

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Agriculture

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BILL: SB 1656

INTRODUCER: Senator Rodriguez

SUBJECT: School Breakfast Programs

DATE: January 18, 2022

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Becker	Becker	AG	<b>Pre-meeting</b>
2.	_____	_____	AEG	_____
3.	_____	_____	AP	_____

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**I. Summary:**

SB 1656 directs the Department of Agriculture and Consumer Services (department) to reimburse sponsors for each school breakfast meal that meets certain requirements. The reimbursement must be 30 cents or the difference between the United States Department of Agriculture reimbursement rate for a free breakfast meal and the reduced-price breakfast meal, whichever is greater.

The department estimates this will have a negative fiscal impact. See Section V Fiscal Impact Statement.

The bill takes effect July 1, 2022.

**II. Present Situation:**

***School Nutrition Program Requirements***

Under s. 595.405, F.S., district school boards must adopt policies to provide for an appropriate food and nutrition program for students consistent with federal law and Department of Agriculture and Consumer Services (department) rules.<sup>1</sup> Each district school board is required to implement school breakfast programs that make breakfast meals available to all students in each school that serves any combination of grades kindergarten through 5.

District school boards are required to annually set prices for breakfast meals at rates that, combined with federal reimbursements and state allocations, are sufficient to defray costs of school breakfast programs without requiring allocations from the district's operating funds.<sup>2</sup>

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<sup>1</sup> Section 595.405, F.S.

<sup>2</sup> Except if the district school board approves lower rates. See s. 595.405(3), F.S.

District school boards are encouraged to provide universal, free school breakfast meals to all students in each elementary, middle, and high school. A universal school breakfast program must be implemented in each school in which 80 percent or more of the students are eligible for free or reduced-price meals, unless the district school board, after considering public testimony at two or more regularly scheduled board meetings, decides not to implement such a program in such schools.<sup>3</sup>

To increase school breakfast and universal school breakfast program participation, each district school board must, to the maximum extent practicable, make breakfast meals available to students through alternative service models as described in publications of the Food and Nutrition Service of the U.S. Department of Agriculture (USDA) for the federal School Breakfast Program.<sup>4</sup>

### ***Florida Free and Reduced Priced School Meal Participation***

Currently, roughly 52 percent of all students enrolled in a Florida school that provides access to breakfast meals consume school breakfast.<sup>5</sup> Children from families with incomes between 130 percent (\$34,450 for a family of four) and 185 percent (\$49,025 for a family of four) of the poverty level are eligible for reduced-price meals, where a student pays 30 cents for breakfast and 40 cents for lunch.<sup>6</sup>

The federal rate of reimbursement has not kept pace with the cost to produce a breakfast meal. A recent USDA study showed that the full cost of producing school meals exceeds reported costs by an average of 19 percent.<sup>7</sup> According to the School Nutrition Association's estimates, U.S. schools will incur a loss of about \$5 million to \$8 million each school day in order to feed 30 million children.<sup>8</sup> Without sufficient federal resources, many states and school districts often have to rely on the sales of popular but less nutritious foods, like pizza, french fries, and sodas to help generate the revenue needed to subsidize healthier meal options.

In some cases, higher food prices are forcing programs to question whether they can continue participating in the federal nutrition program altogether, meaning that fewer children may have access to healthy meals.

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<sup>3</sup> Section 595.405(5), F.S.

<sup>4</sup> Section 595.405(6), F.S.

<sup>5</sup> Food Research and Action Center, *School Breakfast Scorecard*, [https://frac.org/wp-content/uploads/FRAC\\_BreakfastScorecard\\_2021.pdf](https://frac.org/wp-content/uploads/FRAC_BreakfastScorecard_2021.pdf) (last visited January 19, 2022).

<sup>6</sup> Office of the Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, *Poverty Guidelines*, available at <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines> (last visited January 19, 2022).

<sup>7</sup> U.S. House of Representatives, *Hearing before the Committee on Education and Labor*, available at <https://www.govinfo.gov/content/pkg/CHRG-110hrg43312/pdf/CHRG-110hrg43312.pdf> (last visited January 19, 2022).

<sup>8</sup> School Nutrition Association, *Impact of COVID-19 on School Nutrition Programs*, available at [https://schoolnutrition.org/uploadedFiles/6\\_News\\_Publications\\_and\\_Research/8\\_SNA\\_Research/Impact-of-Covid-19-on-School-Nutrition-Programs-Back-to-School-2020.pdf](https://schoolnutrition.org/uploadedFiles/6_News_Publications_and_Research/8_SNA_Research/Impact-of-Covid-19-on-School-Nutrition-Programs-Back-to-School-2020.pdf) (last visited January 19, 2022).

**III. Effect of Proposed Changes:**

To eliminate the reduced-price copayment for school breakfast meals, SB 1656 directs the Department of Agriculture and Consumer Services (department) to reimburse sponsors for each breakfast meal that meets federal School Breakfast Program requirements and department rules and is served to a student who is eligible for reduced-price meals. The reimbursement must be 30 cents or the difference between the United States Department of Agriculture reimbursement rate for a free breakfast meal and the reduced-price breakfast meal, whichever is greater.

Sections (6), (7), and (8) of s. 595.405 are renumbered to accommodate this new section (6).

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The Department of Agriculture and Consumer Services estimates SB 1656 will have an impact of \$1,920,900 in fiscal year 2022-2023, \$2,324,289 in fiscal year 2023-2024, and \$2,708,469 in fiscal year 2024-2025.<sup>9</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 595.405 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>9</sup> Florida Department of Agriculture and Consumer Services, *FL Breakfast Policy Options Analysis* (on file with the Senate Committee on Agriculture).