

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** CS/HB 623 School Food Service Programs

**SPONSOR(S):** Schools & Learning Council, Kendrick and others

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1458

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<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
1) <u>Committee on K-12</u>	<u>10 Y, 0 N</u>	<u>Gillespie</u>	<u>Ahearn</u>
2) <u>Schools &amp; Learning Council</u>	<u>14 Y, 0 N, As CS</u>	<u>Gillespie/Eggers</u>	<u>Cobb</u>
3) <u>Policy &amp; Budget Council</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
4) <u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
5) <u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

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**SUMMARY ANALYSIS**

Council Substitute for House Bill 623 requires each district school board, beginning with the 2010-2011 school year, to expand the School Breakfast Program (currently required in elementary schools) to all middle and high schools. The council substitute directs each school district, beginning with the 2009-2010 school year, to annually set prices for breakfast meals which cover the costs of the breakfast meals, except if the district school board sets lower prices. Each school district is also required to annually provide students and parents with information about the district’s School Breakfast Program.

Each school is directed, to the maximum extent practicable, to serve breakfast at alternative sites (e.g., “Grab ‘n’ Go Breakfast”). Beginning with the 2009-2010 school year, a school must make a “Grab ‘n’ Go Breakfast” available for a student who arrives at school on the school bus less than 15 minutes before the first bell rings. In addition, the school must allow the student at least 15 minutes to eat the “Grab ‘n’ Go Breakfast.”

The council substitute encourages school districts to provide universal-free school breakfast in all schools and requires district school boards, by the beginning of the 2010-2011 school year, to consider a policy for providing universal-free school breakfast for all students in schools in which 80 percent or more of the students are eligible for free or reduced-price meals.

The Office of Program Policy Analysis and Government Accountability (OPPAGA) is directed, by January 15, 2009, to issue a report that estimates the implementation costs of universal-free school breakfast, examines school meal prices and the efficiency and effectiveness of school district food service programs, identifies best practices and strategies for reducing food service costs, evaluates the state reporting of food service revenues and costs, assesses the methodology used for allocating state funds to school district food service programs, and evaluates the state’s organizational structure for implementation of the National School Lunch Program, federal School Breakfast Program, and federal Summer Food Service Program.

The council substitute does not appear to create a fiscal impact on the state, local governments, or school districts.

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

**STORAGE NAME:** h0623c.SLC.doc  
**DATE:** 3/26/2008

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

The council substitute does not appear to implicate any of the House principles.

#### B. EFFECT OF PROPOSED CHANGES:

##### Present Situation:

In 1975, the U.S. Congress permanently authorized the federal School Breakfast Program.<sup>1</sup> Under the program, the Secretary of the U.S. Department of Agriculture (USDA) provides grant funding to the states for free and reduced-price breakfast meals for students in elementary and secondary schools.<sup>2</sup>

In 1989, the Legislature required school districts in Florida, by the beginning of the 1991-1992 school year, to implement a school breakfast program that makes breakfast meals available for all students in an elementary school that includes a student eligible for free and reduced price lunch meals, to the extent specifically funded in the General Appropriations Act.<sup>3</sup> This requirement applies to all students in kindergarten through grade 5. If an elementary school includes grade 6, the requirement for breakfast applies also to students in grade 6.<sup>4</sup>

Each breakfast meal must provide one-fourth, when averaged over a school week, of the Recommended Dietary Allowances (RDA) for protein, calcium, iron, vitamin A, and vitamin C.<sup>5</sup> Breakfast meals must meet certain limits on total calories, limit total fat to 30 percent of total calories, and limit saturated fat to 10 percent of total calories.<sup>6</sup> The breakfast meals must also provide a variety of foods, be low in sodium and cholesterol, and contain dietary fiber (e.g., grains, vegetables, and fruits).<sup>7</sup>

Students eligible for free meals are those whose family income does not exceed 130 percent of the federal poverty level.<sup>8</sup> Students eligible for reduced-price meals are those whose family income does not exceed 185 percent of the federal poverty level.<sup>9</sup> For fiscal year 2007-2008, for a family with a household size of four members, the maximum family income for free meals is \$26,845 per year and the maximum family income for reduced-price meals is \$38,203 per year.<sup>10</sup>

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<sup>1</sup> Section 2, Pub. L. 94-105 (1975) (codified at 42 U.S.C. § 1773).

