

HB 7219

2011

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

Page 1 of 11

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb7219-00

HB 7219

2011

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

34

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

36

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

39 Section 2. The Food and Nutrition Services Trust Fund,
 40 FLAIR number 48-2-2315, in the Department of Education is
 41 transferred to the Department of Agriculture and Consumer
 42 Services, FLAIR number 42-2-2315.

43 Section 3. All powers, duties, functions, records,
 44 personnel, property, pending issues and existing contracts,
 45 administrative authority, administrative rules, and unexpended
 46 balances of appropriations, allocations, and other funds for the
 47 administration of the school food service and nutrition programs
 48 are transferred by a type two transfer, as defined in s.
 49 20.06(2), Florida Statutes, from the Department of Education to
 50 the Department of Agriculture and Consumer Services.

51 Section 4. Section 570.98, Florida Statutes, is created to
 52 read:

53 570.98 School food service and nutrition programs.—

54 (1) The department shall conduct, supervise, and
 55 administer all school food service and nutrition programs that

56 are carried out using federal funds, state funds, or funds from
 57 any other source.

58 (2) The department shall cooperate fully with the Federal
 59 Government and its agencies and instrumentalities so that the
 60 department may receive the benefit of all federal financial
 61 allotments and assistance possible to carry out the purposes of
 62 ss. 570.98-570.983.

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

69 Section 5. Section 1006.06, Florida Statutes, is
 70 renumbered as section 570.981, Florida Statutes, and amended to
 71 read:

72 570.981 ~~1006.06~~ School food service programs.—

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

80 (2) The department ~~State Board of Education~~ shall adopt
 81 rules covering the administration and operation of the school
 82 food service programs.

83 (3) Each district school board shall consider the

HB 7219

2011

84 | recommendations of the district school superintendent and adopt
85 | policies to provide for an appropriate food and nutrition
86 | program for students consistent with federal law and department
87 | ~~State Board of Education~~ rule.

88 | (4) The state shall provide the state National School
89 | Lunch Act matching requirements. The funds provided shall be
90 | distributed in such a manner as to comply with the requirements
91 | of the National School Lunch Act.

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

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

111 | (c) Each district school board is encouraged to provide

HB 7219

2011

112 universal-free school breakfast meals to all students in each
113 elementary, middle, and high school. ~~By the beginning of the~~
114 ~~2010-2011 school year,~~ Each district school board shall approve
115 or disapprove a policy, after receiving public testimony
116 concerning the proposed policy at two or more regular meetings,
117 which makes universal-free school breakfast meals available to
118 all students in each elementary, middle, and high school in
119 which 80 percent or more of the students are eligible for free
120 or reduced-price meals.

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

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

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

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

HB 7219

2011

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

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

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

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

157 2. Farmers in this state to sell their products to school
 158 districts and schools.

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

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

164 (c) The department ~~of Education, in collaboration with the~~
 165 ~~Department of Agriculture and Consumer Services,~~ to provide
 166 outreach, guidance, and training to school districts, schools,
 167 school food service directors, parent and teacher organizations,

HB 7219

2011

168 and students about the benefits of fresh food products from
 169 farms in this state.

170 Section 6. Section 1006.0606, Florida Statutes, is
 171 renumbered as section 570.982, Florida Statutes, and amended to
 172 read:

173 570.982 ~~1006.0606~~ Children's summer nutrition program.—

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

176 (2) Each district school board shall develop a plan ~~by May~~
 177 ~~1, 2006,~~ to sponsor a summer nutrition program ~~beginning the~~
 178 ~~summer of 2006~~ to operate sites in the school district as
 179 follows:

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

184 (b) Except as operated pursuant to paragraph (a), within
 185 10 miles of each elementary school at which 50 percent or more
 186 of the students are eligible for free or reduced-price school
 187 meals.

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

HB 7219

2011

196 after it decides to become exempt from this section.

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

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

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

221 (5) The department shall provide to each district school
222 board by February 15 of each year a list of local organizations
223 that have filed letters of intent to participate in the summer

HB 7219

2011

224 nutrition program in order that a district school board is able
 225 to determine how many sites are needed to serve the children and
 226 where to place each site.

227 Section 7. Section 1010.77, Florida Statutes, is
 228 renumbered as section 570.983, Florida Statutes, and amended to
 229 read:

230 570.983 ~~1010.77~~ Food and Nutrition Services Trust Fund.—
 231 Chapter 99-37 ~~99-34~~, Laws of Florida, re-created the Food and
 232 Nutrition Services Trust Fund to record revenue and
 233 disbursements of Federal Food and Nutrition funds received by
 234 the department of ~~Education~~ as authorized in s. 570.981 ~~1006.06~~.

235 Section 8. Section 1003.453, Florida Statutes, is amended
 236 to read:

237 1003.453 School wellness and physical education policies;
 238 nutrition guidelines.—

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

250 (2) ~~By December 1, 2006,~~ The department shall post links
 251 to each school district's school wellness policy and physical

HB 7219

2011

252 education policy on its website so that the policies can be
253 accessed and reviewed by the public. Each school district shall
254 provide the most current versions of its school wellness policy
255 and physical education policy on the district's website.

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

259 (a) Classroom instruction on the benefits of exercise and
260 healthful eating.

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

263 (c) The eight components of a coordinated school health
264 program, including health education, physical education, health
265 services, and nutrition services.

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

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

273 (f) Multiple examples of school wellness policies for
274 school districts.

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

279 (4) School districts are encouraged to provide basic

HB 7219

2011

280 training in first aid, including cardiopulmonary resuscitation,
281 for all students, beginning in grade 6 and every 2 years
282 thereafter. Private and public partnerships for providing
283 training or necessary funding are encouraged.

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