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1 A bill to be entitled
 2 An act relating to school food and nutrition programs;
 3 providing a short title; transferring the Food and
 4 Nutrition Services Trust Fund in the Department of
 5 Education to the Department of Agriculture and Consumer
 6 Services; transferring and reassigning functions and
 7 responsibilities, including records, personnel, property,
 8 and unexpended balances of appropriations and other
 9 resources for the administration of the school food and
 10 nutrition programs from the Department of Education to the
 11 Department of Agriculture and Consumer Services; creating
 12 s. 570.98, F.S.; requiring the Department of Agriculture
 13 and Consumer Services to conduct, supervise, and
 14 administer all school food and nutrition programs;
 15 requiring the department to cooperate fully with the
 16 United States Government; authorizing the department to
 17 act as agent of, or contract with, the Federal Government,
 18 other state agencies, or any county or municipal
 19 government for the administration of the school food and
 20 nutrition programs; transferring, renumbering, and
 21 amending s. 1006.06, F.S., relating to school food service
 22 programs; conforming provisions to changes made by the
 23 act; deleting obsolete provisions; transferring,
 24 renumbering, and amending ss. 1006.0606 and 1010.77, F.S.;
 25 relating to the children's summer nutrition program and
 26 the Food and Nutrition Services Trust Fund, respectively;
 27 conforming provisions to changes made by the act; deleting
 28 obsolete provisions; amending s. 1003.453, F.S.; requiring

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29 | each school district to send an updated copy of its
 30 | wellness policy and physical education policy to the
 31 | Department of Education and the Department of Agriculture
 32 | and Consumer Services; deleting obsolete provisions;
 33 | requiring certain information to be accessible from the
 34 | website of the Department of Agriculture and Consumer
 35 | Services; providing an effective date.
 36 |

37 | Be It Enacted by the Legislature of the State of Florida:
 38 |

39 | Section 1. This act may be cited as the "Healthy Schools
 40 | for Healthy Lives Act."

41 | Section 2. The Food and Nutrition Services Trust Fund,
 42 | FLAIR number 48-2-2315, in the Department of Education is
 43 | transferred to the Department of Agriculture and Consumer
 44 | Services, FLAIR number 42-2-2315.

45 | Section 3. All powers, duties, functions, records,
 46 | personnel, property, pending issues and existing contracts,
 47 | administrative authority, administrative rules, and unexpended
 48 | balances of appropriations, allocations, and other funds for the
 49 | administration of the school food and nutrition programs are
 50 | transferred by a type two transfer, as defined in s. 20.06(2),
 51 | Florida Statutes, from the Department of Education to the
 52 | Department of Agriculture and Consumer Services.

53 | Section 4. Section 570.98, Florida Statutes, is created to
 54 | read:

55 | 570.98 School food and nutrition programs.-

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56 (1) The department shall conduct, supervise, and
 57 administer all school food and nutrition programs that will be
 58 carried out using federal or state funds, or funds from any
 59 other source.

60 (2) The department shall cooperate fully with the United
 61 States Government and its agencies and instrumentalities so that
 62 the department may receive the benefit of all federal financial
 63 allotments and assistance possible to carry out the purposes of
 64 this chapter.

65 (3) The department may act as agent of, or contract with,
 66 the Federal Government, another state agency, or any county or
 67 municipal government for the administration of the school food
 68 and nutrition programs, including the distribution of funds
 69 provided by the Federal Government to support the school food
 70 and nutrition programs.

71 Section 5. Section 1006.06, Florida Statutes, is
 72 transferred, renumbered as section 570.981, Florida Statutes,
 73 and amended to read:

74 570.981 ~~1006.06~~ School food service programs.—

75 (1) In recognition of the demonstrated relationship
 76 between good nutrition and the capacity of students to develop
 77 and learn, it is the policy of the state to provide standards
 78 for school food service and to require district school boards to
 79 establish and maintain an appropriate private school food
 80 service program consistent with the nutritional needs of
 81 students.

82 (2) The department ~~State Board of Education~~ shall adopt
 83 rules covering the administration and operation of the school

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84 food service programs.

85 (3) Each district school board shall consider the
 86 recommendations of the district school superintendent and adopt
 87 policies to provide for an appropriate food and nutrition
 88 program for students consistent with federal law and department
 89 ~~State Board of Education~~ rule.

90 (4) The state shall provide the state National School
 91 Lunch Act matching requirements. The funds provided shall be
 92 distributed in such a manner as to comply with the requirements
 93 of the National School Lunch Act.

