | \$0 | \$2,750 |
| Boyd, F. Allen Jr. | D | House | \$0 | \$250 | \$0 | \$0 | \$0 | \$0 | \$250 |
| Brennan, Mary | D | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Bronson, Irlo "Bud" | D | House | \$1,000 | \$250 | \$850 | \$0 | \$0 | \$0 | \$2,100 |
| Burke, Beryl | D | House | \$0 | \$250 | \$250 | \$0 | \$0 | \$0 | \$500 |
| Bush, James III | D | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Casas, Roberto | R | Senate | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Childers, W.D. | D | Senate | \$500 | \$1,000 | \$1,250 | \$0 | \$0 | \$700 | \$3,450 |
| Cosgrove, John F. | D | House | \$1,000 | \$750 | \$750 | \$0 | \$0 | \$0 | \$2,500 |
| Couch, Marvin | R | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Crady, George | D | House | \$500 | \$250 | \$0 | \$0 | \$0 | \$0 | \$750 |
| Crenshaw, Ander | R | Senate | \$1,000 | \$0 | \$500 | \$0 | \$0 | \$0 | \$1,500 |
| Crist, Charlie | R | Senate | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Dantzler, Rick | D | Senate | \$500 | \$1,000 | \$250 | \$0 | \$0 | \$0 | \$1,750 |
| Davis, Jim | D | House | \$500 | \$250 | \$0 | \$0 | \$250 | \$0 | \$1,000 |
| Dawson, Muriel "Mandy" | D | House | \$0 | \$0 | \$500 | \$0 | \$0 | \$0 | \$500 |
| DeGrandy, Miguel A. "Mike" | R | House | \$500 | \$500 | \$500 | \$0 | \$0 | \$0 | \$1,500 |
| Diaz-Balart, Mario | R | Senate | \$1,000 | \$750 | \$750 | \$500 | \$0 | \$0 | \$3,000 |
| Dyer, Buddy | D | Senate | \$500 | \$500 | \$500 | \$0 | \$0 | \$0 | \$1,500 |
| Edwards, Lori | D | House | \$500 | \$0 | \$100 | \$0 | \$0 | \$0 | \$600 |
| Feeney, Tom | R | House | \$0 | \$250 | \$0 | \$0 | \$0 | \$0 | \$250 |
| Foley, Mark | R | Senate | \$1,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Forman, Howard C. | D | Senate | \$0 | \$500 | \$500 | \$0 | \$0 | \$0 | \$1,000 |
| Futch, Howard E. | R | House | \$0 | \$0 | \$100 | \$0 | \$0 | \$0 | \$100 |
| Garcia, Rudolfo "Rudy" | R | House | \$1,000 | \$750 | \$500 | \$0 | \$0 | \$0 | \$2,250 |
| Gay, Greg Allen | R | House | \$500 | \$0 | \$500 | \$0 | \$0 | \$0 | \$1,000 |
| Geller, Steve | D | House | \$500 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Glickman, Ron | D | House | \$0 | \$0 | \$0 | \$0 | \$250 | \$0 | \$250 |
| Goode, Harry C. Jr. | D | House | \$1,000 | \$250 | \$600 | \$0 | \$0 | \$0 | \$1,850 |
| Gordon, Elaine | D | House | \$0 | \$0 | \$500 | \$0 | \$0 | \$0 | \$500 |
| Grant, John | R | Senate | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Gutman, Alberto "Al" | R | Senate | \$1,500 | \$500 | \$750 | \$0 | \$0 | \$0 | \$2,750 |
| Hafner, Lars A. | D | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Harden, Robert | R | Senate | \$500 | \$750 | \$0 | \$0 | \$0 | \$0 | \$1,250 |
| Harris, Bert J. Jr. | D | House | \$500 | \$250 | \$0 | \$0 | \$0 | \$0 | \$750 |
| Healey, Ed | D | House | \$0 | \$250 | \$300 | \$0 | \$0 | \$0 | \$550 |
| Hill, Anthony "Tony" | D | House | \$0 | \$0 | \$500 | \$0 | \$0 | \$0 | \$500 |
| Holzendorf, Betty S. | D | Senate | \$500 | \$500 | \$1,000 | \$0 | \$0 | \$0 | \$2,000 |
| Ireland, Tim | R | House | \$500 | \$500 | \$500 | \$0 | \$0 | \$0 | \$1,500 |
| Jenne, Kenneth C. II | D | Senate | \$0 | \$500 | \$500 | \$0 | \$0 | \$0 | \$1,000 |
| Jennings, Toni | R | Senate | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Johnson, Bolley "Bo" | D | House | \$0 | \$500 | \$0 | \$500 | \$0 | \$0 | \$1,000 |
| Johnson, Karen | D | Senate | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Jones, Daryl L. | D | Senate | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Jones, Dennis L. | R | House | \$0 | \$0 | \$500 | \$0 | \$0 | \$0 | \$500 |
| Kelly, Everett | D | House | \$500 | \$500 | \$250 | \$0 | \$0 | \$0 | \$1,250 |

