A bill to be entitled
An act relating to food donation programs; creating s. 220.197, F.S.; defining terms; creating an agricultural commodity donation tax credit; specifying requirements for applying for the tax credit; providing specifications for the application form; providing for unused credit to be carried forward and used under certain circumstances; providing a maximum annual amount for the tax credit; authorizing the Department of Agriculture and Consumer Services to adopt rules; amending s. 595.402; defining terms; amending s. 595.404, F.S.; revising the department’s powers and duties relating to school food and other nutrition programs; amending s. 595.405, F.S.; deleting a provision authorizing district school boards to opt out of implementing universal school breakfast programs; providing that district school boards that make breakfast meals available to students through an alternative service model shall be eligible to receive certain funds; authorizing district school boards to use share tables if certain conditions are met; requiring the department to collaborate with the Department of Health to distribute guidelines on implementing share tables; requiring district school boards to implement practices to reduce, recycle, and recover food waste; requiring the department to create a sponsor education campaign; authorizing the department to adopt rules; amending s. 595.406, F.S.; requiring the department to annually allocate to
participating sponsors a reimbursement in addition to the sum appropriated for the Florida Farm to School Program if certain conditions are met; providing eligibility requirements for such reimbursement; authorizing the department to adopt rules; creating s. 595.422, F.S.; requiring the department to develop the Florida Gleaning Support Grant Program; requiring the department to adopt rules to administer the program; requiring the department to promote and market the program to certain organizations and programs; creating s. 595.801, F.S.; requiring the department to conduct a study on certain geographical areas; providing requirements for the study; authorizing the department to employ a third-party vendor to conduct all or part of the study; providing an appropriation; authorizing the department to adopt rules; providing an effective date.

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

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

220.197 Agricultural commodity donation tax credit.—
(1) DEFINITIONS.—For purposes of this section, the term:
(a) “Agricultural commodity” means any aquacultural, agricultural, apicultural, horticultural (including floricultural), viticultural, and vegetable products produced in this state or any class, variety, or utilization thereof, either in their natural state or as processed by a producer for the
purpose of marketing such product, or by a processor as defined in s. 573.103, and shall include, but not be limited to, any one, any combination thereof, or all of the agricultural products, livestock and livestock products, poultry and poultry products, fish and seafood, and the products of the farms, waters, and forests of this state.

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

(2) TAX CREDIT.—

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

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

(c) If any credit granted under this section is not fully used for the first year in which it becomes available, the unused amount may be carried forward for a period not to exceed
5 years. The amount carried forward may be used in a subsequent
year when the tax imposed by this chapter exceeds the credit for
such year under this section after applying the other credits
and unused credit carryovers in the order provided in s.
220.02(8).
(d) The maximum amount of tax credit which may be granted
to a farmer under this section in any calendar year is $5,000.
(3) RULES.—The Department of Agriculture and Consumer
Services may adopt rules to implement and administer this
section, including rules prescribing forms, the documentation
needed to substantiate a claim for the tax credit, and the
specific procedures and guidelines for claiming the credit.

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

595.402 Definitions.—As used in this chapter, the term:
(1) “Agricultural commodities” means any and all
aquacultural, agricultural, apicultural, horticultural
(including floricultural), viticultural, and vegetable products
produced in this state or any class, variety, or utilization
thereof, either in their natural state or as processed by a
producer for the purpose of marketing such product, or by a
processor as defined in s. 573.103, and shall include, but not
be limited to, any one, any combination thereof, or all of the
agricultural products, livestock and livestock products, poultry
and poultry products, fish and seafood, and the products of the
farms, waters, and forests of this state. The term does not
include beverages.
(2) “Commissioner” means the Commissioner of
Agriculture.
(3)(2) “Department” means the Department of Agriculture and Consumer Services.

(4) “Field gleaning” means the practice of collecting surplus, blemished, or unharvested crops from farmers’ fields for distribution to those in need.

