

Amendment No.

CHAMBER ACTION

Senate

House

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1 The Conference Committee on HB 5309 offered the following:

2
3 **Conference Committee Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

8 381.84 Comprehensive Statewide Tobacco Education and Use
9 Prevention Program.—

10 (3) PROGRAM COMPONENTS AND REQUIREMENTS.—The department
11 shall conduct a comprehensive, statewide tobacco education and
12 use prevention program consistent with the recommendations for
13 effective program components contained in the 1999 Best
14 Practices for Comprehensive Tobacco Control Programs of the CDC,
15 as amended by the CDC. The program shall include the following
16 components, each of which shall focus on educating people,

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17 particularly youth and their parents, about the health hazards
18 of tobacco and discouraging the use of tobacco:

19 (a) Counter-marketing and advertising; Internet cyberspace
20 resource center.—The counter-marketing and advertising campaign
21 shall include, at a minimum, Internet, print, radio, and
22 television advertising and shall be funded with a minimum of
23 one-third of the total annual appropriation required by s. 27,
24 Art. X of the State Constitution.

25 1. The campaign shall include an Internet A cyberspace
26 resource center for copyrighted materials and information
27 concerning tobacco education and use prevention, including
28 cessation, ~~shall be maintained by the program.~~ The Internet Such
29 resource center must be accessible to the public, including
30 parents, teachers, and students, at each level of public and
31 private schools, universities, and colleges in the state and
32 shall provide links to other relevant resources. The Internet
33 address for the resource center must be incorporated in all
34 advertising. The information maintained in the resource center
35 shall be used by the other components of the program.

36 2. The campaign shall use innovative communication
37 strategies, such as targeting specific audiences who use
38 personal communication devices and frequent social networking
39 websites.

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

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

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44 support services, and treatment to the extent funds are
45 available for treatment services; and

46 2. A local community-based program to disseminate
47 information about tobacco-use ~~smoking~~ cessation, how tobacco-use
48 ~~smoking~~ cessation relates to prenatal care and obesity
49 prevention, and other chronic tobacco-related diseases.

50 (c) Surveillance and evaluation.—The program shall conduct
51 ongoing epidemiological surveillance and shall contract for
52 annual independent evaluations of the effectiveness of the
53 various components of the program in meeting the goals as set
54 forth in subsection (2).

55 (d) Youth school programs.—School and after-school
56 programs shall use current evidence-based curricula and programs
57 that involve youth to educate youth about the health hazards of
58 tobacco, help youth develop skills to refuse tobacco, and
59 demonstrate to youth how to stop using tobacco.

60 (e) Community programs and chronic disease prevention.—The
61 department shall promote and support local community-based
62 partnerships that emphasize programs involving youth, including
63 programs for the prevention, detection, and early intervention
64 of tobacco-related ~~smoking-related~~ chronic diseases.

65 (f) Training.—The program shall include the training of
66 health care practitioners, tobacco-use cessation ~~smoking-~~
67 ~~cessation~~ counselors, and teachers by health professional
68 students and other tobacco-use prevention specialists who are
69 trained in preventing tobacco use and health education. Tobacco-
70 use cessation ~~Smoking-cessation~~ counselors shall be trained by
71 specialists who are certified in tobacco-use cessation.

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

88 (h) Enforcement and awareness of related laws.-In
89 coordination with the Department of Business and Professional
90 Regulation, the program shall monitor the enforcement of laws,
91 rules, and policies prohibiting the sale or other provision of
92 tobacco to minors, as well as the continued enforcement of the
93 Clean Indoor Air Act prescribed in chapter 386. The
94 advertisements produced in accordance with paragraph (a) may
95 also include information designed to make the public aware of
96 these related laws and rules. The departments may enter into
97 interagency agreements to carry out this program component.

98 (i) AHEC tobacco-use cessation ~~smoking cessation~~
99 initiative.~~-For the 2009-2010 fiscal year,~~ The AHEC network may
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100 ~~administer shall expand~~ the AHEC tobacco-use cessation ~~smoking-~~
101 ~~cessation~~ initiative in ~~to~~ each county within the state and
102 perform other activities as determined by the department.

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

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

107 1. The State Surgeon General, who shall serve as the
108 chairperson.

