

By Senator Berman

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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:

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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~~

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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, the department shall establish and operate a
86 universal school breakfast and lunch program for all public
87 school students in grades K-12. Each district school board shall

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

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

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

101 (c) Submit to the department for reimbursement, in a manner
102 determined by the department, information regarding the number
103 of eligible breakfast and lunch meals that each school within
104 the district 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 qualifies for 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~~

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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, through school
145 announcements and notices, annually provide to all parents

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

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

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

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

160 (14) To collect data on food purchased through the programs
161 defined and described in ss. 595.402(7) ~~ss. 595.402(3)~~ and
162 595.406 and to publish that data annually.

163 Section 4. This act shall take effect July 1, 2025.