

By Senator Albritton

26-01154A-20

20201526__

1 A bill to be entitled
2 An act relating to food donation programs; creating s.
3 220.197, F.S.; defining terms; creating an
4 agricultural commodity donation tax credit; specifying
5 requirements for applying for the tax credit;
6 providing specifications for the application form;
7 providing for unused credit to be carried forward and
8 used under certain circumstances; providing a maximum
9 annual amount for the tax credit; authorizing the
10 Department of Agriculture and Consumer Services to
11 adopt rules; amending s. 595.402; defining terms;
12 amending s. 595.404, F.S.; revising the department's
13 powers and duties relating to school food and other
14 nutrition programs; amending s. 595.405, F.S.;
15 deleting a provision authorizing district school
16 boards to opt out of implementing universal school
17 breakfast programs; providing that district school
18 boards that make breakfast meals available to students
19 through an alternative service model shall be eligible
20 to receive certain funds; authorizing district school
21 boards to use share tables if certain conditions are
22 met; requiring the department to collaborate with the
23 Department of Health to distribute guidelines on
24 implementing share tables; requiring district school
25 boards to implement practices to reduce, recycle, and
26 recover food waste; requiring the department to create
27 a sponsor education campaign; authorizing the
28 department to adopt rules; amending s. 595.406, F.S.;
29 requiring the department to annually allocate to

26-01154A-20

20201526__

30 participating sponsors a reimbursement in addition to
31 the sum appropriated for the Florida Farm to School
32 Program if certain conditions are met; providing
33 eligibility requirements for such reimbursement;
34 authorizing the department to adopt rules; creating s.
35 595.422, F.S.; requiring the department to develop the
36 Florida Gleaning Support Grant Program; requiring the
37 department to adopt rules to administer the program;
38 requiring the department to promote and market the
39 program to certain organizations and programs;
40 creating s. 595.801, F.S.; requiring the department to
41 conduct a study on certain geographical areas;
42 providing requirements for the study; authorizing the
43 department to employ a third-party vendor to conduct
44 all or part of the study; providing an appropriation;
45 authorizing the department to adopt rules; providing
46 an effective date.

47
48 Be It Enacted by the Legislature of the State of Florida:

49
50 Section 1. Section 220.197, Florida Statutes, is created to
51 read:

52 220.197 Agricultural commodity donation tax credit.-

53 (1) DEFINITIONS.-For purposes of this section, the term:

54 (a) "Agricultural commodity" means any aquacultural,
55 agricultural, apicultural, horticultural (including
56 floricultural), viticultural, and vegetable products produced in
57 this state or any class, variety, or utilization thereof, either
58 in their natural state or as processed by a producer for the

26-01154A-20

20201526__

59 purpose of marketing such product, or by a processor as defined
60 in s. 573.103, and shall include, but not be limited to, any
61 one, any combination thereof, or all of the agricultural
62 products, livestock and livestock products, poultry and poultry
63 products, fish and seafood, and the products of the farms,
64 waters, and forests of this state.

65 (b) "Farmer" means a means a person who is engaged in the
66 growing or producing of farm produce as defined in s. 768.137.

67 (2) TAX CREDIT.—

68 (a) For tax years beginning on or after January 1, 2021,
69 an annual credit against the tax imposed by this chapter shall
70 be granted to a farmer in the amount of 30 percent of the fair
71 market value of agricultural commodities donated to charitable
72 and nonprofit organizations for distribution to those in need.

73 (b) Each farmer claiming a credit under this section must
74 apply to the Department of Agriculture and Consumer Services by
75 the date established by the Department of Agriculture and
76 Consumer Services. The application form shall be adopted by rule
77 of the Department of Agriculture and Consumer Services. The
78 application form shall, at a minimum, require a sworn affidavit
79 from each farmer certifying the volume and type of agricultural
80 commodities donated which form the basis of the application and
81 certifying that all information contained in the application is
82 true and correct. Farmers shall also submit receipts from the
83 charitable or nonprofit organization confirming the claimed
84 donation.

85 (c) If any credit granted under this section is not fully
86 used for the first year in which it becomes available, the
87 unused amount may be carried forward for a period not to exceed

26-01154A-20

20201526__

88 5 years. The amount carried forward may be used in a subsequent
89 year when the tax imposed by this chapter exceeds the credit for
90 such year under this section after applying the other credits
91 and unused credit carryovers in the order provided in s.
92 220.02(8).

