

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative(s) Bean offered the following:

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Section 381.84, Florida Statutes, is created to  
6 read:

7 381.84 Comprehensive Statewide Tobacco Education and  
8 Prevention Program.--

9 (1) As used in this section and for purposes of the  
10 provisions of s. 27, Art. X of the State Constitution, the term:

11 (a) "CDC" means the United States Centers for Disease  
12 Control and Prevention.

13 (b) "Department" means the Department of Health.

14 (c) "Tobacco" means, without limitation, tobacco itself  
15 and tobacco products that include tobacco and are intended or  
16 expected for human use or consumption, including, but not

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17 limited to, cigarettes, cigars, pipe tobacco, and smokeless  
18 tobacco.

19 (d) "Youth" means minors and young adults.

20 (2) It is the purpose of this section to implement s. 27,  
21 Art. X of the State Constitution. The Legislature finds that s.  
22 27, Art. X of the State Constitution is intended to require the  
23 department to conduct a statewide tobacco education and  
24 prevention program that focuses on youth tobacco use. The  
25 Legislature further finds that the primary goals of the program  
26 are to reduce the prevalence of tobacco use among youth, adults,  
27 and pregnant women, reduce per capita tobacco consumption, and  
28 reduce exposure to environmental tobacco smoke.

29 (3) The department shall conduct a comprehensive,  
30 statewide tobacco education and prevention program consistent  
31 with the recommendations for effective program components  
32 contained in the 1999 Best Practices for Comprehensive Tobacco  
33 Control Programs of the CDC, as amended by the CDC. The program  
34 shall include the following components, each of which shall  
35 focus on educating people, particularly youth and their parents,  
36 about the health hazards of tobacco and discouraging the use of  
37 tobacco:

38 (a) An advertising campaign using, at a minimum, Internet,  
39 print, radio, and television advertising, funded with a minimum  
40 of one-third of the total annual appropriation required by s.  
41 27, Art. X of the State Constitution.

42 (b) Cessation programs, including counseling and  
43 treatment.

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44        (c) Evaluation of the effectiveness of community and  
45 statewide programs.

46        (d) Evidence-based curricula and programs, including  
47 school-based and after-school programs, which involve youth,  
48 educate youth about the health hazards of tobacco, help youth  
49 develop skills to refuse tobacco, and demonstrate to youth how  
50 to stop using tobacco.

51        (e) Programs of local community-based partnerships,  
52 including programs for the prevention, detection, and early  
53 intervention of smoking-related chronic diseases.

54        (f) Training of health care providers and smoking  
55 cessation counselors.

56        (4) The Tobacco Education and Prevention Advisory Council  
57 is created within the department.

58        (a) The council shall consist of 14 members, including:

59        1. The Secretary of Health, or a designee.

60        2. Two members appointed by the Commissioner of Education,  
61 of whom one must be a school district superintendent.

62        3. The chief executive officer of the Florida Division of  
63 the American Cancer Society, or a designee.

64        4. The chief executive officer of the Greater Southeast  
65 Affiliate of the American Heart Association, or a designee.

66        5. The chief executive officer of the American Lung  
67 Association of Florida, or a designee.

68        6. Four members appointed by the Governor, of whom two  
69 must have expertise in the field of tobacco prevention and  
70 education or smoking cessation.

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71 7. Two members appointed by the President of the Senate,  
72 of whom one must have expertise in the field of tobacco  
73 prevention and education or smoking cessation.

74 8. Two members appointed by the Speaker of the House of  
75 Representatives, of whom one must have expertise in the field of  
76 tobacco prevention and education or smoking cessation.

77 (b) The appointments shall be for a 3-year term and shall  
78 reflect the diversity of the state's population. A vacancy shall  
79 be filled by appointment by the original appointing authority  
80 for the unexpired portion of the term.

81 (c) An appointed member may not serve more than two  
82 consecutive terms.

83 (d) The council shall annually elect from its membership  
84 one member to serve as chairperson of the council and one member  
85 to serve as vice chairperson.

86 (e) The council shall meet at least quarterly and upon the  
87 call of the chairperson.

88 (f) Members of the council shall serve without  
89 compensation but may be reimbursed for per diem and travel  
90 expenses pursuant to s. 112.061.

91 (g) The department shall provide council members with  
92 information and other assistance as is reasonably necessary to  
93 assist the council in carrying out its responsibilities.

94 (5) The council shall advise the Secretary of Health as to  
95 the direction and scope of the Tobacco Education and Prevention  
96 Program. The responsibilities of the council include, but are  
97 not limited to:

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

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

100 (c) Participating in periodic program evaluation.

