

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 2372

SPONSOR: Health, Aging, and Long-Term Care Committee and Senator Clary

SUBJECT: Physical Fitness and Health

DATE: March 18, 2004      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Parham</u>	<u>Wilson</u>	<u>HC</u>	<u>Fav/CS</u>
2.	_____	_____	<u>GO</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

This bill creates the Governor’s Council for a Fit Florida in the Department of Health (DOH). The bill provides the powers and the duties of the council, which include promoting interest in physical fitness and nutrition, and considering the need for new programs related to physical fitness. The bill specifies council membership, which must include individuals from the general public, the health care professions, and the fields of business and industry, physical education, recreation, and sports. The bill specifies council term limits and provides that members will serve without compensation.

The bill requires each county health department in Florida to establish a county Council for a Fit Florida. The bill provides the powers and duties of the county councils to include making recommendations to the district school boards regarding school nutrition, physical fitness, and improving the wellness of local communities. The bill specifies council membership, which must include individuals from the general public, the health care professions, and the fields of business and industry, physical education, recreation, and sports. The bill specifies council term limits and provides that members will serve without compensation.

The bill creates 2 undesignated sections of law.

## II. Present Situation:

### President’s Council on Physical Fitness

Dwight D. Eisenhower originally established the President’s Council on Physical Fitness and Sports in 1956. Today, the President’s Council on Physical Fitness and Sports (PCPFS) serves as a catalyst to promote, encourage, and motivate Americans of all ages to become physically active

and participate in sports. The President's council initiates and administers programs, often in partnership with other groups, which reach individual people in schools, homes, workplaces and communities. The President's council is assisted by elements of the U.S. Public Health Service. The President's Council advises the President and the Secretary of the U.S. Department of Health and Human Services (HHS) on how to encourage more Americans to be physically fit and active. The President's Council duties include:

- Communicating with the American public on the importance of physical activity, fitness, and exercise and their link to good health by developing and distributing a range of publications;
- Increasing physical activity participation and opportunities by encouraging the development of community, recreation, physical fitness, and sports programs;
- Promoting physical activity and fitness in schools by encouraging innovative health and physical education programs;
- Highlighting the gaps and barriers in order to stimulate needed research studies in sports medicine, physical activity, fitness, and sports performance;
- Collaborating with business, industry, government, and labor organizations on innovative programs to reduce the financial and health care costs associated with physical inactivity; and
- Cooperating with medical, dental, and other allied health care professional associations to encourage patient counseling on sound physical activity and fitness habits and practices.

### **The President's HealthierUS Initiative**

Launched in June 2001 by President Bush, the *HealthierUS Initiative* focuses on four core areas for improved health and wellness: physical activity, preventive screenings, balanced nutrition, and healthy choices. The initiative is based on the premise that increasing personal fitness and becoming healthier is critical to achieving a better and longer life. Extensive research, much of it conducted or funded by the federal government, has shown that improving overall health and thus preventing disease and premature death, is as easy as making small adjustments and improvements in the activities of daily life. The *HealthierUS Initiative* uses the resources of the federal government to alert Americans to the vital health benefits of simple and modest improvements in physical activity, nutrition, and behavior.

### **Steps to a HealthierUS**

The HHS Secretary convened a national health summit in Baltimore, Maryland, on April 15-16, 2003, to call on Americans to take the steps that will lead to a healthier nation. The *Steps to a HealthierUS: Putting Prevention First* summit was attended by over 1,000 community leaders, policy makers, health officials, and others. The Secretary laid out his priorities and programs for *Steps to a HealthierUS*, focusing attention on the importance of prevention and promising approaches for promoting healthy environments.

On September 18, 2003, the HHS Secretary initiated a \$15 million program to help communities prevent and manage chronic diseases such as obesity, asthma, diabetes, heart disease, stroke, and cancer. The program is part of the federal government's effort to promote President Bush's *HealthierUS Initiative*. Recipients of the grants reach 23 communities, including one tribal consortium, 15 small cities or rural communities, and seven large cities. Most of the \$15 million will go to communities to encourage promoting healthier lifestyles by taking steps such as

building more sidewalks to encourage people to walk more. Our current health care system is not structured to deal with the escalating costs of treating diseases that may be prevented in part through changes in our lifestyle choices such as by increasing exercise and following healthier eating regimens.

