

By the Committees on Education Pre-K - 12 Appropriations;  
Education Pre-K - 12; and Senators Wise, Gaetz, Fasano and  
Siplin

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1 A bill to be entitled

2 An act relating to school food service programs; amending  
3 s. 1006.06, F.S.; requiring school breakfast programs in  
4 middle and high schools; providing procedures for school  
5 breakfast programs; specifying requirements for setting  
6 prices of breakfast meals; requiring district school  
7 boards to consider policies for the provision of  
8 universal-free school breakfast meals in certain schools;  
9 requiring information to be communicated to students and  
10 parents; clarifying the allocation of funds for school  
11 breakfast programs; directing the Office of Program Policy  
12 Analysis and Government Accountability to submit a report  
13 on school district food service programs; providing an  
14 effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Subsection (5) of section 1006.06, Florida  
19 Statutes, is amended to read:

20 1006.06 School food service programs.--

21 (5) (a) Each district school board shall implement school  
22 breakfast programs ~~in all elementary schools~~ that make breakfast  
23 meals available to all students in ~~kindergarten through grade 6~~  
24 ~~in each district school, unless the elementary school.~~ By the  
25 beginning of the 2010-2011 school year, the school breakfast  
26 programs shall make breakfast meals available to all students in  
27 each elementary, middle, and high school. Each school shall, to  
28 the maximum extent practicable, make breakfast meals available to  
29 students at an alternative site location, which may include, but

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30 need not be limited to, "Grab 'n' Go" breakfast as described in  
31 publications of the Food and Nutrition Service of the United  
32 States Department of Agriculture for the federal School Breakfast  
33 Program goes only through grade 5, in which case the requirement  
34 shall apply only through grade 5. Each district school board  
35 shall implement breakfast programs in all elementary schools in  
36 which students are eligible for free and reduced price lunch  
37 meals, to the extent specifically funded in the General  
38 Appropriations Act.

39 (b) Beginning with the 2009-2010 school year, each school  
40 district must annually set prices for breakfast meals at rates  
41 that, combined with federal reimbursements, are sufficient to  
42 defray costs of school breakfast programs without requiring  
43 allocations from the district's operating funds, except if the  
44 district school board approves lower rates.

45 (c) Each district school board is encouraged to provide  
46 universal-free school breakfast meals to all students in each  
47 elementary, middle, and high school. By the beginning of the  
48 2010-2011 school year, each district school board shall approve  
49 or disapprove a policy, after receiving public testimony  
50 concerning the proposed policy at two or more regular meetings,  
51 which makes universal-free school breakfast meals available to  
52 all students in each elementary, middle, and high school in which  
53 80 percent or more of the students are eligible for free or  
54 reduced-price meals.

55 (d) Beginning with the 2009-2010 school year, each  
56 elementary, middle, and high school shall make a "Grab 'n' Go"  
57 breakfast meal available if a student arrives at school on the  
58 school bus less than 15 minutes before the first bell rings and

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59 shall allow the student at least 15 minutes to eat the breakfast.

60 (e) Each school district shall annually provide to all  
61 students in each elementary, middle, and high school information  
62 prepared by the district's food service administration regarding  
63 its school breakfast programs. The information shall be  
64 communicated through school announcements and written notice sent  
65 to all parents.

66 (f) A district school board may operate a breakfast program  
67 providing for food preparation at the school site or in central  
68 locations with distribution to designated satellite schools or  
69 any combination thereof.

70 (g) ~~(b)~~ The commissioner shall make every reasonable effort  
71 to ensure that any school designated a "severe need school"  
72 receives the highest rate of reimbursement to which it is  
73 entitled under pursuant to 42 U.S.C. s. 1773 for each ~~free and~~  
74 ~~reduced price~~ breakfast meal served.

