

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Agriculture

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BILL: SB 1376

INTRODUCER: Senator Rodriguez

SUBJECT: School Nutrition Program Requirements

DATE: March 17, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Burse	Becker	AG	<b>Pre-meeting</b>
2.			ED	
3.			FP	

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**I. Summary:**

SB 1376 requires school districts, upon the request of a certain student or his or her parent or guardian, to provide certain alternative meals and snacks to students. The bill provides cost requirements for such meals and snacks. The bill also provides that such request be made at the beginning of each semester.

The Department of Agriculture and Consumer Services estimates the bill could have a fiscal impact, see Section V for more information.

The bill takes effect July 1, 2023.

**II. Present Situation:**

***School Nutrition Program Requirements***

Under s. 595.405, F.S., district school boards must adopt policies to provide for an appropriate food and nutrition program for students consistent with federal law and Department of Agriculture and Consumer Services (department) rules.<sup>1</sup>

District school boards are required to annually set prices for breakfast meals at rates that, combined with federal reimbursements and state allocations, are sufficient to defray costs of school breakfast programs without requiring allocations from the district's operating funds.<sup>2</sup>

District school boards are encouraged to provide universal, free school breakfast meals to all students in each elementary, middle, and high school. A universal school breakfast program must

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<sup>1</sup> Section 595.405, F.S.

<sup>2</sup> Except if the district school board approves lower rates. See s. 595.405(3), F.S.

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.<sup>3</sup>

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 U.S. Department of Agriculture (USDA) for the federal School Breakfast Program.<sup>4</sup>

### ***Florida Free and Reduced Priced School Meal Participation***

Currently, roughly 52 percent of all students enrolled in a Florida school that provides access to breakfast meals consume school breakfast.<sup>5</sup> Children from families with incomes between 130 percent (\$34,450 for a family of four) and 185 percent (\$49,025 for a family of four) of the poverty level are eligible for reduced-price meals, where a student pays 30 cents for breakfast and 40 cents for lunch.<sup>6</sup>

The federal rate of reimbursement has not kept pace with the cost to produce a breakfast meal. A recent USDA study showed that the full cost of producing school meals exceeds reported costs by an average of 19 percent.<sup>7</sup> According to the School Nutrition Association's estimates, U.S. schools will incur a loss of about \$5 million to \$8 million each school day in order to feed 30 million children.<sup>8</sup> Without sufficient federal resources, many states and school districts often have to rely on the sales of popular but less nutritious foods, like pizza, french fries, and sodas to help generate the revenue needed to subsidize healthier meal options.

In some cases, higher food prices are forcing programs to question whether they can continue participating in the federal nutrition program altogether, meaning that fewer children may have access to healthy meals.

### ***National School Lunch Program***

The National School Lunch Program (NSLP) is a federally assisted meal program operating in public and nonprofit private schools and residential child care institutions. It provides nutritionally balanced, low-cost or no-cost lunches to children each school day. The program was established under the Richard B. Russell National School Lunch Act, signed into law by President Harry Truman in 1946.<sup>9</sup>

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<sup>3</sup> Section 595.405(5), F.S.

<sup>4</sup> Section 595.405(6), F.S.

<sup>5</sup> Food Research and Action Center, *School Breakfast Scorecard*, [https://frac.org/wp-content/uploads/FRAC\\_BreakfastScorecard\\_2021.pdf](https://frac.org/wp-content/uploads/FRAC_BreakfastScorecard_2021.pdf) (last visited March 17, 2023).

<sup>6</sup> Office of the Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, *Poverty Guidelines*, available at <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines> (last March 17, 2023).

<sup>7</sup> U.S. House of Representatives, *Hearing before the Committee on Education and Labor*, available at <https://www.govinfo.gov/content/pkg/CHRG-110hhrg43312/pdf/CHRG-110hhrg43312.pdf> (last visited March 17, 2023).

