

By Senator Margolis

35-115-04

1 A bill to be entitled
2 An act relating to nutrition in elementary and
3 secondary schools; providing a short title;
4 providing nutritional standards for food that
5 is available to school children on school
6 campuses and that is sold for fundraising
7 purposes; requiring district school boards to
8 approve all food sold on school campuses or
9 sold for fundraising purposes; authorizing the
10 Department of Agriculture and Consumer Services
11 to impose a fine against a school
12 superintendent or other supervisory personnel
13 for violations of the act; amending s. 500.121,
14 F.S.; authorizing the department to impose a
15 fine against a food manufacturer, processor,
16 packer, or distributor that misrepresents
17 nutritional information on food labels;
18 providing an effective date.

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20 WHEREAS, in the United States approximately 300,000
21 deaths per year are currently associated with health
22 conditions that are caused or exacerbated by obesity, and the
23 total direct and indirect costs attributed to this condition
24 amounted to \$117 billion in the year 2000, and

25 WHEREAS, obesity among this state's adults nearly
26 doubled from 1986 to 2000, while the number of overweight
27 adolescents has tripled, and

28 WHEREAS, 14.2 percent of this state's high school
29 students are at risk of being overweight and 10.4 percent are
30 overweight; 13.2 percent of girls are at risk of being
31 overweight and 6.8 percent are overweight; and 15.1 percent of

1 boys are at risk of being overweight and 13.7 percent are
2 overweight, and

3 WHEREAS, during meal periods, federal regulations
4 prohibit the sale of certain foods in the food service area of
5 a school which are of minimal nutritional value, NOW,
6 THEREFORE,

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

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10 Section 1. Short title.--This act may be cited as the
11 "Childhood Obesity Prevention Act."

12 Section 2. Regulation of food sold on school campuses
13 and for fundraising purposes; penalties.--

14 (1) Effective for the 2004-2005 school year, food that
15 is sold a la carte or in vending machines on any public school
16 campus must meet the following criteria:

17 (a) From one-half hour before school begins to
18 one-half hour after the end of the school day, only the
19 following beverages may be sold to students on campus:

20 1. Any fruit juice or fruit-juice based drink that
21 contains at least 30 percent fruit juice.

22 2. Drinking water.

23 3. Low-fat, reduced-fat, and fat-free milk, including,
24 but not limited to, chocolate milk, strawberry milk, soy milk,
25 nondairy milk, and rice milk.

26 (b) From one-half hour before school begins to
27 one-half hour after the end of the school day, the following
28 snacks may not be sold to students on campus:

29 1. Any food that is of minimal nutritional value, as
30 defined in 7 C.F.R. s. 210.11(a)(2), or snacks that do not

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1 contain whole grain, enriched or fortified grains, or grain
2 products.

3 2. Any food that contains 35 percent of the total
4 calories from added sugars, excluding those sugars that are
5 naturally occurring.

6 (c) Beverages or food that is sold as a fundraising
7 tool by a school club, organization, or association must meet
8 the requirements of paragraphs (a) and (b).

9 (2) Each district school board shall regulate the
10 vending machines located on school campuses. The district
11 school board must approve all food sold in vending machines or
12 a la carte on school campuses or sold as fundraising tools to
13 ensure that the food meets the requirements under subsection
14 (1).

15 (3) The Department of Agriculture and Consumer
16 Services may impose a fine not exceeding \$500 per offense
17 against the school superintendent or the person responsible
18 for supervising the club, organization, or association if a
19 school stocks items in a vending machine or if a club,
20 organization, or association sells food as a fundraising tool
21 in violation of subsection (1). The fine shall be deposited
22 by the department in the Nutrition Education Trust Fund.

23 Section 3. Subsection (2) of section 500.121, Florida
24 Statutes, is amended to read:

25 500.121 Disciplinary procedures.--

26 (2)(a) Any manufacturer, processor, packer, or
27 distributor who misrepresents or mislabels the country of
28 origin of any food may, in addition to any penalty provided in
29 this chapter, be subject to an additional administrative fine
30 of up to \$10,000 per violation.

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