<sup>2</sup> 42 U.S.C. § 1773(a); 7 C.F.R. § 220.2(u).

<sup>3</sup> Section 1, ch. 89-221, L.O.F. (1989); former § 228.195, F.S. (current § 1006.06(5), F.S.).

<sup>4</sup> *Id.*

<sup>5</sup> 7 C.F.R. § 220.8(a)(1).

<sup>6</sup> 7 C.F.R. § 220.8(a)(2)-(4), (b), (c), (e)(1) & (h).

<sup>7</sup> 7 C.F.R. § 220.8(a)(3) & (4).

<sup>8</sup> Rule 6A-7.0421(2)(a), F.A.C.; 72 Fed. Reg. 8687 (Feb. 27, 2007).

<sup>9</sup> Rule 6A-7.0421(2)(b), F.A.C.; 72 Fed. Reg. 8687 (Feb. 27, 2007).

<sup>10</sup> 72 Fed. Reg. 8687 (Feb. 27, 2007).

For fiscal year 2007-1008, the reimbursement rates for the federal School Breakfast Program are as follows:<sup>11</sup>

<b>Breakfast Rates</b>	<b>Non-Severe Need</b>	<b>Severe Need</b>
Paid	\$0.24 per meal	\$0.24 per meal
Reduced Price	\$1.05 per meal	\$1.31 per meal
Free	\$1.35 per meal	\$1.61 per meal

As the table shows, schools in severe need are paid a higher reimbursement rate. In Florida, the schools in severe need which receive the higher reimbursement rate are those schools in which at least 40 percent of the lunches served to students [under the National School Lunch Program] in the second preceding school year were free or reduced-price meals.<sup>12</sup>

Schools are prohibited from charging an eligible student or the student's family for a free breakfast meal<sup>13</sup> or from charging an eligible student or the student's family more than 30 cents for a reduced-price breakfast meal.<sup>14</sup>

USDA publishes various information resources for schools and school districts participating in the School Breakfast Program. These resources include various strategies for schools to serve breakfast meals, including:

- Traditional Breakfast.—Traditional plated breakfast served cafeteria-style before school and eaten in the cafeteria;
- Breakfast in the Classroom.—Individually wrapped or prepackaged breakfast served during morning announcements or break time and eaten in the classroom;
- Grab 'n' Go Breakfast.—Individually wrapped or prepackaged breakfast served at the school entrance or in the school's high-traffic areas and eaten before school or during morning break or first period;
- Breakfast After First Period.—Individually wrapped or prepackaged breakfast served at a centrally located area in the school or where students are changing classes and eaten between first and second class periods; and
- Breakfast on the Bus.—Individually wrapped or prepackaged breakfast of easy-to-eat, hand-held foods served and eaten while students are riding on the school bus.<sup>15</sup>

Current law requires the State Board of Education to adopt rules for the administration and operation of school district food service programs.<sup>16</sup> Together with the National School Lunch Program and federal Summer Food Service Program, the Office of Food and Nutrition Management of the Florida Department of Education (DOE) administers the federal School Breakfast Program at the state level.

<sup>11</sup> 72 Fed. Reg. 37510 (July 10, 2007).

<sup>12</sup> 7 C.F.R. § 220.9(d); Florida Department of Education, Memorandum from Diane Santoro, Administrator, Food and Nutrition Management, to Sponsors of the School Breakfast Programs, Technical Assistance Note, No. 2006-13 (Jan. 31, 2006), available at [http://info.fldoe.org/docushare/dsweb/Get/Document-3504/tan\\_06\\_13.pdf](http://info.fldoe.org/docushare/dsweb/Get/Document-3504/tan_06_13.pdf) (last visited Mar. 26, 2008).

