

**Meeting Minutes**  
**Tobacco Education and Use Prevention Advisory Council**  
**4052 Bald Cypress Way, Room 301**  
**Tallahassee, Florida**  
**June 1, 2009, 9:00 AM – 4:10 PM**

Members Present

Alan Geiger	Dr. Chet Evans
Don Webster	Erin Sylvester
Dr. James Howell	Fonda McGowan
Dr. Javier Berezdivin	Jeffrey Cece
Dr. Mae Waters	Jennifer Harris
Dr. Mathis Becker	Marshall Deason
Dr. Michael Good	Penny Detscher
Dr. John P. Fogarty	Wayne Withers

Members Absent

Dr. Ana M. Viamonte Ros	Dr. Jean Malecki
Danny McGoldrick	Michael Lannon

DOH Staff Present

Carlos Martinez	Jan Myrick	Manny Arisso
Dave Garison	Janet Baggett	Michelle Beard
Dave Powell	Jennifer Tschetter	Robby Leggett
David Powell	Kareem Golden	Ron Davis
Diane Dimperio	Kim Berfield	Sam Samlal
Donna Williams	Kristina Zachry	Sonja Bradwell
Gregg Smith	Laura Corbin	Steve Radford
Jacqui Sosa	Lauren Porter	Terri Stone

Time	Agenda Item	Discussion	Status/Follow up
9:00 a.m.	<p><b>Welcome and introductions, approval of minutes, Legislative update, recognition of Auriel Rolle-Polk, update on Council recommendations, review of the agenda.</b></p>	<p>Deputy Secretary Berfield welcomed the members and extended the State Surgeon General’s regrets for not being able to join the council today. Mr. Martinez called the roll as listed above.</p> <p>Deputy Secretary Berfield informed the council that Mr. Danny McGoldrick is attending Senate hearings on the recently passed FDA regulation of tobacco in Washington DC and will not be able to join us today. Also, Mr. John T. Brown has been appointed to the 1st Judicial Circuit Court by the Governor and cannot continue serving on the council.</p> <p>Deputy Secretary Berfield asked if members had read the minutes of 3/2/09 and had any comments. Hearing none, a member made a motion to approve the minutes. The motion was seconded and approved.</p> <p>Mr. Manny Arisso, DOH Director of Legislative Planning, gave an update on the Florida tobacco excise tax increase (Senate Bill 1840) which is expected to reduce tobacco use in the state. He informed the group the excise tax is estimated to yield between \$700 million and \$1 billion dollars in the next year. The bill will close several tax loopholes, increase penalties for violations, place limits on tobacco availability on Indian reservations, and increase the price of a pack of cigarettes by about one dollar. Revenues will go into the Health Care Trust Fund.</p> <p>Senate Bill 1840 largely leaves the disposition of the tax increase revenues to the discretion of the Legislature, but the James &amp; Esther King Biomedical Research Program and the Bankhead-Coley Cancer Research Program may each receive up to 2.5% increase yearly, not to exceed \$25 million yearly. The DOH tobacco program will receive a small amount (less than 1% annually) to provide tobacco cessation services for an expected increase in the number of persons attempting to quit tobacco use.</p> <p>Mr. Arisso also briefed the Council about DOH efforts to amend the current FS Chapter 385 chronic diseases statute which would clarify the role of the Tobacco Education and Use Prevention Advisory Council. The bill did not pass, but was tabled since there cannot be funding in a substantive bill. The DOH Legislative Planning Office is already</p>	<p><b>Motion seconded and approved by voice vote.</b></p>