94 (5) (a) Each district school board shall implement school
 95 breakfast programs that make breakfast meals available to all
 96 students in each elementary school. ~~By the beginning of the~~
 97 ~~2010-2011 school year,~~ Universal school breakfast programs shall
 98 be offered in schools in which 80 percent or more of the
 99 students are eligible for free or reduced-price meals. Each
 100 school shall, to the maximum extent practicable, make breakfast
 101 meals available to students at an alternative site location,
 102 which may include, but need not be limited to, alternative
 103 breakfast options as described in publications of the Food and
 104 Nutrition Service of the United States Department of Agriculture
 105 for the federal School Breakfast Program.

106 (b) ~~Beginning with the 2009-2010 school year,~~ Each school
 107 district must annually set prices for breakfast meals at rates
 108 that, combined with federal reimbursements and state
 109 allocations, are sufficient to defray costs of school breakfast
 110 programs without requiring allocations from the district's
 111 operating funds, except if the district school board approves

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112 lower rates.

113 (c) Each district school board is encouraged to provide
 114 universal-free school breakfast meals to all students in each
 115 elementary, middle, and high school. ~~By the beginning of the~~
 116 ~~2010-2011 school year,~~ Each district school board shall approve
 117 or disapprove a policy, after receiving public testimony
 118 concerning the proposed policy at two or more regular meetings,
 119 which makes universal-free school breakfast meals available to
 120 all students in each elementary, middle, and high school in
 121 which 80 percent or more of the students are eligible for free
 122 or reduced-price meals.

123 (d) ~~Beginning with the 2009-2010 school year,~~ Each
 124 elementary, middle, and high school shall make a breakfast meal
 125 available if a student arrives at school on the school bus less
 126 than 15 minutes before the first bell rings and shall allow the
 127 student at least 15 minutes to eat the breakfast.

128 (e) Each school district shall annually provide to all
 129 students in each elementary, middle, and high school information
 130 prepared by the district's food service administration regarding
 131 its school breakfast programs. The information shall be
 132 communicated through school announcements and written notice
 133 sent to all parents.

134 (f) A district school board may operate a breakfast
 135 program providing for food preparation at the school site or in
 136 central locations with distribution to designated satellite
 137 schools or any combination thereof.

138 (g) The commissioner shall make every reasonable effort to
 139 ensure that any school designated as a "severe need school"

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140 receives the highest rate of reimbursement to which it is
 141 entitled under 42 U.S.C. s. 1773 for each breakfast meal served.

142 (h) The department shall annually allocate among the
 143 school districts funds provided from the school breakfast
 144 supplement in the General Appropriations Act based on each
 145 district's total number of free and reduced-price breakfast
 146 meals served.

147 (6) The Legislature, recognizing that school children need
 148 nutritious food not only for healthy physical and intellectual
 149 development but also to combat diseases related to poor
 150 nutrition and obesity, establishes the Florida Farm Fresh
 151 Schools Program within the department ~~of Education as the lead~~
 152 ~~agency for the program~~. The program shall comply with the
 153 regulations of the National School Lunch Program and require:

154 (a) The department ~~of Education to work with the~~
 155 ~~Department of Agriculture and Consumer Services~~ to develop
 156 policies pertaining to school food services which encourage:

157 1. School districts to buy fresh and high-quality foods
 158 grown in this state when feasible.

159 2. Farmers in this state to sell their products to school
 160 districts and schools.

161 3. School districts and schools to demonstrate a
 162 preference for competitively priced organic food products.

163 (b) School districts and schools to make reasonable
 164 efforts to select foods based on a preference for those that
 165 have maximum nutritional content.

166 (c) The department ~~of Education, in collaboration with the~~
 167 ~~Department of Agriculture and Consumer Services,~~ to provide

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168 outreach, guidance, and training to school districts, schools,
 169 school food service directors, parent and teacher organizations,
 170 and students about the benefits of fresh food products from
 171 farms in this state.

172 Section 6. Section 1006.0606, Florida Statutes, is
 173 transferred, renumbered as section 570.982, Florida Statutes,
 174 and amended to read:

175 570.982 ~~1006.0606~~ Children's summer nutrition program.—

176 (1) This section may be cited as the "Ms. Willie Ann Glenn
 177 Act."

178 (2) Each district school board shall develop a plan ~~by May~~
 179 ~~1, 2006,~~ to sponsor a summer nutrition program ~~beginning the~~
 180 ~~summer of 2006~~ to operate sites in the school district as
 181 follows:

182 (a) Within 5 miles of at least one elementary school at
 183 which 50 percent or more of the students are eligible for free
 184 or reduced-price school meals and for the duration of 35
 185 consecutive days; and

186 (b) Except as operated pursuant to paragraph (a), within
 187 10 miles of each elementary school at which 50 percent or more
 188 of the students are eligible for free or reduced-price school
 189 meals.

