

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** CS/HB 825 School Nutrition Program Requirements  
**SPONSOR(S):** Early Learning & Elementary Education Subcommittee, Daley  
**TIED BILLS:** None **IDEN./SIM. BILLS:** SB 1566

<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR or BUDGET/POLICY CHIEF</b>
1) Early Learning & Elementary Education Subcommittee	14 Y, 0 N, As CS	Aaronson	Brink
2) Children, Families & Seniors Subcommittee			
3) Education & Employment Committee			

**SUMMARY ANALYSIS**

Students in Florida may be eligible for free or reduced-price meals through federally funded programs including the School Breakfast Program and the National School Lunch Program. Student eligibility is determined based on income requirements met by the parent or primary caregiver. Similar income requirements are used to determine eligibility to participate in the Florida KidCare program, which provides health insurance coverage for low-income children.

The bill requires district school boards to provide information on the Florida KidCare Program to the parent or guardian of a student who is eligible for free or reduced-priced meals.

The bill has no fiscal impact.

The bill provides an effective date of July 1, 2022.

**FULL ANALYSIS**  
**I. SUBSTANTIVE ANALYSIS**

**A. EFFECT OF PROPOSED CHANGES:**

**School Nutrition Requirements**

Present Situation:

*Overview*

The Florida Legislature provides standards for school food and nutrition services, requiring each school district to establish and maintain appropriate school nutrition programs consistent with the nutritional needs of students.<sup>1</sup> The Florida Department of Agriculture and Consumer Services (FDACS)<sup>2</sup> conducts, supervises, and administers programs relating to school food and nutrition,<sup>3</sup> including the School Breakfast Program and the National School Lunch Program (NSLP).

*School Breakfast Program*

The School Breakfast Program is administered by the United States Department of Agriculture at the federal level,<sup>4</sup> and the FDACS at the state level.<sup>5</sup> Florida district school boards are required to operate the School Breakfast Program in each elementary school, having free breakfast meals available to all students grades kindergarten through grade 5.<sup>6</sup> District school boards are also encouraged to provide universal, free school breakfast meals to all students grades kindergarten through 12.<sup>7</sup>

A universal school breakfast program must be implemented in schools in which 80 percent or more of students are eligible for free or reduced-price meals, unless the district school board considers public testimony at two or more scheduled board meetings and still decides not to implement the program.<sup>8</sup>

In the 2019-2020 school year, there were 51.9 Florida students in the school breakfast program per every 100 students in the school lunch program.<sup>9</sup>

*National School Lunch Program*

The NSLP is a federally assisted meal program operating in public and nonprofit private schools providing low-cost or free lunches to students.<sup>10</sup> FDACS administers the NSLP providing guidance, training, outreach and technical support to schools operating the program.<sup>11</sup>

At the beginning of each school year, schools send the application for free and reduced-price lunch home with students. However, parents or caregivers may apply for school meals at any time during the school year by applying directly to the school or district.<sup>12</sup> To be eligible for free or reduced-price school

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<sup>1</sup> Section 595.403, F.S.

<sup>2</sup> See Section 595.402(2), F.S.

<sup>3</sup> Section 595.404(1), F.S.

<sup>4</sup> 42 U.S.C. s. 1771. The School Breakfast Program was established under the Child Nutrition Act of 1966.

<sup>5</sup> Florida Department of Agriculture and Consumer Services, *School Breakfast Program*, <https://www.fdacs.gov/Food-Nutrition/Nutrition-Programs/National-School-Lunch-Program/School-Breakfast-Program> (last visited Feb. 9, 2022).

<sup>6</sup> Section 595.405(2), F.S.

<sup>7</sup> Section 595.405(5), F.S.

<sup>8</sup> Section 595.405(5), F.S.

<sup>9</sup> Food Research & Action Center, *School Breakfast Scorecard School Year 2019-2020* (Feb. 2021), available at [https://frac.org/wp-content/uploads/FRAC\\_BreakfastScorecard\\_2021.pdf](https://frac.org/wp-content/uploads/FRAC_BreakfastScorecard_2021.pdf).

<sup>10</sup> 42 U.S.C. s. 1761.

