

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

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

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 20 Section 1. Section 381.84, Florida Statutes, is created to
 21 read:

22 381.84 Comprehensive Statewide Tobacco Education and
 23 Prevention Program.--

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

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

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

HB 7045

2007

29 (c) "Tobacco" means, without limitation, tobacco itself
30 and tobacco products that include tobacco and are intended or
31 expected for human use or consumption, including, but not
32 limited to, cigarettes, cigars, pipe tobacco, and smokeless
33 tobacco.

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

35 (2) It is the purpose of this section to implement s. 27,
36 Art. X of the State Constitution. The Legislature finds that s.
37 27, Art. X of the State Constitution is intended to require the
38 department to conduct a statewide tobacco education and
39 prevention program that focuses on youth tobacco use. The
40 Legislature further finds that the primary goals of the program
41 are to reduce the prevalence of tobacco use among youth and
42 adults, reduce per capita tobacco consumption, and reduce
43 exposure to environmental tobacco smoke.

44 (3) The department shall conduct a comprehensive,
45 statewide tobacco education and prevention program consistent
46 with the recommendations for effective program components
47 contained in the 1999 Best Practices for Comprehensive Tobacco
48 Control Programs of the CDC, as amended by the CDC. The program
49 shall include the following components, each of which shall
50 focus on educating people, particularly youth and their parents,
51 about the health hazards of tobacco and discouraging the use of
52 tobacco:

53 (a) An advertising campaign using, at a minimum, Internet,
54 print, radio, and television advertising, funded with a minimum
55 of one-third of the total annual appropriation required by s.
56 27, Art. X of the State Constitution.

HB 7045

2007

57 (b) Cessation programs, including counseling and
58 treatment.

59 (c) Evaluation of the effectiveness of community and
60 statewide programs.

61 (d) Evidence-based curricula and programs, including
62 school-based and after-school programs, which involve youth,
63 educate youth about the health hazards of tobacco, help youth
64 develop skills to refuse tobacco, and demonstrate to youth how
65 to stop using tobacco.

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

69 (f) Training of health care providers and smoking
70 cessation counselors.

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

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

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

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

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

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

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

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

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

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

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

96 (c) An appointed member may not serve more than two
97 consecutive terms.

98 (d) The council shall annually elect from its membership
99 one member to serve as chairperson of the council and one member
100 to serve as vice chairperson.

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

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

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

109 (5) The council shall advise the Secretary of Health as to
110 the direction and scope of the Tobacco Education and Prevention

HB 7045

2007

111 Program. The responsibilities of the council include, but are
112 not limited to:

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

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

115 (c) Participating in periodic program evaluation.

116 (d) Assisting in the development of guidelines to ensure
117 fairness, neutrality, and adherence to the principles of merit
118 and quality in the conduct of the program.

119 (e) Assisting in the development of administrative
120 procedures relating to solicitation, review, and award of
121 contracts and grants, to ensure an impartial, high-quality peer
122 review system.

123 (f) Assisting in the development and supervision of peer
124 review panels.

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

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

130 (i) Recommending policies to encourage a coordinated
131 response to tobacco use in this state, focusing specifically on
132 creating partnerships within and between the public and private
133 sectors.

134 (6) Contracts and grants for the program components
135 described in subsection (3) shall be awarded by the Secretary of
136 Health, after consultation with the council, on the basis of
137 merit, as determined by an open, competitive, peer review
138 process that ensures objectivity, consistency, and high quality.

139 A recipient of a contract or grant for the program component
140 described in paragraph (3)(c) shall not be eligible for a
141 contract or grant award for any other program component
142 described in subsection (3) in the same state fiscal year.

143 (a) To ensure that all proposals for funding are
144 appropriate and are evaluated fairly on the basis of merit, the
145 Secretary of Health, in consultation with the council, shall
146 appoint a peer review panel of independent, qualified experts in
147 the field of tobacco control to review the content of each
148 proposal and establish its priority score. The priority scores
149 shall be forwarded to the council and must be considered in
150 determining which proposals shall be recommended for funding.

151 (b) The council and the peer review panel shall establish
152 and follow rigorous guidelines for ethical conduct and adhere to
153 a strict policy with regard to conflict of interest. A member of
154 the council or panel may not participate in any discussion or
155 decision with respect to a research proposal by any firm,
156 entity, or agency with which the member is associated as a
157 member of the governing body or as an employee or with which the
158 member has entered into a contractual arrangement. Meetings of
159 the council and the peer review panels shall be subject to the
160 provisions of chapter 119, s. 286.011, and s. 24, Art. I of the
161 State Constitution.

162 (c) In each contract or grant agreement, the department
163 shall limit the use of food and promotional items to no more
164 than 2.5 percent of the total amount of the contract or grant
165 and limit overhead or indirect costs to no more than 7.5 percent
166 of the total amount of the contract or grant. The department, in

HB 7045

2007

167 consultation with the Department of Financial Services, shall
168 publish guidelines for appropriate food and promotional items.

169 (d) In each advertising contract, the department shall
170 limit the total of production fees, buyer commissions, and
171 related costs to no more than 5 percent of the total contract
172 amount.

173 (7) By January 31 of each year, the department shall
174 provide to the Governor, the President of the Senate, and the
175 Speaker of the House of Representatives a report that evaluates
176 the program's effectiveness in reducing and preventing tobacco
177 use and that recommends improvements to enhance the program's
178 effectiveness. The report shall contain, at a minimum, an annual
179 survey of youth attitudes and behavior toward tobacco, as well
180 as a description of the progress in reducing the prevalence of
181 tobacco use among youth and adults, reducing per capita tobacco
182 consumption, and reducing exposure to environmental tobacco
183 smoke.

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

188 (9) The department may adopt rules pursuant to ss.
189 120.536(1) and 120.54 necessary to implement this section.

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