

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 949 w/CS Physical Fitness & Health
SPONSOR(S): Benson
TIED BILLS: None **IDEN./SIM. BILLS:** SB 2348

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Commerce</u>	<u>11 Y, 0 N w/CS</u>	<u>McDonald</u>	<u>Whitfield</u>
2) <u>State Administration</u>	<u>4 Y, 0 N w/CS</u>	<u>Williamson</u>	<u>Everhart</u>
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

Currently, the Florida Sports Foundation, Inc., (Foundation) 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 (OTTED) in the Executive Office of the Governor. By law, the Foundation is charged with the promotion and development of professional, amateur, recreational sports and physical fitness programs and opportunities in the state.

This bill creates the Governor's Advisory Council for a Fit Florida (Council) within the Florida Sports Foundation, Inc. The Council's purpose is to promote interest in the area of physical fitness and take action on the issue. The Council is composed of ten members, serving as an advisory body to the Foundation, and will repeal on July 1, 2008.

Because the Foundation already has staff responsible for physical fitness, those staff persons will be able to assume the responsibilities for the Council. The Foundation also estimates that costs for per diem and travel would be approximately \$10,000. See "FISCAL COMMENTS" section for further details.

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

STORAGE NAME: h0949c.sa.doc
DATE: April 14, 2003

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 checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

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

This bill creates the Governor’s Advisory Council for a Fit Florida to provide insight and expertise relating to physical fitness and nutrition in the state. The bill also requires the Council to submit an annual report to the Governor, President of the Senate, Speaker of the House of Representatives, OTTED, and the Foundation with suggestions and recommendations for the furtherance of physical fitness.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

Councils in Other States

Overall, there are 38 states that currently have some entity related to the promotion of sports and physical fitness. “Governor’s Councils on Physical Fitness” have been created in Arizona, Arkansas, California, Colorado, Massachusetts, Michigan, Missouri, New York, North Carolina, Pennsylvania, Vermont, Washington and West Virginia. These councils are appointed by the Governor and typically are created to promote sports and fitness information, stimulate research, make recommendations about physical fitness to the Governor, assess physical fitness programs, and recruit members of the private sector to partner in fitness promotion efforts.

Florida Sports Foundation

Prior to 1999, there were two statutorily created entities in the state which performed a number of functions designed to promote sporting activities in the state: the Florida Sports Foundation (Foundation) and the Governor’s Council on Physical Fitness and Amateur Sports. Because of concerns about duplication of effort and costs, in 1999, the Governor’s Council on Physical Fitness and Amateur Sports was abolished and its responsibilities were absorbed by the Foundation.

By law, the Foundation, the direct support organization for the Governor’s Office of Tourism, Trade and Economic Development (OTTED), is the official sports promotion and development organization for the State of Florida. By law, the Foundation is charged with the promotion and development of professional, amateur, recreational sports, and physical fitness programs and opportunities in the state.

Effect of Proposed Changes:

HB 949 creates the Governor’s Advisory Council for a Fit Florida (Council) within the Foundation. The purpose of the Council is to serve as an advisory body to the Foundation to provide insight and expertise relating to physical fitness and nutrition in the state. The Council is composed of ten members from the health care professions, health insurance companies, the fields of business and industry, physical education, recreation, sports, and the general public. Eight persons are appointed by

the Governor, one is appointed by the President of the Senate, and one is appointed by the Speaker of the House of Representatives. The Council is to meet no more than quarterly.

The Council's responsibilities include: (a) advising the Foundation on ways both to promote interest in physical fitness and nutrition and to provide assistance in the promotion; (b) examining current physical fitness programs to make recommendations to the Foundation on any coordination of programs to prevent duplication of services, (c) recommending ways the Foundation could promote and support physical fitness programs in the public school system, (d) advising the Foundation on the need for new programs; (e) assisting in enlisting active support of a Fit Florida Alliance in efforts to improve the physical fitness and health of citizens of the state; (f) making recommendations on appointments to the Fit Florida Alliance; (g) recommending recognition programs for schools and communities, sponsoring workshops, clinics, conferences and other related activities; and, (h) making recommendations for the use of funds received specifically for the purpose of promoting physical fitness and nutrition. The council is also responsible for submitting an annual report to the Governor, President of the Senate, Speaker of the House of Representatives, OTTED, and the Foundation with suggestions and recommendations for the furtherance of physical fitness.

The Council is scheduled to repeal on July 1, 2008.

C. SECTION DIRECTORY:

Section 1. Amends s. 288.1229, F.S., creating the Governor's Advisory Council for a Fit Florida within the Florida Sports Foundation, Inc.; providing powers and duties; providing for membership, terms, operation of meetings, and per diem; and providing a July 1, 2008 repeal of the subsection.

Section 2. Provides an effective date of upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The Florida Sports Foundation, Inc. (Foundation) is a direct support organization for the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor. The Foundation receives funding from the sale of the professional sports license plates, the sale of the Olympic license

plates, General Revenue, and private sources. By law, most of these funding sources are restricted in their uses. However, according to the Foundation, it already has staff responsible for physical fitness that will be able to take on the responsibilities for the Council. The Foundation, based upon its experience with its board, estimates that costs for per diem and travel for a council this size that meets quarterly would be approximately \$10,000.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The legislation does not require expenditure of funds by local governments, does not reduce the authority to raise revenue, nor reduce the percentage of state tax shared with local governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Committee on Commerce

On March 31, 2003, the Committee on Commerce passed HB 949 with a committee substitute. The differences between the original bill and the bill as passed are as follows:

- Renames the Council from the Governor's Council on Physical Fitness and Health to the Governor's Advisory Council for a Fit Florida.
- Places the Council within the Florida Sports Foundation as an advisory body to the Foundation.
- Revises the powers and duties of the Council making them advisory and deleting reference to the Council acting as a sanctioning body for amateur sports.
- Removes required appointment of two Legislators to membership on the Council and replaces those with appointments of persons with certain backgrounds and expertise in the areas of physical fitness and health. Of those, one is to be appointed by the President of the Senate and one is to be appointed by the Speaker of the House of Representatives.
- Repeals the Council on July 1, 2008.

Committee on State Administration

On April 14, 2003, the Committee on State Administration adopted an amendment to HB 949, and reported the bill favorably with CS. The bill, as amended by the Committee on State Administration, requires the Council to make recommendations for the use of funds received specifically for the purpose of promoting physical fitness and nutrition. The bill as filed required the Council to provide an annual report to the Governor, OTTED, and the direct-support organization. The bill as amended also requires the submission of the report to the President of the Senate and the Speaker of the House of Representatives. Finally, when making appointments to the Council, the bill as filed required the Governor, President, and Speaker to appoint persons from the health care professions; fields of business and industry, physical education, recreation, and sports; and the general public. The bill as amended also requires the Governor, President, and Speaker to appoint persons from the health insurance companies.