

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** CS/HB 1619 School Food Service Programs  
**SPONSOR(S):** PreK-12 Policy Committee; Bush  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 140

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	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
1)	<u>PreK-12 Policy Committee</u>	<u>11 Y, 0 N, As CS</u>	<u>Duncan</u>	<u>Ahearn</u>
2)	<u>Agriculture &amp; Natural Resources Policy Committee</u>	<u>(ref. removed)</u>	<u></u>	<u></u>
3)	<u>Education Policy Council</u>	<u></u>	<u>White</u>	<u>Lowell</u>
4)	<u></u>	<u></u>	<u></u>	<u></u>
5)	<u></u>	<u></u>	<u></u>	<u></u>

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**SUMMARY ANALYSIS**

The Committee Substitute for House Bill 1619 (bill) creates the Florida Farm Fresh Schools Program within the Department of Education (DOE). The DOE is directed to work with the Department of Agriculture and Consumer Services (DOACS) to develop policies pertaining to school food services which:

- Encourage school districts to buy fresh and high-quality foods grown in the state, when feasible;
- Encourage Florida farmers to sell their products directly to school districts and schools; and
- Encourage school districts and schools to demonstrate a preference for competitively priced organic food products.

School districts and schools are required to make reasonable efforts to select foods based on a preference for those that have maximum nutritional content. The bill directs the DOE to work collaboratively with the DOACS to provide outreach, guidance, and training to school districts, school food service directors, parent and teacher organizations, and students about the benefits of fresh food products from Florida farms. The Florida Farm Fresh Schools Program must maintain compliance with the regulations of the National School Lunch Program.

This bill does not appear to have a fiscal impact on state or local government revenues or expenditures.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Current Law**

The Food, Conservation, and Energy Act of 2008<sup>1</sup> requires the U.S. Department of Agriculture to encourage institutions, such as schools, that receive funds from child nutrition programs to purchase unprocessed locally-grown and locally-raised agricultural products. This act authorized the Fresh Fruit and Vegetable Program (FFVP) nationwide to make fruits and vegetables available in elementary schools.<sup>2</sup> In order to participate in the program, elementary schools must participate in the National School Lunch Program<sup>3</sup> and at least 50 percent or more of the students must be eligible for free or reduced-price meals. Schools are required to submit an application that includes an implementation plan and priority is given to schools with the highest proportion of children eligible for free or reduced-price meals.<sup>4</sup> Participating schools must offer fresh fruits and vegetables as a snack to students during the school day.

In 2009, Florida received \$2.8 million in federal funding for the FFVP, which is administered by the Department of Education (DOE).<sup>5</sup> A total of 74 schools in 17 school districts met the eligibility criteria and are participating in the 2009-2010 program.<sup>6</sup> The program provides all children in participating schools with a variety of free fresh fruits and vegetables, served between meals as a snack. The FFVP's goal is to increase children's fruit and vegetable consumption, expand the variety of fruits and vegetables children experience, create healthier school environments, and make a difference in children's diets to influence their present and future health.<sup>7</sup>

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<sup>1</sup> Food, Conservation, and Energy Act of 2008, Pub.L. 110-246, 122 Stat 1889.

<sup>2</sup> *Id.*

<sup>3</sup> The National School Lunch Program and School Breakfast Program are federally funded programs that assist schools and other agencies in providing nutritious meals to children at reasonable prices. In addition to financial assistance, the School Lunch Program provides donated commodity foods to help reduce lunch program costs. The United States Department of Agriculture is responsible for overseeing the program nationally. In Florida, the Florida Department of Education, Food and Nutrition Management Division, administers the programs. In Florida, the National School Breakfast Program is required to be offered in all elementary public and charter schools. <http://www.fldoe.org/FNM/natlschoollunch/descriptions.asp>.

<sup>4</sup> 42 U.S.C. § 1769a.

<sup>5</sup> Department of Education, Analysis of SB 140 (Similar to HB 1619), November 10, 2009.

<sup>6</sup> *Id.* The school districts currently participating in the Fresh Fruit and Vegetable program are Brevard, Broward, Collier, Dade, Flagler, Franklin, Highlands, Hillsborough, Indian River, Lee, Manatee, Marion, Martin, Okaloosa, Orange, Pinellas, and Sarasota.

<sup>7</sup> Department of Education, Fresh Fruit and Vegetable Program. <http://www.fldoe.org/FNM/ffvp/>.

The Department of Agriculture and Consumer Services (DOACS) operates the Florida Farm to School Program, an initiative seeking to bring nutritious, fresh food from local farms to schools including K-12 schools and colleges and universities.<sup>8</sup> The Farm to School program supports Florida farmers by promoting opportunities for schools and growers to work together to increase the volume of locally grown product that is served in school cafeterias and dining halls.<sup>9</sup>

The DOACS works with schools and growers to ensure that they are aware of mutual business opportunities available through this program and maintains a website to provide information about the availability of fresh Florida produce, the fruit and vegetable needs of individual schools and school districts, and contact information for the schools and growers. All contracting is conducted between the school and grower/producer and is required to comply with federal and state regulations.<sup>10</sup>

### **Effect of Proposed Changes**

The bill creates the Florida Farm Fresh Schools Program within DOE. The DOE is directed to work with DOACS to develop policies pertaining to school food services which:

- Encourage school districts to buy fresh and high-quality foods grown in the state, when feasible;
- Encourage Florida farmers to sell their products directly to school districts and schools; and
- Encourage school districts and schools to demonstrate a preference for competitively priced organic food products.

School districts and schools are required to make reasonable efforts to select foods based on a preference for those that have maximum nutritional content. The bill directs the DOE to work collaboratively with the DOACS to provide outreach, guidance, and training to school districts, school food service directors, parent and teacher organizations, and students about the benefits of fresh food products from Florida farms. The Florida Farm Fresh Schools Program must maintain compliance with the regulations of the National School Lunch Program.

#### **B. SECTION DIRECTORY:**

**Section 1:** Amends s. 1006.06, F.S., relating to school food service programs.

**Section 2:** Provides an effective date of July 1, 2010.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

This bill does not appear to have a fiscal impact on state government revenues.

##### **2. Expenditures:**

This bill does not appear to have a fiscal impact on state government expenditures.

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<sup>8</sup> Department of Agriculture and Consumer Services, Marketing Florida Agriculture, <http://www.florida-agriculture.com/farmtoschool/>.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

Revenues may increase for local farmers and producers who sell fruits and vegetables to schools.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require a city or county to expend funds or take any action requiring the expenditure of funds. The bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**

On March 17, 2010, the PreK-12 Policy Committee adopted one amendment and reported the bill favorably as a Committee Substitute (CS). The differences between the House Bill and CS are as follows:

- HB 1619 directed the DOE to work with the DOACS to recommend policies and rules to the State Board of Education regarding school food services. The CS directs the DOE to work with the DOACS to *develop policies* pertaining to school food services.
- HB 1619 encouraged, "the patronization of products from Florida farmers by requiring school districts and schools to buy fresh and high-quality foods grown in the state, when feasible." The CS eliminates superfluous language and simply "encourages school districts to buy fresh and high-quality foods grown in the state, when feasible."