

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

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

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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>	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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### 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. The Foundation functions as a private entity and is overseen by 15 board of directors appointed by the Governor and 15 appointed from the private sector. 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. In 1999 the Governor's Council on Physical Fitness and Amateur Sports was abolished and their responsibilities were absorbed by the Foundation.

HB 949 proposes to create the Governor's Advisory Council for a Fit Florida within the Florida Sports Foundation, Inc. The purpose of the Council is to promote interest in the area of physical fitness and take action on the issue. The Council would be composed of ten members from the health care professions, the fields of business and industry, physical education, recreation, sports, and the general public. Eight persons are to be appointed by the Governor, one is to be appointed by the President of the Senate, and one is to be appointed by the Speaker of the House. The Council is to serve as an advisory body to the Foundation to provide insight and expertise in the areas of physical fitness and nutrition. Language creating the Council is repealed on July 1, 2008.

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; and, (g) recommending recognition programs for schools and communities, sponsoring workshops, clinics, conferences and other related activities. The council is also responsible for submitting an annual report to the Governor, OTTED, and the Foundation with suggestions and recommendations for the furtherance of physical fitness.

According to the Foundation, it already has staff responsible for physical fitness that will be able to assume 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.

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

**STORAGE NAME:** h0949a.com  
**DATE:** March 31, 2003

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |   |                             |   |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" 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:

#### 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. While the term "Governor's Council on Physical Fitness and Sports" is common, derivations of such title in these states are not unusual, including four states entities that are named a "commission," one state entity that is referred to as a "committee," another as an "advisory board," and two state entities that are "coalitions" on physical fitness, health, healthy living or some other reference related to fitness in addition to "sports." "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 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 their responsibilities were absorbed by the Foundation.

By law, the Florida Sports Foundation, Inc., 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. The Foundation is a private, not-for-profit corporation operating under contract with OTTED. The Foundation functions as a private entity and is overseen by 15 board of directors appointed by the Governor and 15 appointed from the private sector. 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.

In the area of amateur sports and wellness programs, the Florida Sports Foundation runs the Sunshine State Games and the Senior Games, provides grants to local communities, and works with the Department of Education on a jointly developed program called the Florida Youth Sports and Wellness Pilot Program. This program, developed in 2002, was designed to promote wellness to Florida's youth

by reaching into communities throughout Florida with a positive message on physical fitness, proper nutrition, and the dangers of drugs, alcohol, and tobacco. The Florida Youth Sports and Wellness Pilot Program initiated in Tallahassee attempts to utilize traditional and non-traditional lifetime sports and expand the fitness opportunities available to youth. In 2003, partnering with agencies and organizations dealing with physical education, recreation and health, the Foundation is expanding the program into the following communities: Pensacola, Panama City, Jacksonville, Gainesville, Fort Lauderdale, and St. Lucie County. The target audience for the program participation is K through 8<sup>th</sup> grade with emphasis on 4<sup>th</sup> through 8<sup>th</sup> graders.

**Effect of Proposed Changes:**

HB 949 proposes to create the Governor's Advisory Council for a Fit Florida within the Florida Sports Foundation, Inc., (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 would be composed of ten members from the health care professions, the fields of business and industry, physical education, recreation, sports, and the general public. Eight persons are to be appointed by the Governor, one is to be appointed by the President of the Senate, and one is to be appointed by the Speaker of the House. 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; and, (g) recommending recognition programs for schools and communities, sponsoring workshops, clinics, conferences and other related activities. The council is also responsible for submitting an annual report to the Governor, OTTED, and the Foundation with suggestions and recommendations for the furtherance of physical fitness.

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

**C. SECTION DIRECTORY:**

**Section 1.** Amends s. 288.1229, F.S., relating to the promotion and development of sports-related industries and amateur athletics and the creation and powers and duties of direct support organization known as the Florida Sports Foundation, Inc. by adding subsection (10) to that section. Subsection (10) creates the Governor's Advisory Council for a Fit Florida within the Florida Sports Foundation, Inc.; provides powers and duties; provides for membership, terms, operation of meetings, and per diem; and provides a July 1, 2008 repeal of the subsection.

**Section 2.** Provides an effective date of 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., 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

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.