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		<p>working on next year's rewrite of FS 385.</p> <p><b>Discussion:</b> There were favorable comments about the excise tax increase from several council members. Division Director Myrick volunteered that the DOH was planning on spending its increase in cessation dollars from the bill on providing free or low cost Nicotine Replacement Therapy (NRT) to rural hospitals, county health departments, and possibly wellness programs at large private employers along with increasing the availability of cessation counseling.</p> <p>Members asked whether the DOH was prepared for an increase demand for cessation services in light of the price increase scheduled for July 1, 2009. The Division Director responded that the Bureau of Tobacco Prevention Program had already spent about \$.5 million dollars in providing NRT to county health departments and was negotiating with the American Cancer Society Quitline to increase the amount of their Quitline contract and the amount of NRT the Quitline currently receives. Some NRT is also being made available to the Area Health Education Centers cessation program.</p> <p>A council member asked DOH staff if the proposed amendments to FS 385 would curtail the ability of the Council to make recommendations to the DOH. DOH staff responded that this was not the case. The amendments regarding the council in FS 385 were proposed to make the tobacco statute (FS381.84) more workable, specifically 1) how does DOH establish independent review of proposals and 2) how can the DOH obtain Council comments without the appearance of conflicts of interest that might occur under FS 112. The draft language sent to the Legislature was presented to the Council in their notebooks on 12/1/08.</p> <p>At this time Division Director Myrick introduced a new staff member, the Chief of the Bureau of Tobacco Prevention Program, Ms. Janet Baggett, who offers a wealth of experience to the tobacco program. Her credentials were sent to council members by email.</p> <p>Deputy Secretary Berfield presented a framed certificate to Ms. Auriel Rolle-Polk for her leadership in the Students Working Against Tobacco and the Youth Advisory Board.</p>	

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		<p>Ms. Rolle-Polk was recently recognized as Southern Youth Advocate of the Year for the Campaign for Tobacco Free Kids and has appeared on national anti tobacco counter marketing media ads.</p> <p><b>Review of Previous Council Recommendations</b>  Division Director Myrick then reviewed the eight council motions and recommendations from 3/2/09 located in tab 1 of the notebook. She clarified to the council that although the DOH has no core funding for Tobacco Prevention Specialist positions, each entity that receives a grant under the new community RFA will receive \$46,000, in addition to the grant funding, for tobacco staff at the county level. Although we have several volunteers, the proposed “collaborations subcommittee” has not met. One of the council members asked if the DOH could fund tobacco enforcement activities with the new community RFA. The DOH Tobacco Counsel, Ms. Jennifer Tschetter, recommended that we do not become involved in funding enforcement activities since enforcement is not part of the tobacco program charge under FS 381.84.</p> <p><b>Discussion:</b> A member asked if the council could get a report from Department of Business and Professional Regulation (DBPR) about the status of the enforcement programs. After some discussion, a motion was made to invite DBPR to attend each TAC meeting. The motion was seconded and approved by voice vote. Deputy Secretary Berfield suggested that if the DBPR agreed to attend council meetings they could provide the requested status reports. Tobacco Counsel Tschetter volunteered to extend the invitation to DBPR. Two members requested the DOH ask the DBPR whether the fines given to violators of retail sales remained in the community of the violation or were reverted to some other state fund.</p> <p>Division Director Myrick reported that the DOH and the DBPR had a meeting in May about the Florida Clean Indoor Air Act and a reporting relationship had been developed at that time. Ms. Sonja Bradwell of the DOH has been asked to participate in the training of new DBPR agents.</p> <p>There was additional discussion about using pet owners desire to protect their pets from</p>	<p><b>Motion seconded and approved by voice vote.</b></p> <p>The DOH will report back on the disposition of funds from fines.</p>

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		<p>second hand smoke and how best to utilize that feeling to advance tobacco prevention. The group discussed using the youth program members to increase awareness of this issue at the local level and also the possibility of contacting the Florida Veterinary Association to gauge their level of support.</p> <p>DOH staff reviewed the day's agenda and reminded members of their lunch orders.</p>	
10:00 a.m.	<p><b>Evaluation of Community Interventions, Peggy Shults, President and CEO of Lytmos Group Inc.</b></p>	<p>Division Director Jan Myrick and Deputy Secretary Kim Berfield introduced the speaker and gave a background for the presentation.</p> <p>In brief, the tobacco program was in need of an experienced independent third party that could assist in the preparation and review of bids for community based tobacco prevention grants scheduled to begin on July 1, 2009. Lytmos Group Inc. (Lytmos) had worked in the recent past with the Florida Department of Health in the area of biomedical grant peer review and grants management and their firm was competitively selected by the DOH to assist in the review of the community based Tobacco Prevention Interventions proposals.</p> <p>The goal of this Lytmos presentation was to:</p> <ul style="list-style-type: none"> <li>• Describe the process to the advisory council.</li> <li>• Make available scores and reviewer comments.</li> <li>• Assist by answering questions from the council to help determine awards.</li> </ul> <p><b>Overview:</b> Lytmos was contracted by the DOH to:</p> <ul style="list-style-type: none"> <li>• Assist in crafting the Request for Applications (RFA) document.</li> <li>• Provide a web based application process.</li> <li>• Recruit qualified reviewers and manage the peer review process.</li> <li>• Conduct administrative reviews of applications and,</li> <li>• Report evaluation results and assist with the funding decision process.</li> </ul> <p><b>Goal:</b> The goal of this process was to have the DOH programmatic objectives inform the construction of the application and determine the evaluation criteria for scoring</p>	

