

By Senator Berman

26-00442-24

2024300__

1 A bill to be entitled
2 An act relating to a universal free school breakfast
3 and lunch program; amending s. 595.402, F.S.; defining
4 and redefining terms; amending s. 595.405, F.S.;
5 requiring the Department of Agriculture and Consumer
6 Services, subject to the appropriation of funds by the
7 Legislature, to establish and operate a program to
8 provide universal free school breakfast and lunch
9 meals to all public school students; specifying
10 requirements for school districts; deleting provisions
11 requiring school districts to implement and charge
12 students for a breakfast program; deleting provisions
13 requiring only certain school districts to implement a
14 universal free school breakfast program and
15 encouraging districts to provide free breakfast meals;
16 revising the information that school districts are
17 required to provide to parents regarding the
18 availability of certain school meals, to conform to
19 changes made by the act; authorizing school districts
20 to operate free school meal programs using offsite
21 food preparation locations; amending s. 595.404, F.S.;
22 conforming a cross-reference; providing an effective
23 date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 595.402, Florida Statutes, is amended to
28 read:

29 595.402 Definitions.—As used in this chapter, the term:

26-00442-24

2024300__

30 (1) "Commissioner" means the Commissioner of Agriculture.

31 (2) "Community eligibility provision" means the federal
32 program created in 42 U.S.C. s. 1759a(a) (1) (F) which allows a
33 school district to choose to receive federal special assistance
34 payments for school meals in exchange for providing free school
35 meals to all students enrolled in all or selected schools of the
36 school district, if such agencies comply with specified
37 requirements.

38 (3) "Department" means the Department of Agriculture and
39 Consumer Services.

40 (4) "Eligible breakfast and lunch meals" means meals served
41 at breakfast and lunch which meet the nutritional requirements
42 specified in the National School Breakfast Program and 7 C.F.R.
43 s. 210.10, respectively.

44 (5) "National School Breakfast Program" means the federal
45 school breakfast program created in 42 U.S.C. s. 1773, which is
46 administered by the department.

47 (6) "National School Lunch Program" means the federal
48 school lunch program created in the Richard B. Russell National
49 School Lunch Act.

50 (7)~~(3)~~ "Program" means any one or more of the school food
51 and nutrition service programs that the department has
52 responsibility over including, but not limited to, the National
53 School Lunch Program, the Special Milk Program, the National
54 School Breakfast Program, the Summer Food Service Program, the
55 Fresh Fruit and Vegetable Program, and any other program that
56 relates to school nutrition.

57 ~~(4) "School breakfast program" means a program authorized~~
58 ~~by s. 4 of the Child Nutrition Act of 1966, as amended, and~~

26-00442-24

2024300__

59 ~~administered by the department.~~

60 (8)~~(5)~~ "School district" means any of the 67 county school
61 districts, including the respective district school board.

62 (9) "Special assistance alternative" means a special
63 nutrition assistance alternative federal reimbursement method
64 authorized by the United States Department of Agriculture
65 pursuant to 42 U.S.C. s. 1759a and 7 C.F.R. part 245, for
66 eligible schools that serve free meals to all enrolled students.
67 The term includes the community eligibility provision.

68 (10)~~(6)~~ "Sponsor" means any entity that is conducting a
69 program under a current agreement with the department.

70 (11)~~(7)~~ "Summer nutrition program" means one or more of the
71 programs authorized under 42 U.S.C. s. 1761.

72 (12)~~(8)~~ "Universal school breakfast and lunch program"
73 means a program that makes breakfast and lunch available at no
74 cost to all students regardless of their household income.

75 Section 2. Section 595.405, Florida Statutes, is amended to
76 read:

77 595.405 Universal free school breakfast and lunch program
78 ~~School nutrition program requirements.~~

79 (1) Each district school board shall consider the
80 recommendations of the district school superintendent and adopt
81 policies to provide for an appropriate food and nutrition
82 program for students consistent with federal law, this section,
83 and department rule ~~rules~~.

