

By the Committee on Agriculture; and Senators Siplin and Gaetz

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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; creating the Healthy Schools for  
36 Healthy Lives Council within the Department of  
37 Agriculture and Consumer Services; requiring the  
38 Commissioner of Agriculture to appoint members of the  
39 council; providing duties of the council; providing  
40 requirements for the meetings, powers, duties,  
41 procedures, and recordkeeping of the council;  
42 providing an effective date.

43  
44 Be It Enacted by the Legislature of the State of Florida:

45  
46 Section 1. This act may be cited as the "Healthy Schools  
47 for Healthy Lives Act."

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

56 Section 3. Section 570.98, Florida Statutes, is created to  
57 read:

58 570.98 School food and nutrition programs.-

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

62       (2) The department shall cooperate fully with the United  
63 States Government and its agencies and instrumentalities so that  
64 the department may receive the benefit of all federal financial  
65 allotments and assistance possible to carry out the purposes of  
66 this chapter.

67       (3) The department may act as agent of, or contract with,  
68 the Federal Government, another state agency, or any county or  
69 municipal government for the administration of the school food  
70 and nutrition programs, including the distribution of funds  
71 provided by the Federal Government to support the school food  
72 and nutrition programs.

73       Section 4. Section 1006.06, Florida Statutes, is  
74 transferred, renumbered as section 570.981, Florida Statutes,  
75 and amended to read:

76       570.981 ~~1006.06~~ School food service programs.—

77       (1) In recognition of the demonstrated relationship between  
78 good nutrition and the capacity of students to develop and  
79 learn, it is the policy of the state to provide standards for  
80 school food service and to require district school boards to  
81 establish and maintain an appropriate private school food  
82 service program consistent with the nutritional needs of  
83 students.

84       (2) The department ~~State Board of Education~~ shall adopt  
85 rules covering the administration and operation of the school  
86 food service programs.

87       (3) Each district school board shall consider the

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88 recommendations of the district school superintendent and adopt  
89 policies to provide for an appropriate food and nutrition  
90 program for students consistent with federal law and department  
91 ~~State Board of Education~~ rule.

92 (4) The state shall provide the state National School Lunch  
93 Act matching requirements. The funds provided shall be  
94 distributed in such a manner as to comply with the requirements  
95 of the National School Lunch Act.

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

108 (b) ~~Beginning with the 2009-2010 school year,~~ Each school  
109 district must annually set prices for breakfast meals at rates  
110 that, combined with federal reimbursements and state  
111 allocations, are sufficient to defray costs of school breakfast  
112 programs without requiring allocations from the district's  
113 operating funds, except if the district school board approves  
114 lower rates.

115 (c) Each district school board is encouraged to provide  
116 universal-free school breakfast meals to all students in each

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117 elementary, middle, and high school. ~~By the beginning of the~~  
118 ~~2010-2011 school year,~~ Each district school board shall approve  
119 or disapprove a policy, after receiving public testimony  
120 concerning the proposed policy at two or more regular meetings,  
121 which makes universal-free school breakfast meals available to  
122 all students in each elementary, middle, and high school in  
123 which 80 percent or more of the students are eligible for free  
124 or reduced-price meals.

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

130 (e) Each school district shall annually provide to all  
131 students in each elementary, middle, and high school information  
132 prepared by the district's food service administration regarding  
133 its school breakfast programs. The information shall be  
134 communicated through school announcements and written notice  
135 sent to all parents.

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

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

144 (h) The department shall annually allocate among the school  
145 districts funds provided from the school breakfast supplement in

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146 the General Appropriations Act based on each district's total  
147 number of free and reduced-price breakfast meals served.

148 (6) The Legislature, recognizing that school children need  
149 nutritious food not only for healthy physical and intellectual  
150 development but also to combat diseases related to poor  
151 nutrition and obesity, establishes the Florida Farm Fresh  
152 Schools Program within the department ~~of Education as the lead~~  
153 ~~agency for the program~~. The program shall comply with the  
154 regulations of the National School Lunch Program and require:

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

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

160 2. Farmers in this state to sell their products to school  
161 districts and schools.