<sup>11</sup> Florida Department of Agriculture and Consumer Services, *National School Lunch Program*, <https://www.fdacs.gov/Food-Nutrition/Nutrition-Programs/National-School-Lunch-Program> (last visited Feb. 7, 2022).

<sup>12</sup> Florida Department of Agriculture and Consumer Services, *Family Application for Free and Reduced-Price School Meals*, <https://www.fdacs.gov/Food-Nutrition/Nutrition-Programs/National-School-Lunch-Program/Family-Application-for-Free-and-Reduced-Price-School-Meals> (last visited Feb. 10, 2022).

meals, the person applying must be a resident of the state of Florida, a parent or primary caregiver, and responsible for a child or children who attends school.<sup>13</sup> The parent or primary caregiver must meet one of the following requirements:

- to meet income eligibility requirements for free meals, earn at or below 130 percent of the federal poverty level;
- to meet income eligibility requirements for reduced-price meals, earn between 130 to 185 percent of the federal poverty level;<sup>14</sup>
- receive Supplemental Nutrition Assistance Program benefits;
- participate in other federal assistance programs, including Temporary Assistance for Needy Families; or
- be eligible for unemployment compensation or the Special Supplemental Nutrition Program for Women, Infants, and Children.<sup>15</sup>

Based on the 2022 Federal Poverty Guidelines, 133 percent of the federal poverty level for a household of four people is an annual gross income of \$36,908. One-hundred eighty-five percent of the federal poverty level for a household of four people is an annual gross income of \$51,338.<sup>16</sup>

In 2019, 55.1 percent of students in Florida were eligible for free or reduced-price lunches<sup>17</sup> and 3,328 sites distributed free or reduced-price lunch.<sup>18</sup>

### *Florida KidCare*

The Florida KidCare Program (KidCare) was created by the Florida Legislature in 1998 in response to the federal enactment of the State Children's Health Insurance Program (CHIP) in 1997. The CHIP provides subsidized health insurance coverage to uninsured children who do not qualify for Medicaid but who meet other eligibility requirements.<sup>19</sup> To meet eligibility requirements to receive KidCare, a child must:

- be under age 19;
- have a family income at or below 200 percent of the federal poverty level;<sup>20</sup>
- be a United States citizen or qualified non-citizen;<sup>21</sup> and

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<sup>13</sup> Benefits.gov, *National School Lunch Program and School Breakfast Program for Florida*, <https://www.benefits.gov/benefit/1958> (last visited Feb. 9, 2022).

<sup>14</sup> United States Department of Agriculture, *National School Lunch Program*, <https://www.ers.usda.gov/topics/food-nutrition-assistance/child-nutrition-programs/national-school-lunch-program/#:~:text=Any%20student%20in%20a%20participating,receive%20a%20reduce%2Dprice%20lunch>. (last visited Feb. 10, 2022).

<sup>15</sup> U.S. Department of Agriculture Food and Nutrition Service, *Applying for Free and Reduced Price School Meals*, <https://www.fns.usda.gov/cn/applying-free-and-reduced-price-school-meals> (last visited Feb. 9, 2022).

<sup>16</sup> U.S. Department of Health and Human Services, *HHS Poverty Guidelines for 2022* (Jan. 12, 2022), available at <https://aspe.hhs.gov/sites/default/files/documents/4ed63909f940f2bf45b22b5206545482/Guidelines-2022.xlsx>. Poverty guidelines are updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).

<sup>17</sup> National Center for Education Statistics, *Table 204.10 Number and percentage of public school students eligible for free or reduced-price lunch, by state: Selected years, 2000-01 through 2018-19*, Digest of Education Statistics (February 2021), [https://nces.ed.gov/programs/digest/d20/tables/dt20\\_204.10.asp](https://nces.ed.gov/programs/digest/d20/tables/dt20_204.10.asp) (last visited Feb. 9, 2022).

<sup>18</sup> Florida Department of Agriculture, *2019-2020 Lunches Served by Public School District* (2020), available at <https://www.fdacs.gov/content/download/90827/file/3.pdf>.