(5) “Program” means any one or more of the school food and nutrition service programs that the department has responsibility over including, but not limited to, the National School Lunch Program, the Special Milk Program, the School Breakfast Program, the Summer Food Service Program, the Fresh Fruit and Vegetable Program, and any other program that relates to school nutrition.

(6) “School breakfast program” means a program authorized by s. 4 of the Child Nutrition Act of 1966, as amended, and administered by the department.

(7) “School district” means any of the 67 county school districts, including the respective district school board.

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

(9) “Sponsor” means any entity that is conducting a program under a current agreement with the department.

(10) “Summer nutrition program” means one or more of the programs authorized under 42 U.S.C. s. 1761.

(11) “Universal school breakfast program” means a program that makes breakfast available at no cost to all students regardless of their household income.

Section 3. Section 595.404, Florida Statutes, is amended to
595.404 School food and other nutrition programs; powers and duties of the department.—The department has the following powers and duties:

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

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

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

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

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

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

(7) To develop and propose legislation necessary to
implement the program, encourage the development of innovative
school food and nutrition services, and expand participation in
the program.

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

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

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

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

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

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

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

(15) To enter into agreements with federal or state
agencies to coordinate and cooperate in the implementation of
nutrition programs.
Section 4. Section 595.405, Florida Statutes, is amended to read:

595.405 School nutrition program requirements.—
(1) Each district school board shall consider the recommendations of the district school superintendent and adopt policies to provide for an appropriate food and nutrition program for students consistent with federal law and department rules.

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

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

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

(5) Each district school board is encouraged to provide universal, free school breakfast meals to all students in each elementary, middle, and high school. A universal school breakfast program shall be implemented in each school in which 80 percent or more of the students are eligible for free or reduced-price meals, unless the district school board, after
considering public testimony at two or more regularly scheduled board meetings, decides not to implement such a program in such schools.

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

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

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

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

(10) A district school board may use share tables in a manner that complies with state and local health and food safety requirements to prevent food waste and to encourage consumption of the food items offered as part of the program.
(11) The department shall distribute guidelines to districts and sponsors, in collaboration with the Department of Health, for implementing share tables, including, but not limited to, guidelines for determining which food components may be shared or reused as a part of a later reimbursable meal, sharing items that require cooling, complying with state and local health and food safety requirements, supervision and monitoring requirements, and best practices for promotion of share tables to students and families.

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

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

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

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

595.406 Florida Farm to School Program.—

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

(a) Sponsors to buy fresh and high-quality foods grown in this state when feasible.
(b) Farmers in this state to sell their products to sponsors, school districts, and schools.

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

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

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

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

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

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

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

595.422 Florida Gleaning Support Grant Program; creation;
(1) The department shall:
(a) Develop the Florida Gleaning Support Grant Program and establish grant award requirements for gleaners as defined in s. 768.136 and field gleaning organizations for the purpose of receiving grant awards.
(b) Adopt by rule eligibility, application, and selection criteria for the receipt of grants under this section.
(c) Promote and market the program to field gleaning organizations and food recovery programs and organizations as an opportunity to compete for grant funding.

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

595.801 Access to healthy food environments.—
(1) The department shall conduct a study on geographical areas with limited access to affordable and nutritious food. The study shall assess the prevalence of limited access to affordable and nutritious food throughout the state, particularly in areas composed of predominantly lower-income communities. The study must:
(a) Identify the characteristics and indicators of areas with limited access to affordable and nutritious food.
(b) Identify the effect of limited access to affordable and nutritious food on local populations.
(c) Analyze the accuracy of current methodologies for measuring food access.
(d) Provide recommendations for a redefined methodology for identifying areas with limited access to affordable and nutritious foods to more accurately characterize the state’s administration.
(2) The department may enter into an agreement with a third-party vendor to conduct all or part of the study.

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

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

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

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

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