

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

603-06496A-08

20081856c1

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 revising the annual appropriation for the AHEC network;  
13 deleting a provision authorizing the network to apply for  
14 a competitive contract or grant after a specified fiscal  
15 year; providing an effective date.

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

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

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

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

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30 and their parents, about the health hazards of tobacco and  
31 discouraging the use of tobacco:

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

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

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

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

64 |       (b) The council and the peer review panel shall establish  
65 | and follow rigorous guidelines for ethical conduct and adhere to  
66 | a strict policy with regard to conflicts of interest. A member of  
67 | the council or panel may not participate in any discussion or  
68 | decision with respect to a research proposal by any firm, entity,  
69 | or agency with which the member is associated as a member of the  
70 | governing body or as an employee or with which the member has  
71 | entered into a contractual arrangement. Meetings of the council  
72 | and the peer review panels are subject to chapter 119, s.  
73 | 286.011, and s. 24, Art. I of the State Constitution.

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

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

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

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

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