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		<p>applications. The process was web based for both proposal reviewers and proposal respondents. An important secondary goal was to obtain complete objectivity in the review process by having experienced tobacco reviewers from out of state provide the scoring of applications, and to have transparency in the process. As part of their contract, Lytmos Group Inc. also provided technical support to reviewers and respondents within the constraints of competitive bidding. A third goal was to produce a clear application process that was compliant with DOH goals and objectives, and highlighted the strengths and weaknesses of each proposal.</p> <p><b>Project Description</b>  The entire project worked within a compressed timeline. Proposals were received electronically on, or before, April 7, 2009, and the application period closed at 5:01 p.m. that day. Some project components were worked concurrently, for example as Lytmos reached out outside of Florida to obtain qualified reviewers, the actual application was being perfected in coordination with the DOH. A great deal of attention was devoted to managing the peer review process by obtaining qualified reviewers that conformed to DOH criteria of expertise. At several stages, reviewers were questioned about possible conflicts of interests with applicants and reviewers were given enough information about the applicants to determine if there was a conflict. Each reviewer read one, two, three or four proposals and 42 percent of the reviewers had four applications. Most proposals contained minor imperfections, but all proposals were forwarded to DOH with a list of imperfections for administrative review. None of the imperfections warranted rejection of a proposal. There was telephone support to assist applicants in their submission and upload process. Once the applications had been scored by a minimum of three reviewers the applications were ranked by Category (Small, Medium and Large Counties) and the names of the applicants were encrypted to maintain anonymity.</p> <p><b>Results:</b>  One hundred and ten potential applicants registered, and proposals were received from all 67 counties. There were a total of 85 proposals submitted. The top score possible for an applicant was a 5.0 and 0 was the worst. The majority of proposals scored in the 4.1 to 4.5 range. Fifty counties had a single application and 17 counties had two or three</p>	

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		applications.	
11:00 – a.m.	<b>Break</b>		
11:15 a.m.	<b>Lytmos Group Inc. (continued)</b>	<p>After the break council members continued the consideration of the peer review process.</p> <p>All council members had the Lytmos PowerPoint presentation in their notebooks as well as the scores, the standard deviation, and the funds requested for each application. The applicant’s names were encrypted and could not be identified.</p> <p><b>Discussion</b></p> <p>Members had questions about the qualifying criteria for reviewers and how Lytmos kept the process moving. Lytmos responded by showing the criteria provided by DOH and explaining their process to groom reviewers including paying \$125 per application, providing written instructions, maintaining email communications with reviewers, providing reviewers on-line help, and providing a reviewer report. There were also summary narrative reports of each proposal highlighting strengths and weaknesses.</p> <p>Members also asked how the scores were weighted and totaled. Weighting criteria were provided by DOH and are shown below:</p> <ul style="list-style-type: none"> <li>25% Proposed Project Description</li> <li>30% Workplan</li> <li>35% Capabilities</li> <li>10% Budget</li> </ul> <p>A member questioned why the Project Description was only weighted at 20%. This is because the requirements for each grantee are highly structured and proposers must work within these frameworks. Project descriptions tended to be similar, while the real strength of the applicant was visible in the quality of the work plan and the capabilities of the agency.</p> <p>The actual proposal scores were the average reviewer response <b>per question</b>, not a final reviewer score for the <b>application</b>. For every application there is a report that summarizes the reviewer comments. This can be used with applicants as a guidance tool to help with contract preparation.</p> <p>Members carefully reviewed the Funding Recommendations table that contained all</p>	