190 (3) (a) A district school board ~~boards~~ may be exempt from
 191 sponsoring a summer nutrition program pursuant to this section.
 192 A district school board seeking such exemption must include the
 193 issue on an agenda at a regular or special district school board
 194 meeting that is publicly noticed, provide residents an
 195 opportunity to participate in the discussion, and vote on

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196 whether to be exempt from this section. The district school
 197 board shall notify the Commissioner ~~of Education~~ within 10 days
 198 after it decides to become exempt from this section.

199 (b) Each year the district school board shall reconsider
 200 its decision to be exempt from the provisions of this section
 201 and shall vote on whether to continue the exemption from
 202 sponsoring a summer nutrition program. The district school board
 203 shall notify the Commissioner ~~of Education~~ within 10 days after
 204 each subsequent year's decision to continue the exemption.

205 (c) If a district school board elects to be exempt from
 206 sponsoring a summer nutrition program under this section, the
 207 district school board may encourage not-for-profit entities to
 208 sponsor the program. If a not-for-profit entity chooses to
 209 sponsor the summer nutrition program but fails to perform with
 210 regard to the program, the district school board, the school
 211 district, and the department ~~of Education~~ are not required to
 212 continue the program and shall be held harmless from any
 213 liability arising from the discontinuation of the summer
 214 nutrition program.

215 (4) The superintendent of schools may collaborate with
 216 municipal and county governmental agencies and private, not-for-
 217 profit leaders in implementing the plan. Although schools have
 218 proven to be the optimal site for a summer nutrition program,
 219 any not-for-profit entity may serve as a site or sponsor. By
 220 April 15 of each year, each school district with a summer
 221 nutrition program shall report to the department the district's
 222 summer nutrition program sites in compliance with this section.

223 (5) The department shall provide to each district school

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224 board by February 15 of each year a list of local organizations
 225 that have filed letters of intent to participate in the summer
 226 nutrition program in order that a district school board is able
 227 to determine how many sites are needed to serve the children and
 228 where to place each site.

229 Section 7. Section 1010.77, Florida Statutes, is
 230 transferred, renumbered as section 570.983, Florida Statutes,
 231 and amended to read:

232 570.983 ~~1010.77~~ Food and Nutrition Services Trust Fund.—
 233 Chapter 99-34, Laws of Florida, re-created the Food and
 234 Nutrition Services Trust Fund to record revenue and
 235 disbursements of Federal Food and Nutrition funds received by
 236 the department ~~of Education~~ as authorized in s. 570.981 ~~1006.06~~.

237 Section 8. Section 1003.453, Florida Statutes, is amended
 238 to read:

239 1003.453 School wellness and physical education policies;
 240 nutrition guidelines.—

241 (1) ~~By September 1, 2006,~~ Each school district shall
 242 submit to the Department of Education a copy of its school
 243 wellness policy as required by the Child Nutrition and WIC
 244 Reauthorization Act of 2004 and a copy of its physical education
 245 policy required under s. 1003.455. Each school district shall
 246 annually review its school wellness policy and physical
 247 education policy and provide a procedure for public input and
 248 revisions. In addition, each school district shall send an
 249 updated copy of its wellness policy and physical education
 250 policy to the department and to the Department of Agriculture
 251 and Consumer Services when a change or revision is made.

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252 (2) ~~By December 1, 2006,~~ The department shall post links
 253 to each school district's school wellness policy and physical
 254 education policy on its website so that the policies can be
 255 accessed and reviewed by the public. Each school district shall
 256 provide the most current versions of its school wellness policy
 257 and physical education policy on the district's website.

258 (3) ~~By December 1, 2006,~~ The department must provide on
 259 its website links to resources that include information
 260 regarding:

261 (a) Classroom instruction on the benefits of exercise and
 262 healthful eating.

263 (b) Classroom instruction on the health hazards of using
 264 tobacco and being exposed to tobacco smoke.

265 (c) The eight components of a coordinated school health
 266 program, including health education, physical education, health
 267 services, and nutrition services.

268 (d) The core measures for school health and wellness, such
 269 as the School Health Index.

270 (e) Access for each student to the nutritional content of
 271 foods and beverages and to healthful food choices in accordance
 272 with the dietary guidelines of the United States Department of
 273 Agriculture. This information shall also be accessible from the
 274 website of the Department of Agriculture and Consumer Services.

275 (f) Multiple examples of school wellness policies for
 276 school districts.

277 (g) Examples of wellness classes that provide nutrition
 278 education for teachers and school support staff, including
 279 encouragement to provide classes that are taught by a licensed

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280 nutrition professional from the school nutrition department.

281 (4) School districts are encouraged to provide basic
282 training in first aid, including cardiopulmonary resuscitation,
283 for all students, beginning in grade 6 and every 2 years
284 thereafter. Private and public partnerships for providing
285 training or necessary funding are encouraged.

286 Section 9. This act shall take effect July 1, 2011.