

By Senator Siplin

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1                   A bill to be entitled  
2           An act relating to school nutrition programs;  
3           providing a short title; transferring and reassigning  
4           functions and responsibilities, including records,  
5           personnel, property, and unexpended balances of  
6           appropriations and other resources for the  
7           administration of the school food and nutrition  
8           programs from the Department of Education to the  
9           Department of Agriculture and Consumer Services;  
10          creating s. 570.98, F.S.; requiring the Department of  
11          Agriculture and Consumer Services to conduct,  
12          supervise, and administer all school food and  
13          nutrition programs; requiring the department to  
14          cooperate fully with the United States Government;  
15          authorizing the department to act as agent of, or  
16          contract with, the Federal Government, other state  
17          agencies, or any county or municipal government for  
18          the administration of the school food and nutrition  
19          programs; transferring, renumbering, and amending s.  
20          1006.06, F.S., relating to school food service  
21          programs; conforming provisions to changes made by the  
22          act; deleting obsolete provisions; transferring,  
23          renumbering, and amending ss. 1006.0606 and 1010.77,  
24          F.S., relating to the children's summer nutrition  
25          program and the Food and Nutrition Services Trust  
26          Fund, respectively; conforming provisions to changes  
27          made by the act; deleting obsolete provisions;  
28          amending s. 1003.453, F.S.; requiring each school  
29          district to send an updated copy of its wellness

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30 policy and physical education policy to the Department  
31 of Education and the Department of Agriculture and  
32 Consumer Services; deleting obsolete provisions;  
33 requiring certain information to be accessible from  
34 the website of the Department of Agriculture and  
35 Consumer Services; providing an effective date.  
36

37 Be It Enacted by the Legislature of the State of Florida:  
38

39 Section 1. This act may be cited as the "Healthy Schools  
40 for Healthy Lives Act."

41 Section 2. All powers, duties, functions, records,  
42 personnel, property, pending issues and existing contracts,  
43 administrative authority, administrative rules, and unexpended  
44 balances of appropriations, allocations, and other funds for the  
45 administration of the school food and nutrition programs are  
46 transferred by a type two transfer, as defined in s. 20.06(2),  
47 Florida Statutes, from the Department of Education to the  
48 Department of Agriculture and Consumer Services.

49 Section 3. Section 570.98, Florida Statutes, is created to  
50 read:

51 570.98 School food and nutrition programs.-

52 (1) The department shall conduct, supervise, and administer  
53 all school food and nutrition programs that will be carried out  
54 using federal or state funds, or funds from any other source.

55 (2) The department shall cooperate fully with the United  
56 States Government and its agencies and instrumentalities so that  
57 the department may receive the benefit of all federal financial  
58 allotments and assistance possible to carry out the purposes of

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59 this chapter.

60 (3) The department may act as agent of, or contract with,  
61 the Federal Government, another state agency, or any county or  
62 municipal government for the administration of the school food  
63 and nutrition programs, including the distribution of funds  
64 provided by the Federal Government to support the school food  
65 and nutrition programs.

66 Section 4. Section 1006.06, Florida Statutes, is  
67 transferred, renumbered as section 570.981, Florida Statutes,  
68 and amended to read:

69 570.981 ~~1006.06~~ School food service programs.—

70 (1) In recognition of the demonstrated relationship between  
71 good nutrition and the capacity of students to develop and  
72 learn, it is the policy of the state to provide standards for  
73 school food service and to require district school boards to  
74 establish and maintain an appropriate private school food  
75 service program consistent with the nutritional needs of  
76 students.

77 (2) The department ~~State Board of Education~~ shall adopt  
78 rules covering the administration and operation of the school  
79 food service programs.

80 (3) Each district school board shall consider the  
81 recommendations of the district school superintendent and adopt  
82 policies to provide for an appropriate food and nutrition  
83 program for students consistent with federal law and department  
84 ~~State Board of Education~~ rule.

85 (4) The state shall provide the state National School Lunch  
86 Act matching requirements. The funds provided shall be  
87 distributed in such a manner as to comply with the requirements

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88 of the National School Lunch Act.

89 (5) (a) Each district school board shall implement school  
90 breakfast programs that make breakfast meals available to all  
91 students in each elementary school. ~~By the beginning of the~~  
92 ~~2010-2011 school year,~~ Universal school breakfast programs shall  
93 be offered in schools in which 80 percent or more of the  
94 students are eligible for free or reduced-price meals. Each  
95 school shall, to the maximum extent practicable, make breakfast  
96 meals available to students at an alternative site location,  
97 which may include, but need not be limited to, alternative  
98 breakfast options as described in publications of the Food and  
99 Nutrition Service of the United States Department of Agriculture  
100 for the federal School Breakfast Program.

