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2004

A bill to be entitled

1 An act relating to public school food service programs; amending
2 s. 1006.06, F.S.; revising provisions relating to the
3 establishment of school food service programs; requiring
4 district school boards to analyze the operational efficiency of
5 school food service programs; requiring a cost accounting
6 report; encouraging school districts to ensure that
7 responsibility for revenue and costs is vested in district food
8 service directors; amending s. 1010.20, F.S.; requiring the
9 Department of Education to report to the Legislature and the
10 State Board of Education the food service expenditures of each
11 school district and the extent to which the services are self-
12 supporting; amending s. 1010.21, F.S.; defining indirect costs
13 for food service expenditure reporting; requiring each school
14 district to develop a plan to sponsor at least one summer
15 nutrition program by a specified date; providing for criteria
16 for the summer nutrition program; providing that a school board
17 may choose to be exempt from operating a summer nutrition
18 program; providing procedures for the school district to become
19 exempt; directing the school board to notify the Commissioner of
20 Education of its decision; requiring a school board to
21 reconsider its decision each year; authorizing a not-for-profit
22 entity to sponsor the summer nutrition program; providing that a
23 superintendent of schools may collaborate with specified
24 agencies to implement a summer food nutrition program; directing
25 the Department of Education to provide each school district with
26 a list of organizations intending to participate by a specified
27 date; providing an effective date.
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30 Be It Enacted by the Legislature of the State of Florida:

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32 Section 1. Subsection (1) of section 1006.06, Florida
33 Statutes, is amended, and subsection (6) is added to said
34 section, to read:

35 1006.06 School food service programs.--

36 (1) In recognition of the demonstrated relationship
37 between good nutrition and the capacity of students to develop
38 and learn, it is the policy of the state to provide standards
39 for school food service and to require district school boards to
40 establish and maintain an appropriate ~~private~~ school food
41 service program consistent with the nutritional needs of
42 students.

43 (6)(a) Beginning with the 2004-2005 school year, each
44 school district shall analyze the operational efficiency of its
45 school food service program. The analysis shall include a review
46 of the financial condition of the school food service program
47 presented in a financial statement format and a review of the
48 program's revenue and expenditure experience for the current and
49 prior 4 fiscal years. The calculation of the profit and loss for
50 the program shall include all revenue and costs, including
51 indirect costs as defined in s. 1010.21(2), and shall be
52 reported to the Department of Education and the district school
53 board within 60 days after the end of the district's fiscal
54 year.

55 (b) School food service programs in the state should
56 strive to operate in an efficient manner and require no
57 supplement of operating funds from the school district, which
58 funds are best used for other education-related activities. Each

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59 school district is encouraged to ensure that the authority,
 60 accountability, and responsibility for all revenue and costs,
 61 including, but not limited to pricing, offerings, purchasing,
 62 equipment, hiring, pay scales, promotion, retention, discipline
 63 and termination of employees, and other costs associated with
 64 the profitability of food services programs be vested in the
 65 district food service directors, in collaboration with school
 66 administrators. School districts shall ensure that such
 67 authority does not interfere with the ability of school
 68 administrators to provide for the safety and welfare of
 69 students, as provided by law.

70 Section 2. Paragraph (d) is added to subsection (2) of
 71 section 1010.20, Florida Statutes, to read:

72 1010.20 Cost accounting and reporting for school
 73 districts.--

74 (2) COST REPORTING.--

75 (d) The Department of Education shall annually prepare a
 76 report for submission to the President of the Senate, the
 77 Speaker of the House of Representatives, and the State Board of
 78 Education by October 1 of each year that identifies the school
 79 food service expenditures of each school district that are
 80 reported pursuant to s. 1006.06(6), including a narrative
 81 description of the extent to which school food services are
 82 self-supporting.

83 Section 3. Section 1010.21, Florida Statutes, is amended
 84 to read:

85 1010.21 Indirect costs.--

86 (1) District school boards shall assess district indirect
 87 costs only for services received by the program or institution

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88 against which such cost is assessed. When assigning each
89 specific indirect cost to multiple programs or institutions,
90 district school boards shall identify one basis for the
91 assessment of such cost and shall maintain the same basis for
92 assigning such cost to each program or institution.

93 (2) School districts shall identify all indirect costs
94 relating to school food service programs when preparing analyses
95 of program efficiency. Costs relating to school food service
96 programs shall include, but are not limited to, building
97 maintenance and depreciation, utilities, waste removal, pest
98 control, insurance, storage and distribution, printing,
99 administration of payroll, employee benefits and retirement,
100 purchasing, human resources, accounts payable and receivable
101 processing, and all other administrative services performed by
102 district staff to which a benefit to the school food service
103 program is derived. Indirect costs of the school food service
104 program shall include only those costs relating to the food
105 service program and shall be prorated to the school food service
106 program if the indirect costs also relate to other district
107 operations.

108 Section 4. Children's summer nutrition program.--

109 (1) This section may be referred to by the popular name
110 the "Ms. Willie Ann Glenn Act."

111 (2) By May 1, 2005, each school district shall develop a
112 plan to sponsor at least one summer nutrition program to operate
113 in the school district for at least 40 consecutive days during
114 the summer months. The summer nutrition program shall operate to
115 the extent possible within 5 miles of an elementary school at
116 which 50 percent or more of the students are eligible for free

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117 or reduced-price school meals, unless the school board requests
118 an exemption.

119 (3)(a) If a school board intends to be exempt from the
120 requirement to operate a summer nutrition program, it must
121 include the issue on an agenda at a regular or special school
122 board meeting that is publicly noticed, provide residents an
123 opportunity to participate in the discussion, and vote on
124 whether to be exempt from this section. The school board shall
125 notify the Commissioner of Education within 10 days after it
126 decides to become exempt from this section.

127 (b) Each year the school board shall reconsider its
128 decision and shall vote on whether to continue the exemption
129 from sponsoring a summer nutrition program. The school board
130 shall notify the Commissioner of Education within 10 days after
131 each subsequent year's decision whether to continue the
132 exemption.

133 (c) If a school board elects to be exempt from sponsoring
134 a summer nutrition program under this section, the school board
135 may encourage not-for-profit entities to sponsor the program. If
136 a not-for-profit entity chooses to sponsor the summer nutrition
137 program but fails to perform with regard to the program, the
138 district school board, the district, and the Department of
139 Education are not required to continue the program and shall be
140 held harmless from any liability arising from the
141 discontinuation of the summer food program.

142 (4) The superintendent of schools may collaborate with
143 municipal and county governmental agencies and private,
144 nonprofit leaders in implementing the plan. Although schools
145 have proven to be the optimal site for a summer food program,

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146 any nonprofit organization may serve as a site or sponsor. By
147 April 15 of each year, each participating school district shall
148 report to the department the district's summer food sites in
149 compliance with this section.

150 (5) The department shall provide to each school district
151 by February 15 of each year a list of local organizations that
152 have filed letters of intent to participate, so that a school
153 district can determine how many sites are needed to serve the
154 children and where to place each site.

155 Section 5. This act shall take effect upon becoming a law.