84 (2) Subject to the appropriation of funds by the
85 Legislature for that purpose, the department shall establish and
86 operate a universal school breakfast and lunch program for all
87 public school students in grades K-12. Each district school

26-00442-24

2024300__

88 board shall implement a universal school breakfast and lunch
89 program that offers eligible breakfast and lunch meals, free of
90 charge, school breakfast programs that make breakfast meals
91 available to all students in each school that serves any
92 combination of grades K-12. In implementing the universal school
93 breakfast and lunch program, each school district shall do all
94 of the following:

95 (a) Participate in the National School Breakfast Program
96 and the National School Lunch Program.

97 (b) Provide reimbursable eligible breakfast and lunch meals
98 at no cost to all public school students in grades K-12 within
99 any school breakfast program or school lunch program operated by
100 the school district.

101 (c) Submit to the department, in a manner determined by the
102 department, information regarding the number of reimbursable
103 breakfast and lunch meals that each school within the district
104 served to students.

105 (d) Maximize access to federal funds for the cost of the
106 National School Breakfast Program and National School Lunch
107 Program by participating in the community eligibility provision
108 or another special assistance alternative, if eligible, and
109 operate the National School Breakfast Program and the National
110 School Lunch Program in a way that the department determines
111 draws down the greatest possible federal funding for eligible
112 breakfast and lunch meals served in the National School
113 Breakfast Program and the National School Lunch Program
114 kindergarten through 5.

115 ~~(3) Each district school board must annually set prices for~~
116 ~~breakfast meals at rates that, combined with federal~~

26-00442-24

2024300__

117 ~~reimbursements and state allocations, are sufficient to defray~~
118 ~~costs of school breakfast programs without requiring allocations~~
119 ~~from the district's operating funds, except if the district~~
120 ~~school board approves lower rates.~~

121 (4) To increase student participation in the universal
122 school breakfast and lunch program, each school district
123 operating a breakfast program shall:

124 (a) Make a breakfast meal available to if a student who
125 arrives at school on the school bus less than 15 minutes before
126 the first bell rings and shall allow the student at least 15
127 minutes to eat the breakfast.

128 ~~(5) Each district school board is encouraged to provide~~
129 ~~universal, free school breakfast meals to all students in each~~
130 ~~elementary, middle, and high school. A universal school~~
131 ~~breakfast program shall be implemented in each school in which~~
132 ~~80 percent or more of the students are eligible for free or~~
133 ~~reduced-price meals, unless the district school board, after~~
134 ~~considering public testimony at two or more regularly scheduled~~
135 ~~board meetings, decides not to implement such a program in such~~
136 ~~schools.~~

137 (b)(6) To increase school breakfast and universal school
138 breakfast program participation, each district school board
139 must, To the maximum extent practicable, make breakfast meals
140 available to students through alternative service models as
141 described in publications of the Food and Nutrition Service of
142 the United States Department of Agriculture for the federal
143 School Breakfast Program.

144 (4)(7) Each district school board shall annually provide to
145 all parents through school announcements and notices information

26-00442-24

2024300__

146 prepared by the district's food service administration regarding
147 the availability of free available school meals breakfast
148 ~~programs. The information shall be communicated through school~~
149 ~~announcements and notices sent to all parents.~~

150 (5) ~~(8)~~ A district school board may operate its free school
151 meal a breakfast program providing for food preparation at the
152 school site or in central locations with distribution to
153 designated satellite schools, or any combination thereof.

154 Section 3. Subsection (14) of section 595.404, Florida
155 Statutes, is amended to read:

156 595.404 School food and other nutrition programs; powers
157 and duties of the department.—The department has the following
158 powers and duties:

159 (14) To collect data on food purchased through the programs
160 defined and described in ss. 595.402(7) ~~ss. 595.402(3)~~ and
161 595.406 and to publish that data annually.

162 Section 4. This act shall take effect July 1, 2024.