

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

42

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

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

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

51 Section 3. All powers, duties, functions, records,  
 52 personnel, property, pending issues and existing contracts,  
 53 administrative authority, administrative rules, and unexpended  
 54 balances of appropriations, allocations, and other funds for the  
 55 administration of the school food service and nutrition programs  
 56 are transferred by a type two transfer, as defined in s.

57 20.06(2), Florida Statutes, from the Department of Education to  
 58 the Department of Agriculture and Consumer Services.

59 Section 4. Section 570.98, Florida Statutes, is created to  
 60 read:

61 570.98 School food service and nutrition programs.—

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

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

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

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

80 570.981 ~~1006.06~~ School food service programs.—

81 (1) In recognition of the demonstrated relationship  
 82 between good nutrition and the capacity of students to develop  
 83 and learn, it is the policy of the state to provide standards  
 84 for school food service and to require district school boards to

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85 establish and maintain an appropriate private school food  
86 service program consistent with the nutritional needs of  
87 students.

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

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

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

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

112 (b) ~~Beginning with the 2009-2010 school year,~~ Each school

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113 district must annually set prices for breakfast meals at rates  
114 that, combined with federal reimbursements and state  
115 allocations, are sufficient to defray costs of school breakfast  
116 programs without requiring allocations from the district's  
117 operating funds, except if the district school board approves  
118 lower rates.

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

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

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

140 (f) A district school board may operate a breakfast

141 program providing for food preparation at the school site or in  
 142 central locations with distribution to designated satellite  
 143 schools or any combination thereof.

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

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

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

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

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

165 2. Farmers in this state to sell their products to school  
 166 districts and schools.

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

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

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

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

181 570.982 ~~1006.0606~~ Children's summer nutrition program.—

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

184 (2) Each district school board shall develop a plan ~~by May~~  
 185 ~~1, 2006,~~ to sponsor a summer nutrition program ~~beginning the~~  
 186 ~~summer of 2006~~ to operate sites in the school district as  
 187 follows:

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

192 (b) Except as operated pursuant to paragraph (a), within  
 193 10 miles of each elementary school at which 50 percent or more  
 194 of the students are eligible for free or reduced-price school  
 195 meals.

196 (3) (a) A district school board ~~boards~~ may be exempt from

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

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

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

221 (4) The superintendent of schools may collaborate with  
222 municipal and county governmental agencies and private, not-for-  
223 profit leaders in implementing the plan. Although schools have  
224 proven to be the optimal site for a summer nutrition program,



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225 any not-for-profit entity may serve as a site or sponsor. By  
 226 April 15 of each year, each school district with a summer  
 227 nutrition program shall report to the department the district's  
 228 summer nutrition program sites in compliance with this section.

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

235 Section 7. Section 1010.77, Florida Statutes, is  
 236 renumbered as section 570.983, Florida Statutes, and amended to  
 237 read:

238 570.983 ~~1010.77~~ Food and Nutrition Services Trust Fund.—  
 239 Chapter 99-37 ~~99-34~~, Laws of Florida, re-created the Food and  
 240 Nutrition Services Trust Fund to record revenue and  
 241 disbursements of Federal Food and Nutrition funds received by  
 242 the department ~~of Education~~ as authorized in s. 570.981 ~~1006.06~~.

243 Section 8. Section 1003.453, Florida Statutes, is amended  
 244 to read:

245 1003.453 School wellness and physical education policies;  
 246 nutrition guidelines.—

247 (1) ~~By September 1, 2006,~~ Each school district shall  
 248 submit to the Department of Education a copy of its school  
 249 wellness policy as required by the Child Nutrition and WIC  
 250 Reauthorization Act of 2004 and a copy of its physical education  
 251 policy required under s. 1003.455. Each school district shall  
 252 annually review its school wellness policy and physical

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

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

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

267 (a) Classroom instruction on the benefits of exercise and  
 268 healthful eating.

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

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

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

276 (e) Access for each student to the nutritional content of  
 277 foods and beverages and to healthful food choices in accordance  
 278 with the dietary guidelines of the United States Department of  
 279 Agriculture. This information shall also be accessible from the  
 280 website of the Department of Agriculture and Consumer Services.

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281 (f) Multiple examples of school wellness policies for  
282 school districts.

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

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

292 Section 9. This section shall take effect upon this act  
293 becoming a law and, within 30 days thereafter, the Department of  
294 Education, in consultation with the Department of Agriculture  
295 and Consumer Services, shall develop and submit to the United  
296 States Department of Agriculture a request for a waiver required  
297 to transfer administration of the school food service and  
298 nutrition programs from the Department of Education to the  
299 Department of Agriculture and Consumer Services. Upon receipt of  
300 the United States Department of Agriculture's approval or denial  
301 of the request for a waiver, the Department of Education shall  
302 immediately notify the President of the Senate, the Speaker of  
303 the House of Representatives, and the Governor, in writing, of  
304 the United States Department of Agriculture's decision. The  
305 notification shall include a copy of the United States  
306 Department of Agriculture's approval or denial of the request  
307 for a waiver.

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308 Section 10. Except as otherwise expressly provided in this  
309 act and except for this section, which shall take effect upon  
310 this act becoming a law, this act shall take effect January 1,  
311 2012, if the United States Department of Agriculture approves  
312 the request for a waiver, pursuant to section 9 of this act, on  
313 or before November 1, 2011.