93 (d) The maximum amount of tax credit which may be granted
94 to a farmer under this section in any calendar year is \$5,000.

95 (3) RULES.—The Department of Agriculture and Consumer
96 Services may adopt rules to implement and administer this
97 section, including rules prescribing forms, the documentation
98 needed to substantiate a claim for the tax credit, and the
99 specific procedures and guidelines for claiming the credit.

100 Section 2. Section 595.402, Florida Statutes, is amended to
101 read:

102 595.402 Definitions.—As used in this chapter, the term:

103 (1) "Agricultural commodities" means any and all
104 aquacultural, agricultural, apicultural, horticultural
105 (including floricultural), viticultural, and vegetable products
106 produced in this state or any class, variety, or utilization
107 thereof, either in their natural state or as processed by a
108 producer for the purpose of marketing such product, or by a
109 processor as defined in s. 573.103, and shall include, but not
110 be limited to, any one, any combination thereof, or all of the
111 agricultural products, livestock and livestock products, poultry
112 and poultry products, fish and seafood, and the products of the
113 farms, waters, and forests of this state. The term does not
114 include beverages.

115 (2)~~(1)~~ "Commissioner" means the Commissioner of
116 Agriculture.

26-01154A-20

20201526__

117 ~~(3)~~~~(2)~~ "Department" means the Department of Agriculture and
118 Consumer Services.

119 (4) "Field gleaning" means the practice of collecting
120 surplus, blemished, or unharvested crops from farmers' fields
121 for distribution to those in need.

122 ~~(5)~~~~(3)~~ "Program" means any one or more of the school food
123 and nutrition service programs that the department has
124 responsibility over including, but not limited to, the National
125 School Lunch Program, the Special Milk Program, the School
126 Breakfast Program, the Summer Food Service Program, the Fresh
127 Fruit and Vegetable Program, and any other program that relates
128 to school nutrition.

129 ~~(6)~~~~(4)~~ "School breakfast program" means a program
130 authorized by s. 4 of the Child Nutrition Act of 1966, as
131 amended, and administered by the department.

132 ~~(7)~~~~(5)~~ "School district" means any of the 67 county school
133 districts, including the respective district school board.

134 (8) "Share tables" means tables or stations where students
135 may return whole food or beverage items they choose not to eat
136 which are then made available to others who may want additional
137 servings.

138 ~~(9)~~~~(6)~~ "Sponsor" means any entity that is conducting a
139 program under a current agreement with the department.

140 ~~(10)~~~~(7)~~ "Summer nutrition program" means one or more of the
141 programs authorized under 42 U.S.C. s. 1761.

142 ~~(11)~~~~(8)~~ "Universal school breakfast program" means a
143 program that makes breakfast available at no cost to all
144 students regardless of their household income.

145 Section 3. Section 595.404, Florida Statutes, is amended to

26-01154A-20

20201526__

146 read:

147 595.404 School food and other nutrition programs; powers
148 and duties of the department.—The department has the following
149 powers and duties:

150 (1) To conduct, supervise, and administer the program that
151 will be carried out using federal or state funds, or funds from
152 any other source.

153 (2) To conduct, supervise, and administer a farmers' market
154 nutrition program to provide participants in the Special
155 Supplemental Nutrition Program for Women, Infants, and Children
156 (WIC) with locally grown fruits and vegetables that will be
157 carried out using federal or state funds, or funds from any
158 other source.

159 (3) To fully cooperate with the United States Government
160 and its agencies and instrumentalities so that the department
161 may receive the benefit of all federal financial allotments and
162 assistance available ~~possible~~ to carry out the purposes of this
163 chapter.

164 (4) To implement and adopt by rule, as required, federal
165 regulations.

166 (5) To act as agent of, or contract with, the Federal
167 Government, another state agency, any county or municipal
168 government, or sponsor for the administration of the program,
169 including the distribution of funds provided by the Federal
170 Government to support the program.

171 (6) To provide any a "severe need school" the highest rate
172 of reimbursement to which it is entitled ~~under 42 U.S.C. s. 1773~~
173 for each breakfast meal served as provided by 42 U.S.C. s. 1773.

174 (7) To develop and propose legislation necessary to

26-01154A-20

20201526__

175 implement the program, encourage the development of innovative
176 school food and nutrition services, and expand participation in
177 the program.

