

1 A bill to be entitled
 2 An act relating to tobacco education and prevention;
 3 amending s. 381.84, F.S.; providing an additional purpose
 4 in implementing the Comprehensive Statewide Tobacco
 5 Education and Use Prevention Program; expanding the
 6 counter-marketing and advertising campaign component to
 7 include utilization of innovative communication
 8 strategies, including the use of physicians and dentists;
 9 expanding the cessation programs, counseling, and
 10 treatment component to include the use of physicians and
 11 dentists; substituting the term "tobacco-use cessation"
 12 for "smoking cessation"; expanding the community programs
 13 and chronic disease prevention component to include
 14 statewide programs; deleting county health department
 15 funding eligibility; specifying purposes for the use of
 16 funds distributed under the program; requiring the
 17 Department of Health to award contracts and grants for
 18 certain purposes; deleting obsolete language; providing an
 19 effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Section 381.84, Florida Statutes, is amended to
 24 read:

25 381.84 Comprehensive Statewide Tobacco Education and Use
 26 Prevention Program.--

27 (1) DEFINITIONS.--As used in this section and for purposes
 28 of the provisions of s. 27, Art. X of the State Constitution,

29 | the term:

30 | (a) "AHEC network" means an area health education center
31 | network established under s. 381.0402.

32 | (b) "CDC" means the United States Centers for Disease
33 | Control and Prevention.

34 | (c) "Council" means the Tobacco Education and Use
35 | Prevention Advisory Council.

36 | (d) "Department" means the Department of Health.

37 | (e) "Tobacco" means, without limitation, tobacco itself
38 | and tobacco products that include tobacco and are intended or
39 | expected for human use or consumption, including, but not
40 | limited to, cigarettes, cigars, pipe tobacco, and smokeless
41 | tobacco.

42 | (f) "Youth" means minors and young adults.

43 | (2) PURPOSE, FINDINGS, AND INTENT.--It is the purpose of
44 | this section to implement s. 27, Art. X of the State
45 | Constitution. The Legislature finds that s. 27, Art. X of the
46 | State Constitution requires the funding of a statewide tobacco
47 | education and use prevention program that focuses on tobacco use
48 | by youth. The Legislature further finds that the primary goals
49 | of the program are to reduce the prevalence of tobacco use among
50 | youth, adults, and pregnant women; reduce per capita tobacco
51 | consumption; implement interventions to detect, prevent, and
52 | treat tobacco-related chronic diseases; and reduce exposure to
53 | environmental tobacco smoke. Further, it is the intent of the
54 | Legislature to base increases in funding for individual
55 | components of the program on the results of assessments and
56 | evaluations. Recognizing that some components will need to grow

57 faster than inflation, it is the intent of the Legislature to
 58 fund portions of the program on a nonrecurring basis in the
 59 early years so that those components that are most effective can
 60 be supported as the program matures.

61 (3) PROGRAM COMPONENTS AND REQUIREMENTS.--The department
 62 shall conduct a comprehensive, statewide tobacco education and
 63 use prevention program consistent with the recommendations for
 64 effective program components contained in the 1999 Best
 65 Practices for Comprehensive Tobacco Control Programs of the CDC,
 66 as amended by the CDC. The program shall include the following
 67 components, each of which shall focus on educating people,
 68 particularly youth and their parents, about the health hazards
 69 of tobacco and discouraging the use of tobacco:

70 (a) Counter-marketing and advertising; Internet ~~cyberspace~~
 71 resource center.--The counter-marketing and advertising campaign
 72 shall include, at a minimum, Internet, print, radio, and
 73 television advertising and shall be funded with a minimum of
 74 one-third of the total annual appropriation required by s. 27,
 75 Art. X of the State Constitution.

76 1. The campaign shall include an Internet ~~A cyberspace~~
 77 resource center for copyrighted materials and information
 78 concerning tobacco education and use prevention, including
 79 cessation, ~~shall be maintained by the program.~~ Such resource
 80 center must be accessible to the public, including parents,
 81 teachers, and students, at each level of public and private
 82 schools, universities, and colleges in the state and shall
 83 provide links to other relevant resources. The Internet address
 84 for the resource center must be incorporated in all advertising.

85 The information maintained in the resource center shall be used
 86 by the other components of the program.

87 2. The campaign shall utilize innovative communication
 88 strategies, such as targeting specific audiences through
 89 personal communication devices and online networking
 90 environments. The campaign shall specifically employ innovative
 91 channels to disseminate the campaign message, including
 92 utilizing physicians licensed under chapter 458 or chapter 459
 93 and dentists licensed under chapter 466 to target specific
 94 audiences and provide brief advice to quit the use of tobacco.

