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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(6)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: March 16, 2010

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Resolution urging Congress to pass the "LEAN" Act or similar legislation requiring restaurants to disclose caloric and nutritional information

Resolution No. R-305-10

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez.

R. A. Cuevas, Jr.
County Attorney

RAC/up

MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

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FROM: R. A. Cuevas, Jr. County Attorney

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Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

__√__ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(6)
3-16-10

RESOLUTION NO. R-305-10

RESOLUTION URGING CONGRESS TO PASS THE "LEAN" ACT OR THE "MEAL" ACT OR SIMILAR LEGISLATION REQUIRING RESTAURANTS WITH 20 OR MORE LOCATIONS TO DISCLOSE CALORIC AND NUTRITIONAL INFORMATION IN A STATEMENT ADJACENT TO STANDARD MENU ITEMS; URGING THE FLORIDA LEGISLATURE TO PASS SB 2212, HB 783 OR SIMILAR LEGISLATION REQUIRING RESTAURANTS IN FLORIDA TO POST CALORIC INFORMATION ON MENUS AND MENU BOARDS

WHEREAS, although death due to obesity is preventable, more than 40,000 Florida residents die annually from obesity-related diseases; and

WHEREAS, in 2008, more that 60 percent of adults and 30 percent of children in Florida were overweight and at least half of these people were obese, with a body mass index greater than 30; and

WHEREAS, the number of overweight and obese children has tripled in the last 20 years; and

WHEREAS, approximately 60 percent of overweight children have at least one risk factor for cardiovascular disease and 25 percent of overweight children have two or more risk factors; and

WHEREAS, excessive body weight affects virtually every organ system in the body and increases the risks of diabetes, heart attack, stroke, cancer, sleep apnea and osteoarthritis; and

WHEREAS, obesity-related medical expenditures for adults in Florida total more than $5 billion annually, with over half of these costs being financed by Medicare and Medicaid; and

WHEREAS, the economic effects of obesity far surpass this $5 billion expenditure when missed workdays, other costs outside the medical care system and the economic value of reduced longevity and quality of life are considered; and

WHEREAS, federally-required nutrition labeling on foods sold in supermarkets facilitates informed choice, and nearly three quarters of consumers report that they look at nutritional information on the Nutrition Facts Panel, and about half of consumers indicate that nutrition information affects their food choices in supermarkets; and

WHEREAS, in 2008, almost 50 percent of money spent on food was spent in restaurants and other places where food is consumed away from the home, and according to a recent National poll by Peter D. Hart Research Associates, 79 percent of registered voters favor laws that would require restaurants to provide detailed nutritional information in a format available to consumers; and

WHEREAS, as people in the U.S. increasingly eat at restaurants rather than at home, it becomes more important that people are informed of the caloric and nutritional value of restaurant meals; and

WHEREAS, unlike supermarkets, there are currently no federal or state requirements for nutrition labeling for foods sold in restaurants and as such consumers lack easily accessible information to make informed choices when eating at restaurants; and

WHEREAS, nutritional information provided in restaurants would enable consumers to make more informed, healthier eating choices; and

WHEREAS, cities and counties in Florida are preempted from passing legislation requiring restaurants to display nutritional information because the State of Florida currently has exclusive jurisdiction to regulate restaurants pursuant to Chapter 509, Florida Statutes; and

WHEREAS, bills have been filed for consideration during the 111th Congress that would require restaurants that are part of a chain that operates 20 or more establishments to provide caloric and nutritional information on menus and menu boards and at drive-through windows, the Labeling Education and Nutrition Act or "LEAN" Act, S. 558 by Senator Thomas Carper (D – Delaware) and H.R. 1398 by Representative Jim Matheson (D – Utah), and the Menu Education and Labeling Act or "MEAL" Act, S.1048 by Senator Tom Harkin (D – Iowa) and H.R. 2426 by Representative Rosa DeLauro (D – Connecticut); and

WHEREAS, bills also have been filed for consideration during the 2010 state legislative session that would require that restaurants display caloric information on menus and menu boards, SB 2212 by Senator Stephen R. Wise (R – Jacksonville) and HB 873 by Representative Ed Homan (R – Temple Terrace), who is a medical doctor; and

WHEREAS, SB 2212 and HB 783 are identical Senate and House companion bills that would require restaurants that have 20 or more separate establishments in Florida to post caloric information beginning January 1, 2011 and would require all restaurants in Florida to post such information beginning January 1, 2012; and

WHEREAS, SB 2212 and HB 783 also would require caloric information to be posted on menus or menu boards and include a referral statement directing a consumer to the location of additional nutritional information, such as the amount of sodium, trans fat, saturated fat, cholesterol, carbohydrates, sugars and protein; and

WHEREAS, informing the public of the caloric and nutritional value of the food that they consume in restaurants has the promise of improving public health and reducing health care costs,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges Congress to pass the Labeling Education and Nutrition Act or LEAN Act, S. 558, H.R. 1398, or similar legislation; or the Menu Education and Labeling Act or MEAL Act, S.1048, H.R. 2426, or similar legislation, requiring restaurants that are part of a chain that operates 20 or more establishments to provide caloric and nutritional information on menus, menu boards and at drive-through windows.

Section 2. Urges the Florida Legislature to pass SB 2212, HB 783 or similar legislation requiring restaurants to post caloric information on menus or menu boards and provide additional nutritional information to patrons.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Florida Congressional Delegation, U.S. Senators Thomas Carper and Tom Harkin, U.S. Representatives Jim Matheson and Rosa DeLauro, Florida's Governor, the Florida Senate President, the Florida House Speaker, the Chair and Members of the Miami-Dade County State Legislative Delegation, Florida State Senator Stephen Wise and Florida State Representative Ed Homan.

Section 4. Directs the County's federal and state lobbyists to advocate for the legislation set forth in Section 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2010 Federal and State Legislative Packages to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Joe A. Martinez. It was offered by Commissioner **Jose "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman **aye**
Jose "Pepe" Diaz, Vice-Chairman **aye**

Bruno A. Barreiro	**absent**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Barbara J. Jordan	**aye**	Joe A. Martinez	**absent**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 16th day of March, 2010. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jess M. McCarty