<sup>19</sup> Agency for Health Care Administration, Institute for Child Health Policy, *The Florida KidCare Program Evaluation - Calendar Year 2019* (December 4, 2020), [https://ahca.myflorida.com/medicaid/Policy\\_and\\_Quality/Policy/program\\_policy/FLKidCare/PDF/Florida\\_KidCare\\_Program\\_Evaluation\\_2019.pdf](https://ahca.myflorida.com/medicaid/Policy_and_Quality/Policy/program_policy/FLKidCare/PDF/Florida_KidCare_Program_Evaluation_2019.pdf).

<sup>20</sup> Section 409.814, F.S.

<sup>21</sup> Section 409.811(17), F.S. "Lawfully residing child" means a child who is lawfully present in the United States, meets Medicaid or Children's Health Insurance Program (CHIP) residency requirements, and may be eligible for medical assistance with federal financial participation as provided under s. 214 of the Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111-3, and related federal regulations. See also Healthy Kids, *Citizenship Requirements*, <https://www.healthykids.org/kidcare/citizenship/> (last visited Feb. 3, 2022).

- not be in a public institution<sup>22, 23</sup>

Based on the 2022 Federal Poverty Guidelines, 200 percent of the FPL for a household of four people is an annual gross income of \$55,500.<sup>24</sup>

KidCare includes health benefits coverage for children through programs including Medicaid, MediKids, the Florida Healthy Kids Corporation, employer-sponsored group health insurance plans, and the Children's Medical Services network.<sup>25</sup> KidCare coverage is funded by state and federal funds through Title XIX (Medicaid)<sup>26</sup> and Title XXI (CHIP)<sup>27</sup> of the federal Social Security Act. KidCare is administered jointly by the Agency for Health Care Administration, the Florida Healthy Kids Corporation, the Florida Department of Health, and the Florida Department of Children and Families and each entity has specific duties and responsibilities.<sup>28</sup> Currently, over 2.3 million children in Florida benefit from KidCare.<sup>29</sup>

### Effect of Proposed Changes

The bill requires district school boards to provide the parent or guardian of a student eligible for free or reduced-priced meals with information on the Florida KidCare Program.

#### B. SECTION DIRECTORY:

Section 1: Amends s. 595.405, F.S.; requiring district school boards to provide specified information to parents and guardians of students eligible for certain school nutrition programs.

Section 2: Provides an effective date of July 1, 2022.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:  
None.

2. Expenditures:  
None.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:  
None.

2. Expenditures:

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<sup>22</sup> See s. 409.814(4)(d), F.S. (specifying a child who is an inmate of a public institution or a patient in an institution for mental diseases.

<sup>23</sup> Florida KidCare, *Eligibility*, <https://www.floridakidcare.org/eligibility/?lang=EN> (last visited Feb. 7, 2021).

<sup>24</sup> See note 16, *supra*.

<sup>25</sup> Section 409.813, F.S.

<sup>26</sup> 42 U.S.C. s. 1396.

<sup>27</sup> 42 U.S.C. s. 1397.

<sup>28</sup> Agency for Health Care Administration, *Florida KidCare: An Overview*,

[https://ahca.myflorida.com/Medicaid/recent\\_presentations/2019/FloridaKidCareOverview-HHCAC\\_101619.pdf](https://ahca.myflorida.com/Medicaid/recent_presentations/2019/FloridaKidCareOverview-HHCAC_101619.pdf) (last visited Feb. 9, 2022).

<sup>29</sup> Agency for Health Care Administration, Institute for Child Health Policy, *The Florida KidCare Program Evaluation - Calendar Year 2019* (December 4, 2020), available at

[https://ahca.myflorida.com/medicaid/Policy\\_and\\_Quality/Policy/program\\_policy/FLKidCare/PDF/Florida\\_KidCare\\_Program\\_Evaluation\\_2019.pdf](https://ahca.myflorida.com/medicaid/Policy_and_Quality/Policy/program_policy/FLKidCare/PDF/Florida_KidCare_Program_Evaluation_2019.pdf).

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On February 14, 2022, the Early Learning and Elementary Education Subcommittee adopted a technical amendment and reported the bill favorably as a committee substitute. The amendment corrects an erroneously numbered subsection.

The analysis is drafted to the bill as amended by the Early Learning and Elementary Education Subcommittee.