101 (b) ~~Beginning with the 2009-2010 school year,~~ Each school  
102 district must annually set prices for breakfast meals at rates  
103 that, combined with federal reimbursements and state  
104 allocations, are sufficient to defray costs of school breakfast  
105 programs without requiring allocations from the district's  
106 operating funds, except if the district school board approves  
107 lower rates.

108 (c) Each district school board is encouraged to provide  
109 universal-free school breakfast meals to all students in each  
110 elementary, middle, and high school. ~~By the beginning of the~~  
111 ~~2010-2011 school year,~~ Each district school board shall approve  
112 or disapprove a policy, after receiving public testimony  
113 concerning the proposed policy at two or more regular meetings,  
114 which makes universal-free school breakfast meals available to  
115 all students in each elementary, middle, and high school in  
116 which 80 percent or more of the students are eligible for free

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117 or reduced-price meals.

118 (d) ~~Beginning with the 2009-2010 school year,~~ Each  
119 elementary, middle, and high school shall make a breakfast meal  
120 available if a student arrives at school on the school bus less  
121 than 15 minutes before the first bell rings and shall allow the  
122 student at least 15 minutes to eat the breakfast.

123 (e) Each school district shall annually provide to all  
124 students in each elementary, middle, and high school information  
125 prepared by the district's food service administration regarding  
126 its school breakfast programs. The information shall be  
127 communicated through school announcements and written notice  
128 sent to all parents.

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

133 (g) The commissioner shall make every reasonable effort to  
134 ensure that any school designated as a "severe need school"  
135 receives the highest rate of reimbursement to which it is  
136 entitled under 42 U.S.C. s. 1773 for each breakfast meal served.

137 (h) The department shall annually allocate among the school  
138 districts funds provided from the school breakfast supplement in  
139 the General Appropriations Act based on each district's total  
140 number of free and reduced-price breakfast meals served.

141 (6) The Legislature, recognizing that school children need  
142 nutritious food not only for healthy physical and intellectual  
143 development but also to combat diseases related to poor  
144 nutrition and obesity, establishes the Florida Farm Fresh  
145 Schools Program within the department ~~of Education as the lead~~

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146 ~~agency for the program.~~ The program shall comply with the  
147 regulations of the National School Lunch Program and require:

148 (a) ~~The department of Education to work with the Department~~  
149 ~~of Agriculture and Consumer Services~~ to develop policies  
150 pertaining to school food services which encourage:

151 1. School districts to buy fresh and high-quality foods  
152 grown in this state when feasible.

153 2. Farmers in this state to sell their products to school  
154 districts and schools.

155 3. School districts and schools to demonstrate a preference  
156 for competitively priced organic food products.

157 (b) School districts and schools to make reasonable efforts  
158 to select foods based on a preference for those that have  
159 maximum nutritional content.

160 (c) ~~The department of Education, in collaboration with the~~  
161 ~~Department of Agriculture and Consumer Services,~~ to provide  
162 outreach, guidance, and training to school districts, schools,  
163 school food service directors, parent and teacher organizations,  
164 and students about the benefits of fresh food products from  
165 farms in this state.

166 Section 5. Section 1006.0606, Florida Statutes, is  
167 transferred, renumbered as section 570.982, Florida Statutes,  
168 and amended to read:

169 570.982 ~~1006.0606~~ Children's summer nutrition program.—

170 (1) This section may be cited as the "Ms. Willie Ann Glenn  
171 Act."

172 (2) Each district school board shall develop a plan ~~by May~~  
173 ~~1, 2006,~~ to sponsor a summer nutrition program ~~beginning the~~  
174 ~~summer of 2006~~ to operate sites in the school district as

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175 follows:

176 (a) Within 5 miles of at least one elementary school at  
177 which 50 percent or more of the students are eligible for free  
178 or reduced-price school meals and for the duration of 35  
179 consecutive days; and

180 (b) Except as operated pursuant to paragraph (a), within 10  
181 miles of each elementary school at which 50 percent or more of  
182 the students are eligible for free or reduced-price school  
183 meals.

184 (3) (a) A district school board ~~boards~~ may be exempt from  
185 sponsoring a summer nutrition program pursuant to this section.  
186 A district school board seeking such exemption must include the  
187 issue on an agenda at a regular or special district school board  
188 meeting that is publicly noticed, provide residents an  
189 opportunity to participate in the discussion, and vote on  
190 whether to be exempt from this section. The district school  
191 board shall notify the commissioner ~~of Education~~ within 10 days  
192 after it decides to become exempt from this section.

