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603-05854A-08

Proposed Committee Substitute by the Committee on Health and Human
Services Appropriations

1 A bill to be entitled

2 An act relating to the Comprehensive Statewide Tobacco
3 Education and Use Prevention Program; amending s. 381.84,
4 F.S.; deleting a provision limiting to specified fiscal
5 years the applicability of requirements that the area
6 health education center network expand the AHEC smoking-
7 cessation initiative to each county within the state and
8 perform certain other activities; deleting a provision
9 limiting to specified fiscal years the applicability of a
10 requirement that the Department of Health award a contract
11 or grant to the AHEC network for certain purposes;
12 deleting a corresponding provision authorizing the network
13 to apply for a competitive contract or grant after a
14 specified fiscal year; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Paragraph (i) of subsection (3) and subsection
19 (6) of section 381.84, Florida Statutes, are amended to read:

20 381.84 Comprehensive Statewide Tobacco Education and Use
21 Prevention Program.--

22 (3) PROGRAM COMPONENTS AND REQUIREMENTS.--The department
23 shall conduct a comprehensive, statewide tobacco education and
24 use prevention program consistent with the recommendations for
25 effective program components contained in the 1999 Best Practices
26 for Comprehensive Tobacco Control Programs of the CDC, as amended
27 by the CDC. The program shall include the following components,



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28 | each of which shall focus on educating people, particularly youth
29 | and their parents, about the health hazards of tobacco and
30 | discouraging the use of tobacco:

31 | (i) AHEC smoking-cessation initiative.--~~For the 2007-2008~~
32 | ~~and 2008-2009 fiscal years only,~~ The AHEC network shall expand
33 | the AHEC smoking-cessation initiative to each county within the
34 | state and perform other activities as determined by the
35 | department.

36 | (6) CONTRACT REQUIREMENTS.--Contracts or grants for the
37 | program components or subcomponents described in paragraphs
38 | (3) (a)-(f) shall be awarded by the State Surgeon General, after
39 | consultation with the council, on the basis of merit, as
40 | determined by an open, competitive, peer-reviewed process that
41 | ensures objectivity, consistency, and high quality. The
42 | department shall award such grants or contracts no later than
43 | October 1 for each fiscal year. A recipient of a contract or
44 | grant for the program component described in paragraph (3) (c) is
45 | not eligible for a contract or grant award for any other program
46 | component described in subsection (3) in the same state fiscal
47 | year. A school or college of medicine that is represented on the
48 | council is not eligible to receive a contract or grant under this
49 | section. ~~For the 2007-2008 and 2008-2009 fiscal years only,~~ The
50 | department shall award a contract or grant in the amount of \$11
51 | ~~\$10~~ million to the AHEC network for the purpose of developing the
52 | components described in paragraph (3) (i). ~~The AHEC network may~~
53 | ~~apply for a competitive contract or grant after the 2008-2009~~
54 | ~~fiscal year.~~

55 | (a) In order to ensure that all proposals for funding are
56 | appropriate and are evaluated fairly on the basis of merit, the
57 | State Surgeon General, in consultation with the council, shall



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58 | appoint a peer review panel of independent, qualified experts in
59 | the field of tobacco control to review the content of each
60 | proposal and establish its priority score. The priority scores
61 | shall be forwarded to the council and must be considered in
62 | determining which proposals will be recommended for funding.

63 | (b) The council and the peer review panel shall establish
64 | and follow rigorous guidelines for ethical conduct and adhere to
65 | a strict policy with regard to conflicts of interest. A member of
66 | the council or panel may not participate in any discussion or
67 | decision with respect to a research proposal by any firm, entity,
68 | or agency with which the member is associated as a member of the
69 | governing body or as an employee or with which the member has
70 | entered into a contractual arrangement. Meetings of the council
71 | and the peer review panels are subject to chapter 119, s.
72 | 286.011, and s. 24, Art. I of the State Constitution.

73 | (c) In each contract or grant agreement, the department
74 | shall limit the use of food and promotional items to no more than
75 | 2.5 percent of the total amount of the contract or grant and
76 | limit overhead or indirect costs to no more than 7.5 percent of
77 | the total amount of the contract or grant. The department, in
78 | consultation with the Department of Financial Services, shall
79 | publish guidelines for appropriate food and promotional items.

80 | (d) In each advertising contract, the department shall
81 | limit the total of production fees, buyer commissions, and
82 | related costs to no more than 10 percent of the total contract
83 | amount.

84 | (e) Notwithstanding the competitive process for contracts
85 | prescribed in this subsection, each county health department is
86 | eligible for core funding, on a per capita basis, to implement



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87 | tobacco education and use prevention activities within that
88 | county.

89 | Section 2. This act shall take effect July 1, 2008.