**TABLE A-3. CONTRIBUTIONS MADE TO LEGISLATIVE OFFICEHOLDERS
AND CANDIDATES IN 1991-1992**

| Legislator | Party | House | PM | RJR | TI | CAA | HAVA | OTHERS | Total |
|---------------------------|--------------|--------------|-----------------|-----------------|-----------------|----------------|----------------|---------------|-----------------|
| King, James E. "Jim" | R | House | \$0 | \$250 | \$500 | \$0 | \$0 | \$0 | \$750 |
| Kirkpatrick, George | D | Senate | \$500 | \$500 | \$500 | \$0 | \$0 | \$0 | \$1,500 |
| Kiser, Curt | R | Senate | \$500 | \$0 | \$100 | \$0 | \$0 | \$0 | \$600 |
| Kurth, Patsy Ann | R | Senate | \$500 | \$0 | \$500 | \$0 | \$0 | \$0 | \$1,000 |
| Lawson, Alfred Jr. "Al" | D | House | \$0 | \$0 | \$300 | \$0 | \$0 | \$0 | \$300 |
| Lippman, Fred | D | House | \$0 | \$0 | \$500 | \$0 | \$0 | \$0 | \$500 |
| Locke, Burt | R | Senate | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Logan, Willie | D | House | \$0 | \$250 | \$1,000 | \$0 | \$0 | \$0 | \$1,250 |
| MacKenzie, Anne | D | House | \$500 | \$250 | \$350 | \$0 | \$0 | \$0 | \$1,100 |
| Mackey, Joseph R. | D | House | \$1,000 | \$500 | \$1,100 | \$0 | \$0 | \$0 | \$2,600 |
| Manrique, Carlos | R | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Martinez, Elvin L. | D | House | \$500 | \$0 | \$250 | \$0 | \$0 | \$0 | \$750 |
| MCAAhan, Dick | D | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| McAndrews, Mimi K. | D | House | \$0 | \$0 | \$100 | \$0 | \$0 | \$0 | \$100 |
| McKay, John | R | Senate | \$500 | \$500 | \$250 | \$0 | \$0 | \$0 | \$1,250 |
| Meadows, Matthew | D | Senate | \$0 | \$0 | \$750 | \$0 | \$0 | \$0 | \$750 |
| Miller, Lesley Jr. "Les" | D | House | \$500 | \$250 | \$0 | \$0 | \$0 | \$0 | \$750 |
| Minton, O.R. Jr. "Rick" | D | House | \$500 | \$250 | \$250 | \$0 | \$0 | \$0 | \$1,000 |
| Mishkin, Philip | D | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Mitchell, Sam | D | House | \$0 | \$250 | \$300 | \$0 | \$0 | \$0 | \$550 |
| Morse, Luis C. | R | House | \$1,000 | \$0 | \$450 | \$0 | \$0 | \$0 | \$1,450 |
| Mortham, Sandra Barringer | R | House | \$1,000 | \$250 | \$600 | \$0 | \$0 | \$0 | \$1,850 |
| Ogles, Mark R. | R | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Posey, Bill | R | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Pruitt, Ken | R | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Rayson, John C. | D | House | \$0 | \$250 | \$0 | \$0 | \$0 | \$0 | \$250 |
| Ritchie, Buzz | D | House | \$500 | \$250 | \$500 | \$0 | \$0 | \$0 | \$1,250 |
| Rojas, Luis E. | R | House | \$500 | \$500 | \$450 | \$0 | \$0 | \$0 | \$1,450 |
| Rudd, Hurley W. | D | House | \$0 | \$250 | \$250 | \$0 | \$0 | \$0 | \$500 |
| Rush, Brian | D | House | \$0 | \$0 | \$0 | \$0 | \$500 | \$0 | \$500 |
| Safley, R.Z. "Sandy" | R | House | \$500 | \$250 | \$350 | \$0 | \$0 | \$0 | \$1,100 |
| Saunders, Ron | D | House | \$0 | \$500 | \$500 | \$0 | \$0 | \$0 | \$1,000 |
| Saunders, Dean | D | House | \$0 | \$0 | \$500 | \$0 | \$0 | \$0 | \$500 |
| Scott, Jim | R | Senate | \$1,000 | \$1,000 | \$700 | \$500 | \$0 | \$0 | \$3,200 |
| Siegel, Gary | R | Senate | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Silver, Ronald A. "Ron" | D | Senate | \$500 | \$500 | \$500 | \$0 | \$0 | \$0 | \$1,500 |
| Simon, Art | D | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Sindler, Bob | D | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Smith, Kelley | D | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Stafford, Tracey | D | House | \$500 | \$0 | \$500 | \$0 | \$0 | \$0 | \$1,000 |
| Thomas, Pat | D | Senate | \$0 | \$500 | \$500 | \$0 | \$0 | \$0 | \$1,000 |
| Tobin, Jack N. | D | House | \$0 | \$0 | \$550 | \$0 | \$0 | \$0 | \$550 |
| Trammell, Robert D. | D | House | \$0 | \$250 | \$0 | \$0 | \$0 | \$0 | \$250 |
| Upchurch, Tracy W. | D | House | \$500 | \$500 | \$250 | \$0 | \$0 | \$0 | \$1,250 |
| Valdes, Carlos L. | R | House | \$500 | \$0 | \$500 | \$0 | \$0 | \$0 | \$1,000 |
| Wallace, Peter Rudy | D | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Weinstein, Peter | D | Senate | \$0 | \$0 | \$300 | \$0 | \$0 | \$0 | \$300 |
| TOTAL | | | \$38,000 | \$24,850 | \$27,850 | \$1,500 | \$1,500 | \$700 | \$94,400 |

Source: Campaign disclosure statements from the Florida Department of State, Division of Elections.

Note: In this table, "tobacco industry" sources of funds included: Phillip Morris, Inc., R. J. Reynolds Tobacco, the Tobacco Institute, Cigar Association of America, Hav-a-tampa, Pipe Tobacco Council, and Consolidated Cigar Corporation. Not included in these calculations were contributions from non-tobacco subsidiaries such as Philip Morris' Kraft General Foods and Miller Beer and individuals associated with the tobacco industry.

