

Office of Superintendent of Schools
Board Meeting of November 17, 1999

November 4, 1999

Management and Accountability
Carol Cortes, Deputy Superintendent

**SUBJECT: PROPOSED AMENDMENT OF SCHOOL BOARD RULE: INITIAL
READING 6Gx13- 3B-1.061, SNACKS AND BEVERAGES – SELLING**

This item is submitted for consideration by the Board to amend School Board Rule 6Gx13- 3B-1.061, Snacks and Beverages--Selling, due to the amendment of Rule 6A-7.042, Responsibilities for the School Food Service Program, Florida Administrative Code.

Attached are the Notice of Intended Action and the rule proposed for amendment. Changes from the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the amendment of School Board Rule 6Gx13- 3B-1.061, Snacks and Beverages--Selling.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend School Board Rule 6Gx13- 3B-1.061, Snacks and Beverages--Selling.

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NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on November 17, 1999, its intention to amend School Board Rule 6Gx13- 3B-1.061, Snacks and Beverages--Selling, at its meeting of January 12, 2000.

PURPOSE AND EFFECT: To amend the School Board Rule to reflect changes in Rule 6-7.042, Responsibilities for the School Food Service Program, Florida Administrative Code, to allow school districts flexibility relating to the sale of food and beverage items.

SUMMARY: School Board Rule 6Gx13- 3B-1.061 establishes procedures to grant more local control for the sale of snacks and beverages on school grounds in accordance with the requirements of the Florida Administrative Code.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 230.22(2); 230.23(17) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 228.195 F.S.; 6-7.042 FAC; 7 CFR 210.15(b); 7 CFR Part 220.12

IF REQUESTED, A HEARING WILL BE HELD DURING THE SCHOOL BOARD MEETING OF January 12, 2000, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by December 13, 1999, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes).

A COPY OF THE PROPOSED AMENDED RULE is available for inspection and copying at cost by the public in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Ms. Onetha J. Gilliard
Supervisor: Ms. Carol Cortes
Date: November 3, 1999

SNACKS AND BEVERAGES- -SELLING

No food and beverage items including those of minimal nutritional value listed in the Code of Federal Regulations 210, Appendix B, are to be sold on school grounds in competition with the school food service program except in senior high schools with restrictions.

Sale by vending or other means of carbonated beverages to students in senior high schools by a school activity or organization authorized by the principal may only be sold if a beverage of one-hundred (100%) percent fruit juice is sold at the same location. However, carbonated beverages may not be sold where breakfast or lunch is being served or eaten. Non-carbonated beverages, including one hundred (100) percent fruit juice, may be sold at all times during the day at any location.

Sale of food and beverage items by groups other than the Department of Food and Nutrition by vending or other means is not permitted in the middle, ~~junior and senior high~~ schools from the beginning of the school day until one hour following the close of the last lunch period.

In the elementary schools, the sale or vending of food or beverages other than the School Lunch Program, is not permitted during the school day in student areas.

Specific Authority: 230.22(2) F.S.; 230.23(17) F.S.

Law Implemented, Interpreted, or Made specific: 228.195 F.S.; 6A-7.042 FAC;
7 CFR 210.15(b); 7 CFR Part 220.12

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Amended: 3-10-82; 2-17-88; 7-27-88; 1-11-89

Technical Change: 5-1-98