

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; deleting county health department  
 9           funding eligibility; specifying purpose of funds  
 10          distributed under the program; revising the area health  
 11          education center network program component functions and  
 12          requirements; authorizing community mental health  
 13          providers under contract with the Department of Children  
 14          and Family Services to receive a share of the annual  
 15          appropriation for specified purposes, subject to a  
 16          specific appropriation in the General Appropriations Act;  
 17          requiring the Department of Health to submit a proposal to  
 18          the Governor and Legislature for developing a pilot  
 19          program by a specified date; specifying elements of the  
 20          proposal; deleting obsolete language; providing an  
 21          effective date.

22  
 23   Be It Enacted by the Legislature of the State of Florida:

24  
 25           Section 1. Subsection (3), paragraph (a) of subsection  
 26           (4), and subsections (6), (7), and (9) of section 381.84,  
 27           Florida Statutes, are amended to read:

28           381.84   Comprehensive Statewide Tobacco Education and Use

29 Prevention Program.—

30 (3) PROGRAM COMPONENTS AND REQUIREMENTS.—The department  
 31 shall conduct a comprehensive, statewide tobacco education and  
 32 use prevention program consistent with the recommendations for  
 33 effective program components contained in the 1999 Best  
 34 Practices for Comprehensive Tobacco Control Programs of the CDC,  
 35 as amended by the CDC. The program shall include the following  
 36 components, each of which shall focus on educating people,  
 37 particularly youth and their parents, about the health hazards  
 38 of tobacco and discouraging the use of tobacco:

39 (a) Counter-marketing and advertising; Internet cyberspace  
 40 resource center.—The counter-marketing and advertising campaign  
 41 shall include, at a minimum, Internet, print, radio, and  
 42 television advertising and shall be funded with a minimum of  
 43 one-third of the total annual appropriation required by s. 27,  
 44 Art. X of the State Constitution.

45 1. The campaign shall include an Internet ~~A cyberspace~~  
 46 resource center for copyrighted materials and information  
 47 concerning tobacco education and use prevention, including  
 48 cessation, ~~shall be maintained by the program.~~ The Internet Such  
 49 resource center must be accessible to the public, including  
 50 parents, teachers, and students, at each level of public and  
 51 private schools, universities, and colleges in the state and  
 52 shall provide links to other relevant resources. The Internet  
 53 address for the resource center must be incorporated in all  
 54 advertising. The information maintained in the resource center  
 55 shall be used by the other components of the program.

56 2. The campaign shall use innovative communication

57 strategies, such as targeting specific audiences who use  
 58 personal communication devices and frequent social networking  
 59 websites.

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

62 1. A statewide toll-free cessation service, which may  
 63 include counseling, referrals to other local resources and  
 64 support services, and treatment to the extent funds are  
 65 available for treatment services; and

66 2. A local community-based program to disseminate  
 67 information about tobacco-use ~~smoking~~ cessation, how tobacco-use  
 68 ~~smoking~~ cessation relates to prenatal care and obesity  
 69 prevention, and other chronic tobacco-related diseases.

70 (c) Surveillance and evaluation.—The program shall conduct  
 71 ongoing epidemiological surveillance and shall contract for  
 72 annual independent evaluations of the effectiveness of the  
 73 various components of the program in meeting the goals as set  
 74 forth in subsection (2).

75 (d) Youth school programs.—School and after-school  
 76 programs shall use current evidence-based curricula and programs  
 77 that involve youth to educate youth about the health hazards of  
 78 tobacco, help youth develop skills to refuse tobacco, and  
 79 demonstrate to youth how to stop using tobacco.

80 (e) Community programs and chronic disease prevention.—The  
 81 department shall promote and support local community-based  
 82 partnerships that emphasize programs involving youth, including  
 83 programs for the prevention, detection, and early intervention  
 84 of tobacco-related ~~smoking-related~~ chronic diseases.

85 (f) Training.—The program shall include the training of  
 86 health care practitioners, tobacco-use cessation ~~smoking-~~  
 87 ~~cessation~~ counselors, and teachers by health professional  
 88 students and other tobacco-use prevention specialists who are  
 89 trained in preventing tobacco use and health education. Tobacco-  
 90 use cessation ~~Smoking-cessation~~ counselors shall be trained by  
 91 specialists who are certified in tobacco-use cessation.