75 (h) ~~(e)~~ The department shall annually allocate among the  
76 school districts funds provided from the ~~calculate and distribute~~  
77 a school district breakfast supplement for each school year by  
78 multiplying the state breakfast rate as specified in the General  
79 Appropriations Act based on each district's total ~~by the~~ number  
80 of free and reduced-price ~~reduced price~~ breakfast meals served.

81 ~~(d) The Legislature shall provide sufficient funds in the~~  
82 ~~General Appropriations Act to reimburse participating school~~  
83 ~~districts for the difference between the average federal~~  
84 ~~reimbursement for free and reduced price breakfasts and the~~  
85 ~~average statewide cost for breakfasts.~~

86 Section 2. (1) The Office of Program Policy Analysis and  
87 Government Accountability, by January 15, 2009, shall submit a

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88 report to the Governor, the President of the Senate, the Speaker  
89 of the House of Representatives, the members of the State Board  
90 of Education, and the Commissioner of Education on school  
91 district food service programs. The report shall:

92 (a) Estimate the district-by-district cost if each school  
93 district implements a universal-free school breakfast program in  
94 all elementary, middle, and high schools. The estimate shall  
95 consider the marginal costs per breakfast meal, anticipated  
96 increases in student participation rates, expected reductions in  
97 the marginal costs per breakfast meal which result from increased  
98 economies of scale, offsetting federal reimbursements, impact on  
99 the marginal costs per breakfast meal of limiting participation  
100 in a universal-free school breakfast program to schools having  
101 various percentages of students eligible for free or reduced-  
102 price meals, and impact on student participation rates and  
103 marginal costs per breakfast meal of alternatives to serving  
104 meals in school cafeterias. The estimate shall also consider the  
105 experiences of specific Florida schools and school districts  
106 implementing a universal-free school breakfast program.

107 (b) Determine the extent to which school district food  
108 service programs are fiscally self-sufficient or require  
109 financial support from other district operating funds.

110 (c) Examine for at least the previous 5 years the prices  
111 that school food service programs charged for meals, the  
112 frequency of price-level increases, and the relationship between  
113 increases in the costs per meal and price-level increases.

114 (d) Identify best practices for the efficient and effective  
115 operation of school district food service programs, which shall  
116 include strategies for a school district to reduce the costs of

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117 its food service programs without sacrificing the nutritional  
118 value of meals, including, but not limited to, the use of  
119 alternatives to the daily counting of meals at the point of  
120 service which are authorized under 7 C.F.R. s. 210.7(c)(2).

121 (e) Evaluate the methodology and forms used for school  
122 district food service programs to report their revenues and  
123 expenditures to the Department of Education. The evaluation shall  
124 assess whether the forms require food service programs to  
125 accurately report their total operating costs, including, but not  
126 limited to, food, labor, equipment, utilities, janitorial  
127 services, overhead, and indirect costs; whether the calculations  
128 submitted on the forms accurately report the average costs per  
129 meal; and whether information obtained from the forms as  
130 submitted to the department allows an equitable district-by-  
131 district comparison of the average costs per meal.

132 (f) Assess the methodology used to allocate funds provided  
133 in the General Appropriations Act for school district food  
134 service programs and the extent to which the allocation  
135 methodology creates incentives for the fiscal efficiency of the  
136 food service programs.

137 (g) Evaluate the organizational structure of the state for,  
138 and the state implementation and programmatic management of,  
139 federal programs administered by the Food and Nutrition Service  
140 of the United States Department of Agriculture, including, but  
141 not limited to, the National School Lunch Program, the federal  
142 School Breakfast Program, and the federal Summer Food Service  
143 Program.

144 (2) The Office of Program Policy Analysis and Government  
145 Accountability shall consult with staff of the education

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146 committees of the Senate and House of Representatives, the  
147 Department of Education, the Department of Agriculture and  
148 Consumer Services, and the Auditor General concerning the  
149 research design for the report.

150 Section 3. This act shall take effect July 1, 2008.