

**By Senator Jones**

34-00227-26

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A bill to be entitled

An act relating to a universal free school breakfast and lunch program; amending s. 595.402, F.S.; defining and redefining terms; amending s. 595.405, F.S.; requiring the Department of Agriculture and Consumer Services, subject to the appropriation of funds by the Legislature, to establish and operate a program to provide universal free school breakfast and lunch meals to all public school students; specifying requirements for school districts; deleting provisions requiring school districts to implement and charge students for a breakfast program; deleting provisions requiring only certain school districts to implement a universal free school breakfast program and encouraging districts to provide free breakfast meals; revising the information that school districts are required to provide to parents regarding the availability of certain school meals to conform to changes made by the act; authorizing school districts to operate free school meal programs using offsite food preparation locations; amending s. 595.404, F.S.; conforming a cross-reference; providing an effective date.

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

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

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

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

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

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

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

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

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

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

(4) "School breakfast program" means a program authorized 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 ~~any one or more~~ of  
71 the 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 manner 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, 2026.