

Snack Foods and Beverages In Florida Schools

A comparison of state policy with USDA's nutrition standards

Florida Statute 570.981 required the state Department of Education to outline its responsibilities and those of local school district boards regarding competitive foods. Administrative rule 5P-1.003 was established in 2000 by the Department of Education to create rules for the school food service programs. This rule originally allowed only the sale of competitive foods in secondary schools. The department revised administrative rule 5P-1.003 in July 2014 to align state policies with the U.S. Department of Agriculture's Smart Snacks interim final rule, and to define the number of allowable exemptions for infrequent school-sponsored fundraisers.

Policy Applications		
	USDA interim final rule	Florida standards ¹
What is covered by the policy?	This policy applies to all snack foods and beverages sold in schools—elementary, middle, and high—operating the National School Lunch Program (NSLP) and School Breakfast Program (SBP) effective July 1, 2014.	All schools operating the National School Lunch Program and/or the School Breakfast Program are required to follow this policy. This policy requires each local district school board to control the sale of food and beverages in competition with the district school meal programs.
Does the policy address preemption?	The interim final rule sets minimum standards for foods and beverages that local educational agencies, school food authorities, and schools must meet. State agencies and/or local school districts may establish other standards if they are consistent with or stricter than the national policy.	This policy does not address preemption.
Definition of "school day"	The period from 12:01 a.m. until 30 minutes after the end of the instructional day.	This policy does not apply to the extended school day, meaning it does not cover after-school activities.
Definition of "school campus"	All areas of the school's property accessible to students during the school day are considered part of the school campus.	Consistent with USDA Smart Snacks standards

¹ This chart reflects the District's policies in place as of Aug. 1, 2014, and federal standards as of Sept. 11, 2014.

Foods		
	USDA interim final rule	Florida standards
General	<p>A food item must meet all the competitive food-nutrient standards, as outlined in this chart, and</p> <ul style="list-style-type: none"> • be a whole-grain product containing 50% or more whole grains by weight or have whole grains listed as the first ingredient, or • have as the first ingredient one of the non-grain major food groups: a fruit, vegetable, dairy product, protein food, or • be a combination food that contains at least ¼ cup of fruit and/or vegetable, or • Through June 30, 2016, a competitive food can contain 10 percent of the Daily Value of a nutrient of public health concern as identified in the <i>Dietary Guidelines for Americans</i> (i.e. calcium, potassium, vitamin D or dietary fiber). <p>If water is the first ingredient, the second must be one of the food items above.</p>	<p>Competitive food and beverage items sold to students during the school day must meet the nutrition standards as outlined in the USDA interim final rule.</p> <p>Competitive food items sold to students may not consist of ready-to-eat combination foods of meat or meat alternate and grain products, unless being sold by the district school food service program.’</p>
Calories (per item as packaged or served)	<p>≤ 200 calories for snacks and side dishes</p> <p>≤ 350 calories for entree items</p>	Consistent with USDA Smart Snacks standards
Total fat	≤ 35% of total calories	Consistent with USDA Smart Snacks standards
Saturated fat	≤ 10% of total calories	Consistent with USDA Smart Snacks standards
Trans fat	Zero grams	Consistent with USDA Smart Snacks standards
Sugar (per item as packaged or served)	≤ 35% of weight from total sugars in foods	Consistent with USDA Smart Snacks standards
Sodium (per item as packaged or served)	<p>≤ 230 mg of sodium for snack items (July 2014-June, 30 2016)</p> <p>≤ 200 mg of sodium for snack items (as of July 1, 2016)</p> <p>≤ 480 mg of sodium for entree items</p>	Consistent with USDA Smart Snacks standards
Other	<p>NSLP and SBP entrees sold a la carte are exempt from the rule’s nutrient standards if sold on the day that they are offered as part of a reimbursable meal, or sold on the following school day.</p> <p>Accompaniments, such as condiments or salad dressing, must be included in the nutrient profile as a part of the item served.</p>	Consistent with USDA Smart Snacks standards