92 (g) Administration and management, ~~statewide programs, and~~  
 93 ~~county health departments.~~ The department shall administer the  
 94 program within the expenditure limit established in subsection  
 95 (8). As part of this component, the department shall coordinate  
 96 the activities of state and community-based tobacco control  
 97 organizations. In addition, Each county health department is  
 98 ~~eligible to receive a portion of the annual appropriation, on a~~  
 99 ~~per capita basis, for coordinating tobacco education and use~~  
 100 ~~prevention programs within that county. Appropriated funds may~~  
 101 ~~be used to improve the infrastructure of the county health~~  
 102 ~~department to implement the comprehensive, statewide tobacco~~  
 103 ~~education and use prevention program.~~ each county health  
 104 department shall prominently display in all treatment rooms and  
 105 waiting rooms, counter-marketing and advertisement materials in  
 106 the form of wall posters, brochures, television advertising if  
 107 televisions are used in the lobby or waiting room, and  
 108 screensavers and Internet advertising if computer kiosks are  
 109 available for use or viewing by people at the county health  
 110 department.

111 (h) Enforcement and awareness of related laws.—In  
 112 coordination with the Department of Business and Professional

113 Regulation, the program shall monitor the enforcement of laws,  
 114 rules, and policies prohibiting the sale or other provision of  
 115 tobacco to minors, as well as the continued enforcement of the  
 116 Clean Indoor Air Act prescribed in chapter 386. The  
 117 advertisements produced in accordance with paragraph (a) may  
 118 also include information designed to make the public aware of  
 119 these related laws and rules. The departments may enter into  
 120 interagency agreements to carry out this program component.

121 (i) AHEC tobacco-use cessation ~~smoking-cessation~~  
 122 initiative. ~~For the 2009-2010 fiscal year,~~ The AHEC network may  
 123 administer ~~shall expand~~ the AHEC tobacco-use cessation ~~smoking-~~  
 124 ~~cessation~~ initiative in ~~to~~ each county within the state and  
 125 perform other activities as determined by the department.

126 (j) Community-based organizations providing services to  
 127 specific populations.—Subject to a specific appropriation in the  
 128 General Appropriations Act, and in order to reach, involve, and  
 129 mobilize tobacco-users with mental illness, community mental  
 130 health providers under contract with the Department of Children  
 131 and Family Services pursuant to s. 394.74 are eligible to  
 132 receive a portion of the annual appropriation to provide  
 133 intervention services and tobacco-use cessation treatments for  
 134 persons with mental illness.

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

138 (a) The council shall consist of 23 members, including:  
 139 1. The State Surgeon General, who shall serve as the  
 140 chairperson.

141           2. One county health department director, appointed by the  
142 State Surgeon General.

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

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

147           5. The chief executive officer of the Greater Southeast  
148 Affiliate of the American Heart Association, or his or her  
149 designee.

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

152           7. The dean of the University of Miami School of Medicine,  
153 or his or her designee.

154           8. The dean of the University of Florida College of  
155 Medicine, or his or her designee.

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

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

160           11. The dean of Nova Southeastern College of Osteopathic  
161 Medicine, or his or her designee.

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

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

166           14. The chief executive officer of the Legacy Foundation,  
167 or his or her designee.

168           15. Four members appointed by the Governor, of whom two

169 must have expertise in the field of tobacco-use prevention and  
 170 education or tobacco-use ~~smoking~~ cessation and one individual  
 171 who shall be between the ages of 16 and 21 at the time of his or  
 172 her appointment.

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

176 17. Two members appointed by the Speaker of the House of  
 177 Representatives, of whom one must have expertise in the field of  
 178 tobacco-use prevention and education or tobacco-use ~~smoking~~  
 179 cessation.