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		<p>scores. They debated what the minimum funding score should be, both to insure quality in the program and fund sufficient programs to maintain the continuity of the community grants. In conclusion members made a motion to fund. The motion was amended and passed as follows: The Tobacco Advisory Council recommends the DOH fund all community grant applications that scored 3.9 or above and, if there is more than one application above that score in a given county, the highest ranking application in the county shall be funded.</p>	<p><b>Motion seconded and approved by voice vote.</b></p>
<p>12:00 Noon</p>		<p><b>Subcommittee Meetings (during lunch)</b></p>	<p>.</p>
<p>1:30 – p.m.</p>	<p><b>Sweet Deception Presentation Robby Leggett and Ron Davis</b></p>	<p>Ron Davis and Robbie Leggett are regional and county DOH staff that are following the CDC best practice of creating policy change at the local level. They have worked hard to educate the Santa Rosa County Commission to pass a county wide resolution urging tobacco retailers to stop the sale and marketing of tobacco products in Santa Rosa County. Their presentation showed:</p> <ul style="list-style-type: none"> <li>• Increased marketing for candy-flavored cigarettes came after the 1998 Master Settlement Agreement prohibited tobacco companies from using cartoon characters to sell cigarettes.</li> <li>• The prevalence of tobacco products marketed towards youth has significantly increased over the past four years.</li> <li>• Tobacco company research indicated regular smokers were not in favor of candy flavored tobacco products, but youth and women would be attracted.</li> <li>• The tobacco companies are hoping that the idea of candy flavored tobacco smoke would be more socially acceptable.</li> <li>• There are increasing problems with the smaller tobacco manufacturers that are not bound under the Master Settlement Agreement.</li> <li>• The tobacco industry is marketing their products in ways that appeal to youth such as using bright and fun colors and making ads look like books that “romanticize” the story of a particular flavor.</li> <li>• The wide variety of candy flavored smokeless tobacco, cigarettes, and new products such as Snus and Orbs which dissolve completely in the mouth.</li> <li>• Products that dissolve completely in the mouth can easily lead to overdose.</li> <li>• Many of the flavorings that are contained in the products are carcinogens.</li> <li>• The flavorings for the candy tobacco are chemicals and they aren’t regulated.</li> </ul>	

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		<ul style="list-style-type: none"> <li>• E-cigarettes are becoming a problem because they are hard to distinguish. They release a vapor. We have requested guidance from CDC.</li> <li>• Santa Rosa has passed a resolution on candy flavored tobacco products.</li> </ul> <p><b>Discussion:</b>  Council members applauded this presentation and thought the information it contained, particularly the action plan, would be useful to others seeking to pass similar ordinances. Some members were not aware of the Snus type products that are completely absorbed and can be used in school settings or other areas where tobacco smoking may be prohibited. Also, the Snus type products do not all contain the same dose of nicotine nor is the dose level printed on the label.  Division Director Myrick commented that the DOH office that answers complaints about the Florida Clean Indoor Air Act had recently begun getting complaints about E-cigarettes. The DOH is now seeking technical assistance from the CDC regarding how to deal with the E-cigarettes.</p>	
2:30 – p.m.	<b>Break</b>		
2:45 – p.m.	<b>Recommendations of Subcommittees to the Council and the DOH.</b>	<p>In planning this meeting the DOH could not be certain how quickly the council would complete its review of the RFA scores. Therefore, this additional time in the afternoon was originally allotted for the council to finish its deliberations about funding the community tobacco grants scores. Since the review of scores and funding cut points were completed in the morning session the minutes have been advanced here, reporting the Council activities for the next agenda item, <i>Recommendations of Subcommittees to the Council and the DOH.</i></p> <p><b>Health Communications Subcommittee:</b>  The chair of the subcommittee, Mr. Marshall Deason was re-elected. The subcommittee approved the calendar dates as submitted in the handout distributed by DOH. The subcommittee declined to report at this time since all the issues in which it was interested had been addressed.</p> <p><b>Youth Programs Subcommittee</b>  Ms. Erin Sylvester, who was re-elected chair of the subcommittee, summarized the</p>	

