

1989

## Session Law 89-221

Florida Senate & House of Representatives

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**S 350 GENERAL BILL/CS/1ST ENG by Education; Gordon (Similar CS/H 7)**  
**School Breakfast Programs:** requires school districts to implement such programs; provides requirements; provides for incentive grants & school district breakfast supplements; provides for appropriations. Amends 228.195. Effective Date: 07/01/89.

03/03/89 SENATE Prefiled  
03/24/89 SENATE Referred to Education; Appropriations  
04/04/89 SENATE Introduced, referred to Education; Appropriations -SJ 37  
04/14/89 SENATE Extension of time granted Committee Education  
04/28/89 SENATE Extension of time granted Committee Education  
05/01/89 SENATE On Committee agenda—Education, 05/03/89, 1:00 pm, Room-A-(LL-37)  
05/03/89 SENATE Comm. Report: CS by Education -SJ 257  
05/04/89 SENATE CS read first time -SJ 261; Now in Appropriations -SJ 257  
05/18/89 SENATE Extension of time granted Committee Appropriations  
05/19/89 SENATE On Committee agenda—Appropriations, 05/23/89, 1:00 pm, Room-A-(LL-37)  
05/23/89 SENATE Comm. Report: Favorable with 1 amendment(s) by Appropriations, placed on Calendar -SJ 402  
06/01/89 SENATE Placed on Special Order Calendar -SJ 686; CS passed as amended; YEAS 36 NAYS 0 -SJ 789  
06/01/89 HOUSE In Messages  
06/02/89 HOUSE Received, placed on Calendar; Read second time; Read third time; CS passed; YEAS 78 NAYS 34 -HJ 1177  
06/02/89 Ordered enrolled -SJ 1406  
06/12/89 Signed by Officers and presented to Governor  
06/28/89 Became Law without Governor's Signature; Chapter No. 89-221

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**NOTES:** Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Harkey</u>	<u>O'Farrell</u>	1. <u>ED</u>	<u>Fav/CS</u>
2. <u>Hickam</u>	<u>Smith</u>	2. <u>AP</u>	<u>Fav/1 amend</u>
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

School Breakfast Program

BILL NO. AND SPONSOR:

CS/SB 350 by  
Education Committee &  
Senator Gordon

I. SUMMARY:

A. Present Situation:

According to the Florida School Food Service Association, 25 school districts offer breakfast programs in all of their elementary schools, and 13 districts have no program. Of the 29 districts that offer programs in some of their schools, 13 offer breakfast in less than 50 percent of their elementary schools. A total of 451 elementary schools do not have a breakfast program.

The federal government reimburses the state for the cost of breakfasts served free or at a reduced price. Schools in which more than 40 percent of the children qualify for free or reduced-price lunch are considered to be schools that are in severe need and are eligible for a larger reimbursement for breakfasts served.

B. Effect of Proposed Changes:

The bill would require each district school board to provide breakfast for all students in kindergarten through grade 6--or through grade 5 if that is the highest grade in the elementary school. The program would be phased in over a 3-year period from July 1, 1989 to June 30, 1992. During the first year each school district would develop a 3-year plan for implementing the breakfast program. In the second year, severely needy schools would implement the program. In the third year, the program would be implemented in all elementary schools in which students qualified for free and reduced-price lunches.

The Commissioner of Education could grant a 1-year extension to a school that could not, for good cause, meet the deadline for implementation. The extension could be renewed for one year. The commissioner would be required to make every effort to see that schools designated "severe need schools" receive the highest rate of reimbursement to which they are entitled.

School districts could prepare the breakfasts at a central location and distribute them to schools.

During the 1989-90 fiscal year, the DOE would allocate a total of \$200,000 for one-time incentive grants to school districts for elementary schools that implemented new breakfast programs.

The DOE would calculate a school breakfast supplement for the 1990-91 school year and each year thereafter. Beginning in 1990-91, the Legislature would provide sufficient funds in the General Appropriations Act to reimburse participating school districts for the difference between the average federal reimbursements for free and reduced-price breakfasts and the average statewide cost for breakfast.

**II. ECONOMIC IMPACT AND FISCAL NOTE:****A. Public:**

None.