**TABLE A-4. CONTRIBUTIONS MADE TO LEGISLATIVE OFFICEHOLDERS
AND CANDIDATES IN 1993-1994**

| Legislator | Party | House | PM | RJR | TI | UST | HAVA | OTHERS | Total |
|-----------------------------|--------------|--------------|-----------|------------|-----------|------------|-------------|---------------|--------------|
| Arnall, Joe | R | House | \$500 | \$500 | \$250 | \$0 | \$0 | \$0 | \$1,250 |
| Arnold, J. Keith | D | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Ascherl, Jack | D | House | \$1,000 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,500 |
| Bainter, Stan | R | House | \$500 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Bankhead, William G. "Bill" | R | Senate | \$1,000 | \$750 | \$0 | \$0 | \$0 | \$0 | \$1,750 |
| Barreiro, Bruno A. | R | House | \$1,000 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,500 |
| Bitner, Dave | R | House | \$500 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Bloom, Elaine | D | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Boyd, F. Allen Jr. | D | House | \$500 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Bradley, Rudolph "Rudy" | D | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Brennan, Mary | D | House | \$1,000 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,500 |
| Brown, Shirley | D | House | \$500 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Brown-Waite, Ginny | R | Senate | \$500 | \$1,000 | \$0 | \$0 | \$0 | \$0 | \$1,500 |
| Bullard, Larcenia | D | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Burke, Beryl | D | House | \$500 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Bush, James III | D | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Chestnut, Cynthia Moore | D | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Clemons, Scott | D | House | \$1,000 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,500 |
| Constantine, Lee | R | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Cosgrove, John | D | House | \$500 | \$0 | \$500 | \$0 | \$0 | \$0 | \$1,000 |
| Couch, Marvin | R | House | \$1,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Crist, Charlie | R | Senate | \$1,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Crist, Victor | R | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Crow, Larry | R | House | \$500 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Davis, Jim | D | House | \$0 | \$500 | \$0 | \$0 | \$250 | \$0 | \$750 |
| Dennis, Willye F. | D | House | \$500 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Dyer, Buddy | D | Senate | \$1,000 | \$750 | \$250 | \$0 | \$0 | \$0 | \$2,000 |
| Edwards, Lori | D | House | \$1,000 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,500 |
| Eggelletion, Josephus, Jr. | D | House | \$500 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Forman, Howard C. | D | Senate | \$0 | \$0 | \$250 | \$0 | \$0 | \$0 | \$250 |
| Futch, Howard E. | R | House | \$1,000 | \$500 | \$1,250 | \$250 | \$0 | \$0 | \$3,000 |
| Garcia, Rodolfo | R | House | \$1,000 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,500 |
| Gay, Greg Allen | R | House | \$0 | \$0 | \$250 | \$0 | \$0 | \$0 | \$250 |
| Geller, Steve | D | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Goode, Harry C. Jr. | D | House | \$500 | \$500 | \$250 | \$0 | \$0 | \$0 | \$1,250 |
| Graber, Ben | D | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Greene, Addie L. | D | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Gutman, Alberto "Al" | R | Senate | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Hafner, Lars A. | D | House | \$1,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Harris, Bert J. Jr. | D | House | \$1,000 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,500 |
| Harris, Katherine | R | Senate | \$500 | \$1,000 | \$0 | \$0 | \$0 | \$0 | \$1,500 |
| Healey, Ed | D | House | \$1,000 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,500 |
| Hill, Anthony "Tony" | D | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Holzendorf, Betty S. | D | Senate | \$500 | \$500 | \$250 | \$0 | \$0 | \$0 | \$1,250 |
| Horan, Debbie | D | House | \$500 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Horne, Jim | R | Senate | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Jones, Dennis L. | R | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Kelly, Everett | D | House | \$500 | \$500 | \$500 | \$0 | \$0 | \$0 | \$1,500 |
| King, James E. "Jim" | R | House | \$500 | \$500 | \$250 | \$0 | \$0 | \$0 | \$1,250 |
| Klein, Ron | D | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Latuala, Jack | R | Senate | \$500 | \$500 | \$250 | \$0 | \$0 | \$0 | \$1,250 |
| Lawson, Alfred Jr. "Al" | D | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Lippman, Fred | D | House | \$0 | \$0 | \$250 | \$0 | \$0 | \$0 | \$250 |
| Littlefield, Carl | R | House | \$1,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Locke, Burt | R | Senate | \$1,000 | \$1,000 | \$0 | \$0 | \$0 | \$0 | \$2,000 |
| Logan, Willie | D | House | \$500 | \$0 | \$500 | \$0 | \$0 | \$0 | \$1,000 |
| MacKenzie, Anne | D | House | \$500 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Mackey, Joseph R. | D | House | \$500 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,000 |

**TABLE A-4. CONTRIBUTIONS MADE TO LEGISLATIVE OFFICEHOLDERS
AND CANDIDATES IN 1993-1994**

| Legislator | Party | House | PM | RJR | TI | UST | HAVA | OTHERS | Total |
|--------------------------|-------|--------|-----------------|-----------------|----------------|----------------|--------------|----------------|-----------------|
| Martinez, Elvin L. | D | House | \$1,000 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,500 |
| Maygarden, Jerry Louis | R | House | \$500 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| McKay, John | R | Senate | \$1,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Meadows, Matthew | D | Senate | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Meek, Kendrick | D | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Melvin, Jerry G. | R | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Merchant, Sharon J. | R | House | \$500 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Miller, Lesley Jr. "Les" | D | House | \$500 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Minton, O.R. Jr. "Rick" | D | House | \$0 | \$500 | \$250 | \$0 | \$0 | \$0 | \$750 |
| Morroni, John | R | House | \$303 | \$303 | \$0 | \$0 | \$0 | \$0 | \$606 |
| Morse, Luis | R | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Ogles, Mark R. | R | House | \$500 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Peeples, Vernon | D | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Posey, Bill | R | House | \$500 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Pruitt, Ken | R | House | \$500 | \$500 | \$250 | \$0 | \$0 | \$0 | \$1,250 |
| Rayson, John C. | D | House | \$500 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Reddick, Alzo J. | D | House | \$500 | \$500 | \$500 | \$0 | \$0 | \$500 | \$2,000 |
| Ritchie, Buzz | D | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Rojas, Luis | R | House | \$500 | \$500 | \$250 | \$0 | \$500 | \$0 | \$1,750 |
| Rossin, Tom | R | Senate | \$500 | \$500 | \$0 | \$500 | \$0 | \$0 | \$1,500 |
| Safley, R.Z. "Sandy" | R | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Saunders, Dean | D | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Sembler, Charles W. II | R | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Silver, Ronald A. "Ron" | D | Senate | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Sindler, Bob | D | House | \$1,000 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,500 |
| Smith, Kelley | D | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Stabins, Jeff | R | House | \$1,000 | \$750 | \$0 | \$0 | \$0 | \$0 | \$1,750 |
| Sublette, Bill | R | House | \$500 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Sullivan, Don | R | Senate | \$1,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Tedder, Joe G. | D | House | \$500 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Tobin, Jack N. | D | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Trammell, Robert D. | D | House | \$1,000 | \$500 | \$250 | \$0 | \$0 | \$0 | \$1,750 |
| Turner, William H. | D | Senate | \$0 | \$500 | \$250 | \$0 | \$0 | \$0 | \$750 |
| Upchurch, Tracy W. | D | House | \$500 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Valdes, Carlos | R | House | \$500 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Villalobes, Alex | R | House | \$500 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Warner, Tom | R | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Williams, Charles | D | Senate | \$1,000 | \$500 | \$250 | \$500 | \$0 | \$500 | \$2,750 |
| TOTAL | | | \$49,803 | \$36,053 | \$7,000 | \$1,250 | \$750 | \$1,000 | \$95,856 |

