

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.

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, adults,  
 42 and pregnant women, reduce per capita tobacco consumption, and  
 43 reduce 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.

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

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

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, adults, and pregnant women, reducing  
182 per capita tobacco consumption, and reducing exposure to  
183 environmental tobacco 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.