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2 An act relating to tobacco education and
3 prevention; creating s. 381.84, F.S.; requiring
4 the Department of Health to conduct a statewide
5 tobacco education and use prevention program;
6 providing definitions; providing legislative
7 purpose and findings; establishing components
8 of the program; creating the Tobacco Education
9 and Use Prevention Advisory Council; providing
10 membership and duties of the council; providing
11 reimbursement for travel and other expenses for
12 council members; requiring the Secretary of
13 Health to award contracts in consultation with
14 the council; providing for the appointment of a
15 peer-review panel to review proposals for
16 funding; specifying the use of funds
17 appropriated under the program; requiring an
18 annual report by the department to the Governor
19 and the Legislature; providing rulemaking
20 authority; 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 Use Prevention Program.--

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

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1 (a) "AHEC network" means an area health education
2 center network established under s. 381.0402.
3 (b) "CDC" means the United States Centers for Disease
4 Control and Prevention.
5 (c) "Council" means the Tobacco Education and Use
6 Prevention Advisory Council.
7 (d) "Department" means the Department of Health.
8 (e) "Tobacco" means, without limitation, tobacco
9 itself and tobacco products that include tobacco and are
10 intended or expected for human use or consumption, including,
11 but not limited to, cigarettes, cigars, pipe tobacco, and
12 smokeless tobacco.
13 (f) "Youth" means minors and young adults.
14 (2) PURPOSE, FINDINGS, AND INTENT.--It is the purpose
15 of this section to implement s. 27, Art. X of the State
16 Constitution. The Legislature finds that s. 27, Art. X of the
17 State Constitution requires the funding of a statewide tobacco
18 education and use prevention program that focuses on tobacco
19 use by youth. The Legislature further finds that the primary
20 goals of the program are to reduce the prevalence of tobacco
21 use among youth, adults, and pregnant women; reduce per capita
22 tobacco consumption; and reduce exposure to environmental
23 tobacco smoke. Further, it is the intent of the Legislature to
24 base increases in funding for individual components of the
25 program on the results of assessments and evaluations.
26 Recognizing that some components will need to grow faster than
27 inflation, it is the intent of the Legislature to fund
28 portions of the program on a nonrecurring basis in the early
29 years so that those components that are most effective can be
30 supported as the program matures.
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1 (3) PROGRAM COMPONENTS AND REQUIREMENTS.--The
2 department shall conduct a comprehensive, statewide tobacco
3 education and use prevention program consistent with the
4 recommendations for effective program components contained in
5 the 1999 Best Practices for Comprehensive Tobacco Control
6 Programs of the CDC, as amended by the CDC. The program shall
7 include the following components, each of which shall focus on
8 educating people, particularly youth and their parents, about
9 the health hazards of tobacco and discouraging the use of
10 tobacco:

11 (a) Counter-marketing and advertising; cyberspace
12 resource center.--The counter-marketing and advertising
13 campaign shall include, at a minimum, Internet, print, radio,
14 and television advertising and shall be funded with a minimum
15 of one-third of the total annual appropriation required by s.
16 27, Art. X of the State Constitution. A cyberspace resource
17 center for copyrighted materials and information concerning
18 tobacco education and use prevention, including cessation,
19 shall be maintained by the program. Such resource center must
20 be accessible to the public, including parents, teachers, and
21 students, at each level of public and private schools,
22 universities, and colleges in the state and shall provide
23 links to other relevant resources. The Internet address for
24 the resource center must be incorporated in all advertising.
25 The information maintained in the resource center shall be
26 used by the other components of the program.

27 (b) Cessation programs, counseling, and
28 treatment.--This program component shall include two
29 subcomponents:

30 1. A statewide toll-free cessation service, which may
31 include counseling, referrals to other local resources and

1 support services, and treatment to the extent funds are
2 available for treatment services; and

3 2. A local community-based program to disseminate
4 information about smoking cessation, how smoking cessation
5 relates to prenatal care and obesity prevention, and other
6 chronic tobacco-related diseases.

7 (c) Surveillance and evaluation.--The program shall
8 conduct ongoing epidemiological surveillance and shall
9 contract for annual independent evaluations of the
10 effectiveness of the various components of the program in
11 meeting the goals as set forth in subsection (2).

12 (d) Youth school programs.--School and after-school
13 programs shall use current evidence-based curricula and
14 programs that involve youth to educate youth about the health
15 hazards of tobacco, help youth develop skills to refuse
16 tobacco, and demonstrate to youth how to stop using tobacco.

17 (e) Community programs and chronic disease
18 prevention.--The department shall promote and support local
19 community-based partnerships that emphasize programs involving
20 youth, including programs for the prevention, detection, and
21 early intervention of smoking-related chronic diseases.