<sup>13</sup> 7 C.F.R. § 220.2(j).

<sup>14</sup> 42 U.S.C. § 1773(b)(1)(C); 7 C.F.R. § 220.2(s); rule 6A-7.0421(4), F.A.C.

<sup>15</sup> U.S. Department of Agriculture, Food and Nutrition Service, *There's More Than One Way to Serve Breakfast* (2003), available at <http://www.fns.usda.gov/cnd/breakfast/toolkit/theres.pdf> (last visited Mar. 26, 2008).

<sup>16</sup> Section 1006.06(2), F.S.

## General Research on Breakfast:

There is an entire body of literature which suggests that there are positive nutritional and cognitive benefits to eating breakfast.<sup>17</sup> According to the Food Research and Action Center (FRAC):<sup>18</sup>

- Children who skip breakfast are less able to distinguish among similar images, show increased errors, and have slower memory recall;
- Children experiencing hunger have lower math scores and are more likely to have to repeat a grade;
- Behavioral, emotional, and academic problems are more prevalent among children with hunger;
- Children experiencing hunger are more likely to be hyperactive, absent, and tardy, in addition to having behavioral and attention problems more often than other children;
- Children who are undernourished score lower on cognitive tests when they miss breakfast;
- Teens experiencing hunger are more likely to have been suspended from school, have difficulty getting along with other children, and have no friends;
- Children with hunger are more likely to have repeated a grade, received special education services, or received mental health counseling, than low-income children who do not experience hunger;
- Children who eat a complete breakfast, versus a partial one, make fewer mistakes and work faster in mathematics tests;
- Children who eat breakfast at school—closer to class and test-taking time—perform better on standardized tests than those who skip breakfast or eat breakfast at home;
- Providing breakfast to mildly undernourished students at school improves their speed and memory in cognitive tests;
- Children who eat breakfast show improved cognitive function, attention, and memory;
- Participating in school breakfast is associated with improved mathematics grades, attendance, and punctuality;
- Children perform better on tests of vocabulary after eating breakfast;
- Consuming breakfast improves children's performance on demanding mental tasks and reaction to frustration;
- Children who eat breakfast tend to have more adequate nutrient intakes than children who do not;
- By eating breakfast, students also consume more important nutrients, vitamins, and minerals, including calcium, dietary fiber, and protein;
- A higher percentage of children who skip breakfast do not meet two-thirds of the Recommended Dietary Allowances (RDA) for vitamins A, E, D, and B6;
- Breakfast may reduce obesity risk;
- Adolescents who eat breakfast tend to have a lower body mass index (BMI) (higher BMIs can indicate overweight and obesity);
- Girls who eat breakfast are more likely to have a lower BMI than girls who skip breakfast;
- Adolescents with one or two obese parents who eat breakfast every day are more likely to have BMIs within a healthy range than those who tend to skip breakfast; and
- Low-income elementary school girls who participate in the School Breakfast, School Lunch, or Food Stamp Programs, or any combination of these programs, have significantly less risk of being overweight.<sup>19</sup>

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<sup>17</sup> McLaughlin, *infra* note 20, at 5.

<sup>18</sup> The Food Research and Action Center (FRAC) describes itself as “the leading national nonprofit organization working to improve public policies and public-private partnerships to eradicate hunger and undernutrition in the United States.” FRAC, *All About FRAC*, at [http://www.frac.org/html/all\\_about\\_frac/about\\_index.html](http://www.frac.org/html/all_about_frac/about_index.html) (last visited Mar. 26, 2008).

<sup>19</sup> Food Research and Action Center, *Breakfast for Learning: Child Nutrition Fact Sheet 1-2* (2006), available at <http://www.frac.org/pdf/breakfastforlearning.PDF> (last visited Mar. 26, 2008).

