A bill to be entitled
An act relating to school food and nutrition services;
creating s. 220.192, F.S.; providing definitions;
providing a tax credit for farmers who donate
agricultural commodities to certain charitable and
nonprofit organizations; directing the Department of
Agriculture and Consumer Services to adopt specified
rules; amending s. 595.402, F.S.; providing and
revising definitions; amending s. 595.404, F.S.;
revising provisions for the rate of reimbursement and
allocation of funds relating to free and reduced-price
meals in schools; amending s. 595.405, F.S.; removing
an exemption from the requirement to implement
universal, free school breakfast meals in certain
schools; providing certain funds to district school
boards for reimbursable breakfast meals served through
an alternative service model; authorizing district
school boards to use share tables; directing the
department, in collaboration with the Department of
Health, to distribute guidelines to district school
boards and sponsors for implementing share tables;
requiring district school boards, to the maximum
extent practicable, to implement specified practices
to reduce, recycle, and recover food waste; directing
the department to create a specified campaign relating

CODING: Words stricken are deletions; words underlined are additions.
to school nutrition programs; authorizing the
department to adopt rules; amending s. 595.406, F.S.;
directing the department to allocate additional
reimbursements for school meals comprised of certain
agricultural commodities; providing an appropriation;
authorizing the department to adopt rules; creating s.
595.422, F.S.; directing the department to develop,
adopt rules for, and promote and market the Florida
Gleaning Support Grant Program to award grants to
certain gleaners, field gleaning organizations, and
food recovery programs and organizations; providing an
appropriation; creating s. 595.801, F.S.; directing
the department to conduct a specified study on
geographical areas with limited access to affordable
and nutritious food; authorizing the department to
contract with a third-party vendor; 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 220.192, Florida Statutes, is created
to read:

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

(b) "Farmer" means a person who is engaging 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 bona fide 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 must, at a minimum, require a sworn affidavit from each farmer certifying the volume and type of agricultural
commodities donated and certifying that all information
contained in the application is true and correct. Each farmer
must 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 in the first year for 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 during 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 agricultural,
apicultural, aquacultural, floricultural, horticultural,
viticultural, and vegetable products produced in this state or
any class, variety, or use thereof, in their natural state or as
processed by a producer for the purpose of marketing the product
or by a processor as defined in s. 573.103, including, but not
limited to, all agricultural products, livestock and livestock
products, poultry and poultry products, fish and seafood, and
products of the farms, waters, and forests of this state. The
term does not include beverages.

(2) "Commissioner" means the Commissioner of
Agriculture.

(3) "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, 42 U.S.C.
s. 1773 as amended, and administered by the department.
"School district" means any of the 67 county school districts, including the respective district school board.

"Share table" means a table or station where children may return whole food and beverage items that they choose to not eat or drink which are then made available to others who may want additional servings.

"Sponsor" means any entity that is conducting a program under a current agreement with the department.

"Summer nutrition program" means one or more of the programs authorized under 42 U.S.C. s. 1761.

"Universal school breakfast program" means a program that makes breakfast available at no cost to all students regardless of their household income.

Section 3. Subsections (3), (6), (8), and (14) of section 595.404, Florida Statutes, are amended to read:

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

(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.

(6) To provide 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.

(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.

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

Section 4. Subsections (7) and (8) of section 595.405, Florida Statutes, renumbered as subsections (8) and (9), respectively, subsection (5) of that section is amended, and a new subsection (7) and subsections (10) through (14) are added to that section, to read:

595.405 School nutrition program requirements.—

(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.
(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.

(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, in collaboration with the Department of Health, shall distribute guidelines to district school boards and sponsors for implementing share tables, including, but not limited to, guidelines for determining food items that may be shared or reused as a part of a later reimbursable meal, food items that require cooling pursuant to state and local health and food safety requirements, supervision and monitoring requirements, and best practices for the promotion of share tables to students and families.

(12) To reduce food waste in school kitchens and cafeterias, each district school board shall, 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 liability protections provided in s. 768.136.

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

Section 5. Subsections (4) through (6) are added to section 595.406, Florida Statutes, to read:

595.406 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 as 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) 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 this program.

(6) 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.—

(1) The department shall develop the Florida Gleaning Support Grant Program to award grants to gleaners as defined in s. 768.136, field gleaning organizations, and food recovery programs and organizations.

(2) The department shall adopt by rule grant eligibility and application requirements and selection criteria for grant awards under this section.

(3) The department shall promote and market the program to gleaners, field gleaning organizations, and food recovery programs and organizations as an opportunity to compete for grant funding.

(4) 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 this program.

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

595.801  Study of 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 shall identify the characteristics and
indicators of areas with limited access to affordable and
nutritious food and the effect of limited access to affordable
and nutritious food on local populations; analyze the accuracy
of current methodologies for measuring food access; and provide
recommendations for a redefined methodology for identifying
areas with limited access to affordable and nutritious foods to
more accurately characterize the food environments of the state.

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

(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 this study.

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

Section 8. This act shall take effect July 1, 2020.