

ENROLLED
 HB 5309, Engrossed 1

2010 Legislature

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.; providing for the counter-marketing and advertising
 5 campaign to include innovative communication strategies;
 6 revising terminology; providing requirements for
 7 administration and management of the program by the
 8 Department of Health; specifying purpose of certain funds
 9 distributed under the program; revising the area health
 10 education center network program component functions and
 11 requirements; deleting obsolete language; providing an
 12 effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Subsection (3), paragraph (a) of subsection
 17 (4), and subsections (6) and (9) of section 381.84, Florida
 18 Statutes, are amended to read:

19 381.84 Comprehensive Statewide Tobacco Education and Use
 20 Prevention Program.—

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

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28 particularly youth and their parents, about the health hazards
 29 of tobacco and discouraging the use of tobacco:

30 (a) Counter-marketing and advertising; Internet cyberspace
 31 resource center.—The counter-marketing and advertising campaign
 32 shall include, at a minimum, Internet, print, radio, and
 33 television advertising and shall be funded with a minimum of
 34 one-third of the total annual appropriation required by s. 27,
 35 Art. X of the State Constitution.

36 1. The campaign shall include an Internet ~~A cyberspace~~
 37 resource center for copyrighted materials and information
 38 concerning tobacco education and use prevention, including
 39 cessation, ~~shall be maintained by the program.~~ The Internet Such
 40 resource center must be accessible to the public, including
 41 parents, teachers, and students, at each level of public and
 42 private schools, universities, and colleges in the state and
 43 shall provide links to other relevant resources. The Internet
 44 address for the resource center must be incorporated in all
 45 advertising. The information maintained in the resource center
 46 shall be used by the other components of the program.

47 2. The campaign shall use innovative communication
 48 strategies, such as targeting specific audiences who use
 49 personal communication devices and frequent social networking
 50 websites.

51 (b) Cessation programs, counseling, and treatment.—This
 52 program component shall include two subcomponents:

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

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55 support services, and treatment to the extent funds are
56 available for treatment services; and

57 2. A local community-based program to disseminate
58 information about tobacco-use ~~smoking~~ cessation, how tobacco-use
59 ~~smoking~~ cessation relates to prenatal care and obesity
60 prevention, and other chronic tobacco-related diseases.

61 (c) Surveillance and evaluation.—The program shall conduct
62 ongoing epidemiological surveillance and shall contract for
63 annual independent evaluations of the effectiveness of the
64 various components of the program in meeting the goals as set
65 forth in subsection (2).

66 (d) Youth school programs.—School and after-school
67 programs shall use current evidence-based curricula and programs
68 that involve youth to educate youth about the health hazards of
69 tobacco, help youth develop skills to refuse tobacco, and
70 demonstrate to youth how to stop using tobacco.

71 (e) Community programs and chronic disease prevention.—The
72 department shall promote and support local community-based
73 partnerships that emphasize programs involving youth, including
74 programs for the prevention, detection, and early intervention
75 of tobacco-related ~~smoking-related~~ chronic diseases.

76 (f) Training.—The program shall include the training of
77 health care practitioners, tobacco-use cessation ~~smoking-~~
78 ~~cessation~~ counselors, and teachers by health professional
79 students and other tobacco-use prevention specialists who are
80 trained in preventing tobacco use and health education. Tobacco-
81 use cessation ~~Smoking-cessation~~ counselors shall be trained by
82 specialists who are certified in tobacco-use cessation.

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83 (g) Administration and management, statewide programs, and
84 county health departments.~~The department shall administer the~~
85 program within the expenditure limit established in subsection
86 (8). Each county health department is eligible to receive a
87 portion of the annual appropriation, on a per capita basis, for
88 coordinating tobacco education and use prevention programs
89 within that county. Appropriated funds may be used to improve
90 the infrastructure of the county health department to implement
91 the comprehensive, statewide tobacco education and use
92 prevention program. Each county health department shall
93 prominently display in all treatment rooms and waiting rooms~~,~~
94 counter-marketing and advertisement materials in the form of
95 wall posters, brochures, television advertising if televisions
96 are used in the lobby or waiting room, and screensavers and
97 Internet advertising if computer kiosks are available for use or
98 viewing by people at the county health department.

99 (h) Enforcement and awareness of related laws.~~In~~
100 coordination with the Department of Business and Professional
101 Regulation, the program shall monitor the enforcement of laws,
102 rules, and policies prohibiting the sale or other provision of
103 tobacco to minors, as well as the continued enforcement of the
104 Clean Indoor Air Act prescribed in chapter 386. The
105 advertisements produced in accordance with paragraph (a) may
106 also include information designed to make the public aware of
107 these related laws and rules. The departments may enter into
108 interagency agreements to carry out this program component.

109 (i) AHEC tobacco-use cessation ~~smoking cessation~~
110 initiative.~~For the 2009-2010 fiscal year,~~ The AHEC network may

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111 administer ~~shall expand~~ the AHEC tobacco-use cessation ~~smoking-~~
 112 ~~cessation~~ initiative in ~~to~~ each county within the state and
 113 perform other activities as determined by the department.

114 (4) ADVISORY COUNCIL; MEMBERS, APPOINTMENTS, AND
 115 MEETINGS.—The Tobacco Education and Use Prevention Advisory
 116 Council is created within the department.

