

By the Committee on Health and Human Services Appropriations;
and Senator Peaden

603-2260-07

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.

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

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

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
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1 communication searches, including, but not limited to, the use
2 of portable media players.

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

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

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

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

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

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

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

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

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

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

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

- 1 3. The dean of the University of Florida College of
2 Medicine, or his or her designee;
- 3 4. The dean of the University of South Florida College
4 of Medicine, or his or her designee;
- 5 5. The dean of the Florida State University College of
6 Medicine, or his or her designee;
- 7 6. The dean of Nova Southeastern University College of
8 Osteopathic Medicine, or his or her designee;
- 9 7. The dean of the Charles E. Schmidt College of
10 Biomedical Science at Florida Atlantic University, or his or
11 her designee;
- 12 8. The dean of the Lake Erie College of Osteopathic
13 Medicine in Bradenton, Florida, or his or her designee;
- 14 9. The chief executive officer of the Greater
15 Southeast Affiliate of the American Heart Association, or his
16 or her designee;
- 17 10. The chief executive officer of the American Lung
18 Association of Florida, or his or her designee;
- 19 11. The chief executive officer of the Florida
20 Division of the American Cancer Society, or his or her
21 designee;
- 22 12. A student member from a professional health care
23 school in this state appointed by the Speaker of the House of
24 Representatives;
- 25 13. One member appointed by the Governor; and
- 26 14. One member appointed by the President of the
27 Senate.
- 28 (b) For the purpose of providing staggered terms, the
29 members appointed by the Governor, the President of the
30 Senate, and the Speaker of the House of Representatives shall
31 be appointed for 2-year terms, and the chief executive officer

1 of the Greater Southeast Affiliate of the American Heart
2 Association, or his or her designee, and the chief executive
3 officer of the American Lung Association of Florida, or his or
4 her designee, shall be appointed for 4-year terms.

5 (c) An appointed member may not serve more than two
6 consecutive terms.

7 (d) A vacancy shall be filled by appointment by the
8 original appointing authority for the unexpired portion of the
9 term.

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

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

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

22 (h) The council shall advise the Secretary of Health
23 as to the direction and scope of the tobacco education and
24 prevention program. The responsibilities of the council
25 include, but are not limited to:

26 1. Reviewing the activities and evaluating the
27 performance of the AHEC network with regard to the tobacco
28 education and prevention program;

29 2. Providing advice and reviewing the overall program
30 budget;

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1 3. Providing advice on copyrighted material,
2 trademark, and future transactions; and

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

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

17 (6) The department may adopt rules necessary to
18 administer this section.

19 Section 2. This act shall take effect July 1, 2007.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1126

4 Provides intent language to require funding and implementation
5 of s. 27, Art. X of the State Constitution (Amendment 4).
6 Further specifies that program funding is to be based on the
7 results of assessments and evaluations and that portions of
8 the program are to be funded on a non-recurring basis.

9 Requires the Department of Health to conduct a comprehensive,
10 statewide tobacco education and prevention program consistent
11 with the 1999 Best Practices for Comprehensive Tobacco Control
12 Programs of the Centers for Disease Control, as amended.

13 Requires the department to contract with the Area Health
14 Education Center (AHEC) network to disseminate information
15 about smoking cessation and how it relates to prenatal care,
16 obesity prevention, and other chronic tobacco-related
17 diseases.

18 Requires statewide expansion of the existing AHEC smoking
19 cessation initiative to each county health department where
20 funds may be used to improve the infrastructure of the county
21 health department to implement the program.

22 Requires the department to include the following components:

- 23 o An advertising campaign with a cyberspace repository
24 and Internet address for accessing information at
25 each level of public and private schools,
26 universities and colleges
- 27 o Cessation programs, including counseling and
28 treatment
- 29 o Evidence-based curricula and programs
- 30 o Programs of local, community-based partnerships
- 31 o Evaluation of program effectiveness and program
 accountability
- o Training of health care providers and smoking
 cessation counselors
- o Training of teachers by health professional students
- o Continued enforcement of laws and policies
 prohibiting the sale and possession of tobacco by
 minors

32 Creates the Tobacco Education and Prevention Advisory Council,
33 (consisting of 14 members) to advise the Secretary of Health
34 on program matters.

35 Provides responsibilities of the council to include:
36 reviewing the activities and evaluating the performance of the
37 AHEC network; providing advice on copyrighted material,
38 trademark, and future transactions; and reviewing broadcast

1 material prepared for the internet and portable media players.
2 Requires the department to annually report on the program's
3 effectiveness, including a survey of youth attitudes and
4 behavior toward tobacco.
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