

Bill No. SB 1126

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603-2020D-07

Proposed Committee Substitute by the Committee on Health and Human Services Appropriations

1                                   A bill to be entitled  
 2           An act relating to tobacco education and  
 3           prevention; creating s. 381.84, F.S.; providing  
 4           legislative findings; providing definitions;  
 5           requiring the Department of Health to establish  
 6           a comprehensive statewide tobacco education and  
 7           prevention program; requiring the department to  
 8           contract with the AHEC network and to expand  
 9           the smoking cessation initiative to each  
 10          county; providing components of the program;  
 11          creating the Tobacco Education and Prevention  
 12          Advisory Council; providing for membership;  
 13          providing for terms of appointment; providing  
 14          for reimbursement for per diem and travel  
 15          expenses; providing the responsibilities of the  
 16          council; requiring the department to submit an  
 17          annual report to the Governor and the  
 18          Legislature; providing requirements for the  
 19          report; requiring the department to adopt  
 20          rules; providing an effective date.

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

23  
 24           Section 1. Section 381.84, Florida Statutes, is  
 25 created to read:

26           381.84 Comprehensive Statewide Tobacco Education and  
 27 Prevention Program.--

28           (1) It is the purpose of this section to implement s.  
 29 27, Art. X of the State Constitution. The Legislature finds  
 30 that s. 27, Art. X of the State Constitution requires funding  
 31 of a statewide tobacco education and prevention program that

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1 focuses on tobacco use by youth. The Legislature further finds  
 2 that the primary goals of the program are to reduce the  
 3 prevalence of tobacco use among youth and adults, reduce per  
 4 capita tobacco consumption, and reduce exposure to  
 5 environmental tobacco smoke. Further, it is the intent of the  
 6 Legislature to base increases in funding for individual  
 7 components of the program on the results of assessments and  
 8 evaluations. Recognizing that some components will need to  
 9 grow faster than inflation, it is the intent of the  
 10 Legislature to fund portions of the program on a non-recurring  
 11 basis in the early years so that those components that are  
 12 most effective can be supported as the program matures.

13 (2) As used in this section, the term:

14 (a) "AHEC network" means an area health education  
15 center network established under s. 381.0402.

16 (b) "Council" means the Tobacco Education and  
17 Prevention Oversight Council.

18 (c) "Department" means the Department of Health.

19 (d) "Tobacco" means, without limitation, tobacco  
20 itself and tobacco products that include tobacco and are  
21 intended or expected for human use or consumption, including,  
22 but not limited to, cigarettes, cigars, pipe tobacco, and  
23 smokeless tobacco.

24 (e) "Youth" means minors and young adults.

25 (3) The department shall conduct a comprehensive,  
26 statewide tobacco education and prevention program consistent  
27 with the recommendations for effective program components  
28 contained in the 1999 Best Practices for Comprehensive Tobacco  
29 Control Programs of the Centers for Disease Control and  
30 Prevention, as amended. The department shall contract with the  
31 AHEC network to disseminate information about smoking

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1 cessation, how smoking cessation relates to prenatal care and  
2 and obesity prevention, and other chronic tobacco-related  
3 diseases. The department shall expand the existing AHEC  
4 smoking cessation initiative to each county in the state where  
5 appropriated funds may be used to improve the infrastructure  
6 of the county health department to implement the  
7 comprehensive, statewide tobacco education and prevention  
8 program. This program must include the following components,  
9 each of which must focus on educating people, particularly  
10 youth and their parents, about the health hazards of tobacco  
11 and discouraging the use of tobacco:

12       (a) An advertising campaign, including  
13 counter-marketing, must consist of, but need not be limited  
14 to, television, radio, the Internet, and print advertising,  
15 which is funded with a minimum of one-third of each total  
16 annual appropriation required by s. 27, Art. X of the State  
17 Constitution. A cyberspace repository and its Internet address  
18 for information concerning smoking cessation must be used in  
19 the advertising campaign. Such repository must be accessible  
20 to the public at each level of public and private schools,  
21 universities, and colleges in the state and provide links and  
22 resources with respect to smoking cessation and how it relates  
23 to obesity prevention, cardiovascular disease, prenatal care,  
24 and other chronic tobacco-related diseases. The department  
25 shall copyright the material contained in this cyberspace  
26 repository. Information about smoking cessation may be  
27 inserted into this repository after proper review by a peer  
28 review panel consisting of AHEC staff members and the council.  
29 This information shall be distributed through the AHEC  
30 network, county health departments, and contemporary  
31 communication searches, including, but not limited to, the use

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1 of portable media players.

2 (b) Cessation programs, including counseling and  
3 treatment.

