

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: CS/SB 2348

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

SUBJECT: Physical Fitness

DATE: April 22, 2003

REVISED: _____

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

I. Summary:

The bill creates the Governor's Advisory Council for a Fit Florida consisting of ten members. The council must advise 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 must submit to the Governor, the Office of Tourism, Trade, and Economic Development, and the direct support organization an annual report that includes recommendations for the furtherance of the physical fitness of Florida residents. Provisions creating the council stand repealed on July 1, 2008.

This bill amends s. 288.1229, Florida Statutes.

II. Present Situation:

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 United States Public Health Service. The PCPFS advises the President and the Secretary of Health and Human Services on how to encourage more Americans to be physically fit and active.¹

¹ See President's Council on Physical Fitness and Sports < <http://fitness.gov/aboutpcpfs/aboutpcpfs.html> >

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 Secretary of the United States Department of Health and Human Services recently 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, called "Steps to a HealthierUS: Putting Prevention First" or Steps, is part of the federal government's effort to promote President Bush's HealthierUS Initiative. 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.

The Florida Department of Health has obtained funding for an Obesity Prevention program. This program has initiated the Florida Partnership for Promoting Physical Activity and Healthful Nutrition, a group of over 100 volunteer members. 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 overweight and obesity among adults and children in Florida. The volunteer membership of the partnership has been divided into workgroups and engaged in activities identified in the first year of the strategic plan. The funding for the Obesity Prevention program is allocated to coordinate strategic planning meetings and to provide some reimbursement of the travel expenses of the members.

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.

Section 14.2015, F.S., creates the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor. The purpose of the office is to assist the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to provide economic opportunities for all Floridians. Under s. 288.1229, F.S., the office may authorize a direct support organization to assist the office in the promotion and development of the sports industry and related industries for the purpose of improving the economic presence of these industries in Florida. The direct support organization may assist the office in the promotion of amateur athletic participation for the citizens of Florida and the promotion of the state as a host for national and international amateur athletic events and competitions.

III. Effect of Proposed Changes:

The bill creates the Governor's Advisory Council for a Fit Florida within the direct support organization of the Office of Tourism, Trade, and Economic Development to provide insight and expertise relating to physical fitness and nutrition in Florida. The council consists of 10 members. Membership of the council shall include: one member of the Senate appointed by the President of the Senate, one member of the House of Representatives appointed by the Speaker of the House of Representatives, and eight members appointed by the Governor, with the initial appointments being made no later than September 2003. The appointments to the council shall be from persons who are in the healthcare professions, the fields of business and industry, physical education, recreation, sports, and the general public. Members of the council who are appointed by the Governor must serve at the pleasure of the Governor.

The council must advise the direct support organization on ways to promote interest in the area of physical fitness and nutrition and to provide assistance in such promotion; examine current programs of physical fitness in Florida and recommend to the direct support organization any coordination of programs to prevent duplication of such services; recommend ways in which the direct support organization could promote and support public school physical fitness programs; advise the direct support organization on the need for new programs in the field of physical fitness and nutrition; and assist the direct support organization in enlisting the active support of a Fit Florida Alliance comprised of individual Florida residents, professional and civic groups, amateur and professional athletes, voluntary organizations, state and local government agencies, private industry and business, and community recreation programs in efforts to improve the physical fitness and the health of Florida residents.

The council must make recommendations to the direct support organization: on appointments to a Fit Florida Alliance; on recognition programs for schools and communities participating in physical fitness and nutrition efforts; on sponsorship of physical fitness workshops, clinics, conferences, and other related activities; on liaison efforts with government, private, and other agencies concerning physical fitness and nutrition programs; on the need for dissemination of information regarding physical fitness and nutrition programs; and on participation of governments, individuals, organizations, and business entities in program development and support and funding of initiatives related to physical fitness and nutrition efforts recommended by the council and initiated by the direct support organization.

The council must submit to the Governor, the Office of Tourism, Trade, and Economic Development, and the direct support organization an annual report that includes recommendations for the furtherance of the physical fitness of Florida residents.

The bill staggers the terms of the eight initial members of the council appointed by the Governor: two must be appointed for a term of 1 year, two for a term of 2 years, two for a term of 3 years, and two for a term of 4 years. At the end of the respective terms of office of the initial members, each member must be appointed for a term of 4 years. A member may not serve more than two consecutive 4-year terms. All unexpired terms due to vacancy must be filled by the official who appointed the council member. The council must annually elect from the membership one member to serve as chair of the council and one member to serve as vice chair. The council members appointed by the President of the Senate and the Speaker of the House of Representatives must serve for a term of 2 years that begins and ends on July 1 of odd-numbered years. Council members appointed by the President of the Senate or the Speaker of the House of Representatives may not serve more than two consecutive terms and shall serve at the pleasure of the official who appointed that member.

Council members may not receive compensation but are entitled to receive per diem and necessary travel expenses. The council may not meet more than quarterly. For transacting business, a majority of the council constitutes a quorum.

The provisions creating the council stand repealed on July 1, 2008. The effective date of the bill is upon becoming a 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 Art. 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:

The Office of Tourism, Trade, and Economic Development will incur costs to support the activities of the Governor's Advisory Council for a Fit Florida. The Florida Sports Foundation is the direct support organization of the Office of Tourism, Trade, and Economic Development for purposes of s. 288.1229, F.S. The Florida Sports Foundation estimates that approximately \$10,000 will be needed for costs related to travel and per diem.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
