

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.

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

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 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

29 to students at an alternative site location, which may include,  
30 but is not 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  
33 Breakfast Program ~~goes only through grade 5, in which case the~~  
34 ~~requirement shall apply only through grade 5. Each district~~  
35 ~~school board shall implement breakfast programs in all~~  
36 ~~elementary schools in which students are eligible for free and~~  
37 ~~reduced price lunch meals, to the extent specifically funded in~~  
38 ~~the General 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 that makes universal-free school breakfast meals available to  
52 all students in each elementary, middle, and high school in  
53 which 80 percent or more of the students are eligible for free  
54 or 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  
59 shall allow the student at least 15 minutes to eat the  
60 breakfast.

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

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

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

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

83 ~~(d) The Legislature shall provide sufficient funds in the~~  
84 ~~General Appropriations Act to reimburse participating school~~

85 ~~districts for the difference between the average federal~~  
86 ~~reimbursement for free and reduced price breakfasts and the~~  
87 ~~average statewide cost for breakfasts.~~

88 Section 2. (1) The Office of Program Policy Analysis and  
89 Government Accountability, by January 15, 2009, shall submit a  
90 report to the Governor, the President of the Senate, the Speaker  
91 of the House of Representatives, the members of the State Board  
92 of Education, and the Commissioner of Education on school  
93 district food service programs. The report shall:

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

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

112 (c) Examine for at least the previous 5 years the prices

113 that school food service programs charged for meals, the  
114 frequency of price-level increases, and the relationship between  
115 increases in the costs per meal and price-level increases.

116 (d) Identify best practices for the efficient and  
117 effective operation of school district food service programs,  
118 which shall include strategies for a school district to reduce  
119 the costs of its food service programs without sacrificing the  
120 nutritional value of meals, including, but not limited to, the  
121 use of alternatives to the daily counting of meals at the point  
122 of service which are authorized under 7 C.F.R. s. 210.7(c)(2).

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

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

139 (g) Evaluate the organizational structure of the state  
140 for, and the state implementation and programmatic management

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141 of, federal programs administered by the Food and Nutrition  
142 Service of the United States Department of Agriculture,  
143 including, but not limited to, the National School Lunch  
144 Program, the federal School Breakfast Program, and the federal  
145 Summer Food Service Program.

146 (2) The Office of Program Policy Analysis and Government  
147 Accountability shall consult with staff of the education  
148 committees of the Senate and House of Representatives, the  
149 Department of Education, the Department of Agriculture and  
150 Consumer Services, and the Auditor General concerning the  
151 research design for the report.

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