<sup>8</sup> School Nutrition Association, *Impact of COVID-19 on School Nutrition Programs*, available at <https://schoolnutrition.org/wp-content/uploads/2022/04/Impact-of-Covid-19-on-School-Nutrition-Programs-Back-to-School-2020.pdf> (last visited March 17, 2023).

<sup>9</sup> See <https://www.fns.usda.gov/nslp/nslp-fact-sheet> (last visited March 17, 2023).

The Florida Department of Agriculture and Consumer Services (department) administers the National School Lunch Program at the state level. The department provides guidance, training, outreach and technical support to schools operating the program, and ensures compliance with regulatory guidelines.<sup>10</sup>

### **III. Effect of Proposed Changes:**

SB 1376 requires school districts, upon the request of a student who is eligible for free or reduced-price meals, or his or her parent or guardian, to provide certain alternative meals and snacks to students. The bill requires a school district to provide the student with a plant-based, kosher, or halal meal or snack that complies with federal nutrition mandates at the same cost to the student as a non-plant-based, non-kosher, or non-halal meal or snack. The school district must provide one alternative meal or snack for every two non-plant-based, non-kosher, or non-halal meals or snacks offered.

The request by the student or parent, for an alternative meal or snack, may be made at the beginning of each semester. The bill requires each school district to publish information about meal and snack alternatives on its website.

The bill takes effect July 1, 2023.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

#### **D. State Tax or Fee Increases:**

None.

#### **E. Other Constitutional Issues:**

None.

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<sup>10</sup> See <https://www.fdacs.gov/Food-Nutrition/Nutrition-Programs/National-School-Lunch-Program> (last visited March 17, 2023).

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

According to the department, there is currently no fiscal impact to the department. However, the department may need to train staff or hire additional staff to oversee the implementation of SB 1376.

Under the federal regulations, school districts participating in NSLP are eligible for reimbursement for meals served according to rates set by the USDA.<sup>11</sup> These rates are standard based on the type of meal served (i.e., breakfast, lunch, snack) and irrespective of cost to the school district. SB 1376 requires school districts to provide alternative meals at the same cost as non-alternative meals which tend to be lower in price. Since the federal meal reimbursement rates are set,<sup>12</sup> school districts would be responsible for paying the difference between the reimbursed rate and the cost of the alternative meal, unless supplemental funding is provided.

The department estimates the costs for each category of meals provided:

**Kosher Meals****Example: SY 22/23 Rates**

- Average cost per meal of Kosher lunch = \$6.23
- NSLP Lunch Free Category Reimbursement Rate = \$3.95

$\$6.23 - \$3.95 =$  loss of \$2.28 per meal in the Free Category only. In this example, a school district would be responsible for paying \$2.28 per eligible free category meal served.

**Plant-Based Meals****Example: SY 22/23 Rates**

- Average cost per meal of plant-based lunch = \$3.89
- \$3.89 would not be eligible for reimbursement under the NSLP, since a plant-based meal would not include fluid cow's milk

Under federal guidelines, meals must contain certain components to be eligible for reimbursement. These components include meats or meat alternatives, grains, vegetables,

<sup>11</sup> See <https://www.govinfo.gov/content/pkg/FR-2022-07-26/pdf/2022-15892.pdf> (last visited March 14, 2023).

<sup>12</sup> Id.

fruits, and fluid cow's milk, as defined by federal regulations. School districts would be responsible for funding the entire cost of any meals that do not meet the meal component requirements.

**Halal Meals**

Based on the department's research, the average cost per Halal meal is \$3.24. This may vary depending on the menu being offered. At this time, there is not an anticipated increase to the provider.<sup>13</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

School districts will have to plan to have alternative meals and snacks available when ordering meals for the school year to meet requirements of this bill.

**VIII. Statutes Affected:**

This bill substantially amends section 595.405 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>13</sup> Florida Department of Agriculture and Consumer Services, *SB 1376 Analysis* (on file with the Senate Committee on Agriculture).