178 (8) To annually allocate among the sponsors, as applicable,
179 funds provided from the school breakfast supplement in the
180 General Appropriations Act based on the ratio of each district's
181 total number of free and reduced-price breakfast meals served to
182 the total number of free and reduced-price lunch meals served.

183 (9) To employ such persons as are necessary to perform its
184 duties under this chapter.

185 (10) To adopt rules covering the administration, operation,
186 and enforcement of the program and the farmers' market nutrition
187 program, as well as to implement the provisions of this chapter.

188 (11) To adopt and implement an appeal process by rule, as
189 required by federal regulations, for applicants and participants
190 under the programs implemented pursuant to this chapter,
191 notwithstanding ss. 120.569 and 120.57-120.595.

192 (12) To assist, train, and review each sponsor in its
193 implementation of the program.

194 (13) To advance funds from the program's annual
195 appropriation to a summer nutrition program sponsor, when
196 requested, in order to implement the provisions of this chapter
197 and in accordance with federal regulations.

198 (14) To collect data on food purchased through the programs
199 defined and described in ss. 595.402(5) ~~ss. 595.402(3)~~ and
200 595.406 and to publish that data annually.

201 (15) To enter into agreements with federal or state
202 agencies to coordinate and cooperate in the implementation of
203 nutrition programs.

26-01154A-20

20201526__

204 Section 4. Section 595.405, Florida Statutes, is amended to
205 read:

206 595.405 School nutrition program requirements.—

207 (1) Each district school board shall consider the
208 recommendations of the district school superintendent and adopt
209 policies to provide for an appropriate food and nutrition
210 program for students consistent with federal law and department
211 rules.

212 (2) Each district school board shall implement school
213 breakfast programs that make breakfast meals available to all
214 students in each school that serves any combination of grades
215 kindergarten through 5.

216 (3) Each district school board must annually set prices for
217 breakfast meals at rates that, combined with federal
218 reimbursements and state allocations, are sufficient to defray
219 costs of school breakfast programs without requiring allocations
220 from the district's operating funds, except if the district
221 school board approves lower rates.

222 (4) Each school operating a breakfast program shall make a
223 breakfast meal available if a student arrives at school on the
224 school bus less than 15 minutes before the first bell rings and
225 shall allow the student at least 15 minutes to eat the
226 breakfast.

227 (5) Each district school board is encouraged to provide
228 universal, free school breakfast meals to all students in each
229 elementary, middle, and high school. A universal school
230 breakfast program shall be implemented in each school in which
231 80 percent or more of the students are eligible for free or
232 reduced-price meals, ~~unless the district school board, after~~

26-01154A-20

20201526__

233 ~~considering public testimony at two or more regularly scheduled~~
234 ~~board meetings, decides not to implement such a program in such~~
235 ~~schools.~~

236 (6) To increase school breakfast and universal school
237 breakfast program participation, each district school board
238 must, to the maximum extent practicable, make breakfast meals
239 available to students through alternative service models as
240 described in publications of the Food and Nutrition Service of
241 the United States Department of Agriculture for the federal
242 School Breakfast Program.

243 (7) Each district school board that makes breakfast meals
244 available to students through an alternative service model shall
245 receive funds from the school breakfast supplement in the
246 General Appropriations Act as provided in s. 585.404 for each
247 reimbursable breakfast meal served through the alternative
248 service model.

249 (8) Each district school board shall annually provide
250 information prepared by the district's food service
251 administration regarding available school breakfast programs.
252 The information shall be communicated through school
253 announcements and notices sent to all parents.

254 (9)~~(8)~~ A district school board may operate a breakfast
255 program providing for food preparation at the school site or in
256 central locations with distribution to designated satellite
257 schools, or any combination thereof.

258 (10) A district school board may use share tables in a
259 manner that complies with state and local health and food safety
260 requirements to prevent food waste and to encourage consumption
261 of the food items offered as part of the program.

26-01154A-20

20201526__

262 (11) The department shall distribute guidelines to
263 districts and sponsors, in collaboration with the Department of
264 Health, for implementing share tables, including, but not
265 limited to, guidelines for determining which food components may
266 be shared or reused as a part of a later reimbursable meal,
267 sharing items that require cooling, complying with state and
268 local health and food safety requirements, supervision and
269 monitoring requirements, and best practices for promotion of
270 share tables to students and families.