95 (b) Cessation programs, counseling, and treatment.--This
 96 program component shall include three ~~two~~ subcomponents:

97 1. A statewide toll-free cessation service, which may
 98 include counseling, referrals to other local resources and
 99 support services, and treatment to the extent funds are
 100 available for treatment services, ~~and~~

101 2. A ~~local~~ community-based program to disseminate
 102 information about tobacco-use ~~smoking~~ cessation, how tobacco-use
 103 ~~smoking~~ cessation relates to prenatal care and obesity
 104 prevention, and other chronic tobacco-related diseases.

105 3. A statewide program that utilizes physicians licensed
 106 under chapter 458 or chapter 459 and dentists licensed under
 107 chapter 466 to deliver brief advice to quit the use of tobacco.

108 (c) Surveillance and evaluation.--The program shall
 109 conduct ongoing epidemiological surveillance and shall contract
 110 for annual independent evaluations of the effectiveness of the
 111 various components of the program in meeting the goals as set
 112 forth in subsection (2).

113 (d) Youth school programs.--School and after-school
 114 programs shall use current evidence-based curricula and programs
 115 that involve youth to educate youth about the health hazards of
 116 tobacco, help youth develop skills to refuse tobacco, and
 117 demonstrate to youth how to stop using tobacco.

118 (e) Statewide and community programs ~~and chronic disease~~
 119 ~~prevention~~.--The department shall promote and support statewide
 120 and local community-based partnerships that encourage and
 121 support individuals, especially youth, to make behavior choices
 122 consistent with tobacco-free norms. In addition, the department
 123 shall promote and support statewide and community ~~emphasize~~
 124 ~~programs involving youth, including programs for the prevention,~~
 125 detection, and treatment ~~early intervention~~ of tobacco-related
 126 ~~smoking-related~~ chronic diseases, such as cancer, chronic lung
 127 and respiratory diseases, and heart disease.

128 (f) Training.--The program shall include the training of
 129 health care practitioners, tobacco-use cessation ~~smoking-~~
 130 ~~cessation~~ counselors, and teachers by health professional
 131 students and other tobacco-use prevention specialists who are
 132 trained in preventing tobacco use and health education. Tobacco-
 133 use cessation ~~Smoking-cessation~~ counselors shall be trained by
 134 specialists who are certified in tobacco-use cessation.

135 (g) Administration and management.--The department shall
 136 administer the program within the expenditure limit established
 137 in subsection (8). As part of this component, the department
 138 shall coordinate the activities of the state and local tobacco
 139 control community. In addition, statewide programs, and county
 140 ~~health departments. Each county health department is eligible~~

141 ~~to receive a portion of the annual appropriation, on a per~~
 142 ~~capita basis, for coordinating tobacco education and use~~
 143 ~~prevention programs within that county. Appropriated funds may~~
 144 ~~be used to improve the infrastructure of the county health~~
 145 ~~department to implement the comprehensive, statewide tobacco~~
 146 ~~education and use prevention program.~~ each county health
 147 department shall prominently display in all treatment rooms and
 148 waiting rooms, counter-marketing and advertisement materials in
 149 the form of wall posters, brochures, television advertising if
 150 televisions are used in the lobby or waiting room, and
 151 screensavers and Internet advertising if computer kiosks are
 152 available for use or viewing by people at the county health
 153 department.

154 (h) Enforcement and awareness of related laws.--In
 155 coordination with the Department of Business and Professional
 156 Regulation, the program shall monitor the enforcement of laws,
 157 rules, and policies prohibiting the sale or other provision of
 158 tobacco to minors, as well as the continued enforcement of the
 159 Clean Indoor Air Act prescribed in chapter 386. The
 160 advertisements produced in accordance with paragraph (a) may
 161 also include information designed to make the public aware of
 162 these related laws and rules. The departments may enter into
 163 interagency agreements to carry out this program component.

164 (i) AHEC tobacco-use cessation ~~smoking cessation~~
 165 initiative.--For the ~~2007-2008~~ and 2008-2009 fiscal year ~~years~~
 166 only, the AHEC network shall expand the AHEC tobacco-use
 167 cessation ~~smoking cessation~~ initiative to each county within the

168 state and perform other activities as determined by the
 169 department.

170 (4) ADVISORY COUNCIL; MEMBERS, APPOINTMENTS, AND
 171 MEETINGS.--The Tobacco Education and Use Prevention Advisory
 172 Council is created within the department.

173 (a) The council shall consist of 23 members, including:

174 1. The State Surgeon General, who shall serve as the
 175 chairperson.

176 2. One county health department director, appointed by the
 177 State Surgeon General.

178 3. Two members appointed by the Commissioner of Education,
 179 of whom one must be a school district superintendent.