Source: Campaign disclosure statements from the Florida Department of State, Division of Elections.

Note: In this table, "tobacco industry" sources of funds included: Phillip Morris, Inc., R. J. Reynolds Tobacco, the Tobacco Institute, U.S. Tobacco, Hav-a-tampa, and Helme Tobacco Company. Not included in these calculations were contributions from non-tobacco subsidiaries such as Philip Morris' Kraft General Foods and Miller Beer and individuals associated with the tobacco industry.

**TABLE A-5. CONTRIBUTIONS MADE TO LEGISLATIVE OFFICEHOLDERS
AND CANDIDATES IN 1995-1996**

| Legislator | Party | House | B/W | PM | RJR | TI | CAA | HAV | OTHER | Total |
|------------------------------|--------------|--------------|------------|-----------|------------|-----------|------------|------------|--------------|--------------|
| Albright, George | R | House | \$0 | \$0 | \$0 | \$0 | \$500 | \$0 | \$0 | \$500 |
| Andrews, Bill | R | House | \$0 | \$500 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Arnall, Joe | R | House | \$0 | \$500 | \$500 | \$500 | \$0 | \$0 | \$0 | \$1,500 |
| Arnold, J. Keith | D | House | \$0 | \$500 | \$500 | \$500 | \$0 | \$0 | \$0 | \$1,500 |
| Bainter, Stan | R | House | \$0 | \$1,500 | \$0 | \$250 | \$500 | \$0 | \$500 | \$2,750 |
| Barreiro, Bruno A. | R | House | \$0 | \$1,000 | \$0 | \$250 | \$0 | \$0 | \$0 | \$1,250 |
| Betancourt, Annie | D | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Bitner, Dave | R | House | \$0 | \$1,500 | \$500 | \$0 | \$0 | \$500 | \$0 | \$2,500 |
| Bloom, Elaine | D | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Boyd, Janegale | D | House | \$500 | \$0 | \$500 | \$750 | \$0 | \$0 | \$0 | \$1,750 |
| Bradley, Rudolph "Rudy" | D | House | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 | \$0 | \$500 |
| Bronson, Irlo "Bud" | D | House | \$0 | \$500 | \$0 | \$500 | \$0 | \$0 | \$0 | \$1,000 |
| Brown, Shirley | D | House | \$0 | \$500 | \$500 | \$500 | \$0 | \$0 | \$0 | \$1,500 |
| Bullard, Larcenia | D | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Burroughs, Jerrold Jr. | R | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$500 | \$0 | \$1,000 |
| Bush, James III | D | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Casas, Roberto | R | Senate | \$0 | \$500 | \$0 | \$250 | \$0 | \$0 | \$500 | \$1,250 |
| Chestnut, Cynthia Moore | D | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Childers, W.D. | R | Senate | \$500 | \$1,500 | \$0 | \$750 | \$500 | \$500 | \$0 | \$3,750 |
| Clemons, Scott | D | House | \$0 | \$0 | \$500 | \$0 | \$0 | \$500 | \$0 | \$1,000 |
| Constantine, Lee | R | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Cosgrove, John | D | House | \$0 | \$1,000 | \$0 | \$750 | \$0 | \$0 | \$0 | \$1,750 |
| Cowin, Anna | R | Senate | \$0 | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Crady, George | D | House | \$500 | \$1,000 | \$500 | \$500 | \$0 | \$500 | \$0 | \$3,000 |
| Crist, Victor | R | House | \$0 | \$0 | \$0 | \$250 | \$0 | \$0 | \$0 | \$250 |
| Culp, Faye | R | House | \$0 | \$1,500 | \$0 | \$0 | \$0 | \$500 | \$0 | \$2,000 |
| Dantzler, Rick | D | Senate | \$0 | \$500 | \$0 | \$0 | \$500 | \$0 | \$0 | \$1,000 |
| Dawson, Muriel "Mandy" | D | House | \$500 | \$500 | \$500 | \$750 | \$0 | \$0 | \$250 | \$2,500 |
| Dennis, Willye F. | D | House | \$0 | \$0 | \$0 | \$0 | \$500 | \$0 | \$0 | \$500 |
| Diaz de la Portilla, Alex | R | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Diaz-Balart, Mario | R | Senate | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 | \$1,000 |
| Dockery, Paula | D | House | \$0 | \$1,500 | \$0 | \$0 | \$0 | \$200 | \$0 | \$1,700 |
| Dudley, Fred R. | R | Senate | \$0 | \$500 | \$0 | \$250 | \$0 | \$0 | \$0 | \$750 |
| Edwards, Lori | D | House | \$0 | \$500 | \$0 | \$0 | \$500 | \$0 | \$0 | \$1,000 |
| Eggelletion, Josephus Jr. | D | House | \$0 | \$500 | \$0 | \$250 | \$0 | \$0 | \$0 | \$750 |
| Fasano, Mike | R | House | \$0 | \$1,500 | \$500 | \$500 | \$0 | \$0 | \$0 | \$2,500 |
| Feeney, Tom | R | House | \$0 | \$1,000 | \$500 | \$250 | \$0 | \$500 | \$0 | \$2,250 |
| Fischer, Margo | D | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Flanagan, Mark G. | R | House | \$0 | \$1,000 | \$500 | \$250 | \$0 | \$500 | \$0 | \$2,250 |
| Futch, Howard E. | R | House | \$500 | \$1,500 | \$0 | \$1,250 | \$0 | \$0 | \$250 | \$3,500 |
| Garcia, Rodolfo | R | House | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 | \$500 |
| Gay, Greg Allen | R | House | \$500 | \$1,000 | \$0 | \$500 | \$0 | \$0 | \$0 | \$2,000 |
| Geller, Steve | D | House | \$0 | \$0 | \$0 | \$500 | \$0 | \$0 | \$500 | \$1,000 |
| Goode, Harry C. Jr. | D | House | \$500 | \$1,500 | \$0 | \$1,500 | \$0 | \$0 | \$0 | \$3,500 |
| Grant, John | R | Senate | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Greene, Addie L. | D | House | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 | \$500 |
| Hafner, Lars A. | D | House | \$500 | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Hill, Anthony "Tony" | D | House | \$0 | \$0 | \$0 | \$250 | \$0 | \$0 | \$0 | \$250 |
| Jenne, Ken | D | Senate | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Jones, Dennis L. | R | House | \$0 | \$500 | \$0 | \$500 | \$0 | \$0 | \$0 | \$1,000 |
| Kelly, Everett | D | House | \$0 | \$0 | \$0 | \$250 | \$500 | \$0 | \$0 | \$750 |