### Research on Universal-Free School Breakfast:

During 2000-2003, USDA conducted a study of elementary school food service programs in six school districts in Alabama, Arizona, California, Kansas, Idaho, and Mississippi to determine the impact of the availability of universal-free school breakfast on breakfast participation, student nutrition, health, academic performance, and behavior. In its 2004 report on the study, USDA reported that the provision of universal-free school breakfast (compared to a control group of schools offering paid, reduced-price, and free breakfast meals under the federal School Breakfast Program) had the following results:

- Breakfast participation increased in schools offering universal-free school breakfast from 19 percent to 36 percent (increasing from 8 percent to 31 percent for paid-eligible students and increasing from 25 percent to 48 percent for free and reduced price-eligible students);
- Students attending universal-free breakfast schools were more likely to consume a nutritionally substantive breakfast than students in control-group schools (80 percent versus 76 percent);
- Average food and nutrient intakes for students attending universal-free breakfast schools were essentially the same as the average intakes for students attending control-group schools;
- Availability of universal-free school breakfast seems to have shifted the source of breakfast from home or elsewhere to school; and
- Universal-free school breakfast had no impact on student academic achievement scores, rates of student disciplinary incidents, or the number of daily student visits to the school nurse.<sup>20</sup>

### Governor's Council on Physical Fitness:

On March 26, 2007, Governor Charlie Crist signed an executive order creating the Governor's Council on Physical Fitness.<sup>21</sup> The executive order charged the council, among other duties, with developing a state plan of action to promote physical fitness and sound nutrition and to reduce the rate of obesity and chronic disease in Florida's children, adults, and senior citizens. On December 1, 2007, the Governor's council issued its recommendations for a state plan of action on physical fitness.<sup>22</sup> Among its recommendations, the Governor's council recommended that the School Breakfast Program be expanded to include all children in elementary through high school by 2010-2011.<sup>23</sup>

### State School Breakfast Supplement:

The Legislature annually provides funding for school district food service programs in the General Appropriations Act (GAA). For the 2007-2008 fiscal year, the Legislature provided \$16,886,046 from the state's General Revenue Fund.<sup>24</sup> Of these funds, \$8,920,511 was provided to meet federal matching requirements for the National School Lunch Program and \$374,623 was provided for cafeteria inspections.<sup>25</sup>

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<sup>20</sup> Joan E. McLaughlin et al., *Evaluation of the School Breakfast Program Pilot Project: Summary of Findings from the Final Report*, ii-iii (U.S. Department of Agriculture, Food and Nutrition Service, Dec. 2004), available at <http://www.fns.usda.gov/oane/MENU/Published/CNP/FILES/SBPPSummary.pdf> (last visited Mar. 26, 2008).

<sup>21</sup> The Honorable Charlie Crist, Executive Order 07-52 (Mar. 26, 2007), available at <http://www.flgov.com/pdfs/orders/07-52-fitness.pdf> (last visited Mar. 26, 2008).

<sup>22</sup> Governor's Council on Physical Fitness, *Recommendations for a State Plan of Action* (Dec. 1, 2007), available at <http://www.doh.state.fl.us/AlternateSites/HealthyFloridians/documents/CouncilStatePlanofAction.pdf> (last visited Mar. 26, 2008).

<sup>23</sup> *Id.* at vi & 8-9.

<sup>24</sup> Specific Appropriation 115, § 2, ch. 2007-72, L.O.F. (2007).

<sup>25</sup> Florida Department of Education, *2007-2008 Funding for Florida School Districts Statistical Report*, 21 (2007), available at <http://www.fldoe.org/fefp/pdf/fefpdist.pdf> (last visited Mar. 26, 2008).

The remaining \$7,590,912 was provided for the School Breakfast Supplement.<sup>26</sup> In proviso, the GAA directs these funds to be allocated as provided in section 1006.06, F.S.,<sup>27</sup> which specifies that:

[DOE] shall calculate and distribute a school district breakfast supplement for each school year by multiplying the state breakfast rate as specified in the General Appropriations Act by the number of free and reduced price breakfast meals served....