193 (b) Each year the district school board shall reconsider  
194 its decision to be exempt from the provisions of this section  
195 and shall vote on whether to continue the exemption from  
196 sponsoring a summer nutrition program. The district school board  
197 shall notify the commissioner ~~of Education~~ within 10 days after  
198 each subsequent year's decision to continue the exemption.

199 (c) If a district school board elects to be exempt from  
200 sponsoring a summer nutrition program under this section, the  
201 district school board may encourage not-for-profit entities to  
202 sponsor the program. If a not-for-profit entity chooses to  
203 sponsor the summer nutrition program but fails to perform with

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204 regard to the program, the district school board, the school  
205 district, and the department ~~of Education~~ are not required to  
206 continue the program and shall be held harmless from any  
207 liability arising from the discontinuation of the summer  
208 nutrition program.

209 (4) The superintendent of schools may collaborate with  
210 municipal and county governmental agencies and private, not-for-  
211 profit leaders in implementing the plan. Although schools have  
212 proven to be the optimal site for a summer nutrition program,  
213 any not-for-profit entity may serve as a site or sponsor. By  
214 April 15 of each year, each school district with a summer  
215 nutrition program shall report to the department the district's  
216 summer nutrition program sites in compliance with this section.

217 (5) The department shall provide to each district school  
218 board by February 15 of each year a list of local organizations  
219 that have filed letters of intent to participate in the summer  
220 nutrition program in order that a district school board is able  
221 to determine how many sites are needed to serve the children and  
222 where to place each site.

223 Section 6. Section 1010.77, Florida Statutes, is  
224 transferred, renumbered as section 570.983, Florida Statutes,  
225 and amended to read:

226 570.983 ~~1010.77~~ Food and Nutrition Services Trust Fund.—  
227 Chapter 99-34, Laws of Florida, re-created the Food and  
228 Nutrition Services Trust Fund to record revenue and  
229 disbursements of Federal Food and Nutrition funds received by  
230 the department ~~of Education~~ as authorized in s. 570.981 ~~s.~~  
231 ~~1006.06~~.

232 Section 7. Section 1003.453, Florida Statutes, is amended

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233 to read:

234 1003.453 School wellness and physical education policies;  
235 nutrition guidelines.-

236 (1) ~~By September 1, 2006,~~ Each school district shall submit  
237 to the Department of Education a copy of its school wellness  
238 policy as required by the Child Nutrition and WIC  
239 Reauthorization Act of 2004 and a copy of its physical education  
240 policy required under s. 1003.455. Each school district shall  
241 annually review its school wellness policy and physical  
242 education policy and provide a procedure for public input and  
243 revisions. In addition, each school district shall send an  
244 updated copy of its wellness policy and physical education  
245 policy to the department and to the Department of Agriculture  
246 and Consumer Services when a change or revision is made.

247 (2) ~~By December 1, 2006,~~ The department shall post links to  
248 each school district's school wellness policy and physical  
249 education policy on its website so that the policies can be  
250 accessed and reviewed by the public. Each school district shall  
251 provide the most current versions of its school wellness policy  
252 and physical education policy on the district's website.

253 (3) ~~By December 1, 2006,~~ The department must provide on its  
254 website links to resources that include information regarding:

255 (a) Classroom instruction on the benefits of exercise and  
256 healthful eating.

257 (b) Classroom instruction on the health hazards of using  
258 tobacco and being exposed to tobacco smoke.

259 (c) The eight components of a coordinated school health  
260 program, including health education, physical education, health  
261 services, and nutrition services.

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262 (d) The core measures for school health and wellness, such  
263 as the School Health Index.

264 (e) Access for each student to the nutritional content of  
265 foods and beverages and to healthful food choices in accordance  
266 with the dietary guidelines of the United States Department of  
267 Agriculture. This information shall also be accessible from the  
268 website of the Department of Agriculture and Consumer Services.

269 (f) Multiple examples of school wellness policies for  
270 school districts.

271 (g) Examples of wellness classes that provide nutrition  
272 education for teachers and school support staff, including  
273 encouragement to provide classes that are taught by a licensed  
274 nutrition professional from the school nutrition department.

275 (4) School districts are encouraged to provide basic  
276 training in first aid, including cardiopulmonary resuscitation,  
277 for all students, beginning in grade 6 and every 2 years  
278 thereafter. Private and public partnerships for providing  
279 training or necessary funding are encouraged.

280 Section 8. This act shall take effect July 1, 2011.