

By Senator Margolis

35-03709-08

20081708__

1 A bill to be entitled

2 An act relating to child nutrition; providing a short
3 title; amending ss. 402.305 and 1006.06, F.S.; providing
4 definitions; providing requirements for foods served in
5 child care facilities and school food service programs;
6 providing for exceptions and substitutions in certain
7 circumstances; amending s. 1003.453, F.S.; requiring a
8 school district's health education curriculum to include
9 nutrition education; requiring a study by the Department
10 of Agriculture and Consumer Services and the Department of
11 Education of the fiscal impact of establishing a statewide
12 Farm-to-School Program; requiring a report and
13 recommendations; providing an effective date.

14
15 WHEREAS, good nutrition practices in child care facilities
16 and schools help in the promotion of healthy eating habits for
17 children, and

18 WHEREAS, processed trans fats raise low-density lipoprotein
19 (LDL) and lower high-density lipoprotein (HDL) cholesterol levels
20 and provide no known benefit to the health of children, and

21 WHEREAS, the majority of meals served in schools exceed fat
22 content recommendations set by the United States Department of
23 Agriculture, and

24 WHEREAS, fat-free milk is recommended by the American
25 Academy of Pediatrics and the American Heart Association for
26 children 2 years of age and older, and

27 WHEREAS, whole grains reduce the risk of heart disease and
28 digestive disorders and are recommended by the American Academy
29 of Pediatrics, the American Heart Association, and other health

35-03709-08

20081708__

30 organizations, and

31 WHEREAS, unrestricted fruit juice consumption can lead to
32 excessive caloric intake, and limitation of the consumption of
33 fruit juice is recommended by the American Academy of Pediatrics,
34 and

35 WHEREAS, the effects of high-fructose corn syrup in the
36 diets of children are unknown, and

37 WHEREAS, nutrition education in Florida's schools will
38 motivate students to choose a healthy diet essential to normal
39 growth and development and to establish healthy lifelong eating
40 patterns, and

41 WHEREAS, the regulation of foods served in child care
42 facilities and schools and effective nutrition education in
43 kindergarten through grade 12 will promote the health and well-
44 being of children and are appropriate and beneficial, NOW,
45 THEREFORE,

46

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

48

49 Section 1. This act may be cited as the "Florida Healthier
50 Child Care and School Nutrition Act."

51 Section 2. Subsection (8) of section 402.305, Florida
52 Statutes, is amended to read:

53 402.305 Licensing standards; child care facilities.--

54 (8) NUTRITIONAL PRACTICES.--

55 (a) Minimum standards shall include requirements for the
56 provision of meals or snacks of a quality and quantity to ensure
57 ~~assure~~ that the nutritional needs of the child are met.

58 (b) As used in this subsection:

35-03709-08

20081708__

59 1. "High-fructose corn syrup" means a syrup consisting of a
60 combination of fructose and dextrose.

61 2. "Trans fats" means processed or artificially
62 hydrogenated or partially hydrogenated fats but does not include
63 the small amounts of these fats occurring naturally in milk and
64 meat.

65 3. "Whole grain" means grain that consists of the intact
66 grain seed or that consists of the ground, cracked, or flaked
67 grain seed the principal anatomical components of which are
68 present in the same relative proportions as exist in the intact
69 grain seed.

70 (c) Beginning August 1, 2009, in addition to state
71 requirements and requirements under the federal Child Care Food
72 Program, child care facilities:

73 1. Shall provide the following:

74 a. Only foods that do not contain trans fats. Foods that do
75 not contain trans fats are unprocessed natural foods and
76 processed or packaged foods labeled as containing zero trans fat
77 in accordance with United States Food and Drug Administration
78 standards. Foods without trans fat labeling are exempt from this
79 requirement until trans fat content information for such foods is
80 made available.

81 b. Whole wheat flour, white whole wheat flour, or whole
82 grain breads, baked goods, and pasta products in place of white
83 flour or processed grain breads, baked goods, and pastas.

84 c. Milk with a fat content of no more than 1 percent for
85 healthy children 2 years of age and older and whole milk for
86 healthy children under 2 years of age.

87 d. Fresh, frozen, unsweetened canned, or dried whole fruits

35-03709-08

20081708__

88 instead of fruit juice for at least half of all fruit servings
89 each week. No more than 6 ounces of fruit juice a day shall be
90 served to children under 7 years of age, and no more than 8
91 ounces of fruit juice a day shall be served to children 7 years
92 of age and older.

93 2. Shall not provide soft drinks, juices, or cereals
94 containing high-fructose corn syrup and shall not use high-
95 fructose corn syrup in sauces, jellies, or liquids.

96 3. Shall permit medically necessary exceptions for children
97 with appropriate documentation from a health professional.

98 4. May make substitutions if specified foods cannot be
99 reasonably obtained in instances of declared disaster or other
100 community crisis.