| | | | | | | | | | | |
|---------------------|---|--------|-----|-------|-------|-------|-----|-----|-----|---------|
| Kirkpatrick, George | D | Senate | \$0 | \$500 | \$500 | \$500 | \$0 | \$0 | \$0 | \$1,500 |
| Klein, Ron | D | Senate | \$0 | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |

**TABLE A-5. CONTRIBUTIONS MADE TO LEGISLATIVE OFFICEHOLDERS
AND CANDIDATES IN 1995-1996**

| Legislator | Party | House | B/W | PM | RJR | TI | CAA | HAV | OTHER | Total |
|--------------------------|--------------|--------------|----------------|-----------------|-----------------|-----------------|----------------|----------------|----------------|------------------|
| Kurth, Patsy Ann | D | Senate | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Lacasa, Carlos | R | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Latvala, Jack | R | Senate | \$0 | \$500 | \$500 | \$500 | \$500 | \$500 | \$0 | \$2,500 |
| Lawson, Alfred Jr. "Al" | D | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Lippman, Fred | D | House | \$0 | \$0 | \$500 | \$750 | \$0 | \$0 | \$0 | \$1,250 |
| Littlefield, Carl | R | House | \$0 | \$500 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Logan, Willie | D | House | \$0 | \$0 | \$0 | \$250 | \$0 | \$500 | \$0 | \$750 |
| Lynn, Evelyn | R | House | \$0 | \$500 | \$0 | \$500 | \$0 | \$500 | \$250 | \$1,750 |
| MacKenzie, Anne | D | House | \$0 | \$500 | \$0 | \$500 | \$0 | \$0 | \$0 | \$1,000 |
| Mackey, Joseph R. | D | House | \$500 | \$500 | \$0 | \$750 | \$0 | \$500 | \$0 | \$2,250 |
| Martinez, Elvin L. | D | House | \$500 | \$1,000 | \$0 | \$750 | \$0 | \$0 | \$0 | \$2,250 |
| Maygarden, Jerry Louis | R | House | \$0 | \$500 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Meek, Kendrick | D | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Melvin, Jerry G. | R | House | \$500 | \$0 | \$0 | \$750 | \$0 | \$500 | \$0 | \$1,750 |
| Merchant, Sharon J. | R | House | \$0 | \$0 | \$0 | \$250 | \$0 | \$0 | \$250 | \$500 |
| Miller, Lesley Jr. "Les" | D | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$250 | \$0 | \$750 |
| Minton, O.R. Jr. "Rick" | D | House | \$0 | \$500 | \$0 | \$500 | \$0 | \$0 | \$0 | \$1,000 |
| Morrioni, John | R | House | \$500 | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Morse, Luis | R | House | \$0 | \$500 | \$0 | \$250 | \$0 | \$0 | \$0 | \$750 |
| Myers, William G. | R | Senate | \$0 | \$1,500 | \$0 | \$0 | \$1,000 | \$0 | \$0 | \$2,500 |
| Ogles, Mark R. | R | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Posey, Bill | R | House | \$0 | \$500 | \$0 | \$500 | \$0 | \$0 | \$0 | \$1,000 |
| Prewitt, Debra | D | House | \$500 | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Pruitt, Ken | R | House | \$500 | \$1,500 | \$500 | \$750 | \$500 | \$0 | \$0 | \$3,750 |
| Putnam, Adam H. | R | House | \$0 | \$1,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$1,000 |
| Rayson, John C. | D | House | \$0 | \$0 | \$0 | \$250 | \$0 | \$0 | \$0 | \$250 |
| Ritchie, Buzz | D | House | \$0 | \$1,500 | \$500 | \$250 | \$0 | \$0 | \$0 | \$2,250 |
| Ritter, Stacey Joy | D | House | \$500 | \$0 | \$0 | \$750 | \$0 | \$0 | \$0 | \$1,250 |
| Rojas, Luis E. | R | House | \$0 | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Safley, R.Z. "Sandy" | R | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Saunders, Burt | R | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Sembler, Charles W. II | R | House | \$0 | \$500 | \$0 | \$500 | \$0 | \$0 | \$0 | \$1,000 |
| Sindler, Bob | D | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Smith, Kelley | D | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Spratt, J.R. "Joe" | D | House | \$500 | \$500 | \$0 | \$750 | \$0 | \$0 | \$0 | \$1,750 |
| Stabins, Jeff | R | House | \$500 | \$1,500 | \$0 | \$500 | \$0 | \$0 | \$0 | \$2,500 |
| Stafford, Tracey | D | House | \$0 | \$500 | \$0 | \$0 | \$500 | \$0 | \$0 | \$1,000 |
| Sublette, Bill | R | House | \$0 | \$1,000 | \$0 | \$250 | \$0 | \$0 | \$0 | \$1,250 |
| Tobin, Jack N. | D | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Trovillion, Allen | R | House | \$0 | \$0 | \$500 | \$250 | \$0 | \$0 | \$0 | \$750 |
| Valdes, Carlos | R | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$250 | \$750 |
| Villalobes, Alex | R | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Wallace, Rob | R | House | \$0 | \$1,000 | \$750 | \$0 | \$0 | \$250 | \$0 | \$2,000 |
| Warner, Tom | R | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 |
| Westbrook, Jamey | D | House | \$0 | \$0 | \$500 | \$250 | \$0 | \$0 | \$0 | \$750 |
| Wiles, Douglass F. | D | House | \$0 | \$0 | \$500 | \$250 | \$0 | \$0 | \$0 | \$750 |
| Ziebarth, Earl | R | House | \$0 | \$1,000 | \$0 | \$500 | \$0 | \$0 | \$0 | \$1,500 |
| TOTAL | | | \$8,500 | \$55,500 | \$13,750 | \$24,750 | \$6,000 | \$7,700 | \$4,250 | \$120,450 |