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

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

167 (c) The department ~~of Education, in collaboration with the~~  
168 ~~Department of Agriculture and Consumer Services,~~ to provide  
169 outreach, guidance, and training to school districts, schools,  
170 school food service directors, parent and teacher organizations,  
171 and students about the benefits of fresh food products from  
172 farms in this state.

173 Section 5. Section 1006.0606, Florida Statutes, is  
174 transferred, renumbered as section 570.982, Florida Statutes,

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175 and amended to read:

176 570.982 ~~1006.0606~~ Children's summer nutrition program.—

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

179 (2) Each district school board shall develop a plan ~~by May~~  
180 ~~1, 2006,~~ to sponsor a summer nutrition program ~~beginning the~~  
181 ~~summer of 2006~~ to operate sites in the school district as  
182 follows:

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

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

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

200 (b) Each year the district school board shall reconsider  
201 its decision to be exempt from the provisions of this section  
202 and shall vote on whether to continue the exemption from  
203 sponsoring a summer nutrition program. The district school board

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204 shall notify the commissioner ~~of Education~~ within 10 days after  
205 each subsequent year's decision to continue the exemption.

206 (c) If a district school board elects to be exempt from  
207 sponsoring a summer nutrition program under this section, the  
208 district school board may encourage not-for-profit entities to  
209 sponsor the program. If a not-for-profit entity chooses to  
210 sponsor the summer nutrition program but fails to perform with  
211 regard to the program, the district school board, the school  
212 district, and the department ~~of Education~~ are not required to  
213 continue the program and shall be held harmless from any  
214 liability arising from the discontinuation of the summer  
215 nutrition program.

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

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

230 Section 6. Section 1010.77, Florida Statutes, is  
231 transferred, renumbered as section 570.983, Florida Statutes,  
232 and amended to read:



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233        570.983 ~~1010.77~~ Food and Nutrition Services Trust Fund.—  
234 Chapter 99-34, Laws of Florida, re-created the Food and  
235 Nutrition Services Trust Fund to record revenue and  
236 disbursements of Federal Food and Nutrition funds received by  
237 the department of ~~Education~~ as authorized in s. 570.981 ~~s.~~  
238 ~~1006.06~~.

239        Section 7. Section 1003.453, Florida Statutes, is amended  
240 to read:

241        1003.453 School wellness and physical education policies;  
242 nutrition guidelines.—

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

254        (2) ~~By December 1, 2006,~~ The department shall post links to  
255 each school district's school wellness policy and physical  
256 education policy on its website so that the policies can be  
257 accessed and reviewed by the public. Each school district shall  
258 provide the most current versions of its school wellness policy  
259 and physical education policy on the district's website.

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

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262 (a) Classroom instruction on the benefits of exercise and  
263 healthful eating.

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

266 (c) The eight components of a coordinated school health  
267 program, including health education, physical education, health  
268 services, and nutrition services.

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

271 (e) Access for each student to the nutritional content of  
272 foods and beverages and to healthful food choices in accordance  
273 with the dietary guidelines of the United States Department of  
274 Agriculture. This information shall also be accessible from the  
275 website of the Department of Agriculture and Consumer Services.

276 (f) Multiple examples of school wellness policies for  
277 school districts.

278 (g) Examples of wellness classes that provide nutrition  
279 education for teachers and school support staff, including  
280 encouragement to provide classes that are taught by a licensed  
281 nutrition professional from the school nutrition department.

282 (4) School districts are encouraged to provide basic  
283 training in first aid, including cardiopulmonary resuscitation,  
284 for all students, beginning in grade 6 and every 2 years  
285 thereafter. Private and public partnerships for providing  
286 training or necessary funding are encouraged.

287 Section 8. (1) There is created within the Department of  
288 Agriculture and Consumer Services the Healthy Schools for  
289 Healthy Lives Council, which shall consist of 11 members  
290 appointed by the Commissioner of Agriculture. The council shall

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291 advise the department on matters relating to nutritional  
292 standards and the prevention of childhood obesity, nutrition  
293 education, anaphylaxis, and other needs to further the  
294 development of the various school nutrition programs.

295 (2) The meetings, powers, duties, procedures, and  
296 recordkeeping of the Healthy Schools for Healthy Lives Council  
297 shall be governed by s. 570.0705, Florida Statutes, relating to  
298 advisory committees established within the department.

299 Section 9. This act shall take effect July 1, 2011.