

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

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; repealing s. 1010.77, F.S., relating to the Food
 34 and Nutrition Services Trust Fund; requiring the
 35 Department of Education, in consultation with the
 36 Department of Agriculture and Consumer Services, to
 37 develop and submit a request for a waiver to the United
 38 States Department of Agriculture to transfer
 39 administration of the school food service and nutrition
 40 programs; requiring notification relating to the outcome
 41 of the request for a waiver; providing for contingent
 42 effect based upon federal approval of a request for a
 43 waiver; providing effective dates.

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

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

49 Section 2. The Food and Nutrition Services Trust Fund,
 50 FLAIR number 48-2-2315, in the Department of Education is
 51 transferred to the Department of Agriculture and Consumer
 52 Services, FLAIR number 42-2-2315.

53 Section 3. All powers, duties, functions, records,
 54 personnel, property, pending issues and existing contracts,
 55 administrative authority, administrative rules, and unexpended
 56 balances of appropriations, allocations, and other funds for the

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57 administration of the school food service and nutrition programs
 58 are transferred by a type two transfer, as defined in s.
 59 20.06(2), Florida Statutes, from the Department of Education to
 60 the Department of Agriculture and Consumer Services.

61 Section 4. Section 570.98, Florida Statutes, is created to
 62 read:

63 570.98 School food service and nutrition programs.-

64 (1) The department shall conduct, supervise, and
 65 administer all school food service and nutrition programs that
 66 are carried out using federal funds, state funds, or funds from
 67 any other source.

68 (2) The department shall cooperate fully with the Federal
 69 Government and its agencies and instrumentalities so that the
 70 department may receive the benefit of all federal financial
 71 allotments and assistance possible to carry out the purposes of
 72 ss. 570.98-570.983.

73 (3) The department may act as agent of, or contract with,
 74 the Federal Government, another state agency, or any county or
 75 municipal government for the administration of the school food
 76 service and nutrition programs, including the distribution of
 77 funds provided by the Federal Government to support the school
 78 food service and nutrition programs.

79 Section 5. Section 1006.06, Florida Statutes, is
 80 renumbered as section 570.981, Florida Statutes, and amended to
 81 read:

82 570.981 ~~1006.06~~ School food service programs.-

83 (1) In recognition of the demonstrated relationship
 84 between good nutrition and the capacity of students to develop

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85 and learn, it is the policy of the state to provide standards
86 for school food service and to require district school boards to
87 establish and maintain an appropriate private school food
88 service program consistent with the nutritional needs of
89 students.

90 (2) The department ~~State Board of Education~~ shall adopt
91 rules covering the administration and operation of the school
92 food service programs.

93 (3) Each district school board shall consider the
94 recommendations of the district school superintendent and adopt
95 policies to provide for an appropriate food and nutrition
96 program for students consistent with federal law and department
97 ~~State Board of Education~~ rule.

98 (4) The state shall provide the state National School
99 Lunch Act matching requirements. The funds provided shall be
100 distributed in such a manner as to comply with the requirements
101 of the National School Lunch Act.

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

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113 for the federal School Breakfast Program.

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

121 (c) Each district school board is encouraged to provide
122 universal-free school breakfast meals to all students in each
123 elementary, middle, and high school. ~~By the beginning of the~~
124 ~~2010-2011 school year,~~ Each district school board shall approve
125 or disapprove a policy, after receiving public testimony
126 concerning the proposed policy at two or more regular meetings,
127 which makes universal-free school breakfast meals available to
128 all students in each elementary, middle, and high school in
129 which 80 percent or more of the students are eligible for free
130 or reduced-price meals.

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

136 (e) Each school district shall annually provide to all
137 students in each elementary, middle, and high school information
138 prepared by the district's food service administration regarding
139 its school breakfast programs. The information shall be
140 communicated through school announcements and written notice

141 sent to all parents.

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

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

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

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

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

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

167 2. Farmers in this state to sell their products to school
 168 districts and schools.

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

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

174 (c) The department ~~of Education, in collaboration with the~~
175 ~~Department of Agriculture and Consumer Services,~~ to provide
176 outreach, guidance, and training to school districts, schools,
177 school food service directors, parent and teacher organizations,
178 and students about the benefits of fresh food products from
179 farms in this state.

180 Section 6. Section 1006.0606, Florida Statutes, is
181 renumbered as section 570.982, Florida Statutes, and amended to
182 read:

183 570.982 ~~1006.0606~~ Children's summer nutrition program.—

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

186 (2) Each district school board shall develop a plan ~~by May~~
187 ~~1, 2006,~~ to sponsor a summer nutrition program ~~beginning the~~
188 ~~summer of 2006~~ to operate sites in the school district as
189 follows:

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

194 (b) Except as operated pursuant to paragraph (a), within
195 10 miles of each elementary school at which 50 percent or more
196 of the students are eligible for free or reduced-price school

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197 meals.