**B. Government:**

In 1987-88, the average cost of a school breakfast was \$.9364. The regular reimbursement for a free breakfast was \$.7925 and for a reduced-price breakfast was \$.4924. Severely needy schools were reimbursed \$.9475 for a free breakfast and \$.6475 for a reduced-price breakfast. Children pay a maximum of \$.30 for a reduced-price breakfast. Thus, severely needy schools receive a reimbursement that covers the cost of breakfast, but other schools receive less than the average cost of breakfast. Of the 451 elementary schools that do not offer breakfast, 169 are severely needy. The remaining 282 elementary schools that do not offer breakfast programs and are not severely needy would be likely to incur a cost for the breakfast program.

Some districts are able to make up the extra cost of breakfast with money from the lunch program. Others use money from their general fund to cover the extra cost of breakfast.

The Department of Education estimates a cost ranging from \$1,181,941.88, based on the present breakfast program participation rate of 18 percent free and reduced-price breakfast recipients, to \$2,985,706.51, based on the lunch program participation rate of 32.42 percent free and reduced-price lunch recipients.

Some school districts cite additional costs for transportation that would be incurred if they implemented the breakfast program. Neither the House nor the Senate has included in their Appropriations Bills any funding for incentive grants for 1989-90.

**III. COMMENTS:**

None.

**IV. AMENDMENTS:**

No. 1 by Appropriations - Limits the total amount of incentive grants provided to school districts to \$200,000.

STORAGE NAME: sa\h0007.edk  
DATE: April 5, 1989

HOUSE OF REPRESENTATIVES  
COMMITTEE ON EDUCATION, K-12  
STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: HB 7

RELATING TO: School Breakfast Programs

SPONSOR(S): Representative Jamerson

EFFECTIVE DATE: July 1, 1989

COMPANION BILL(S): SB 350

OTHER COMMITTEES OF REFERENCE: (1) Appropriations  
(2)

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I. SUMMARY:

This bill requires school districts to operate a breakfast program in all elementary schools.

A. PRESENT SITUATION:

State Board of Education Rule 6A.-7.042(2)(1) requires a survey be conducted at the beginning of each school year in schools which do not have breakfast programs. The purpose of the survey is to determine the number of students who would like to participate in a reimbursed breakfast program. The results of the survey along with the principal's recommendation is presented to the school board within 30 days. The school board then decides whether or not to accept the recommendation of the principal. If a survey has been conducted for three consecutive years and the school board has not established a breakfast program, the survey can then be conducted once every three years.

During the 1988-89 school year, there were breakfast programs in 1,370 of 2,189 schools. This included 54 of 67 school districts and 981 of 1434 elementary schools. Currently, two-thirds of Florida Schools have implemented a breakfast program.

B. EFFECT OF PROPOSED CHANGES:

This bill would require each district school board to establish a breakfast program in each elementary school in the district by the opening day of the 1989-90 school year. The Commissioner of Education could grant an extension of time to the district for good cause.

The Commissioner would be required to make every reasonable effort to ensure that any school designated an "especially needy school" receives the highest rate of reimbursement to which it is entitled under 42 U.S.C. 1773 for each free and reduced price breakfast served. An especially needy school is defined in 42

U.S.C. 1773(d) (1) (B) as a school where 40 percent or more of the lunches served at the school were free or reduced price.

A school district would be allowed to operate a breakfast program providing food preparation in central locations and distributed to designated satellite schools or providing food prepared at the school site.

C. SECTION-BY-SECTION ANALYSIS:

None.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

There is no state appropriation for the breakfast program. Section 228.195(4), F. S., requires the state to provide matching funds as required by the National School Lunch Act, but this applies only to the lunch program and not to the breakfast program.

District school boards use district funds to supplement the difference between the cost of the breakfast program and the revenues for the program. Revenues include sales receipts and reimbursements.

3. Long Run Effects Other Than Normal Growth:

None.

4. Appropriations Consequences:

During the 1987-88 school year the average cost per breakfast was \$0.9364. Federal reimbursement was about \$.7644 per breakfast. Student revenues and district support was \$.1720 per breakfast. In 1987-88 there were 407 elementary schools in the state which did not offer a breakfast program. In order to implement breakfast programs in these schools, the additional cost in student and district support would have been \$2,125,985 (12,360,377 meals @ \$ .1720 per meal). The additional Federal reimbursement revenue would be \$9,448,272 (12,360,377 meals @ \$ .7644 per meal).