Source: Campaign disclosure statements from the Florida Department of State, Division of Elections.

Note: In this table, "tobacco industry" sources of funds included: Brown & Williamson, Phillip Morris, Inc., R. J. Reynolds, Tobacco Institute, Cigar Association of America, Hav-a-tampa, and Florida Tobacco and Candy Assoc. Not included in these calculations were contributions from non-tobacco subsidiaries such as Philip Morris' Kraft General Foods and Miller Beer and individuals associated with the tobacco industry.

**TABLE A-6. CONTRIBUTIONS MADE TO LEGISLATIVE OFFICEHOLDERS
AND CANDIDATES IN 1997-1998**

| Legislator | Party | House | PM | RJR | TI | CAA | OTHERS | Total | Grand Total |
|---------------------------|--------------|--------------|-----------|------------|-----------|------------|---------------|--------------|------------------------|
| Andrews, Bill | R | House | \$500 | \$500 | \$750 | \$0 | \$0 | \$1,750 | \$2,750 |
| Argenziano, Nancy | R | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 | \$500 |
| Arnall, Joe | R | House | \$500 | \$500 | \$500 | \$500 | \$0 | \$2,000 | \$6,750 |
| Bainter, Stan | R | House | \$0 | \$500 | \$500 | \$0 | \$0 | \$1,000 | \$6,500 |
| Ball, Randy | R | House | \$1,000 | \$0 | \$0 | \$0 | \$0 | \$1,000 | \$1,000 |
| Bankhead, W. G. "Bill" | R | Senat | \$500 | \$500 | \$500 | \$500 | \$0 | \$2,000 | \$6,050 |
| | | e | | | | | | | |
| Bitner, Dave | R | House | \$0 | \$0 | \$500 | \$0 | \$0 | \$500 | \$4,000 |
| Bloom, Elaine | D | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 | \$1,500 |
| Boyd, Janegale | D | House | \$0 | \$500 | \$0 | \$500 | \$0 | \$1,000 | \$2,750 |
| Bradley, Rudolph "Rudy" | D | House | \$0 | \$0 | \$0 | \$500 | \$500 | \$1,000 | \$2,000 |
| Brennan, Mary | D | House | \$1,000 | \$0 | \$0 | \$0 | \$0 | \$1,000 | \$3,000 |
| Bronson, Charlie | R | Senat | \$1,000 | \$500 | \$500 | \$0 | \$0 | \$2,000 | \$2,000 |
| | | e | | | | | | | |
| Bronson, Irlo "Bud" | D | House | \$500 | \$1,000 | \$1,000 | \$0 | \$0 | \$2,500 | \$7,500 |
| Brooks, Bob | R | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 | \$500 |
| Brown, Shirley | D | House | \$0 | \$0 | \$250 | \$0 | \$0 | \$250 | \$2,750 |
| Bullard, Larcenia | D | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 | \$1,500 |
| Burroughs, Jerrold Jr. | R | House | \$0 | \$0 | \$500 | \$0 | \$0 | \$500 | \$1,500 |
| Carlton, Lisa | R | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 | \$500 |
| Chestnut, Cynthia Moore | D | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 | \$1,500 |
| Constantine, D. Lee | R | House | \$0 | \$0 | \$0 | \$500 | \$0 | \$500 | \$1,500 |
| Cosgrove, John | D | House | \$500 | \$0 | \$750 | \$0 | \$0 | \$1,250 | \$7,650 |
| Crady, George | D | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 | \$4,750 |
| Crist, Victor | R | House | \$500 | \$0 | \$500 | \$0 | \$0 | \$1,000 | \$1,750 |
| Crow, Larry | R | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 | \$1,500 |
| Culp, Faye | R | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 | \$2,500 |
| Dennis, Willey F. | D | House | \$500 | \$500 | \$0 | \$0 | \$0 | \$1,000 | \$2,500 |
| Dyer, Buddy | D | Senat | \$0 | \$500 | \$0 | \$0 | \$0 | \$500 | \$4,000 |
| | | e | | | | | | | |
| Edwards, Lori | D | House | \$844 | \$0 | \$0 | \$0 | \$0 | \$844 | \$3,944 |
| Eggelletion, Josephus Jr. | D | House | \$0 | \$500 | \$500 | \$0 | \$0 | \$1,000 | \$2,750 |
| Fasano, Mike | R | House | \$500 | \$1,000 | \$500 | \$0 | \$0 | \$2,000 | \$4,500 |
| Feeney, Tom | R | House | \$0 | \$500 | \$0 | \$500 | \$0 | \$1,000 | \$3,750 |
| Fischer, Margo | D | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$500 | \$1,000 |
| Flanagan, Mark G. | R | House | \$0 | \$500 | \$250 | \$0 | \$0 | \$750 | \$3,000 |
| Fuller, Jim | R | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 | \$500 |
| Futch, Howard E. | R | House | \$500 | \$0 | \$500 | \$0 | \$0 | \$1,000 | \$7,600 |
| Garcia, Rodolfo | R | House | \$0 | \$0 | \$0 | \$500 | \$0 | \$500 | \$4,950 |
| Gay, Greg Allen | R | House | \$0 | \$0 | \$500 | \$0 | \$0 | \$500 | \$3,750 |
| Geller, Steven A. | D | Senat | \$0 | \$0 | \$750 | \$0 | \$250 | \$1,000 | \$3,750 |
| | | e | | | | | | | |
| Goode, Harry C. Jr. | D | House | \$500 | \$1,000 | \$1,250 | \$0 | \$0 | \$2,750 | \$12,500 |
| Greene, Addie L. | D | House | \$500 | \$0 | \$250 | \$0 | \$500 | \$1,250 | \$2,250 |
| Gutman, Alberto "Al" | R | Senat | \$0 | \$0 | \$500 | \$500 | \$500 | \$1,500 | \$6,600 |
| | | e | | | | | | | |
| Harrington, Lindsay M. | R | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 | \$500 |
| Harris, Katherine | R | Senat | \$0 | \$500 | \$0 | \$0 | \$0 | \$500 | \$2,000 |
| | | e | | | | | | | |
| Heyman, Sally | D | House | \$0 | \$0 | \$0 | \$500 | \$0 | \$500 | \$500 |
| Hill, Anthony "Tony" | D | House | \$0 | \$0 | \$500 | \$0 | \$0 | \$500 | \$1,750 |
| Holzendorf, Betty S. | D | Senat | \$0 | \$0 | \$500 | \$0 | \$0 | \$500 | \$4,000 |