109 2. One county health department director, appointed by the
110 State Surgeon General.

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

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

115 5. The chief executive officer of the Greater Southeast
116 Affiliate of the American Heart Association, or his or her
117 designee.

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

120 7. The dean of the University of Miami School of Medicine,
121 or his or her designee.

122 8. The dean of the University of Florida College of
123 Medicine, or his or her designee.

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

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

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128 11. The dean of Nova Southeastern College of Osteopathic
129 Medicine, or his or her designee.

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

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

134 14. The chief executive officer of the Legacy Foundation,
135 or his or her designee.

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

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

144 17. Two members appointed by the Speaker of the House of
145 Representatives, of whom one must have expertise in the field of
146 tobacco-use prevention and education or tobacco-use ~~smoking~~
147 cessation.

148 (6) CONTRACT REQUIREMENTS.—Contracts or grants for the
149 program components or subcomponents described in paragraphs
150 (3) (a)-(f) shall be awarded by the State Surgeon General, after
151 consultation with the council, on the basis of merit, as
152 determined by an open, competitive, peer-reviewed process that
153 ensures objectivity, consistency, and high quality. The
154 department shall award such grants or contracts no later than
155 October 1 for each fiscal year. A recipient of a contract or
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156 grant for the program component described in paragraph (3)(c) is
157 not eligible for a contract or grant award for any other program
158 component described in subsection (3) in the same state fiscal
159 year. A school or college of medicine that is represented on the
160 council is not eligible to receive a contract or grant under
161 this section. ~~For the 2009-2010 fiscal year only,~~ The department
162 shall award a contract or grant in the amount of \$10 million to
163 the AHEC network for the purpose of developing the components
164 described in paragraph (3)(i). The AHEC network may apply for a
165 competitive contracts or grants ~~contract or grant after the~~
166 ~~2009-2010 fiscal year.~~

167 (a) In order to ensure that all proposals for funding are
168 appropriate and are evaluated fairly on the basis of merit, the
169 State Surgeon General, in consultation with the council, shall
170 appoint a peer review panel of independent, qualified experts in
171 the field of tobacco control to review the content of each
172 proposal and establish its priority score. The priority scores
173 shall be forwarded to the council and must be considered in
174 determining which proposals will be recommended for funding.

175 (b) The council and the peer review panel shall establish
176 and follow rigorous guidelines for ethical conduct and adhere to
177 a strict policy with regard to conflicts of interest. A member
178 of the council or panel may not participate in any discussion or
179 decision with respect to a research proposal by any firm,
180 entity, or agency with which the member is associated as a
181 member of the governing body or as an employee or with which the
182 member has entered into a contractual arrangement. Meetings of

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183 the council and the peer review panels are subject to chapter
184 119, s. 286.011, and s. 24, Art. I of the State Constitution.

185 (c) In each contract or grant agreement, the department
186 shall limit the use of food and promotional items to no more
187 than 2.5 percent of the total amount of the contract or grant
188 and limit overhead or indirect costs to no more than 7.5 percent
189 of the total amount of the contract or grant. The department, in
190 consultation with the Department of Financial Services, shall
191 publish guidelines for appropriate food and promotional items.

192 (d) In each advertising contract, the department shall
193 limit the total of production fees, buyer commissions, and
194 related costs to no more than 10 percent of the total contract
195 amount.

196 (e) Notwithstanding the competitive process for contracts
197 prescribed in this subsection, each county health department is
198 eligible for core funding, on a per capita basis, to implement
199 tobacco education and use prevention activities within that
200 county.

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

206 (9) RULEMAKING AUTHORIZED.—~~By January 1, 2008,~~ The
207 department shall adopt rules pursuant to ss. 120.536(1) and
208 120.54 to administer this section.

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

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T I T L E A M E N D M E N T

Remove the entire title and insert:

A bill to be entitled

An act relating to the Comprehensive Statewide Tobacco Education and Use Prevention Program; amending s. 381.84, F.S.; providing for the counter-marketing and advertising campaign to include innovative communication strategies; revising terminology; providing requirements for administration and management of the program by the Department of Health; specifying purpose of certain funds distributed under the program; revising the area health education center network program component functions and requirements; deleting obsolete language; providing an effective date.