Beverages		
	USDA interim final rule	Florida standards
General	Elementary and middle schools may only sell low-fat or nonfat milk, 100 percent fruit and/or vegetable juice, and water per USDA's portion guidelines. High schools may sell additional beverages meeting calorie and serving size limits.	Competitive food and beverage items sold to students during the school day must meet the nutrition standards as outlined in the USDA interim final rule.
Juice		
Elementary	100% fruit/vegetable juice ≤ 8 fl oz 100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners ≤ 8 fl oz	Consistent with USDA Smart Snacks standards
Middle	100% fruit/vegetable juice ≤ 12 fl oz 100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners ≤ 12 fl oz	Consistent with USDA Smart Snacks standards
High	100% fruit/vegetable juice ≤ 12 fl oz 100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners ≤ 12 fl oz	Consistent with USDA Smart Snacks standards
Milk and milk alternatives		
Elementary	Low-fat milk, unflavored ≤ 8 fl oz Nonfat milk, plain or flavored ≤ 8 fl oz Nutritionally equivalent milk alternatives ≤ 8 fl oz	Consistent with USDA Smart Snacks standards
Middle	Low-fat milk, unflavored ≤ 12 fl oz Nonfat milk, plain or flavored ≤ 12 fl oz Nutritionally equivalent milk alternatives ≤ 12 fl oz	Consistent with USDA Smart Snacks standards
High	Low-fat milk, unflavored ≤ 12 fl oz Nonfat milk, plain or flavored ≤ 12 fl oz Nutritionally equivalent milk alternatives ≤ 12 fl oz	Consistent with USDA Smart Snacks standards
Water		
All grades	Potable water must be available at no charge during meal service where breakfast and lunches are served. There is no ounce restriction on plain water for sale (carbonated or noncarbonated).	Consistent with USDA Smart Snacks standards

Beverages		
	USDA interim final rule	Florida standards
Other beverages		
	<p>Other beverages allowed only in high school:</p> <p>Calorie-free, flavored and/or carbonated water and other calorie-free beverages that comply with the Food and Drug Administration's requirement of ≤ 5 calories per 8 fluid oz serving (or ≤ 10 calories per 20 fluid oz), in no more than 20 oz servings.</p> <p>Beverages ≤ 40 calories per 8 fluid oz serving (or ≤ 60 calories per 12 fluid oz serving) in no more than 12 oz servings are also allowed.</p>	Consistent with USDA Smart Snacks standards
Caffeine		
Elementary	Not allowed	Consistent with USDA Smart Snacks standards
Middle	Not allowed	Consistent with USDA Smart Snacks standards
High	Caffeinated beverages allowed	Consistent with USDA Smart Snacks standards
Artificial sweeteners		
	No standard	Consistent with USDA Smart Snacks standards

Other		
	USDA interim final rule	Florida standards
Fundraisers	<p>Exemptions allowed for infrequent school-sponsored fundraisers.</p> <p>Frequency to be defined by state agency.</p> <p>Exempted fundraiser foods or beverages may not be sold in competition with school meals in the food service area during the meal service.</p>	<p>Each district school board is permitted to grant an exemption to the standards for the purpose of conducting infrequent school sponsored fundraisers, not to exceed the following number of school days per school campus each year:</p> <ul style="list-style-type: none"> • Elementary: 5 days • Middle/junior high: 10 days • High: 15 days • Combination schools: 10 days <p>Each school district board is responsible for keeping records documenting any exempted fundraisers.</p> <p>No fundraisers that include the sale of food items may be conducted on campus until at least 30 minutes after the conclusion of the last designated meal service period.</p>
Class parties/school celebrations	No standard	No standard
Food marketing	No standard included in the USDA Smart Snacks interim final rule; however, USDA's proposed rule on Local Wellness Policies addresses this component.	No standard
Positive nutritional value	No standard	No standard
Nutrition labeling requirements	No standard	No standard
Local Wellness Policy	No standard included in the USDA Smart Snacks interim final rule; however, school districts are required by federal law to have a Local Wellness Policy.	<p>Each local district school board is required to establish a Healthy School Team by June 30, 2015, for schools under its jurisdiction. These teams should include, but not be limited to, the following stakeholders: parents, students, school food service program representatives, school administrators, school health professionals, physical education teachers, and the public. The team is responsible for:</p> <ul style="list-style-type: none"> • ensuring compliance with nutrition standards for competitive foods as outlined in this document; • maintaining a school calendar identifying when exempted fundraisers are scheduled; and • reporting to the Local Educational Agencies the schools' compliance with this rule and other components of the Local School Wellness Policy.