| | | | | | | | | | |
|-------------------------|---|-------|-------|-------|-------|-------|-----|---------|---------|
| | | e | | | | | | | |
| Kelly, Everett | R | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 | \$6,250 |
| King, James E. "Jim" | R | House | \$0 | \$500 | \$500 | \$500 | \$0 | \$1,500 | \$5,150 |
| Lacasa, Carlos | R | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 | \$1,000 |
| Latvala, Jack | R | Senat | \$0 | \$0 | \$500 | \$0 | \$0 | \$500 | \$4,250 |
| | | e | | | | | | | |
| Lawson, Alfred Jr. "Al" | D | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 | \$2,050 |

**TABLE A-6. CONTRIBUTIONS MADE TO LEGISLATIVE OFFICEHOLDERS
AND CANDIDATES IN 1997-1998**

| Legislator | Party | House | PM | RJR | TI | CAA | OTHERS | Total | Grand Total |
|--------------------------|-------|-------|-----------------|-----------------|-----------------|-----------------|----------------|-----------------|----------------|
| Lippman, Fred | D | House | \$0 | \$500 | \$250 | \$0 | \$0 | \$750 | \$4,500 |
| Littlefield, Carl | R | House | \$1,000 | \$0 | \$500 | \$500 | \$0 | \$2,000 | \$4,000 |
| Livingston, Ralph | R | House | \$1,000 | \$0 | \$0 | \$0 | \$0 | \$1,000 | \$1,000 |
| Logan, Willie | D | House | \$500 | \$0 | \$500 | \$0 | \$0 | \$1,000 | \$5,750 |
| MacKenzie, Anne | D | House | \$0 | \$0 | \$500 | \$500 | \$0 | \$1,000 | \$8,150 |
| Mackey, Joseph R. | D | House | \$0 | \$0 | \$500 | \$0 | \$0 | \$500 | \$7,850 |
| Maygarden, Jerry Louis | R | House | \$0 | \$500 | \$0 | \$0 | \$0 | \$500 | \$2,500 |
| Meadows, Matthew J. | D | Senat | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 | \$1,750 |
| e | | | | | | | | | |
| Meek, Kendrick | D | House | \$500 | \$1,000 | \$0 | \$500 | \$0 | \$2,000 | \$3,000 |
| Melvin, Jerry G. | R | House | \$0 | \$500 | \$250 | \$500 | \$0 | \$1,250 | \$3,500 |
| Miller, Lesley Jr. "Les" | D | House | \$500 | \$1,000 | \$0 | \$0 | \$0 | \$1,500 | \$4,000 |
| Minton, O.R. Jr. "Rick" | D | House | \$0 | \$500 | \$1,000 | \$0 | \$500 | \$2,000 | \$4,750 |
| Morrone, John | R | House | \$0 | \$500 | \$500 | \$0 | \$0 | \$1,000 | \$2,606 |
| Morse, Luis | R | House | \$500 | \$0 | \$250 | \$500 | \$0 | \$1,250 | \$4,700 |
| Mortham, Sandra | R | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 | \$2,850 |
| Ogles, Mark R. | R | House | \$0 | \$0 | \$250 | \$500 | \$0 | \$750 | \$2,750 |
| Peaden, Durell | R | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 | \$500 |
| Posey, Bill | R | House | \$0 | \$0 | \$500 | \$0 | \$0 | \$500 | \$3,000 |
| Prewitt, Debra | D | House | \$0 | \$0 | \$500 | \$0 | \$0 | \$500 | \$1,500 |
| Pruitt, Ken | R | House | \$0 | \$0 | \$500 | \$500 | \$0 | \$1,000 | \$6,500 |
| Reddick, Alzo J. | D | House | \$0 | \$500 | \$750 | \$0 | \$0 | \$1,250 | \$3,750 |
| Ritter, Stacey Joy | D | House | \$500 | \$0 | \$1,000 | \$0 | \$0 | \$1,500 | \$2,750 |
| Roberts-Burke, Beryl D. | D | House | \$0 | \$0 | \$500 | \$0 | \$0 | \$500 | \$500 |
| Rodriguez-Chomat, Jorge | R | House | \$0 | \$0 | \$250 | \$500 | \$0 | \$750 | \$750 |
| Saunders, Burt | R | House | \$1,000 | \$0 | \$0 | \$0 | \$100 | \$1,100 | \$1,600 |
| Silver, Ronald A. | D | Senat | \$500 | \$0 | \$0 | \$500 | \$0 | \$1,000 | \$4,650 |
| e | | | | | | | | | |
| Spratt, J.R. "Joe" | D | House | \$0 | \$0 | \$250 | \$0 | \$0 | \$250 | \$2,000 |
| Stabins, Jeff | R | House | \$500 | \$500 | \$500 | \$0 | \$500 | \$2,000 | \$6,250 |
| Sublette, Bill | R | House | \$0 | \$0 | \$500 | \$0 | \$0 | \$500 | \$2,750 |
| Tamargo, Deborah | R | House | \$0 | \$0 | \$0 | \$0 | \$500 | \$500 | \$500 |