For the state to have paid the portion of breakfast costs not covered by Federal reimbursement during 1987-88, it would have been necessary to appropriate \$4,727,609 (27,486,099 meals @ \$ .1720 per meal). If the state were to appropriate funds for the breakfast programs that are current plus those

that would be mandated by this bill the cost would be \$68,535,939 (39,846,476 meals @ \$ .1720 per meal).

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

Based on 1987-88 data, the average statewide cost of a breakfast meal served in the Florida schools was \$.9364. Reimbursement to the districts from the Federal government was \$.7644.

Several districts with breakfast programs were surveyed and the following information was gathered. All data is based on the 1987-88 school year. Expenditures include food purchases, personnel, and indirect costs: revenues include sales receipts and reimbursements.

District A: Student population: 23,927  
Number of schools: 38  
Number of elementary schools: 25  
Schools with a breakfast program: 25  
Cost of breakfast program:

\$761,047	Expenditures
<u>-625,102</u>	Revenues
\$135,945	Cost to District

District B: Student population: 253,720  
Number of schools: 294  
Number of elementary schools: 194  
Schools with a breakfast program: 166  
Cost of breakfast program:

\$5,327,160	Expenditures
<u>-4,591,413</u>	Revenues
\$ 735,747	Cost to District

District C: Student population: 26,123  
Number of schools: 35  
Number of elementary schools: 20  
Schools with a breakfast program: 14  
Cost of breakfast program:

\$150,251	Expenditures
<u>- 84,550</u>	Revenues
\$65,701	Cost to district

District D: Student population: 3,258  
Number of schools: 8  
Number of elementary schools: 2

Schools with a breakfast program: 2  
Cost of breakfast program:

\$2491	Expenditures
-2006	Revenues
\$ 485	Cost to district

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise, and Employment Markets:

None.

D. FISCAL COMMENTS:

None.

III. LONG RANGE CONSEQUENCES:

This bill is consistent with the following State Comprehensive Plan policy:

HEALTH (6)(b)9.e.--Provide all families unable to provide essential nutritional meals to children with means to do so by providing a range of services, including volunteer and charitable assistance through the private sector, assistance from the state, and assistance in finding employment.

This bill is consistent with the following section of the Speaker's Policy Statement:

II. Formulating a Vision

A. Safe Children. If our industries are to have competent, productive workers and exist in a safe environment, we must intensify our efforts to raise healthy, literate, productive children.

IV. COMMENTS:

Most of the breakfasts served are free or reduced price. These programs are significantly dependent upon federal reimbursements.



Two other expressed concerns are school bus schedules and the use of school personnel to supervise students participating in the breakfast program. Busses would need to arrive 10 to 15 minutes earlier to allow students sufficient time to eat. This would necessitate revising the schedules of administrators, teachers and aides to have them available to provide proper supervision. It is also unclear as to how the bill applies to schools with other than a K-5 or K-6 configuration. Approximately 175 schools which have elementary grades are either K-8 or K-12. Will these schools be required to implement breakfast programs which would be limited to K-6 students?

Some concern has been expressed over the implementation date. School administrators feel that it may take longer than the two months from the effective date of July 1, 1989 to the opening of school in August of 1989 to implement programs where none currently exist.

The Committee on Education, K-12 reported HB 1182, a similar bill, favorably on April 29, 1988. It was withdrawn from the Committee on Appropriations and placed on the Calendar. The House amended HB 1182 and passed it as amended on May 30, 1988, by a vote of 77 to 34.

The Senate received HB 1182 on June 1, 1988, and referred it to the Committees on Education and Appropriations. It was withdrawn and substituted for SB 608. HB 1108 died on the Calendar on June 7, 1988.

V. AMENDMENTS:

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

George D. Phillippy  
George D. Phillippy

Staff Director:  
Neal H. Berger  
Neal H. Berger, Ph.D.

SECOND COMMITTEE OF REFERENCE:

Prepared by:

\_\_\_\_\_

Staff Director:  
\_\_\_\_\_

APPROPRIATIONS:

Prepared by:

\_\_\_\_\_

Staff Director:  
\_\_\_\_\_