101 Section 3. Section 1003.453, Florida Statutes, is amended
102 to read:

103 1003.453 School wellness and physical education policies;
104 nutrition guidelines and education.--

105 (1) By September 1, 2006, each school district shall submit
106 to the Department of Education a copy of its school wellness
107 policy as required by the Child Nutrition and WIC Reauthorization
108 Act of 2004 and a copy of its physical education policy required
109 under s. 1003.455. Each school district shall annually review its
110 school wellness policy and physical education policy and provide
111 a procedure for public input and revisions. In addition, each
112 school district shall send an updated copy of its wellness policy
113 and physical education policy to the department when a change or
114 revision is made.

115 (2) By December 1, 2006, the department shall post links to
116 each school district's school wellness policy and physical

35-03709-08

20081708__

117 | education policy on its website so that the policies can be
118 | accessed and reviewed by the public. Each school district shall
119 | provide the most current versions of its school wellness policy
120 | and physical education policy on the district's website.

121 | (3) By December 1, 2006, the department must provide on its
122 | website links to resources that include information regarding:

123 | (a) Classroom instruction on the benefits of exercise and
124 | healthful eating.

125 | (b) Classroom instruction on the health hazards of using
126 | tobacco and being exposed to tobacco smoke.

127 | (c) The eight components of a coordinated school health
128 | program, including health education, physical education, health
129 | services, and nutrition services.

130 | (d) The core measures for school health and wellness, such
131 | as the School Health Index.

132 | (e) Access for each student to the nutritional content of
133 | foods and beverages and to healthful food choices in accordance
134 | with the dietary guidelines of the United States Department of
135 | Agriculture.

136 | (f) Multiple examples of school wellness policies for
137 | school districts.

138 | (g) Examples of wellness classes that provide nutrition
139 | education for teachers and school support staff, including
140 | encouragement to provide classes that are taught by a licensed
141 | nutrition professional from the school nutrition department.

142 | (4) Each school district shall provide students in each
143 | grade level, kindergarten through grade 12, with a health
144 | education curriculum that includes nutrition education. Nutrition
145 | education shall focus on increasing a student's knowledge of what

35-03709-08

20081708__

146 constitutes good nutrition with an emphasis on motivating the
147 student to make healthful food choices.

148 ~~(5)~~~~(4)~~ School districts are encouraged to provide basic
149 training in first aid, including cardiopulmonary resuscitation,
150 for all students, beginning in grade 6 and every 2 years
151 thereafter. Private and public partnerships for providing
152 training or necessary funding are encouraged.

153 Section 4. Subsection (6) is added to section 1006.06,
154 Florida Statutes, to read:

155 1006.06 School food service programs.--

156 (6) (a) As used in this subsection:

157 1. "High-fructose corn syrup" means a syrup consisting of a
158 combination of fructose and dextrose.

159 2. "Trans fats" means processed or artificially
160 hydrogenated or partially hydrogenated fats but does not include
161 the small amounts of these fats occurring naturally in milk and
162 meat.

163 3. "Whole grain" means grain that consists of the intact
164 grain seed or that consists of the ground, cracked, or flaked
165 grain seed the principal anatomical components of which are
166 present in the same relative proportions as exist in the intact
167 grain seed.

168 (b) Beginning with the 2009-2010 school year, in addition
169 to state and federal requirements, school food service programs:

170 1. Shall provide the following:

171 a. Only foods that do not contain trans fats. Foods that do
172 not contain trans fats are unprocessed natural foods and
173 processed or packaged foods labeled as containing zero trans fat
174 in accordance with United States Food and Drug Administration

35-03709-08

20081708__

175 standards. Foods without trans fat labeling are exempt from this
176 requirement until trans fat content information for such foods is
177 made available.

178 b. Whole wheat flour, white whole wheat flour, or whole
179 grain breads, baked goods, and pasta products in place of white
180 flour or processed grain breads, baked goods, and pastas.

181 c. Milk with a fat content of no more than 1 percent for
182 healthy students.

183 d. Fresh, frozen, unsweetened canned, or dried whole fruits
184 instead of fruit juice for at least half of all fruit servings
185 each week. No more than 6 ounces of fruit juice a day shall be
186 served to students under 7 years of age, and no more than 8
187 ounces of fruit juice a day shall be served to students 7 years
188 of age and older.

189 2. Shall not provide soft drinks, juices, or cereals
190 containing high-fructose corn syrup and shall not use high-
191 fructose corn syrup in sauces, jellies, and liquids.

192 3. Shall permit medically necessary exceptions for students
193 with appropriate documentation from a health professional.

194 4. May make substitutions if specified foods cannot be
195 reasonably obtained in instances of declared disaster or other
196 community crisis.

197 Section 5. The Department of Agriculture and Consumer
198 Services, in conjunction with the Department of Education, is
199 directed to study the fiscal impact of establishing a statewide
200 "Farm-to-School Program" to connect schools with farms for the
201 purposes of serving healthy meals in schools, improving student
202 nutrition, providing health and nutrition learning opportunities,
203 and supporting local and state farmers. A report and

35-03709-08

20081708__

204 recommendations shall be submitted to the Governor, the President
205 of the Senate, and the Speaker of the House of Representatives by
206 January 1, 2009.

207 Section 6. This act shall take effect July 1, 2008.