

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Education K-20</u>	<u>25 Y, 0 N w/CS</u>	<u>Hatfield</u>	<u>Bohannon</u>
2) <u>Health Care</u>	_____	_____	_____
3) <u>Health Care Appropriations</u>	_____	_____	_____
4) <u>Appropriations</u>	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

HB 935 requires the Department of Health (DOH) to promote healthy lifestyles to reduce the prevalence of overweight and obesity in Florida by implementing appropriate physical activity and nutrition programs that target all Floridians. The bill also requires the Florida Sports Foundation to promote education and recognition programs in Florida schools.

The bill gives the DOH rulemaking authority and provides that its provisions are contingent on an appropriation by the Legislature.

The bill also provides that this act shall take effect July 1, 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 requiring the Department of Health (DOH) to implement appropriate physical activity and nutrition programs that target all Floridians.

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

HB 935 requires the Department of Health (DOH) to promote healthy lifestyles to reduce the prevalence of overweight and obesity in Florida by implementing appropriate physical activity and nutrition programs that target all Floridians.

The bill provides powers and duties of the DOH:

- To use appropriate media to promote maximum public awareness of the latest research on healthy lifestyles and chronic diseases, including using a statewide clearinghouse relating to wellness and physical activity;
- To provide technical assistance, training and resources on healthy lifestyles and chronic diseases to the public, county health departments, healthcare providers, school districts and other persons or entities, including faith-based organizations, to promote physical activity, nutrition and healthy lifestyle programs;
- To develop research methods to collect data on the effects of overweight and obesity;
- To partner with the Department of Education (DOE), local communities, school districts and others to encourage Florida schools to adopt minimum nutrition standards based on the latest research, to encourage schools to promote physical activities so that students reach the goal of 60 minutes of activity per day;
- To partner with the DOE and local school districts to develop a school fitness recognition program.
- To maximize funding sources to strengthen the DOH's physical activity and nutrition programs, including seeking grants and public-private partnerships.

The bill also amends s. 320.08058(9)(b), F.S. to require the Florida Sports Foundation to:

- Promote education programs in Florida schools that provide an awareness of the benefits of physical activity and nutrition standards, and
- Partner with the DOE and the DOH to develop a program to recognize schools whose students demonstrate excellent fitness and/or fitness improvement.

The bill gives the DOH rulemaking authority and provides that its provisions are contingent on an appropriation by the Legislature.

The bill also provides that this act shall take effect July 1, 2004.

C. SECTION DIRECTORY:

Section 1: Requires the DOH to promote healthy lifestyles to reduce the prevalence of overweight and obesity in Florida; provides powers and duties of the DOH; provides rulemaking authority; and provides that the act will be contingent on an appropriation.

Section 2: Amends s. 320.08058(9)(b), F.S. to require the Florida Sports Foundation to promote education and recognition programs in Florida schools.

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:

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 DOH and the Florida Sports Foundation 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:

The provisions of the bill are to be implemented contingent on an appropriation in the General Appropriations Act; therefore, the fiscal impact is indeterminate at this time.

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:

This bill gives the DOH rulemaking authority to implement the bill's provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

The Committee on Education adopted a strike-all amendment to the bill on April 14, 2004, which became CS/HB 935. This analysis is drawn to the CS.