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CS/HB 623, Engrossed 1

2008 Legislature

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

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29 to students at an alternative site location, which may include,
30 but need not be limited to, alternative breakfast options as
31 described in publications of the Food and Nutrition Service of
32 the United States Department of Agriculture for the federal
33 School Breakfast Program ~~goes only through grade 5, in which~~
34 ~~ease the requirement shall apply only through grade 5. Each~~
35 ~~district 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 which 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 breakfast meal

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57 available if a student arrives at school on the school bus less
 58 than 15 minutes before the first bell rings and shall allow the
 59 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
 65 sent to all parents.

66 (f) A district school board may operate a breakfast
 67 program providing for food preparation at the school site or in
 68 central locations with distribution to designated satellite
 69 schools or 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~~
 77 ~~distribute a school district breakfast supplement for each~~
 78 ~~school year by multiplying the state breakfast rate as specified~~
 79 ~~in the General Appropriations Act~~ based on each district's total
 80 ~~by the number of free and reduced-price ~~reduced-price~~ breakfast~~
 81 ~~meals served.~~

82 ~~(d) The Legislature shall provide sufficient funds in the~~
 83 ~~General Appropriations Act to reimburse participating school~~
 84 ~~districts for the difference between the average federal~~

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85 ~~reimbursement for free and reduced price breakfasts and the~~
86 ~~average statewide cost for breakfasts.~~

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

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

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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.

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