The Legislature shall provide sufficient funds in the General Appropriations Act to reimburse participating school districts for the difference between the average federal reimbursement for free and reduced price breakfasts and the average statewide cost for breakfasts.<sup>28</sup>

Although this section requires the School Breakfast Supplement to be allocated according to a calculation that multiplies the state breakfast rate in the GAA by a school district's number of free and reduced-price breakfast meals served, the GAA does not, in fact, specify a "state breakfast rate." In addition, the School Breakfast Supplement is not appropriated based on a calculation of the difference between the average federal reimbursement for free and reduced-price breakfast meals and the average statewide cost for breakfast meals. Accordingly, DOE allocates the School Breakfast Supplement among the school districts according to each district's pro rata share of the supplement based on its number of free and reduced-price breakfast meals reported for the prior fiscal year.<sup>29</sup>

#### Proposed Changes:

The council substitute requires each district school board, beginning with the 2010-2011 school year, to expand the School Breakfast Program (currently required in elementary schools) to all middle and high schools. Beginning with the 2009-2010 school year, each school district is required to annually set prices for breakfast meals which cover the costs of the breakfast meals, except if the district school board sets lower prices. Each school district is also required to annually provide all elementary, middle, and high school students with information about the district's School Breakfast Program, including school announcements and written notice sent to all parents.

The council substitute requires each elementary, middle, and high school, to the maximum extent practicable, to serve breakfast at alternative sites (e.g., "Grab 'n' Go Breakfast"<sup>30</sup>). Beginning with the 2009-2010 school year, each school must make a "Grab 'n' Go Breakfast" available for a student who arrives at school on the school bus less than 15 minutes before the first bell rings. In addition, a school must allow the student at least 15 minutes to eat the "Grab 'n' Go Breakfast."

The council substitute encourages school districts to provide universal-free school breakfast in all elementary, middle, and high schools and requires district school boards, by the beginning of the 2010-2011 school year, to approve or disapprove a policy for providing universal-free school breakfast for all students in schools in which 80 percent or more of the students are eligible for free or reduced-price

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<sup>26</sup> *Id.*

<sup>27</sup> Specific Appropriation 115, § 2, ch. 2007-72, L.O.F. (2007).

<sup>28</sup> Section 1006.06(5)(c) & (d), F.S.

<sup>29</sup> Florida Department of Education, Memorandum from Diane Santoro, Administrator, Food and Nutrition Management, to Public and Charter School Food Service Directors (Dec. 19, 2007), available at <http://info.fldoe.org/docushare/dsweb/Get/Document-4769/tanote08-06.pdf> (last visited Mar. 26, 2008).

<sup>30</sup> See U.S. Department of Agriculture, *supra* text accompanying note 15.

meals.<sup>31</sup> Before approving or disapproving the policy, a district school board must receive public testimony at two or more regular meetings.

The council substitute directs OPPAGA, by January 15, 2009, to submit a report to the Governor, presiding officers of the Legislature, State Board of Education, and Commissioner of Education on school district food service programs. The report must:

- Estimate the district-by-district costs of implementing universal-free school breakfast, which must consider the experiences of Florida schools currently implementing universal-free school breakfast;
- Determine the extent that school district food service programs require financial support from other district operating funds;
- Examine at least a 5-year history of school meal prices;
- Identify best practices for efficient and effective school district food service programs;
- Identify strategies to reduce the costs of school district food service programs, including alternatives to the daily counting of meals at the point of service which are authorized by federal regulations;<sup>32</sup>
- Evaluate the forms<sup>33</sup> and procedures used by school districts to report their food service revenues and costs to DOE;
- Determine whether the forms accurately report the total operating costs of school district food service programs and whether the forms allow an equitable district-by-district comparison of costs;
- Assess whether state funding provided to school district food service programs (e.g., School Breakfast Supplement) promote the fiscal efficiency of the food service programs; and
- Evaluate the state's organizational structure for implementation of the National School Lunch Program, federal School Breakfast Program, and federal Summer Food Service Program.