180 4. The chief executive officer of the Florida Division of
 181 the American Cancer Society, or his or her designee.

182 5. The chief executive officer of the Greater Southeast
 183 Affiliate of the American Heart Association, or his or her
 184 designee.

185 6. The chief executive officer of the American Lung
 186 Association of Florida, or his or her designee.

187 7. The dean of the University of Miami School of Medicine,
 188 or his or her designee.

189 8. The dean of the University of Florida College of
 190 Medicine, or his or her designee.

191 9. The dean of the University of South Florida College of
 192 Medicine, or his or her designee.

193 10. The dean of the Florida State University College of
 194 Medicine, or his or her designee.

195 11. The dean of Nova Southeastern College of Osteopathic
196 Medicine, or his or her designee.

197 12. The dean of the Lake Erie College of Osteopathic
198 Medicine in Bradenton, Florida, or his or her designee.

199 13. The chief executive officer of the Campaign for
200 Tobacco Free Kids, or his or her designee.

201 14. The chief executive officer of the Legacy Foundation,
202 or his or her designee.

203 15. Four members appointed by the Governor, of whom two
204 must have expertise in the field of tobacco-use prevention and
205 education or tobacco-use ~~smoking~~ cessation and one individual
206 who shall be between the ages of 16 and 21 at the time of his or
207 her appointment.

208 16. Two members appointed by the President of the Senate,
209 of whom one must have expertise in the field of tobacco-use
210 prevention and education or tobacco-use ~~smoking~~ cessation.

211 17. Two members appointed by the Speaker of the House of
212 Representatives, of whom one must have expertise in the field of
213 tobacco-use prevention and education or tobacco-use ~~smoking~~
214 cessation.

215 (b) The appointments shall be for 3-year terms and shall
216 reflect the diversity of the state's population. A vacancy shall
217 be filled by appointment by the original appointing authority
218 for the unexpired portion of the term.

219 (c) An appointed member may not serve more than two
220 consecutive terms.

221 (d) The council shall meet at least quarterly and upon the
 222 call of the chairperson. Meetings may be held via teleconference
 223 or other electronic means.

224 (e) Members of the council shall serve without
 225 compensation, but are entitled to reimbursement for per diem and
 226 travel expenses pursuant to s. 112.061. Members who are state
 227 officers or employees or who are appointed by state officers or
 228 employees shall be reimbursed for per diem and travel expenses
 229 pursuant to s. 112.061 from the state agency through which they
 230 serve.

231 (f) The department shall provide council members with
 232 information and other assistance as is reasonably necessary to
 233 assist the council in carrying out its responsibilities.

234 (5) COUNCIL DUTIES AND RESPONSIBILITIES.--The council
 235 shall advise the State Surgeon General as to the direction and
 236 scope of the Comprehensive Statewide Tobacco Education and Use
 237 Prevention Program. The responsibilities of the council include,
 238 but are not limited to:

239 (a) Providing advice on program priorities and emphases.

240 (b) Providing advice on the overall program budget.

241 (c) Providing advice on copyrighted material, trademark,
 242 and future transactions as they pertain to the tobacco education
 243 and use prevention program.

244 (d) Reviewing broadcast material prepared for the
 245 Internet, portable media players, radio, and television as it
 246 relates to the advertising component of the tobacco education
 247 and use prevention program.

248 (e) Participating in periodic program evaluation.

249 (f) Assisting in the development of guidelines to ensure
 250 fairness, neutrality, and adherence to the principles of merit
 251 and quality in the conduct of the program.

252 (g) Assisting in the development of administrative
 253 procedures relating to solicitation, review, and award of
 254 contracts and grants in order to ensure an impartial, high-
 255 quality peer review system.

256 (h) Assisting in the development and supervision of peer
 257 review panels.

258 (i) Reviewing reports of peer review panels and making
 259 recommendations for contracts and grants.

260 (j) Reviewing the activities and evaluating the
 261 performance of the AHEC network to avoid duplicative efforts
 262 using state funds.

263 (k) Recommending meaningful outcome measures through a
 264 regular review of tobacco-use prevention and education
 265 strategies and programs of other states and the Federal
 266 Government.

267 (l) Recommending policies to encourage a coordinated
 268 response to tobacco use in this state, focusing specifically on
 269 creating partnerships within and between the public and private
 270 sectors.

