

1 A bill to be entitled  
2 An act relating to physical education instruction in  
3 public schools; amending s. 1003.455, F.S.; requiring that  
4 physical education instruction for students in  
5 kindergarten through grade 5 be delivered by a certified  
6 physical education teacher; requiring that each school  
7 district implement such requirement during a 5-year  
8 period; requiring that each district school board provide  
9 150 minutes of physical education instruction by a  
10 certified physical education teacher each week for  
11 students in grade 6 who are enrolled in a school that  
12 contains one or more elementary grades so that on any day  
13 during which physical education instruction is conducted  
14 there are at least 30 consecutive minutes per day;  
15 providing that a student may have the physical education  
16 requirement waived for a period of one semester each year  
17 under certain circumstances; providing an effective date.  
18

19 WHEREAS, every year an estimated 300,000 people in the  
20 United States die because they are overweight or obese, and

21 WHEREAS, since 1970, the number of overweight children in  
22 Florida has increased by 300 percent, and

23 WHEREAS, overweight or obese children experience the same  
24 risk factors associated with heart disease in adults such as  
25 high blood pressure, high cholesterol levels, and Type 2  
26 diabetes, once known as adult-onset diabetes, and

27 WHEREAS, studies have shown that up to 80 percent of  
28 overweight adolescents become overweight adults, and

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29 WHEREAS, the annual economic impact in the United States  
 30 from obesity on our health care system is estimated by the  
 31 Centers for Disease Control and Prevention at \$147 billion, and

32 WHEREAS, a recent study by a major insurance carrier stated  
 33 that 50 percent of all Americans will develop diabetes by 2020,  
 34 which will cost the health care system approximately \$3.35  
 35 trillion if current trends in obesity are not abated, and

36 WHEREAS, early education on proper physical fitness and  
 37 nutrition will provide a foundation for a child's future as does  
 38 learning to read, which prepares a child for success in his or  
 39 her life and academic achievement, NOW, THEREFORE,

40

41 Be It Enacted by the Legislature of the State of Florida:

42

43 Section 1. Subsections (3), (4), and (5) of section  
 44 1003.455, Florida Statutes, are amended to read:

45 1003.455 Physical education; assessment.—

46 (3) Each district school board shall provide 150 minutes  
 47 of physical education each week for students in kindergarten  
 48 through grade 5 ~~and for students in grade 6 who are enrolled in~~  
 49 ~~a school that contains one or more elementary grades~~ so that on  
 50 any day during which physical education instruction is conducted  
 51 there are at least 30 consecutive minutes per day. In order to  
 52 ensure that physical education instruction is delivered by a  
 53 highly qualified teacher commensurate with all subject areas,  
 54 the instruction must be provided by a certified physical  
 55 education teacher. This requirement shall be implemented by each  
 56 school district during a 5-year period, beginning with the 2012-

57 2013 school year and through the 2016-2017 school year.

58 (4) Each district school board shall provide 150 minutes  
 59 of physical education instruction by a certified physical  
 60 education teacher each week for students in grade 6 who are  
 61 enrolled in a school that contains one or more elementary grades  
 62 so that on any day during which physical education instruction  
 63 is conducted there are at least 30 consecutive minutes per day.

64 (5) Beginning with the 2009-2010 school year, the  
 65 equivalent of one class period per day of physical education for  
 66 one semester of each year is required for students enrolled in  
 67 grades 6 through 8. Students enrolled in such instruction shall  
 68 be reported through the periodic student membership surveys, and  
 69 records of such enrollment shall be audited pursuant to s.  
 70 1010.305. Such instruction shall ~~may~~ be provided by a certified  
 71 physical education teacher to ensure that instruction is  
 72 delivered by a highly qualified teacher commensurate with all  
 73 subject areas ~~any instructional personnel as defined in s.~~  
 74 ~~1012.01(2), regardless of certification, who are designated by~~  
 75 ~~the school principal.~~ This requirement shall be implemented by  
 76 each school district during a 5-year period, beginning with the  
 77 2012-2013 school year and through the 2016-2017 school year.

78 (6)~~(4)~~ The requirement in subsection (5) ~~(3)~~ shall be  
 79 waived for a student for a period of one semester each year who  
 80 meets one of the following criteria:

81 (a) The student is enrolled or required to enroll in a  
 82 remedial course.

83 (b) The student's parent indicates in writing to the  
 84 school that:

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85           ~~1. The parent requests that the student is enrolled enroll~~  
86 in another course, including, but not limited to, from among  
87 ~~these~~ courses offered as options by the school district. ~~;~~ ~~or~~

88           (c)2. The student's parent or guardian indicates in  
89 writing and provides documentation to the school reviewed by a  
90 certified physical education teacher that the student is  
91 participating in physical activities outside the school day  
92 which are equal to or in excess of the mandated requirement.

93           ~~(7)(5)~~ Each school district shall notify the student's  
94 parent of the options available under subsection ~~(6)~~ ~~(4)~~ before  
95 scheduling the student to participate in physical education.

96           Section 2. This act shall take effect July 1, 2011.