

THE FLORIDA SENATE
2011 SUMMARY OF LEGISLATION PASSED
Committee on Agriculture

CS/CS/SB 1312 — School Nutrition Programs

by Budget Committee, Agriculture Committee, and Senators Siplin and Gaetz (CS/CS/HB 7219 by Appropriations Committee, Education Committee, State Affairs Committee and Reps. McKeel and Stargel)

This bill creates the “Healthy Schools for Healthy Lives Act.” It provides for a type two transfer of the administration of school food and nutrition programs from the Department of Education (DOE) to the Department of Agriculture and Consumer Services (DACS). The transfer includes all powers, duties, functions, records, personnel, property, pending issues and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds for the administration of the school food and nutrition programs. The bill also transfers the Food and Nutrition Services Trust Fund in the DOE to the DACS.

The bill authorizes the DACS to conduct, supervise, and administer all school food and nutrition programs that are carried out using federal or state funds or funds from other sources, and to coordinate with the federal government to take advantage of any federal financial allotments and assistance that would benefit the school food and nutrition programs. The DACS may act as an agent of, or contract with, the federal government, another state agency, or any county or municipal government regarding the administration of the school food and nutrition programs, including the distribution of funds provided by the federal government in support of the school food and nutrition programs.

The bill requires each school district to submit an updated copy of its wellness policy and physical education policy to the DOE and the DACS when a change or revision is made. The DACS, as well as the DOE, must provide website links to information regarding the nutritional content of foods and beverages and to healthful food choices in accordance with the dietary guidelines of the USDA.

The bill requires the DOE, in consultation with the DACS, to develop and submit a waiver request to the U.S. Department of Agriculture to transfer administration of the school food service and nutrition programs from the DOE to the DACS within 30 days of the bill becoming law. It also requires the DOE to provide notice of the USDA’s response to certain officials.

The bill also creates the Healthy Schools for Healthy Lives Council to advise DACS on matters relating to nutritional standards and the prevention of childhood obesity, nutrition education, anaphylaxis, and other needs to further the development of the various school nutrition programs.

The bill provides multiple effective dates. The provision requiring the DOE to submit a waiver request and the section providing the effective dates are effective upon becoming law. The effective date for all other provisions is January 1, 2012, and is contingent upon the USDA granting the waiver request on or before November 1, 2011.

Vote: Senate 37-0; House 115-1