

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 227 CS Children's Summer Nutrition Programs
SPONSOR(S): Greenstein and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 752

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Committee	9 Y, 0 N, w/CS	Howlette	Mizereck
2) Future of Florida's Families Committee			
3) Education Appropriations Committee			
4) Education Council			
5) _____			

SUMMARY ANALYSIS

House bill 227 requires each district school board to develop a plan to sponsor a summer nutrition program, but allows school boards to exempt themselves from actually sponsoring the program. School boards that exempt themselves may encourage not-for-profit entities to sponsor a summer nutrition program.

The bill becomes effective July 1, 2005.

Substantive Impact

House bill 227 requires each district to develop a plan to sponsor a summer nutrition program by the summer of 2006, and establishes processes and conditions. The bill allows school districts to exempt themselves from providing the program, while encouraging others to serve the eligible children. Currently 61, school districts operate summer nutrition programs.

Fiscal Impact

See fiscal comments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill supports the expansion of an existing summer nutrition program.

Empower families – The bill provides a resource for poor families to ensure their children receive adequate nutrition during summer months

B. EFFECT OF PROPOSED CHANGES:

House bill 227 requires each district school board to develop a plan to sponsor a summer nutrition program by May 1, 2006, to operate sites in the summer of 2006:

- Within 5 miles of at least one elementary school at which 50% of students are eligible for free and reduced priced meals, for a period of 40 consecutive days and
- Within 10 miles of each elementary school at which 50% or more of the students are eligible for free or reduced-price meals.

District school boards may be exempt from sponsoring a summer nutrition program by including the issue on an agenda at a regular or special district school board meeting, providing residents an opportunity to participate, and voting on whether or not to be exempt. The exemption shall be reconsidered annually by the school board, and the Commissioner of Education shall be notified of the board's decision within 10 days.

District school board may encourage not-for-profit entities to sponsor the program, but will be held harmless for failure to perform by any not-for-profit entity.

Superintendents may work with city and county agencies and private not-for-profit entities to implement the plan and school districts shall report the number and locations of their summer nutrition sites to the Department of Education by April 15 of each year.

By February 15 of each year, the Department of Education will provide to each school district a list of local organizations that have filed letters of intent to participate, so that the district may determine the number and locations of the summer nutrition program sites.

Florida Impact, an organization representing approximately 26 community organizations, compiled statistics showing 61 counties participate in the summer nutrition program. There are six counties that do not participate and have not participated for a considerable period of time: Calhoun, Clay, Holmes, Liberty, Wakulla, and Walton. (See the attached table)

C. SECTION DIRECTORY:

Section 1. Creates an unnumbered section of law.

Section 2. Sets an effective date of July 1, 2005.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill has an undetermined fiscal impact on state revenues with administrative funds for the Department of Education coming from the federal government based on the number of meals served.

2. Expenditures:

The bill could increase operations costs in the Department of Education that may not be covered by the reimbursement or the annual federal appropriation. However, since 61 school districts currently operate this program, the impact on the Department of Education should be minimal.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill has an undetermined impact on local government revenues. School districts that operate a summer food site are reimbursed for both the operating and administrative cost based upon the number of meals served.

2. Expenditures:

The bill has an undetermined impact on local government expenditures. Program reimbursement is based on the lesser of program costs or the USDA rate times meals served. Depending upon the efficiency of the service, it is possible providers would recoup less than the actual cost.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Cost – To the extent reimbursement rates may not cover actual program costs, some private not-for-profit providers may incur costs to administer the program.

2. Direct Private Sector Benefits –Private not-for-profit sponsoring organizations would receive reimbursements for both operating and administrative costs based upon the number of meals served.

3. Effects on Competition, Private Enterprise, and Employment Markets - None

D. FISCAL COMMENTS:

Sponsors of a summer food program sign an agreement with the Department of Education and are reimbursed through the United States Department of Agriculture for meals served. According to the Department of Education, sponsor revenue streams appear to be limited to these reimbursements. Depending upon the efficiency of the program, reimbursement rates may not totally cover costs.

The Department of Education is eligible for an increase in the federal administrative allotment, pending annual federal appropriations, if the number of meals served increases. An increase in the number of qualified sponsors could result in increased administrative costs for the Department of Education. However, since 61 school districts currently operate this program, the impact on the Department of Education should be minimal.

II. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

B. RULE-MAKING AUTHORITY:

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 22, 2005, the PreK-12 Committee adopted two amendments to the bill.

The first amendment changed the required days of operation from 40 to 35 for the nutrition site within five miles of a school at which 50% or more of the students are eligible for free or reduced-price school meals.

The second amendment added private providers to the entities the superintendent may collaborate with, and that may serve as a nutrition site or sponsor.

School district	Number of Low-Income School Children(1)	Potential Summer Federal Reimbursement (3)	Actual SFSP Average Daily Participation in 2004 (4)	Actual Total SFSP Reimbursements in 2004	Federal Funds Potentially Lost	Estimated Number of Children not Served by Program (5)
Alachua	13,787	\$1,444,877.60	2,434	\$239,827.60	\$1,205,050.00	11,353
Baker	1,830	\$191,784.00	82	\$7,347.20	\$184,436.80	1,748
Bay	12,265	\$1,285,372.00	1,460	\$152,424.00	\$1,132,948.00	10,805
Bradford	2,375	\$248,900.00	225	\$21,373.60	\$227,526.40	2,150
Brevard	19,409	\$2,034,063.20	3,375	\$306,588.40	\$1,727,474.80	16,034
Broward	107,765	\$11,293,772.00	8,361	\$872,888.40	\$10,420,883.60	99,404
Calhoun	1,112	\$116,537.60	0	\$0.00	\$116,537.60	1,112
Charlotte	5,994	\$628,171.20	957	\$99,910.80	\$528,260.40	5,037
Citrus	6,615	\$693,252.00	203	\$21,193.20	\$672,058.80	6,412
Clay	7,954	\$833,579.20	0	\$0.00	\$833,579.20	7,954
Collier	8,438	\$884,302.40	2,848	\$297,331.20	\$586,971.20	5,590
Columbia	5,296	\$555,020.80	339	\$30,374.40	\$524,646.40	4,957
Dade	233,200	\$24,439,360.00	29,740	\$3,104,856.00	\$21,334,504.00	203,460
DeSoto	3,076	\$322,364.80	475	\$42,560.00	\$279,804.80	2,601
Dixie	1,399	\$146,615.20	650	\$58,240.00	\$88,375.20	749
Duval	54,649	\$5,727,215.20	11,701	\$1,221,584.40	\$4,505,630.80	42,948
Escambia	24,910	\$2,610,568.00	1,688	\$176,227.20	\$2,434,340.80	23,222
Flagler	2,925	\$306,540.00	99	\$10,335.60	\$296,204.40	2,826
Franklin	841	\$88,136.80	212	\$22,132.80	\$66,004.00	629
Gadsden	5,237	\$548,837.60	1,335	\$139,374.00	\$409,463.60	3,902
Gilchrist	1,516	\$158,876.80	425	\$38,080.00	\$120,796.80	1,091
Glades	676	\$70,844.80	89	\$7,974.40	\$62,870.40	587
Gulf	1,013	\$106,162.40	75	\$7,830.00	\$98,332.40	938
Hamilton	1,485	\$155,628.00	272	\$24,371.20	\$131,256.80	1,213
Hardee	3,653	\$382,834.40	382	\$35,337.20	\$347,497.20	3,271
Hendry	5,200	\$544,960.00	495	\$44,352.00	\$500,608.00	4,705
Hernando	8,606	\$901,908.80	581	\$52,057.60	\$849,851.20	8,025
Highlands	6,796	\$712,220.80	1,154	\$103,398.40	\$608,822.40	5,642
Hillsborough	86,754	\$9,091,819.20	12,612	\$1,250,980.80	\$7,840,838.40	74,142
Holmes	1,921	\$201,320.80	0	\$0.00	\$201,320.80	1,921
Indian River	6,106	\$639,908.80	1,041	\$93,273.60	\$546,635.20	5,065
Jackson	3,721	\$389,960.80	221	\$23,072.40	\$366,888.40	3,500
Jefferson	1,073	\$112,450.40	170	\$15,232.00	\$97,218.40	903
Lafayette	540	\$56,592.00	48	\$4,300.80	\$52,291.20	492
Lake	13,105	\$1,373,404.00	1,406	\$142,272.40	\$1,231,131.60	11,699
Lee	29,921	\$3,135,720.80	2,584	\$269,769.60	\$2,865,951.20	27,337
Leon	11,344	\$1,188,851.20	1,616	\$146,170.00	\$1,042,681.20	9,728
Levy	3,451	\$361,664.80	870	\$77,952.00	\$283,712.80	2,581
Liberty	659	\$69,063.20	0	\$0.00	\$69,063.20	659
Madison	1,975	\$206,980.00	214	\$19,174.40	\$187,805.60	1,761
Manatee	16,160	\$1,693,568.00	1,887	\$197,002.80	\$1,496,565.20	14,273
Marion	20,483	\$2,146,618.40	1,584	\$165,369.60	\$1,981,248.80	18,899
Martin	5,660	\$593,168.00	731	\$65,497.60	\$527,670.40	4,929
Monroe	3,323	\$348,250.40	746	\$66,841.60	\$281,408.80	2,577
Nassau	3,388	\$355,062.40	108	\$11,275.20	\$343,787.20	3,280