271 (12) To reduce food waste in school kitchens and
272 cafeterias, each district school board must, to the maximum
273 extent practicable, implement practices to reduce, recycle, and
274 recover food waste as described in publications of the Food and
275 Nutrition Service of the United States Department of Agriculture
276 and the United States Environmental Protection Agency.

277 (13) The department shall create a sponsor education
278 campaign to provide best practices for preventing and reducing
279 food waste in school food and nutrition programs and guidance
280 related to the protections afforded under s. 768.136.

281 (14) The department may adopt rules to implement and
282 administer this section.

283 Section 5. Section 595.406, Florida Statutes, is amended to
284 read:

285 595.406 Florida Farm to School Program.—

286 (1) In order to implement the Florida Farm to School
287 Program, the department shall develop policies pertaining to
288 school food services which encourage:

289 (a) Sponsors to buy fresh and high-quality foods grown in
290 this state when feasible.

26-01154A-20

20201526__

291 (b) Farmers in this state to sell their products to
292 sponsors, school districts, and schools.

293 (c) Sponsors to demonstrate a preference for competitively
294 priced organic food products.

295 (d) Sponsors to make reasonable efforts to select foods
296 based on a preference for those that have maximum nutritional
297 content.

298 (2) The department shall provide outreach, guidance, and
299 training to sponsors, schools, school food service directors,
300 parent and teacher organizations, and students about the benefit
301 of fresh food products from farms in this state.

302 (3) The department may recognize sponsors who purchase at
303 least 10 percent of the food they serve from the Florida Farm to
304 School Program.

305 (4) The department shall annually allocate to participating
306 sponsors the sum appropriated by the Legislature for the Florida
307 Farm to School Program an additional reimbursement for each meal
308 served if at least one component of the meal is comprised of a
309 Florida-grown agricultural commodity, as defined in s. 595.402.
310 To be eligible for the reimbursement the sponsor must report the
311 name of the farmer, farm, or facility producing the agricultural
312 commodity and the county where the agricultural commodity was
313 grown or produced to the department when the request for
314 reimbursement is submitted.

315 (5) The department may adopt rules to implement and
316 administer this section.

317 Section 6. Section 595.422, Florida Statutes, is created to
318 read:

319 595.422 Florida Gleaning Support Grant Program; creation;

26-01154A-20

20201526__

320 administration.-

321 (1) The department shall:

322 (a) Develop the Florida Gleaning Support Grant Program and
323 establish grant award requirements for gleaners as defined in s.
324 768.136 and field gleaning organizations for the purpose of
325 receiving grant awards.

326 (b) Adopt by rule eligibility, application, and selection
327 criteria for the receipt of grants under this section.

328 (c) Promote and market the program to field gleaning
329 organizations and food recovery programs and organizations as an
330 opportunity to compete for grant funding.

331 Section 7. Section 595.801, Florida Statutes, is created to
332 read:

333 595.801 Access to healthy food environments.-

334 (1) The department shall conduct a study on geographical
335 areas with limited access to affordable and nutritious food. The
336 study shall assess the prevalence of limited access to
337 affordable and nutritious food throughout the state,
338 particularly in areas composed of predominantly lower-income
339 communities. The study must:

340 (a) Identify the characteristics and indicators of areas
341 with limited access to affordable and nutritious food.

342 (b) Identify the effect of limited access to affordable and
343 nutritious food on local populations.

344 (c) Analyze the accuracy of current methodologies for
345 measuring food access.

346 (d) Provide recommendations for a redefined methodology for
347 identifying areas with limited access to affordable and
348 nutritious foods to more accurately characterize the state's

26-01154A-20

20201526__

349 food environment.

350 (2) The department may enter into an agreement with a
351 third-party vendor to conduct all or part of the study.

352 (3) The department may adopt rules to implement and
353 administer this section.

354 Section 8. (1) For the 2020-2021 fiscal year, the sum of
355 \$1 million in nonrecurring funds from the General Revenue Fund
356 is appropriated to the department for the purpose of
357 implementing the program created in s. 595.422.

358 (2) For the 2020-2021 fiscal year, the sum of \$500,000 in
359 nonrecurring funds from the General Revenue Fund is appropriated
360 to the department for the purpose of implementing the program
361 created in s. 595.422.

362 (3) For the 2020-2021 fiscal year, the sum of \$150,000 in
363 nonrecurring funds from the General Revenue Fund is appropriated
364 to the department for the purpose of conducting the study as
365 specified in s. 595.801.

366 Section 9. This act shall take effect July 1, 2020.