OPPAGA is also directed to consult with staff of the education committees of the Legislature, DOE, the Department of Agriculture and Consumer Services, and the Auditor General on the research design for the report.

The council substitute directs DOE, consistent with current practice, to annually allocate the School Breakfast Supplement in the General Appropriations Act among the school districts according to each district's total number of free or reduced-price breakfast meals served. Obsolete provisions concerning the allocation of the supplement based on a "state breakfast rate," and the appropriation of the supplement based on the difference between the average federal reimbursement for free and reduced-price breakfast meals and the average statewide cost for breakfast meals, are deleted.

The council substitute provides an effective date of July 1, 2008.

## C. SECTION DIRECTORY:

Section 1. Amends section 1006.06, F.S., expanding the School Breakfast Program.

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<sup>31</sup> According to the Department of Education, as of February 17, 2008, there were 516 schools in the state in which at least 80 percent of students are eligible for free or reduced-price meals. The total student enrollment at these schools was 252,497. See Florida Department of Education, Government Relations, *2008 Agency Bill Analysis of HB 623*, at 3 (Jan. 29, 2008).

<sup>32</sup> The Food and Nutrition Service of the U.S. Department of Agriculture allows the states to authorize alternatives to point-of-service lunch counts, if the alternatives result in accurate, reliable counts of the number of free, reduced price, and paid lunches served for each serving day. 7 C.F.R. § 210.7(c)(2). One of the alternatives approved by the Food and Nutrition Service is known as "Provision 2." Under Provision 2, schools that serve meals to participating children at no charge (i.e., universal free) are permitted to simplify their meal counting and claiming procedures by allowing the schools to determine student eligibility for free and reduced-priced meals once every 4 years and receive federal meal reimbursement during the ensuing 4-year period by claiming the percentages of students eligible for free and reduced-price meals which were observed in the first year. Food and Nutrition Service, U.S. Department of Agriculture, *Provision 2 Guidance: National School Lunch and School Breakfast Programs* (2002), available at <http://www.fns.usda.gov/cnd/Governance/prov-1-2-3/Prov2Guidance.pdf> (last visited Mar. 26, 2008).

<sup>33</sup> See, e.g., Florida Department of Education, *Form ESE 003 (Food Service Special Revenue Financial Report)* (rule 6A-1.0011(2), F.A.C.).

Section 2. Creates an unnumbered section that directs OPPAGA to submit a report to the Governor, Legislature, and DOE on school district food service programs.

Section 3. Provides an effective date of July 1, 2008.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None.

#### 2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

None.

#### 2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

The council substitute requires each district school board, beginning with the 2010-2011 school year, to expand the School Breakfast Program (currently required in elementary schools) to all middle and high schools. Whether this requirement creates a fiscal impact on school district food service programs is indeterminate at this time. However, the council substitute requires each school district, beginning with the 2009-2010 school year, to annually set prices for breakfast meals which cover the costs of the breakfast meals, except if the district school board sets lower prices. The council substitute accordingly directs each school district to set prices for breakfast meals which prevent any fiscal impact on the district's food service programs, unless the district school board chooses to create a fiscal impact by setting lower breakfast meal prices.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

#### 1. Applicability of Municipality/County Mandates Provision:

Not applicable. The council substitute does not appear to require a county or municipality to spend funds or take an action requiring expenditures; reduce the authority that counties and municipalities had as of February 1, 1989, to raise revenues in the aggregate; or reduce the percentage of a state tax shared in the aggregate with counties and municipalities as of February 1, 1989.

#### 2. Other:



None.