117 (a) The council shall consist of 23 members, including:

118 1. The State Surgeon General, who shall serve as the
 119 chairperson.

120 2. One county health department director, appointed by the
 121 State Surgeon General.

122 3. Two members appointed by the Commissioner of Education,
 123 of whom one must be a school district superintendent.

124 4. The chief executive officer of the Florida Division of
 125 the American Cancer Society, or his or her designee.

126 5. The chief executive officer of the Greater Southeast
 127 Affiliate of the American Heart Association, or his or her
 128 designee.

129 6. The chief executive officer of the American Lung
 130 Association of Florida, or his or her designee.

131 7. The dean of the University of Miami School of Medicine,
 132 or his or her designee.

133 8. The dean of the University of Florida College of
 134 Medicine, or his or her designee.

135 9. The dean of the University of South Florida College of
 136 Medicine, or his or her designee.

137 10. The dean of the Florida State University College of
 138 Medicine, or his or her designee.

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139 11. The dean of Nova Southeastern College of Osteopathic
140 Medicine, or his or her designee.

141 12. The dean of the Lake Erie College of Osteopathic
142 Medicine in Bradenton, Florida, or his or her designee.

143 13. The chief executive officer of the Campaign for
144 Tobacco Free Kids, or his or her designee.

145 14. The chief executive officer of the Legacy Foundation,
146 or his or her designee.

147 15. Four members appointed by the Governor, of whom two
148 must have expertise in the field of tobacco-use prevention and
149 education or tobacco-use ~~smoking~~ cessation and one individual
150 who shall be between the ages of 16 and 21 at the time of his or
151 her appointment.

152 16. Two members appointed by the President of the Senate,
153 of whom one must have expertise in the field of tobacco-use
154 prevention and education or tobacco-use ~~smoking~~ cessation.

155 17. Two members appointed by the Speaker of the House of
156 Representatives, of whom one must have expertise in the field of
157 tobacco-use prevention and education or tobacco-use ~~smoking~~
158 cessation.

159 (6) CONTRACT REQUIREMENTS.—Contracts or grants for the
160 program components or subcomponents described in paragraphs
161 (3) (a)-(f) shall be awarded by the State Surgeon General, after
162 consultation with the council, on the basis of merit, as
163 determined by an open, competitive, peer-reviewed process that
164 ensures objectivity, consistency, and high quality. The
165 department shall award such grants or contracts no later than
166 October 1 for each fiscal year. A recipient of a contract or

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167 grant for the program component described in paragraph (3)(c) is
168 not eligible for a contract or grant award for any other program
169 component described in subsection (3) in the same state fiscal
170 year. A school or college of medicine that is represented on the
171 council is not eligible to receive a contract or grant under
172 this section. ~~For the 2009-2010 fiscal year only,~~ The department
173 shall award a contract or grant in the amount of \$10 million to
174 the AHEC network for the purpose of developing the components
175 described in paragraph (3)(i). The AHEC network may apply for a
176 competitive contracts or grants ~~contract or grant after the~~
177 ~~2009-2010 fiscal year.~~

178 (a) In order to ensure that all proposals for funding are
179 appropriate and are evaluated fairly on the basis of merit, the
180 State Surgeon General, in consultation with the council, shall
181 appoint a peer review panel of independent, qualified experts in
182 the field of tobacco control to review the content of each
183 proposal and establish its priority score. The priority scores
184 shall be forwarded to the council and must be considered in
185 determining which proposals will be recommended for funding.

186 (b) The council and the peer review panel shall establish
187 and follow rigorous guidelines for ethical conduct and adhere to
188 a strict policy with regard to conflicts of interest. A member
189 of the council or panel may not participate in any discussion or
190 decision with respect to a research proposal by any firm,
191 entity, or agency with which the member is associated as a
192 member of the governing body or as an employee or with which the
193 member has entered into a contractual arrangement. Meetings of

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194 the council and the peer review panels are subject to chapter
195 119, s. 286.011, and s. 24, Art. I of the State Constitution.

196 (c) In each contract or grant agreement, the department
197 shall limit the use of food and promotional items to no more
198 than 2.5 percent of the total amount of the contract or grant
199 and limit overhead or indirect costs to no more than 7.5 percent
200 of the total amount of the contract or grant. The department, in
201 consultation with the Department of Financial Services, shall
202 publish guidelines for appropriate food and promotional items.

203 (d) In each advertising contract, the department shall
204 limit the total of production fees, buyer commissions, and
205 related costs to no more than 10 percent of the total contract
206 amount.

207 (e) Notwithstanding the competitive process for contracts
208 prescribed in this subsection, each county health department is
209 eligible for core funding, on a per capita basis, to implement
210 tobacco education and use prevention activities within that
211 county.

212 (8) LIMITATION ON ADMINISTRATIVE EXPENSES.—From the total
213 funds appropriated for the Comprehensive Statewide Tobacco
214 Education and Use Prevention Program in the General
215 Appropriations Act, an amount of up to 5 percent may be used by
216 the department for administrative expenses.

217 (9) RULEMAKING AUTHORIZED.—~~By January 1, 2008,~~ The
218 department shall adopt rules pursuant to ss. 120.536(1) and
219 120.54 to administer this section.

220 Section 2. This act shall take effect July 1, 2010.