

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 935 Physical Fitness and Health
SPONSOR(S): Benson
TIED BILLS: **IDEN./SIM. BILLS:** SB 2372

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Education K-20		Hatfield	Bohannon
2) Health Care			
3) Health Care Appropriations			
4) Appropriations			
5)			

SUMMARY ANALYSIS

HB 935 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 also 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 10 council members for both county councils and the Governor's Council, which must include individuals from the general public, health care professions, the fields of business and industry, physical education, recreation, and sports. The bill provides council term limits and provides that members will serve without compensation.

The bill appears to have a fiscal impact on state expenditures, refer to the Fiscal Comments section for further details.

The bill also provides that this act shall take effective upon becoming law.

A strike-all amendment will be offered by the sponsor, please refer to the Drafting Issues or Other Comments section of the analysis for further details.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0935.edk.doc
DATE: April 7, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

The bill expands government by creating the Governor’s Council for a Fit Florida in the Department of Health (DOH) and county councils, and giving them significant responsibilities relating to physical fitness and nutrition.

B. EFFECT OF PROPOSED CHANGES:

Background

National Programs

President’s Council on Physical Fitness

Dwight D. Eisenhower 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 people in schools, homes, workplaces and communities. The President’s council is assisted by 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’s 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 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 Programs

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.

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.

Bill Provisions

Governor's Council for a Fit Florida

HB 935 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 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;
- Developing cooperative programs with medical, dental, and other groups;
- 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.

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

The bill provides that the council will consist of 10 members, including the chair, with initial appointments to be made no later than September 1, 2004. Council members must be individuals from the general public, health care professions, 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.

The bill 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.

County Councils for a Fit Florida

The bill also 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 local district school board regarding school nutrition;
- Making recommendations to the local district school board regarding physical fitness; and
- Improving the wellness of the local community in coordination with other local governments, businesses, and not-for-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.

The bill provides 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.

The bill provides that this act shall take effect upon becoming law.

C. SECTION DIRECTORY:

Section 1: Establishes the Governor's Council for a Fit Florida within the DOH; providing powers and duties of the council; providing for membership and terms; providing for council meetings; requiring members to serve without compensation, but with reimbursement for per diem and travel expenses.

Section 2: Requires each county health department to establish a county Council for a Fit Florida; providing powers and duties of such councils, their membership and terms; providing for council meetings; requiring members to serve without compensation, but with reimbursement for per diem and travel expenses.

Section 3: Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have a fiscal impact on state government revenue.

2. Expenditures:

The bill appears to have a fiscal impact on state government expenditures. Please see Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have a fiscal impact on local government revenue.

2. Expenditures:

The bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

To the extent the Governor's 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.

D. FISCAL COMMENTS:

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.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES