

**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.)

Prepared By: The Professional Staff of the Education Pre-k-12 Appropriations Committee

BILL: CS/SB 140

INTRODUCER: Governmental Oversight and Accountability Committee, Senator Siplin, and Others

SUBJECT: School Food Service

DATE: April 13, 2010                      REVISED: \_\_\_\_\_

|    | ANALYST          | STAFF DIRECTOR  | REFERENCE | ACTION                 |
|----|------------------|-----------------|-----------|------------------------|
| 1. | <u>Carrouth</u>  | <u>Matthews</u> | <u>ED</u> | <b>Fav/1 amendment</b> |
| 2. | <u>Hill</u>      | <u>Poole</u>    | <u>AG</u> | <b>Favorable</b>       |
| 3. | <u>McKay</u>     | <u>Wilson</u>   | <u>GO</u> | <b>Fav/CS</b>          |
| 4. | <u>Armstrong</u> | <u>Hamon</u>    | <u>EA</u> | <b>Favorable</b>       |
| 5. | _____            | _____           | _____     | _____                  |
| 6. | _____            | _____           | _____     | _____                  |

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

The bill creates the Florida Farm Fresh Schools Program within the Department of Education (DOE). The department must work with the Department of Agriculture and Consumer Services (DOACS) to:

- Encourage patronization of Florida farmers by encouraging schools to buy fresh foods grown in the state, when feasible;
- Encourage farmers in the state to sell their products directly to school districts;
- Require schools to make reasonable efforts to select foods based on a preference for those that have maximum nutritional content; and
- Encourage schools to demonstrate a preference for competitively-priced organic food products.

Under the bill, DOE will be required to provide outreach, guidance, and training relating to the benefits of fresh food products from farms within the state.

This bill amends section 1006.06 of the Florida Statutes.

## II. Present Situation:

Schools generally purchase fresh fruits and vegetables from a distributor that may be local or part of a cooperative buying group.

The Food, Conservation, and Energy Act of 2008 (Public Law 110-246) requires the U.S. Department of Agriculture to encourage institutions operating Child Nutrition Programs to purchase unprocessed locally-grown and locally-raised agricultural products. This law authorized the Fresh Fruit and Vegetable Program (FFVP) nationwide.

In 2009, Florida received \$2.8 million in federal funding for the Fresh Fruit and Vegetable Program (FFVP). A total of 74 schools in 17 school districts met the eligibility criteria and are participating in the 2009-10 program.<sup>1</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 program'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>2</sup>

The DOACS operates the Florida "Farm to School" program, an initiative seeking to bring nutritious, fresh food from local farms to schools including K-12, colleges and universities. 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 produce that is served in school cafeterias and dining halls. Incorporating locally grown products into school meals also supports local economies, reduces transportation costs, and helps to preserve farms and farmland. The DOACS works with the schools and the growers to make sure they are aware of mutual business opportunities available through this program. A link on the Department's webpage is maintained to provide information about the availability of fresh Florida produce, the fruit and vegetable needs of individual schools and 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>3</sup>

The DOE provides technical assistance, training, and outreach to districts and schools participating in the FFVP to encourage the purchase of locally-grown produce and increase students' consumption of fresh fruits and vegetables. The DOE also produces a variety of brochures and informational materials for schools, districts, parents, students, and the community about the availability and value of fresh Florida produce. A link on the DOE website is maintained to provide information about the availability of fresh Florida produce, the fruit and vegetable needs of schools, and contact information for both schools and growers.<sup>4</sup>

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<sup>1</sup> The school districts currently participating in the program are Brevard, Broward, Collier, Dade, Flagler, Franklin, Highlands, Hillsborough, Indian River, Lee, Manatee, Marion, Martin, Okaloosa, Orange, Pinellas and Sarasota.

<sup>2</sup> Department of Education, bill analysis, December 29, 2008, on file with the Committee.

<sup>3</sup> <http://www.florida-agriculture.com/farmtoschool/index.htm>

<sup>4</sup> *Id.*

### III. Effect of Proposed Changes:

The bill creates a program within DOE which requires DOE to work with DOACS to recommend policies and rules to the State Board of Education relating to food services which:

- Encourage the patronization of products from farmers in this state by encouraging school districts and schools to buy fresh and high-quality foods grown in this state when feasible;
- Encourage and solicit farmers in this state to sell their products to school districts and schools in this state;
- Require school districts and schools to make reasonable efforts to select foods based on a preference for those that have maximum nutritional content; and
- Encourage school districts and schools to demonstrate a preference for competitively priced organic food products.

The bill also requires DOE to provide outreach and guidance about the benefits of fresh food products from farms in this state, and requires DOE to maintain compliance with the rules and regulations of the National School Lunch Program.

There may be some implementation issues that need to be addressed in order for the farm to school purchase to take place safely and effectively:

- Organic food may not be available in sufficient quantities for school food services;
- Purchasing directly from farmers requires making arrangements for product safety inspections. Transportation would be necessary to move food from farmers to schools.
- Produce requiring processing would need to be transported to a processing plant, and additional costs may be incurred to process and deliver the produce to schools.

Farm to school programs can produce new markets for local producers. Options may include one farm supplying regional schools; farmers' cooperatives working with school food cooperatives; schools pre-ordering produce at regional markets; or schools ordering from a traditional wholesaler.

### IV. Constitutional Issues:

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

None.

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

None.

#### C. Trust Funds Restrictions:

None.

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

None.

**B. Private Sector Impact:**

Sales may increase for local farmers and producers if school districts and schools participate in the program.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill could be reworded to make clear that the actions required of DOE are mandated directly by the Legislature, not by the “program.”

The word “patronization” could be replaced by the word “purchase” to avoid the awkward use and nominalization of the verb “patronize,” and avoid the other meanings of “patronization.”

“High-quality” is not defined in the bill, so it is unclear how school districts will integrate “high-quality” into their policies.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

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

**CS by Governmental Oversight and Accountability on April 6, 2010:**

The CS provides that the program will encourage, rather than require, district school boards to buy foods produced in this state.

**B. Amendments:**

None.