

By Senator Berman

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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 agencies 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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administered by the department.

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

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

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

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

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

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

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

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

(2) Subject to the appropriation of funds by the Legislature, the department shall establish and operate a universal school breakfast and lunch program for all public 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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~~reimbursements and state allocations, are sufficient to defray costs of school breakfast programs without requiring allocations from the district's operating funds, except if the district school board approves lower rates.~~

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

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

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

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

(4) ~~(7)~~ Each district school board shall, through school announcements and notices, annually provide to all parents

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

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

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

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

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

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