### **DOH Obesity Prevention Program**

In 2001, DOH, through a three-year cooperative agreement with the Centers for Disease Control and Prevention, implemented an Obesity Prevention Program. Florida is one of the 12 states in the nation funded for state nutrition and physical activity programs to prevent obesity and related chronic diseases. This funding will provide the opportunity for the development of a comprehensive program plan that will prevent and reduce the burden of obesity among Florida's children and adults. The grant will allow the Bureau of Chronic Disease Prevention in DOH to:

- Provide technical assistance and educational and promotional resources to all county health departments;
- Develop a state plan for dealing with obesity through a strategic plan process;
- Enhance data and surveillance efforts;
- Conduct a social marketing project to gather data in an identified five county region of the state that has a higher obesity rate than the state average;
- Implement a state-level partnership; and
- Integrate obesity prevention strategies into departmental programs through an obesity internal workgroup.

This program has initiated the Florida Partnership for Promoting Physical Activity and Healthful Nutrition.

### **Florida Partnership for Promoting Physical Activity and Healthful Nutrition**

The mission of the Florida Partnership for Promoting Physical Activity and Healthful Nutrition, a group of 100 volunteers, is to reverse the epidemic of overweight and obesity in Florida through the collaborative efforts and unified leadership of diverse individuals and organizations. With effective education and advocacy, the Partnership strives to strengthen the political and public will that empowers and enables youth, families, schools, and communities to promote and increase lifelong physical activity and healthful nutrition. The partnership has been instrumental in developing a statewide strategic plan with six goal areas consisting of activities targeting methods to reduce the burden of obesity among adults and children in Florida.

### **Athletics in Florida Public Schools**

Pursuant to s. 1006.20, F.S., the Florida High School Activities Association is designated as the governing nonprofit organization of athletics in Florida public schools. The organization must adopt bylaws that, unless specifically provided by statute, establish eligibility requirements for all students who participate in high school athletic competition in its member schools. The organization must adopt bylaws that require all students participating in interscholastic athletic competition or who are candidates for an interscholastic athletic team to satisfactorily pass a medical evaluation each year prior to participating in interscholastic athletic competition or

engaging in any practice, tryout, workout, or other physical activity associated with the student's candidacy for an interscholastic athletic team.

### **Florida Sports Foundation**

The Florida Sports Foundation, Inc., is the official sports promotion and development organization for the State of Florida. The Foundation is a private, not-for-profit corporation operating under contract with the Office of Tourism, Trade and Economic Development under the Executive Office of the Governor. The Foundation functions as a private entity and is overseen by a 30-member board of directors (15 members appointed by the Governor and 15 members appointed from the private sector). The Florida Sports Foundation is charged with the promotion and development of professional, amateur, and recreational sports and physical fitness opportunities that produce a thriving Florida sports industry and environment.

### **CS/SB 2348 (2003): Governor's Veto**

Committee Substitute for Senate Bill 2348, which was passed by the Legislature in the 2003 Session, created the Advisory Council for a Fit Florida. The council was to advise the Governor, the Legislature, and the direct support organization of the Office of Tourism, Trade, and Economic Development and provide expertise relating to physical fitness and nutrition in the state. The council was to submit to the Governor, the Legislature, the Office of Tourism, Trade, and Economic Development, and the direct support organization an annual report that included recommendations for the furtherance of the physical fitness of Florida residents.

The Governor vetoed this bill. The Governor's veto message noted that the bill did not specify where the council as created by the bill would be administratively housed or who would pay for and administer the new council's activities. The veto message stated that the Florida Sports Foundation, a not-for-profit corporation operating under the Office of Tourism, Trade, and Economic Development, is authorized to promote and develop professional, amateur, recreation sports, and physical fitness programs and opportunities in Florida. The message also stated that the Florida Department of Health is already engaged in obesity prevention efforts. The Governor concluded that that the council would only duplicate the activities of an existing council (actually, the direct support organization for the Office of Trade, Tourism, and Economic Development).

### **III. Effect of Proposed Changes:**

**Section 1.** Establishes the Governor's Council for a Fit Florida within the Department of Health. This section establishes the duties and powers of the Council to include:

- Promoting interest in physical fitness and nutrition, considering the need for new programs related to physical fitness, and enlisting the support of numerous public and private organizations and individuals to improve the physical fitness and health of the citizens of Florida;
- Examining current physical fitness programs and providing recommendations to the Governor for the coordination of programs to prevent duplication of programs;
- Supporting programs of physical fitness in the public school systems;

- Maintaining liaisons with other government and private agencies;
- Promoting research activities in the area of physical fitness and sponsoring physical fitness workshops and clinics;
- Recognizing individuals, schools, and communities with outstanding achievements and contributions in physical fitness;
- Enlisting the support of an alliance of numerous public and private organizations and individuals to improve the physical fitness and health of Florida's citizens;
- Sponsoring physical fitness workshops, clinics, and conferences;
- Disseminating physical activity and nutrition information; and
- Partnering with and encouraging financial support and participation from government and public agencies.

