

The Florida Legislature’s Physical Activity and Nutrition Bills and Florida’s Youth: A Health Professional’s Call to Action

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The Problem

Read any newspaper, let alone any health behavior professional journal, and you know we have a problem today. Childhood obesity – or “overweight” as we call the condition in children – is an epidemic. One out of four of Florida high school students is classified as either “at risk for overweight” – between the 85th and 95th percentile on the body mass index (BMI) chart, or “overweight” -- >95th percentile on BMI chart (Centers for Disease Control and Prevention [CDC], 2004). Florida survey data reveal some potential causes of this condition. More than half of Florida’s high school students and nearly four out of ten of Florida’s middle school students did not have a physical education (PE) class during an average school week when surveyed (Florida Department of Health [FDOH], 2004; FDOH, 2003). Nearly eight out of ten Florida high school students and nine out of ten Florida middle school students did not eat the recommended five or more servings of fruits and vegetables each day (FDOH, 2004; FDOH, 2003). State government officials have noticed.

There have been several PE and school nutrition bills introduced by various members of the Florida Senate and the Florida House (H.R. 77, 2004; H.R. 289, 2004; H.R. 1047, 2004; S. 306, 2004; S. 308, 2004; S. 1780, 2004; S. 2534, 2004). Discussions with legislative assistants (personal communication,

C. Davis, March 10, 2004; K. Simon, March 10, 2004) revealed a sense of urgency in passing some kind of physical education and/or nutrition related bill – but what those laws will look like is not entirely clear. As of this writing, the three Florida Senate PE bills have been put on the Senate Education Committee agenda for March 31, 2004. There is also discussion of the committees offering its own bill – known as a “PCB” – proposed committee bill – that may take into consideration recommendations from various professional associations like the Florida School Boards Association (<http://www.fsba.org>), the Florida Alliance for Health, Physical Education, Recreation, and Dance, (<http://www.fahperd.org>) and the Florida Dietetic Association (<http://www.eatrightflorida.org>). In fact, the school nutrition bill Representative Farkas originally proposed (H.R. 77) has changed substantially with committee substitutions. This new bill, known as the *Healthy Achievers Act*, was approved recently by the Education K-20 Committee with the committee substitutions.

Table 1 provides an overview of the proposed legislation, and go to <http://www.myflorida.com> for links to the full content and current status of each bill. Note that these bills vary in their content and comprehensiveness, and the status may change on a daily basis.

Table 1. Status of Current PE and Nutrition Related Bills

Bill	Sponsor	General Content	Status
Physical Education Bills			
SB 2534	Campbell	<ul style="list-style-type: none"> • Mandates minimum amounts of PE for all grade levels • Mandates health education for all grade levels • Establishes assessment requirements for PE 	Referred to following Senate committees: <ul style="list-style-type: none"> • Education; • Appropriations Subcommittee on Education; • Appropriations <i>On education committee agenda for 03/31/04</i>
HB 1047	Sobel	<ul style="list-style-type: none"> • Identical to SB 2534 	Referred to following House committees: <ul style="list-style-type: none"> • General Education; • Education K-20; • Education Appropriations; • Appropriations <i>*not on any committee agenda yet</i>

SB 1780	Villalobos	<ul style="list-style-type: none"> • Mandates PE for all grade levels, but does not specify minimum amount • Establishes assessment requirements for PE 	<p>Referred to following Senate committees:</p> <ul style="list-style-type: none"> • Education; • Appropriations Subcommittee on Education; • Appropriations <p><i>On education committee agenda for 03/31/04</i></p>
HB 0289	Robaina	<ul style="list-style-type: none"> • Identical to SB 1780 	<p>Referred to following House committees:</p> <ul style="list-style-type: none"> • General Education; • Education K-20; • Education Appropriations; • Appropriations <p><i>*not on any committee agenda yet</i></p>
SB 0308	Margolis	<ul style="list-style-type: none"> • Mandates minimum PE requirements in elementary school • Requires nutrition-related questions on the 10th grade FCAT • Requires DOE assessment of how many schools have eliminated PE from the curriculum 	<p>Referred to following Senate committees:</p> <ul style="list-style-type: none"> • Education; • Appropriations Subcommittee on Education; • Appropriations <p><i>On education committee agenda for 03/31/04</i></p>
Nutrition Bills			
SB 0306	Margolis	<ul style="list-style-type: none"> • Specifies types of beverages that may be sold to students on campus • Specifies types of snacks that may be sold to students on campus • Requires school boards regulate and approve of all foods sold in vending machines, a la carte, and as fund raisers • Specifies the school hours during which these specifications are mandated • Provides for disciplinary procedures 	<p>Referred to following Senate committees:</p> <p>Education; Agriculture; Health, Aging, and Long-Term Care; Appropriations Subcommittee on Education; Appropriations</p> <p><i>*not on any committee agenda yet</i></p>
HB 0077	Farkas	<ul style="list-style-type: none"> • Committee substitution calls for: • Providing parents with student health reports • The Department of Education to study student health and fitness in each school district and develop support materials to improve health and fitness • Adding student health and fitness plans to annual school improvement plans • Local policy making that includes guidelines for implementing student health and fitness standards • Adding a health care professional to each school's advisory council • Making the school advisory council responsible for making recommendations to improve student health and fitness, considering in part nutrition, physical fitness, and parental information 	<p>Referred to following House committees:</p> <ul style="list-style-type: none"> • Education K-20; • Education Appropriations; • Appropriations <p><i>*Found favorable by the Education K-20 Committee with committee substitution amendment; has not been put on the Education Appropriations Committee agenda yet</i></p>

In the fall of 2003, Governor Jeb Bush appointed a task force to study the obesity epidemic in Florida. In February 2004, the task force's final recommendations were released (Governor's Task Force on the Obesity Epidemic, 2004). For the full report, see <http://www.doh.state.fl.us/Family/GTFOE/report.pdf>. The recommendations of this task force may significantly impact the types of legislation policy makers enact. Regarding the schools' role in obesity prevention, for the most part, the task force recommended nutrition and physical activity advisory panels for each school district and making the local school districts *electively* responsible for the promotion of lifelong healthy nutrition and physical activity. Whereas the wording of Representative Farkas' bill was changed substantially to be more in line with task force recommendations, the mandatory nature of the other bills is in line with task force recommendations. Although some school districts are already electing to promote healthy behaviors, can we be certain that all school districts will do so without state mandates? Should we trust that the local school districts will make the right decisions for Florida's children and youth? What should we do? What can we do?

What Can Be Done?

First, health professionals must equip themselves with the facts and choose their battles wisely. Understand the issue at stake. Some people may want mandatory PE in all grade levels; others might want to eliminate soft drinks and vending machines from schools. Some of us might agree that allowing the local school districts to make these decisions is a good first step. Next, try to understand the legislative process. Go to the government link at www.myflorida.com for a tutorial, if necessary. Learn about the issues being debated in other states and at the federal level. Write to legislators or talk with them, if possible. Finally, if legislation, or the lack thereof makes the local school districts responsible for school nutrition and physical activity, act on a local basis by contacting your school board and school principals. Ask them for specific action. As health professionals, we have the opportunity to make a difference in the fight to reduce obesity in Florida's children and youth.

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