Okaloosa	8,820	\$924,336.00	1,719	\$154,022.40	\$770,313.60	7,101
Okeechobee	3,946	\$413,540.80	123	\$12,841.20	\$400,699.60	3,823
Orange	67,405	\$7,064,044.00	7,368	\$769,219.20	\$6,294,824.80	60,037
Osceola	22,955	\$2,405,684.00	3,456	\$309,657.60	\$2,096,026.40	19,499
Palm Beach	71,056	\$7,446,668.80	14,722	\$1,427,131.20	\$6,019,537.60	56,334
Pasco	26,560	\$2,783,488.00	643	\$67,129.20	\$2,716,358.80	25,917
Pinellas	43,421	\$4,550,520.80	6,831	\$712,771.60	\$3,837,749.20	36,590
Polk	45,838	\$4,803,822.40	4,395	\$395,212.80	\$4,408,609.60	41,443
Putnam	7,268	\$761,686.40	1,676	\$174,974.40	\$586,712.00	5,592
St. Johns	4,278	\$448,334.40	419	\$43,743.60	\$404,590.80	3,859
St. Lucie	17,117	\$1,793,861.60	2,138	\$211,559.60	\$1,582,302.00	14,979
Santa Rosa	7,275	\$762,420.00	404	\$42,177.60	\$720,242.40	6,871
Sarasota	12,942	\$1,356,321.60	2,042	\$213,184.80	\$1,143,136.80	10,900
Seminole	18,728	\$1,962,694.40	225	\$23,490.00	\$1,939,204.40	18,503
Sumter	3,756	\$393,628.80	460	\$43,317.60	\$350,311.20	3,296
Suwannee	2,938	\$307,902.40	386	\$34,585.60	\$273,316.80	2,552
Taylor	1,925	\$201,740.00	134	\$13,856.40	\$187,883.60	1,791
Union	1,015	\$106,372.00	117	\$10,483.20	\$95,888.80	898
Volusia	25,152	\$2,635,929.60	4,757	\$473,690.80	\$2,162,238.80	20,395
Wakulla	1,622	\$169,985.60	0	\$0.00	\$169,985.60	1,622
Walton	3,342	\$350,241.60	0	\$0.00	\$350,241.60	3,342
Washington	1,957	\$205,093.60	128	\$11,468.80	\$193,624.80	1,829
	1,156,922	\$121,245,425.60	147,594	\$14,826,108.00	\$106,414,753.60	1,009,284

- (1) Children eligible for Free or Reduced-price (FRP) school lunch; up to 185% of poverty level.
- (2) # of FRP-eligible children x (SFSP lunch reimbursement (\$2.41) + administrative cost (\$.21))
- (3) if the program were to run 40 days in the summer
- (4) includes both regular and Seamless Summer Average Daily Participation
- (5) This number reflects a minimum in that it does not count preschoolers.

Sources: Florida Department of Education's Needy School Printout 2004.

Average Daily Participation provided by Florida Department of Education Summer Food Service Program.

Data for Gulf and Jefferson Counties provided by the site sponsors in Jackson and Leon counties, respectively