Exemptions to food and beverage standards		
	USDA interim final rule	Florida standards
General		
General exemptions	<p>Fresh, canned, and frozen fruit or vegetables with no added ingredients except water, or in the case of fruit, packed in 100 percent juice, extra light, or light syrup are exempt from the interim final rule's nutrient standards.</p> <p>Canned vegetables that contain a small amount of sugar to maintain the quality and structure of the vegetable are exempt from the rule's nutrient standards.</p> <p>Sugar-free chewing gum is exempt from competitive food standards and may be sold to students at the discretion of the local educational agency.</p> <p>"Paired exemptions" are items designated as exempt from one or more of the nutrient requirements individually and packaged together without any additional ingredients. These items retain their individually designated exemption for total fat, saturated fat, and/or sugar when packaged together and sold. "Paired exemptions" are required to meet the calorie and sodium limits for Smart Snacks.</p>	Consistent with USDA Smart Snacks standards
Exemptions from total fat	<p>Nuts, seeds, nut/seed butters</p> <p>Reduced-fat and part-skim mozzarella cheeses</p> <p>Products consisting of only dried fruits with nuts and/or seeds, with no added nutritive[†] sweetener or fat</p> <p>Seafood with no added fat</p> <p>Combination foods are not exempt and must meet all nutrient standards.</p>	Consistent with USDA Smart Snacks standards
Exemptions from saturated fat	<p>Nuts, seeds, nut/seed butters</p> <p>Reduced-fat and part-skim mozzarella cheeses</p> <p>Products consisting of only dried fruits with nuts and or seeds, with no added nutritive sweetener or fat</p> <p>Combination products are not exempt and must meet all nutrient standards.</p>	Consistent with USDA Smart Snacks standards
Exemptions from sugar (per item as packaged or served)	<p>Dried whole fruit or vegetables; dried whole fruit or vegetable pieces; and dehydrated fruit or vegetables with no added nutritive sweeteners</p> <p>Dried fruit with added nutritive sweeteners required for processing and/or palatability purposes</p> <p>Products consisting of only dried fruits with nuts and or seeds with no added nutritive sweeteners or fat.</p>	Consistent with USDA Smart Snacks standards

[†] Components of the standards that are considered to be stronger than the USDA standards.

[†] Nutritive and non-nutritive sweeteners enhance the flavor and/or texture of food. Nutritive sweeteners provide the body with calories, whereas non-nutritive sweeteners are low in calories or contain none. They can be added to both food and beverages.

References

Federal Register, 2013, 7 CFR Parts 210 and 220, *National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in Schools as Required by the Healthy, Hunger-Free Kids Act of 2010; Interim Final Rule*, U.S. Department of Agriculture, 78 (125) (June 28, 2013).

Federal Register, 2014, 7 CFR Parts 210 and 220, *Local School Wellness Policy Implementation under the Healthy, Hunger-Free Kids Act of 2010: Proposed Rule*, U.S. Department of Agriculture, 79 (38) (February 26, 2014).

The Florida Senate (2012). Florida Statute 570.981, <http://www.flsenate.gov/laws/statutes/2012/570.981>.

Florida Department of Agriculture and Consumer Services (2000). Administrative Rule 5P-1.003, https://www.flrules.org/Gateway/View_notice.asp?id=11155114.

Florida Department of Agriculture and Consumer Services, Division of Food, Nutrition and Wellness, Notice of Proposed Rule to update Rule 5P-1.003: Responsibilities for the School Food Service Program, (2014).

Florida Department of Agriculture and Consumer Services, Division of Food, Nutrition and Wellness, Responsibilities for the School Food Service Program, Notice of Change to Rule Number 5P-1.003 (2014).

**KIDS' SAFE &
HEALTHFUL
FOODS PROJECT**


Robert Wood Johnson
Foundation

 **THE
PEW**
CHARITABLE TRUSTS

Contact: Michelle Mendes, associate, communications **Email:** mmendes@pewtrusts.org **Project website:** healthyschoolfoodsnow.org

The Kids' Safe and Healthful Foods Project, a collaboration between The Pew Charitable Trusts and the Robert Wood Johnson Foundation, provides nonpartisan analysis and evidence-based recommendations to make sure that all foods and beverages sold in U.S. schools are safe and healthful.