

By Senator Margolis

35-205B-05

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 each school's child  
8           nutrition program to approve all food sold on  
9           school campuses or sold for fundraising  
10          purposes; authorizing the Department of  
11          Education to impose a fine for violations of  
12          the act; amending s. 500.121, F.S.; authorizing  
13          the Department of Agriculture and Consumer  
14          Services to impose a fine against a food  
15          manufacturer, processor, packer, or distributor  
16          that misrepresents nutritional information on  
17          food labels; providing an effective date.

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

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

27           WHEREAS, during meal periods, federal regulations  
28          prohibit the sale of certain foods in the food service area of  
29          a school which are of minimal nutritional value, NOW,  
30          THEREFORE,

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

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

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

7 (1) Effective for the 2005-2006 school year, food that  
8 is sold a la carte or in vending machines on any public school  
9 campus must meet the following criteria:

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

13 1. Any vegetable juice, fruit juice, or  
14 fruit-juice-based drink that contains at least 30 percent  
15 fruit juice.

16 2. Drinking water.

17 3. Low-fat, reduced-fat, or fat-free milk, including,  
18 but not limited to, chocolate milk, strawberry milk, fortified  
19 soy milk, fortified nondairy milk, and fortified rice milk.

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

23 1. Any food that is of minimal nutritional value, as  
24 defined in 7 C.F.R. s. 210.11(a)(2), or snacks that do not  
25 contain whole grain, enriched or fortified grains, or grain  
26 products.

27 2. Any food that derives 35 percent or more of its  
28 total calories from added sugars, excluding those sugars that  
29 are naturally occurring.

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

4           (2) Each school's child nutrition program shall  
5 regulate the vending machines located on school campuses. The  
6 child nutrition program must approve all food sold in vending  
7 machines or a la carte on school campuses or sold as  
8 fundraising tools to ensure that the food meets the  
9 requirements under subsection (1).

10           (3) The Department of Education may impose a fine not  
11 exceeding \$500 per offense upon any person or entity that  
12 violates the food requirements under subsection (1).

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

15           500.121 Disciplinary procedures.--

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

21           (b) The Department of Agriculture and Consumer  
22 Services may impose a fine not exceeding \$10,000 against any  
23 manufacturer, processor, packer, or distributor that  
24 misrepresents nutritional information on food labels.

25           Section 4. This act shall take effect July 1, 2005.

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28           SENATE SUMMARY

29           Creates the Childhood Obesity Prevention Act. Provides  
30           nutritional standards for food that is available to  
31           school children on school campuses. Requires that each  
          school's child nutrition program approve all food sold on  
          public school campuses or sold for fundraising purposes.  
          Provides penalties.