4 (c) Evidence-based curricula and programs involving  
5 youth, including school-based and after-school programs, which  
6 educate youth about the health hazards of tobacco, help youth  
7 develop skills to refuse tobacco, and demonstrate to youth how  
8 to stop using tobacco.

9 (d) Programs of local, community-based partnerships,  
10 including programs for the prevention, detection, and early  
11 intervention of smoking-related chronic diseases.

12 (e) An evaluation of the effectiveness of community  
13 and statewide programs and program accountability.

14 (f) The training of health care providers and smoking  
15 cessation counselors.

16 (g) The training of teachers by health professional  
17 students who are trained in preventing tobacco use and health  
18 education.

19 (h) The continued enforcement of laws, rules, and  
20 policies prohibiting the sale or other provision of tobacco to  
21 minors and the possession of tobacco by minors.

22 (4) The Tobacco Education and Prevention Advisory  
23 Council is created within the department. The Secretary of  
24 Health shall be a voting member of the council and act as  
25 chairperson.

26 (a) The council shall consist of 13 members,  
27 including:

28 1. The Secretary of Health, or his or her designee;

29 2. The dean of the University of Miami School of  
30 Medicine, or his or her designee;

31 3. The dean of the University of Florida College of

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1 Medicine, or his or her designee;

2 4. The dean of the University of South Florida College  
3 of Medicine, or his or her designee;

4 5. The dean of the Florida State University College of  
5 Medicine, or his or her designee;

6 6. The dean of Nova Southeastern University College of  
7 Osteopathic Medicine, or his or her designee;

8 7. The dean of the Charles E. Schmidt College of  
9 Biomedical Science at Florida Atlantic University, or his or  
10 her designee;

11 8. The dean of the Lake Erie College of Osteopathic  
12 Medicine in Bradenton, Florida, or his or her designee;

13 9. The chief executive officer of the Greater  
14 Southeast Affiliate of the American Heart Association, or his  
15 or her designee;

16 10. The chief executive officer of the American Lung  
17 Association of Florida, or his or her designee;

18 11. A student member from a professional health care  
19 school in this state appointed by the Speaker of the House of  
20 Representatives;

21 12. One member appointed by the Governor; and

22 13. One member appointed by the President of the  
23 Senate.

24 (b) For the purpose of providing staggered terms, the  
25 members appointed by the Governor, the President of the  
26 Senate, and the Speaker of the House of Representatives shall  
27 be appointed for 2-year terms, and the chief executive officer  
28 of the Greater Southeast Affiliate of the American Heart  
29 Association, or his or her designee, and the chief executive  
30 officer of the American Lung Association of Florida, or his or  
31 her designee, shall be appointed for 4-year terms.

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1           (c) An appointed member may not serve more than two  
2 consecutive terms.

3           (d) A vacancy shall be filled by appointment by the  
4 original appointing authority for the unexpired portion of the  
5 term.

6           (e) The oversight council shall meet at least  
7 quarterly and upon the call of the chairperson.

8           (f) Members of the oversight council shall serve  
9 without compensation, but shall be reimbursed for per diem and  
10 travel expenses pursuant to s. 112.061. Members who are state  
11 officers or employees or who are appointed by state officers  
12 or employees shall be reimbursed for per diem and travel  
13 expenses pursuant to s. 112.061 from the state agency through  
14 which they serve.

15           (g) The department shall provide staff, information,  
16 and other assistance as is reasonably necessary to assist the  
17 council in carrying out its responsibilities.

18           (h) The council shall advise the Secretary of Health  
19 as to the direction and scope of the tobacco education and  
20 prevention program. The responsibilities of the council  
21 include, but are not limited to:

22           1. Reviewing the activities and evaluating the  
23 performance of the AHEC network with regard to the tobacco  
24 education and prevention program;

25           2. Providing advice and reviewing the overall program  
26 budget;

27           3. Providing advice on copyrighted material,  
28 trademark, and future transactions; and

29           4. Reviewing broadcast material prepared for the  
30 Internet and portable media players which is related to  
31 tobacco education and prevention.

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1           (5) By January 31 of each year, the department shall  
2 submit a report to the Governor, the President of the Senate,  
3 and the Speaker of the House of Representatives which  
4 evaluates the program's effectiveness in reducing and  
5 preventing tobacco use and recommends improvements to enhance  
6 the program's effectiveness. The report must contain, at a  
7 minimum, an annual survey of youth attitudes and behavior  
8 toward tobacco and a description of the progress made in  
9 reducing the prevalence of tobacco use among youth and adults,  
10 in reducing per capita tobacco consumption, and in reducing  
11 exposure to environmental tobacco smoke.

12           (6) The department may adopt rules necessary to  
13 administer this section.

14           Section 2. This act shall take effect July 1, 2007.

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