

HB 0169

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A bill to be entitled
 An act relating to school food service programs; amending
 s. 1006.06, F.S.; providing definitions; requiring
 district school boards to prohibit the sale or serving of
 certain foods and beverages on school grounds; providing a
 list of beverages that may be permitted; providing
 exceptions; reenacting s. 1006.06(2), F.S.; providing
 rulemaking authority; providing applicability; providing
 an effective date.

WHEREAS, childhood obesity has reached epidemic proportions
 in Florida and throughout the nation and nearly one in four
 Florida adolescents is overweight or at risk of being
 overweight, and

WHEREAS, obese and overweight children are at increased
 risk for developing Type 2 diabetes and current rates for
 childhood onset of Type 2 diabetes are unprecedented, and

WHEREAS, the risk of developing diabetes, high blood
 pressure, high cholesterol, coronary heart disease, certain
 cancers, and other afflictions is significantly increased for
 obese individuals, and

WHEREAS, numerous studies have established the critical
 link between good nutrition and the ability of children to
 develop and learn, and

WHEREAS, good nutrition plays an essential role in improved
 academic performance as measured by test scores, attendance
 rates, tardiness, and discipline, and

WHEREAS, since children spend a substantial portion of
 their time at school, only nutritious foods should be available

HB 0169

2004

30 at school in order to promote a healthy dietary lifestyle and to
 31 teach children about healthy food choices, NOW, THEREFORE,

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33 Be It Enacted by the Legislature of the State of Florida:

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35 Section 1. Subsection (3) of section 1006.06, Florida
 36 Statutes, is amended, and subsection (2) of said section is
 37 reenacted, to read:

38 1006.06 School food service programs.--

39 (2) The State Board of Education shall adopt rules
 40 covering the administration and operation of the school food
 41 service programs.

42 (3)(a) Each district school board shall consider the
 43 recommendations of the district school superintendent and adopt
 44 policies to provide for an appropriate food and nutrition
 45 program for students consistent with federal law and State Board
 46 of Education rule.

47 (b) As used in this subsection, the term:

48 1. "Added sweetener" means any additive that enhances the
 49 sweetness of the beverage, including, but not limited to, added
 50 sugar, but does not include the natural sugar or sugars that are
 51 contained in any fruit juice that is a component of the
 52 beverage.

53 2. "Elementary school" means a school containing
 54 prekindergarten through grade 5, unless the elementary school
 55 includes grade 6 in which case such school is included.

56 3. "School day" means that portion of the day in which
 57 school is actually in session.

58 4. "Secondary school" means a school containing grades 6
 59 through 12.

HB 0169

2004

60 (c) Each district school board shall prohibit the sale of
61 any food or beverage to elementary school students on school
62 grounds before and during the school day that is not permitted
63 by the approved school food service program. No beverages other
64 than the following may be sold or served to students at
65 elementary schools at any time before or during the school day:

66 1. Drinking water.

67 2. Milk, including flavored milk, fortified soy milk,
68 fortified rice milk, or other similar dairy or nondairy milk.

69 3. Fruit-based or vegetable-based drinks that contain no
70 less than 50 percent juice and no added sweeteners.

71 4. Electrolyte replacement beverages that contain no more
72 than 43 grams of added sweetener per 20-ounce serving.

73 (d) Each district school board shall prohibit the sale of
74 any food of minimal nutritional value, as listed in 7 C.F.R.
75 part 210 Appendix B, to secondary school students on school
76 grounds from 1 hour before the start of the school day until 1
77 hour after the close of the last lunch period. No beverages
78 other than the following may be sold or served to students at
79 secondary schools from 1 hour before the start of the school day
80 until 1 hour after the close of the last lunch period:

81 1. Drinking water.

82 2. Milk, including flavored milk, fortified soy milk,
83 fortified rice milk, or other similar dairy or nondairy milk.

84 3. Fruit-based or vegetable-based drinks that contain no
85 less than 50 percent juice and no added sweeteners.

86 4. Electrolyte replacement beverages that contain no more
87 than 43 grams of added sweetener per 20-ounce serving.

88 5. Tea that contains no more than 43 grams of added
89 sweetener or 43 milligrams of caffeine per 20-ounce serving.

HB 0169

2004

90 (e) The requirements for the sale or serving of beverages
91 pursuant to this subsection do not affect the sale or serving of
92 beverages to teachers or other school staff.

93 (f) The sale of beverages that are not permitted pursuant
94 to this subsection may be allowed as part of a school fundraiser
95 if such sale occurs after the end of the school day.

96 Section 2. The amendment to s. 1006.06, Florida Statutes,
97 as provided in section 1 of this act shall apply to the 2004-
98 2005 school year and thereafter.

99 Section 3. This act shall take effect July 1, 2004.