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		<p>recommendations. The chair reported that the subcommittee members commended Ms. Laura Corbin for serving in the dual capacity of Youth Tobacco Program Coordinator and Regional Tobacco Prevention Coordinator for the past several months.</p> <p>The Youth Programs Subcommittee made the following motions to the council:</p> <ul style="list-style-type: none"> <li>a. The subcommittee recommends the DOH evaluate the funding levels for Tobacco Prevention Specialists considering county size and cost of living differentials.</li> <li>b. The subcommittee recommends the DOH increase (to more than 1 per year) the number of face to face meetings between members of the Youth Advisory Board. Mr. Deason stated the council cannot make a decision about this until we know the numbers. He recommended the council make decision about this after costs are made known to us at the next meeting. The motion will be reconsidered at the meeting of August 31 – September 1, 2009. Division Director Myrick stated there would be an additional face to face meeting of the Youth Advisory Board in the summer of 2009.</li> <li>c. The subcommittee asked the DOH to request the Zimmerman Inc. agency give more notice to youth groups and the Tobacco Prevention Specialists about tobacco events.</li> </ul> <p>In addition, the Youth Programs Subcommittee:</p> <ul style="list-style-type: none"> <li>1. Recommended the DOH expedite the hiring of a Regional Tobacco Prevention Coordinator to replace Ms. Laura Corbin</li> <li>2. Recommended the DOH attempt to find a permanent funding structure for the 39 TPS positions</li> </ul> <p><b>Surveillance and Evaluation Subcommittee</b></p> <p>Mr. Don Webster, who was re-elected chair of the subcommittee, reported for the members. During their break out, the subcommittee had been given a status report about some of the preliminary findings the community based programs by Robertson Group Inc. the program evaluators. The chair reported the members were pleased to learn that that substantially all community programs are meeting their objectives and that the DOH was using evaluation data to modify and improve the community programs.</p>	<p><b>a. Motion seconded and approved by voice vote.</b></p> <p><b>b. Motion deferred.</b></p> <p><b>c. Motion seconded and approved by voice vote.</b></p>

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		<p>The chair recommended that the Evaluation Matrix be shared with all council members and that objectives of the AHEC evaluation be included. Division Director Myrick responded that the goals and objectives of the AHEC training evaluation would be included in the Evaluation Matrix and that this past Friday she had met with the AHEC representatives who agreed that the cessation component would be evaluated in 2009/10. Their (AHEC) training component is now being evaluated now by Research Triangle Incorporated, a qualified evaluator.</p> <p>The subcommittee also questioned how the Bureau of Tobacco Prevention Program should deal with those community grantees not meeting their objectives, especially since many of the same community providers who were awarded during the last round were applying again. Members felt that if a grantee is not performing, there should be some way to take that into account and recognize not only bad, but also good performance. The subcommittee members were not sure This might come with additional data. So when peer reviewers are looking at applicants they can have these data. We recommend the BTPP look at this.</p> <p><b>Discussion</b></p> <p>Council members were sensitive to the fact that respondents to the community grants had not been advised in the RFA document that past performance might be funding criteria, but members still believed the idea of using prior performance in funding was worth considering. Division Director Myrick asked the subcommittee members: “are you making a motion to have the results of the independent evaluator considered in the peer review? A motion was made that stated “If there are multiple bids for one county, the DOH should make available the results of independent evaluations of the past contract performance of the bidders to the reviewers”</p> <p>The subcommittee also discussed the feasibility of having all applications from one county reviewed by one reviewer, but that would have to be examined by the Lytmos Group Inc. to see if it violates their current protocol.</p> <p>A member of the Youth Programs Subcommittee recommended that, at the next</p>	<p>The AHEC evaluation objectives will be included in the matrix.</p> <p><b>Motion seconded and approved by voice vote.</b></p>

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		<p>meeting, the DOH provide a short summary of the scope of work for each funded community grantee.</p> <p>Ms. Penny Detscher stated she will setting up a meeting with the DOE and DOH to better partner on tobacco in the coming weeks.</p> <p>Ms. Fonda McGowan stated the AHEC meeting in Orlando in May was two straight days of tobacco presentations and was excellent.</p> <p>In closing Ms. Berfield thanked the group for their attendance and participation and announced the next council meeting would be devoted to evaluation reviews and, since there are many, the meeting may be for two days instead of one.</p>	DOH will examine the feasibility of the request.
4:10 p.m.	<b>Adjournment</b>	The meeting was adjourned at 4:10	