271 (6) CONTRACT REQUIREMENTS.--Contracts or grants for the
 272 program components or subcomponents described in paragraphs
 273 (3) (a)-(f) shall be awarded by the State Surgeon General, after
 274 consultation with the council, on the basis of merit, as
 275 determined by an open, competitive, peer-reviewed process that
 276 ensures objectivity, consistency, and high quality. The

277 department shall award such grants or contracts no later than
 278 October 1 for each fiscal year. A recipient of a contract or
 279 grant for the program component described in paragraph (3)(c) is
 280 not eligible for a contract or grant award for any other program
 281 component described in subsection (3) in the same state fiscal
 282 year. A school or college of medicine that is represented on the
 283 council is not eligible to receive a contract or grant under
 284 this section. ~~For the 2007-2008 and 2008-2009 fiscal years only,~~
 285 ~~the department shall award a contract or grant in the amount of~~
 286 ~~\$10 million to the AHEC network for the purpose of developing~~
 287 ~~the components described in paragraph (3)(i). The AHEC network~~
 288 ~~may apply for a competitive contract or grant after the 2008-~~
 289 ~~2009 fiscal year.~~

290 (a) In order to ensure that all proposals for funding are
 291 appropriate and are evaluated fairly on the basis of merit, the
 292 State Surgeon General, in consultation with the council, shall
 293 appoint a peer review panel of independent, qualified experts in
 294 the field of tobacco control to review the content of each
 295 proposal and establish its priority score. The priority scores
 296 shall be forwarded to the council and must be considered in
 297 determining which proposals will be recommended for funding.

298 (b) The council and the peer review panel shall establish
 299 and follow rigorous guidelines for ethical conduct and adhere to
 300 a strict policy with regard to conflicts of interest. A member
 301 of the council or panel may not participate in any discussion or
 302 decision with respect to a research proposal by any firm,
 303 entity, or agency with which the member is associated as a
 304 member of the governing body or as an employee or with which the

305 member has entered into a contractual arrangement. Meetings of
 306 the council and the peer review panels are subject to chapter
 307 119, s. 286.011, and s. 24, Art. I of the State Constitution.

308 (c) In each contract or grant agreement, the department
 309 shall limit the use of food and promotional items to no more
 310 than 2.5 percent of the total amount of the contract or grant
 311 and limit overhead or indirect costs to no more than 7.5 percent
 312 of the total amount of the contract or grant. The department, in
 313 consultation with the Department of Financial Services, shall
 314 publish guidelines for appropriate food and promotional items.

315 (d) In each advertising contract, the department shall
 316 limit the total of production fees, buyer commissions, and
 317 related costs to no more than 10 percent of the total contract
 318 amount.

319 (e) Notwithstanding the competitive process for contracts
 320 prescribed in this subsection:

321 1. For the 2008-2009 fiscal year only, the department
 322 shall award a contract or grant in the amount of \$6 million to
 323 the AHEC network for the purpose of developing the component
 324 described in paragraph (3)(i).

325 2. For the 2008-2009 fiscal year only, the department
 326 shall equally award contracts or grants totaling \$4 million to
 327 each medical school in this state recognized and approved by an
 328 accrediting agency recognized by the United States Office of
 329 Education for the purpose of implementing the component
 330 described in paragraph (3)(i).

331 3. Beginning with the 2008-2009 fiscal year and continuing
 332 thereafter, the department shall award contracts or grants in

333 the amount of \$10 million to the H. Lee Moffitt Cancer Center
 334 and Research Institute and \$1 million to the University of
 335 Florida Shands Cancer Center for the purpose of implementing
 336 chronic disease prevention, detection, and treatment programs in
 337 accordance with paragraph (3) (e), ~~each county health department~~
 338 ~~is eligible for core funding, on a per capita basis, to~~
 339 ~~implement tobacco education and use prevention activities within~~
 340 ~~that county.~~

341 (7) ANNUAL REPORT REQUIRED.--By January 31 of each year,
 342 the department shall provide to the Governor, the President of
 343 the Senate, and the Speaker of the House of Representatives a
 344 report that evaluates the program's effectiveness in reducing
 345 and preventing tobacco use and that recommends improvements to
 346 enhance the program's effectiveness. The report must contain, at
 347 a minimum, an annual survey of youth attitudes and behavior
 348 toward tobacco, as well as a description of the progress in
 349 reducing the prevalence of tobacco use among youth, adults, and
 350 pregnant women; reducing per capita tobacco consumption; and
 351 reducing exposure to environmental tobacco smoke.

352 (8) LIMITATION ON ADMINISTRATIVE EXPENSES.--From the total
 353 funds appropriated for the Comprehensive Statewide Tobacco
 354 Education and Use Prevention Program in the General
 355 Appropriations Act, an amount of up to 5 percent may be used by
 356 the department for administrative expenses.

357 (9) RULEMAKING AUTHORIZED.--~~By January 1, 2008,~~ The
 358 department shall adopt rules pursuant to ss. 120.536(1) and
 359 120.54 to administer this section.

360 Section 2. This act shall take effect July 1, 2008.