22 (f) Training.--The program shall include the training
23 of health care practitioners, smoking-cessation counselors,
24 and teachers by health professional students and other
25 tobacco-use prevention specialists who are trained in
26 preventing tobacco use and health education. Smoking-cessation
27 counselors shall be trained by specialists who are certified
28 in tobacco-use cessation.

29 (g) Administration, statewide programs, and county
30 health departments.--Each county health department is eligible
31 to receive a portion of the annual appropriation, on a per

1 capita basis, for coordinating tobacco education and use
2 prevention programs within that county. Appropriated funds may
3 be used to improve the infrastructure of the county health
4 department to implement the comprehensive, statewide tobacco
5 education and use prevention program. Each county health
6 department shall prominently display in all treatment rooms
7 and waiting rooms, counter-marketing and advertisement
8 materials in the form of wall posters, brochures, television
9 advertising if televisions are used in the lobby or waiting
10 room, and screensavers and Internet advertising if computer
11 kiosks are available for use or viewing by people at the
12 county health department.

13 (h) Enforcement and awareness of related laws.--In
14 coordination with the Department of Business and Professional
15 Regulation, the program shall monitor the enforcement of laws,
16 rules, and policies prohibiting the sale or other provision of
17 tobacco to minors, as well as the continued enforcement of the
18 Clean Indoor Air Act prescribed in chapter 386. The
19 advertisements produced in accordance with paragraph (a) may
20 also include information designed to make the public aware of
21 these related laws and rules. The departments may enter into
22 interagency agreements to carry out this program component.

23 (i) AHEC smoking-cessation initiative.--For the
24 2007-2008 and 2008-2009 fiscal years only, the AHEC network
25 shall expand the AHEC smoking-cessation initiative to each
26 county within the state and perform other activities as
27 determined by the department.

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

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- 1 (a) The council shall consist of 23 members,
2 including:
3 1. The Secretary of Health, who shall serve as the
4 chairperson.
5 2. One county health department director, appointed by
6 the Secretary of Health.
7 3. Two members appointed by the Commissioner of
8 Education, of whom one must be a school district
9 superintendent.
10 4. The chief executive officer of the Florida Division
11 of the American Cancer Society, or his or her designee.
12 5. The chief executive officer of the Greater
13 Southeast Affiliate of the American Heart Association, or his
14 or her designee.
15 6. The chief executive officer of the American Lung
16 Association of Florida, or his or her designee.
17 7. The dean of the University of Miami School of
18 Medicine, or his or her designee.
19 8. The dean of the University of Florida College of
20 Medicine, or his or her designee.
21 9. The dean of the University of South Florida College
22 of Medicine, or his or her designee.
23 10. The dean of the Florida State University College
24 of Medicine, or his or her designee.
25 11. The dean of Nova Southeastern College of
26 Osteopathic Medicine, or his or her designee.
27 12. The dean of the Lake Erie College of Osteopathic
28 Medicine in Bradenton, Florida, or his or her designee.
29 13. The chief executive officer of the Campaign for
30 Tobacco Free Kids, or his or her designee.
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1 14. The chief executive officer of the Legacy
2 Foundation, or his or her designee.

3 15. Four members appointed by the Governor, of whom
4 two must have expertise in the field of tobacco-use prevention
5 and education or smoking cessation and one individual who
6 shall be between the ages of 16 and 21 at the time of his or
7 her appointment.

8 16. Two members appointed by the President of the
9 Senate, of whom one must have expertise in the field of
10 tobacco-use prevention and education or smoking cessation.

11 17. Two members appointed by the Speaker of the House
12 of Representatives, of whom one must have expertise in the
13 field of tobacco-use prevention and education or smoking
14 cessation.

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

19 (c) An appointed member may not serve more than two
20 consecutive terms.

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

24 (e) Members of the council shall serve without
25 compensation, but are entitled to reimbursement for per diem
26 and travel expenses pursuant to s. 112.061. Members who are
27 state officers or employees or who are appointed by state
28 officers or employees shall be reimbursed for per diem and
29 travel expenses pursuant to s. 112.061 from the state agency
30 through which they serve.