**B. RULE-MAKING AUTHORITY:**

The Department of Education reports that the council substitute in effect requires modification of rules adopted by the State Board of Education concerning responsibilities for school food service programs.<sup>34</sup>

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**D. STATEMENT OF THE SPONSOR:**

No statement submitted.

**IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**

On March 18, 2008, the Committee on K-12 adopted an amendment offered by Representative Kendrick (*remove everything after the enacting clause*), which:

- Retained provisions in the bill which, beginning with the 2010-2011 school year, expand the School Breakfast Program (currently required in elementary schools) to all middle and high schools;
- Required each school to serve meals at alternative sites (e.g., “Breakfast in the Classroom,” “Grab ‘n’ Go Breakfast,” and “Breakfast on the Bus”), to the maximum extent practicable, in lieu of the bill’s provisions requiring 10 percent of meals to be served at alternative sites;
- Directed school districts to set prices for breakfast meals which cover the costs of breakfast meals, except if the district school board sets lower prices;
- Encouraged universal-free school breakfast, in lieu of the bill’s provisions requiring school districts to provide universal-free school breakfast, and requires district school boards, before the 2010-2011 school year, to approve or disapprove a policy for providing universal-free school breakfast for all students in each elementary, middle, and high school in which 80 percent or more of the students are eligible for free or reduced-price meals;
- Clarified provisions in the bill which require each school, beginning with the 2009-2010 school year, to make available for a student a prepackaged breakfast (commonly known as a “Grab ‘n’ Go Breakfast”), if the student arrives to school late on the school bus and to allow the student 15 minutes to eat the breakfast meal in the classroom;
- Retained provisions in the bill which require each school district to annually provide students and parents with information about the district’s School Breakfast Program;
- Removed provisions from the bill which grant authority to DOE to develop an incentive program and allocate incentive funding for expanding participation in the School Breakfast Program;
- Clarified that DOE shall annually allocate each school district’s funding allocation from the School Breakfast supplement<sup>35</sup> in the General Appropriations Act based on each district’s total number of free and reduced-price breakfast meals served and deletes obsolete language requiring the appropriation of funds based on federal reimbursement rates for free and reduced-price breakfast meals; and
- Directed OPPAGA, by January 15, 2009, to submit a report to the Governor, Legislature, and DOE on school district food service programs. The report must estimate the implementation costs of universal-free school breakfast, examine school meal prices and the efficiency and effectiveness of school district food service programs, identify best practices and strategies for reducing food service costs, evaluate the state

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<sup>34</sup> See rule 6A-7.0411, F.A.C.

<sup>35</sup> The statewide allocation for the school breakfast supplement for fiscal year 2007-2008 is \$7,590,912. See Florida Department of Education, *supra* note 29; Florida Department of Education, Government Relations, *2008 Agency Bill Analysis of HB 623*, at 3 (Jan. 9, 2008).

reporting of food service revenues and costs, and assess the methodology used for allocating state funds to school district food service programs.

The amendment also required OPPAGA to consult with staff of the education committees of the Legislature, DOE, and the Auditor General on the research design for the report. The amendment appeared to remove the bill's fiscal impact to school district food service programs.

On March 25, 2008, the Schools & Learning Council adopted three amendments offered by Representative Kendrick, which:

- Removed a requirement that school districts provide, to the maximum extent practicable, "Breakfast in the Classroom" or "Breakfast on the Bus";
- Removed a requirement that students arriving at school late on the school bus must be allowed to eat breakfast in the classroom;
- Expanded the OPPAGA report to examine the state's organizational structure and implementation of school food programs under the jurisdiction of the U.S. Department of Agriculture, including the National School Lunch Program, federal School Breakfast Program, and federal Summer Food Service Program; and
- Required OPPAGA to consult with staff of the Florida Department of Agriculture and Consumer Services when developing the research design for the report.

The Schools & Learning Council reported the bill favorably as a committee substitute, which incorporated the changes made to HB 623 by the amendment adopted by the Committee on K-12 and the three amendments adopted by the council.