| Trovillion, Allen | R | House | \$0 | \$500 | \$500 | \$0 | \$0 | \$1,000 | \$1,750 |
| Turnbull, Marjorie | D | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 | \$500 |
| Turner, William H. | D | Senat | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 | \$1,250 |
| e | | | | | | | | | |
| Valdes, Carlos | R | House | \$0 | \$0 | \$750 | \$0 | \$0 | \$750 | \$3,700 |
| Villalobes, Alex | R | House | \$0 | \$500 | \$500 | \$500 | \$0 | \$1,500 | \$3,000 |
| Wallace, Rob | R | House | \$0 | \$750 | \$0 | \$0 | \$0 | \$750 | \$2,750 |
| Warner, Tom | R | House | \$500 | \$0 | \$250 | \$0 | \$0 | \$750 | \$1,750 |
| Westbrook, Jamey | D | House | \$0 | \$0 | \$1,000 | \$0 | \$0 | \$1,000 | \$1,750 |
| Williams, Charles | D | Senat | \$0 | \$500 | \$500 | \$0 | \$0 | \$1,000 | \$3,750 |
| e | | | | | | | | | |
| Wise, Stephen R. | R | House | \$500 | \$0 | \$0 | \$0 | \$0 | \$500 | \$500 |
| Ziebarth, Earl | R | House | \$0 | \$0 | \$250 | \$0 | \$0 | \$250 | \$1,750 |
| TOTAL | | | \$25,344 | \$17,250 | \$26,000 | \$10,000 | \$3,350 | \$84,194 | |

Source: Campaign disclosure statements from the Florida Department of State, Division of Elections.

Note: In this table, "tobacco industry" included: Phillip Morris, Inc., R. J. Reynolds Tobacco, the Tobacco Institute, Cigar Association of America, Pure Leaf

Tobacco Company, Smokeless Tobacco Council, and the Florida Tobacco and Candy Association. Not included in these calculations were contributions to candidates at the local level which was not available. Also not included were contributions from non-tobacco subsidiaries such as Philip Morris' Kraft General Foods and Miller Beer and individuals associated with the tobacco industry. The Grand Total is calculated from all "tobacco industry" sources of funds from each two year election cycle from 1987–1988 to 1997-1998.

**TABLE A-7. CONTRIBUTIONS MADE TO MAJOR POLITICAL PARTIES
FROM 1989-1990 TO 1997-1998 ELECTION CYCLES**

| PARTY | 89-90 | 91-92 | 93-94 | 95-96 | 97-98 | Grand Total |
|-------------------|--------------|--------------|--------------|--------------|--------------|------------------------|
| DEMOCRATIC | \$60,350 | \$136,991 | \$48,000 | \$111,000 | \$82,500 | \$438,841 |
| REPUBLICAN | \$33,000 | \$110,100 | \$427,000 | \$297,850 | \$227,250 | \$1,095,200 |
| TOTAL | \$93,350 | \$247,091 | \$475,000 | \$408,850 | \$309,750 | \$1,534,041 |

Source: Campaign disclosure statements from the Florida Department of State, Division of Elections and Bureau of Archives and Records Management.

**TABLE A-8. CONTRIBUTIONS MADE TO STATEWIDE CONSTITUTIONAL
OFFICERS FROM 1989-1990 TO 1997-1998 ELECTION CYCLES**

| OFFICEHOLDER | OFFICE | PARTY | 89-90 | 91-92 | 93-94 | 95-96 | 97-98 | Grand Total |
|---------------------------------|---------------------------|--------------|--------------|--------------|--------------|--------------|--------------|------------------------|
| Chiles, Lawton /Mckay, Buddy | Governor/Lt. Governor. | D | ---- | ---- | ---- | ---- | ---- | ---- |
| Crawford, Bob | Agriculture | D | \$14,000 | ---- | \$1,000 | ---- | \$3,000 | \$18,000 |
| Mortham, Sandy | Sec. of State | R | ---- | ---- | \$1,750 | ---- | \$750 | \$2,500 |
| Butterworth, Bob | Attorney General | D | ---- | ---- | \$500 | ---- | ---- | \$500 |
| Nelson, Bill | Treasurer/ Insurance | D | ---- | ---- | \$500 | ---- | ---- | \$500 |
| TOTAL | | | \$14,000 | \$0 | \$3,750 | \$0 | \$3,750 | \$21,500 |

Source: Campaign disclosure statements from the Florida Department of State, Division of Elections and Bureau of Archives and Records Management.