This section requires the council to submit an annual report to the Governor which must include suggestions and recommendations for the promotion of physical fitness statewide.

This section provides that the council will consist of ten members, including the chair, with initial appointments to be made no later than September 1, 2004. Individuals appointed must be from the general public, the health care professions, and the fields of business and industry, physical education, recreation, and sports. Membership of the council shall include: one member appointed by the President of the Senate and one member appointed by the Speaker of the House of Representatives, each for a 2-year term; and eight members appointed by the Governor with staggered terms, but no more than two consecutive 4-year terms. Members will serve at the pleasure of the official who appointed them. All unexpired terms due to vacancy shall be filled by the official who appointed the council member. The council is required to annually elect one member to serve as chair of the council and one member to serve as vice chair.

This section specifies meeting and attendance requirements and provides that members of the council will serve without compensation, but are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061, F.S.

**Section 2.** This section requires each county health department to establish a county Council for a Fit Florida. This section establishes the duties and powers of the county councils, to include making recommendations:

- To the local district school boards on school district policies regarding nutritional standards and assessments as well as nutritional offerings in schools;
- To the local district school boards on school district policies regarding physical activity and fitness requirements and curriculum improvements; and
- On improving the general wellness of the community through collaboration with local business, government agencies, and non-profit organizations.

Each county council shall consist of 10 members, including a chair and vice chair. Individuals appointed must be from the general public, the health care professions, and the fields of business and industry, physical education, recreation, and sports. The council will be composed of four members appointed by the local director of the county health department, with staggered terms; as well as four members appointed by the superintendent of schools and two members appointed

by the chair of the board of county commissioners, each for 2-year terms to correspond to the state fiscal year. The initial appointments must be made no later than September 1, 2004. Members will serve at the pleasure of the official who appointed them. All unexpired terms due to vacancy shall be filled by the official who appointed the council member. The council is required to annually elect one member to serve as chair of the council and one member to serve as vice chair.

This section specifies meeting and attendance requirements and provides that members of the council will serve without compensation, but are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061, F.S.

**Section 3.** Provides that this act shall take effect upon becoming law.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, s. 18 of the Florida Constitution.

##### **B. Public Records/Open Meetings Issues:**

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, s. 24(a) and (b) of the Florida Constitution.

##### **C. Trust Funds Restrictions:**

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

#### **V. Economic Impact and Fiscal Note:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

To the extent the Governor's Advisory Council for a Fit Florida promotes interest in physical fitness and its activities encourage Florida residents to participate in healthier activities, it may reduce the incidence of chronic disease or conditions due to sedentary lifestyles such as obesity, diabetes, and cardiovascular disease.

##### **C. Government Sector Impact:**

###### **Department of Health**

According to DOH, funding would be required to implement the provisions of the bill. Currently, funding for nutrition and physical activity within DOH comes from the federal

government, which includes guidelines for how the funds can be spent. The funds may not be able to be used to implement the provisions of the bill. DOH estimates that the potential fiscal impact may be as much as \$517,810. This would include a contracted staff person to coordinate and organize council directives and responsibilities.

	<b>1st Year</b>	<b>2nd Year</b>
<b>Estimated Expenditures</b>		
Salary & Fringe	55,510	55,510
Travel	12,844	12,844
Local Council Meetings	335,500	335,500
Awards/Recognition	1,500	1,500
Legal Consultation Fees	25,500	25,500
Annual Report	903	903
Workshop/Conference	22,420	22,420
Educational Materials	60,000	60,000
<b>Total Recurring Costs</b>	<b>\$514,177</b>	<b>\$514,177</b>
<b>Total Non-Recurring Costs</b>	<b>\$3,633</b>	
<b>Total Fiscal Impact</b>	<b>\$517,810</b>	<b>\$514,177</b>

**VI. Technical Deficiencies:**

On page 5, line 15, the word “term” should be “terms”.

On page 5, line 23, the words “director of the” should be inserted before “county”.

**VII. Related Issues:**

The Department of Health recommends that the number of members appointed by the county health department director should be reduced and the number of members appointed by local county commissioners should be increased to encourage more local support of the program.

**VIII. Amendments:**

None.