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- 1 (f) The department shall provide council members with
2 information and other assistance as is reasonably necessary to
3 assist the council in carrying out its responsibilities.
- 4 (5) COUNCIL DUTIES AND RESPONSIBILITIES.--The council
5 shall advise the Secretary of Health as to the direction and
6 scope of the Comprehensive Statewide Tobacco Education and Use
7 Prevention Program. The responsibilities of the council
8 include, but are not limited to:
- 9 (a) Providing advice on program priorities and
10 emphases.
- 11 (b) Providing advice on the overall program budget.
- 12 (c) Providing advice on copyrighted material,
13 trademark, and future transactions as they pertain to the
14 tobacco education and use prevention program.
- 15 (d) Reviewing broadcast material prepared for the
16 Internet, portable media players, radio, and television as it
17 relates to the advertising component of the tobacco education
18 and use prevention program.
- 19 (e) Participating in periodic program evaluation.
- 20 (f) Assisting in the development of guidelines to
21 ensure fairness, neutrality, and adherence to the principles
22 of merit and quality in the conduct of the program.
- 23 (g) Assisting in the development of administrative
24 procedures relating to solicitation, review, and award of
25 contracts and grants in order to ensure an impartial,
26 high-quality peer-review system.
- 27 (h) Assisting in the development and supervision of
28 peer-review panels.
- 29 (i) Reviewing reports of peer-review panels and making
30 recommendations for contracts and grants.
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1 (j) Reviewing the activities and evaluating the
2 performance of the AHEC network to avoid duplicative efforts
3 using state funds.

4 (k) Recommending meaningful outcome measures through a
5 regular review of tobacco-use prevention and education
6 strategies and programs of other states and the Federal
7 Government.

8 (l) Recommending policies to encourage a coordinated
9 response to tobacco use in this state, focusing specifically
10 on creating partnerships within and between the public and
11 private sectors.

12 (6) CONTRACT REQUIREMENTS.--Contracts or grants for
13 the program components or subcomponents described in
14 paragraphs (3)(a)-(f) shall be awarded by the Secretary of
15 Health, after consultation with the council, on the basis of
16 merit, as determined by an open, competitive, peer-reviewed
17 process that ensures objectivity, consistency, and high
18 quality. The department shall award such grants or contracts
19 no later than October 1 for each fiscal year. A recipient of a
20 contract or grant for the program component described in
21 paragraph (3)(c) is not eligible for a contract or grant award
22 for any other program component described in subsection (3) in
23 the same state fiscal year. A school or college of medicine
24 that is represented on the council is not eligible to receive
25 a contract or grant under this section. For the 2007-2008 and
26 2008-2009 fiscal years only, the department shall award a
27 contract or grant in the amount of \$10 million to the AHEC
28 network for the purpose of developing the components described
29 in paragraph (3)(i). The AHEC network may apply for a
30 competitive contract or grant after the 2008-2009 fiscal year.

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1 (a) In order to ensure that all proposals for funding
2 are appropriate and are evaluated fairly on the basis of
3 merit, the Secretary of Health, in consultation with the
4 council, shall appoint a peer-review panel of independent,
5 qualified experts in the field of tobacco control to review
6 the content of each proposal and establish its priority score.
7 The priority scores shall be forwarded to the council and must
8 be considered in determining which proposals will be
9 recommended for funding.

10 (b) The council and the peer-review panel shall
11 establish and follow rigorous guidelines for ethical conduct
12 and adhere to a strict policy with regard to conflicts of
13 interest. A member of the council or panel may not participate
14 in any discussion or decision with respect to a research
15 proposal by any firm, entity, or agency with which the member
16 is associated as a member of the governing body or as an
17 employee or with which the member has entered into a
18 contractual arrangement. Meetings of the council and the
19 peer-review panels are subject to chapter 119, s. 286.011, and
20 s. 24, Art. I of the State Constitution.

21 (c) In each contract or grant agreement, the
22 department shall limit the use of food and promotional items
23 to no more than 2.5 percent of the total amount of the
24 contract or grant and limit overhead or indirect costs to no
25 more than 7.5 percent of the total amount of the contract or
26 grant. The department, in consultation with the Department of
27 Financial Services, shall publish guidelines for appropriate
28 food and promotional items.

29 (d) In each advertising contract, the department shall
30 limit the total of production fees, buyer commissions, and
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1 related costs to no more than 10 percent of the total contract
2 amount.

3 (e) Notwithstanding the competitive process for
4 contracts prescribed in this subsection, each county health
5 department is eligible for core funding, on a per capita
6 basis, to implement tobacco education and use prevention
7 activities within that county.

8 (7) ANNUAL REPORT REQUIRED.--By January 31 of each
9 year, the department shall provide to the Governor, the
10 President of the Senate, and the Speaker of the House of
11 Representatives a report that evaluates the program's
12 effectiveness in reducing and preventing tobacco use and that
13 recommends improvements to enhance the program's
14 effectiveness. The report must contain, at a minimum, an
15 annual survey of youth attitudes and behavior toward tobacco,
16 as well as a description of the progress in reducing the
17 prevalence of tobacco use among youth, adults, and pregnant
18 women; reducing per capita tobacco consumption; and reducing
19 exposure to environmental tobacco smoke.

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

25 (9) RULEMAKING AUTHORIZED.--By January 1, 2008, the
26 department shall adopt rules pursuant to ss. 120.536(1) and
27 120.54 to administer this section.

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