101 (d) Assisting in the development of guidelines to ensure  
102 fairness, neutrality, and adherence to the principles of merit  
103 and quality in the conduct of the program.

104 (e) Assisting in the development of administrative  
105 procedures relating to solicitation, review, and award of  
106 contracts and grants, to ensure an impartial, high-quality peer  
107 review system.

108 (f) Assisting in the development and supervision of peer  
109 review panels.

110 (g) Reviewing reports of peer review panels and making  
111 recommendations for contracts and grants.

112 (h) Recommending meaningful outcome measures through a  
113 regular review of tobacco prevention and education strategies  
114 and programs of other states and the Federal Government.

115 (i) Recommending policies to encourage a coordinated  
116 response to tobacco use in this state, focusing specifically on  
117 creating partnerships within and between the public and private  
118 sectors.

119 (6) Contracts and grants for the program components  
120 described in subsection (3) shall be awarded by the Secretary of  
121 Health, after consultation with the council, on the basis of  
122 merit, as determined by an open, competitive, peer review  
123 process that ensures objectivity, consistency, and high quality.  
124 A recipient of a contract or grant for the program component  
125 described in paragraph (3)(c) shall not be eligible for a

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126 contract or grant award for any other program component  
127 described in subsection (3) in the same state fiscal year.

128 (a) To ensure that all proposals for funding are  
129 appropriate and are evaluated fairly on the basis of merit, the  
130 Secretary of Health, in consultation with the council, shall  
131 appoint a peer review panel of independent, qualified experts in  
132 the field of tobacco control to review the content of each  
133 proposal and establish its priority score. The priority scores  
134 shall be forwarded to the council and must be considered in  
135 determining which proposals shall be recommended for funding.

136 (b) The council and the peer review panel shall establish  
137 and follow rigorous guidelines for ethical conduct and adhere to  
138 a strict policy with regard to conflict of interest. A member of  
139 the council or panel may not participate in any discussion or  
140 decision with respect to a research proposal by any firm,  
141 entity, or agency with which the member is associated as a  
142 member of the governing body or as an employee or with which the  
143 member has entered into a contractual arrangement. Meetings of  
144 the council and the peer review panels shall be subject to the  
145 provisions of chapter 119, s. 286.011, and s. 24, Art. I of the  
146 State Constitution.

147 (c) In each contract or grant agreement, the department  
148 shall limit the use of food and promotional items to no more  
149 than 2.5 percent of the total amount of the contract or grant  
150 and limit overhead or indirect costs to no more than 7.5 percent  
151 of the total amount of the contract or grant. The department, in  
152 consultation with the Department of Financial Services, shall  
153 publish guidelines for appropriate food and promotional items.

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154 (d) In each advertising contract, the department shall  
155 limit the total of production fees, buyer commissions, and  
156 related costs to no more than 5 percent of the total contract  
157 amount.

158 (7) By January 31 of each year, the department shall  
159 provide to the Governor, the President of the Senate, and the  
160 Speaker of the House of Representatives a report that evaluates  
161 the program's effectiveness in reducing and preventing tobacco  
162 use and that recommends improvements to enhance the program's  
163 effectiveness. The report shall contain, at a minimum, an annual  
164 survey of youth attitudes and behavior toward tobacco, as well  
165 as a description of the progress in reducing the prevalence of  
166 tobacco use among youth, adults, and pregnant women, reducing  
167 per capita tobacco consumption, and reducing exposure to  
168 environmental tobacco smoke.

169 (8) From the total funds appropriated for the  
170 Comprehensive Statewide Tobacco Education and Prevention Program  
171 in the General Appropriations Act, an amount of up to 5 percent  
172 may be used by the department for administrative expenses.

173 (9) The department may adopt rules pursuant to ss.  
174 120.536(1) and 120.54 necessary to implement this section.

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

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177 ===== T I T L E A M E N D M E N T =====

178 Remove the entire title and insert:

179 A bill to be entitled

180 An act relating to tobacco education and prevention;

181 creating s. 381.84, F.S.; requiring the Department of

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HOUSE AMENDMENT

Bill No. CS/SB 1126

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182 Health to conduct a statewide tobacco education and  
183 prevention program; providing definitions; providing  
184 legislative purpose and findings; establishing components  
185 of the program; creating the Tobacco Education and  
186 Prevention Advisory Council; providing membership and  
187 duties of the council; providing reimbursement for travel  
188 and other expenses for council members; requiring the  
189 Secretary of Health to award grants in consultation with  
190 the council; providing for the appointment of a peer  
191 review panel to review proposals for funding; specifying  
192 the use of funds appropriated under the program; requiring  
193 an annual report by the department; providing rulemaking  
194 authority; providing an effective date.