180 (6) CONTRACT REQUIREMENTS.—Contracts or grants for the  
 181 program components or subcomponents described in paragraphs  
 182 (3) (a)-(f) shall be awarded by the State Surgeon General, after  
 183 consultation with the council, on the basis of merit, as  
 184 determined by an open, competitive, peer-reviewed process that  
 185 ensures objectivity, consistency, and high quality. The  
 186 department shall award such grants or contracts no later than  
 187 October 1 for each fiscal year. A recipient of a contract or  
 188 grant for the program component described in paragraph (3) (c) is  
 189 not eligible for a contract or grant award for any other program  
 190 component described in subsection (3) in the same state fiscal  
 191 year. A school or college of medicine that is represented on the  
 192 council is not eligible to receive a contract or grant under  
 193 this section. ~~For the 2009-2010 fiscal year only, the department~~  
 194 ~~shall award a contract or grant in the amount of \$10 million to~~  
 195 ~~the AHEC network for the purpose of developing the components~~  
 196 ~~described in paragraph (3) (i). The AHEC network may apply for a~~

197 ~~competitive contract or grant after the 2009-2010 fiscal year.~~

198 (a) In order to ensure that all proposals for funding are  
 199 appropriate and are evaluated fairly on the basis of merit, the  
 200 State Surgeon General, in consultation with the council, shall  
 201 appoint a peer review panel of independent, qualified experts in  
 202 the field of tobacco control to review the content of each  
 203 proposal and establish its priority score. The priority scores  
 204 shall be forwarded to the council and must be considered in  
 205 determining which proposals will be recommended for funding.

206 (b) The council and the peer review panel shall establish  
 207 and follow rigorous guidelines for ethical conduct and adhere to  
 208 a strict policy with regard to conflicts of interest. A member  
 209 of the council or panel may not participate in any discussion or  
 210 decision with respect to a research proposal by any firm,  
 211 entity, or agency with which the member is associated as a  
 212 member of the governing body or as an employee or with which the  
 213 member has entered into a contractual arrangement. Meetings of  
 214 the council and the peer review panels are subject to chapter  
 215 119, s. 286.011, and s. 24, Art. I of the State Constitution.

216 ~~(c) Notwithstanding the competitive process for contracts~~  
 217 ~~prescribed in this subsection, each county health department is~~  
 218 ~~eligible for core funding, on a per capita basis, to implement~~  
 219 ~~tobacco education and use prevention activities within that~~  
 220 ~~county.~~

221 (c) ~~(d)~~ In each advertising contract, the department shall  
 222 limit the total of production fees, buyer commissions, and  
 223 related costs to no more than 10 percent of the total contract  
 224 amount.



225 (d)~~(e)~~ Notwithstanding the competitive process for  
 226 contracts prescribed in this subsection, each county health  
 227 department is eligible for core funding, on a per capita basis,  
 228 to implement tobacco education and use prevention activities  
 229 within that county.

230 (7) ANNUAL REPORT REQUIRED.—

231 (a) By January 31 of each year, the department shall  
 232 provide to the Governor, the President of the Senate, and the  
 233 Speaker of the House of Representatives a report that evaluates  
 234 the program's effectiveness in reducing and preventing tobacco  
 235 use and that recommends improvements to enhance the program's  
 236 effectiveness. The report must contain, at a minimum, an annual  
 237 survey of youth attitudes and behavior toward tobacco, as well  
 238 as a description of the progress in reducing the prevalence of  
 239 tobacco use among youth, adults, and pregnant women; reducing  
 240 per capita tobacco consumption; and reducing exposure to  
 241 environmental tobacco smoke.

242 (b) By December 1, 2010, the department shall submit to  
 243 the Governor, the President of the Senate, the Speaker of the  
 244 House of Representatives, and the appropriate substantive  
 245 committees of the Legislature a written proposal for  
 246 implementing an incentive-based pilot program using commitment  
 247 contracts for tobacco-users. The proposal shall include a  
 248 recommended amount and source of funding for the pilot program,  
 249 as well as recommendations related to:

- 250 1. The location of the pilot program.
- 251 2. The type of commitment contract to be used.
- 252 3. Proposed terms for the commitment contract, including

253 any additional incentives that could be provided by the state  
 254 and penalties or consequences for failure to abstain from using  
 255 tobacco by program participants.

256 4. The method for testing for tobacco abstention by  
 257 program participants.

258 5. The locations of testing site centers, which may  
 259 include area health education centers, county health  
 260 departments, and federally qualified health centers.

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

266 (9) RULEMAKING AUTHORIZED.—~~By January 1, 2008,~~ The  
 267 department shall adopt rules pursuant to ss. 120.536(1) and  
 268 120.54 to administer this section.

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