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

207 (b) Each year the district school board shall reconsider
208 its decision to be exempt from the provisions of this section
209 and shall vote on whether to continue the exemption from
210 sponsoring a summer nutrition program. The district school board
211 shall notify the commissioner ~~of Education~~ within 10 days after
212 each subsequent year's decision to continue the exemption.

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

223 (4) The superintendent of schools may collaborate with
224 municipal and county governmental agencies and private, not-for-

225 | profit leaders in implementing the plan. Although schools have
 226 | proven to be the optimal site for a summer nutrition program,
 227 | any not-for-profit entity may serve as a site or sponsor. By
 228 | April 15 of each year, each school district with a summer
 229 | nutrition program shall report to the department the district's
 230 | summer nutrition program sites in compliance with this section.

231 | (5) The department shall provide to each district school
 232 | board by February 15 of each year a list of local organizations
 233 | that have filed letters of intent to participate in the summer
 234 | nutrition program in order that a district school board is able
 235 | to determine how many sites are needed to serve the children and
 236 | where to place each site.

237 | Section 7. Section 1010.77, Florida Statutes, is
 238 | renumbered as section 570.983, Florida Statutes, and amended to
 239 | read:

240 | 570.983 ~~1010.77~~ Food and Nutrition Services Trust Fund.—
 241 | Chapter 99-37 ~~99-34~~, Laws of Florida, re-created the Food and
 242 | Nutrition Services Trust Fund to record revenue and
 243 | disbursements of Federal Food and Nutrition funds received by
 244 | the department ~~of Education~~ as authorized in s. 570.981 ~~1006.06~~.

245 | Section 8. Section 1003.453, Florida Statutes, is amended
 246 | to read:

247 | 1003.453 School wellness and physical education policies;
 248 | nutrition guidelines.—

249 | (1) ~~By September 1, 2006,~~ Each school district shall
 250 | submit to the Department of Education a copy of its school
 251 | wellness policy as required by the Child Nutrition and WIC
 252 | Reauthorization Act of 2004 and a copy of its physical education

253 policy required under s. 1003.455. Each school district shall
 254 annually review its school wellness policy and physical
 255 education policy and provide a procedure for public input and
 256 revisions. In addition, each school district shall send an
 257 updated copy of its wellness policy and physical education
 258 policy to the department and to the Department of Agriculture
 259 and Consumer Services when a change or revision is made.

260 (2) ~~By December 1, 2006,~~ The department shall post links
 261 to each school district's school wellness policy and physical
 262 education policy on its website so that the policies can be
 263 accessed and reviewed by the public. Each school district shall
 264 provide the most current versions of its school wellness policy
 265 and physical education policy on the district's website.

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

269 (a) Classroom instruction on the benefits of exercise and
 270 healthful eating.

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

273 (c) The eight components of a coordinated school health
 274 program, including health education, physical education, health
 275 services, and nutrition services.

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

278 (e) Access for each student to the nutritional content of
 279 foods and beverages and to healthful food choices in accordance
 280 with the dietary guidelines of the United States Department of

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281 Agriculture. This information shall also be accessible from the
282 website of the Department of Agriculture and Consumer Services.

283 (f) Multiple examples of school wellness policies for
284 school districts.

285 (g) Examples of wellness classes that provide nutrition
286 education for teachers and school support staff, including
287 encouragement to provide classes that are taught by a licensed
288 nutrition professional from the school nutrition department.

289 (4) School districts are encouraged to provide basic
290 training in first aid, including cardiopulmonary resuscitation,
291 for all students, beginning in grade 6 and every 2 years
292 thereafter. Private and public partnerships for providing
293 training or necessary funding are encouraged.

294 Section 9. Section 1010.77, Florida Statutes, is repealed.

295 Section 10. This section shall take effect upon this act
296 becoming a law and, within 30 days thereafter, the Department of
297 Education, in consultation with the Department of Agriculture
298 and Consumer Services, shall develop and submit to the United
299 States Department of Agriculture a request for a waiver required
300 to transfer administration of the school food service and
301 nutrition programs from the Department of Education to the
302 Department of Agriculture and Consumer Services. Upon receipt of
303 the United States Department of Agriculture's approval or denial
304 of the request for a waiver, the Department of Education shall
305 immediately notify the President of the Senate, the Speaker of
306 the House of Representatives, and the Governor, in writing, of
307 the United States Department of Agriculture's decision. The
308 notification shall include a copy of the United States

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309 Department of Agriculture's approval or denial of the request
310 for a waiver.

311 Section 11. Except as otherwise expressly provided in this
312 act and except for this section, which shall take effect upon
313 this act becoming a law, this act shall take effect January 1,
314 2012, if the United States Department of Agriculture approves
315 the request for a waiver, pursuant to section 10 of this act, on
316 or before November 1, 2011.