



410858

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2021	.	
	.	
	.	
	.	

The Committee on Agriculture (Rouson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 287.082, Florida Statutes, is amended to
read:

287.082 Commodities manufactured, ~~grown, or produced~~ in
state given preference.—Whenever two or more competitive sealed
bids are received, one or more of which relates to commodities
manufactured, ~~grown, or produced~~ within this state, and whenever
all things stated in such received bids are equal with respect



410858

12 to price, quality, and service, the commodities manufactured,
13 ~~grown, or produced~~ within this state shall be given preference.

14 Section 2. Section 287.0823, Florida Statutes, is created
15 to read:

16 287.0823 Commodities grown or produced in state given
17 preference.-

18 (1) It is the goal of the state that by 2030, 15 percent of
19 all food commodities purchased by state agencies, Florida
20 College System institutions, and state universities shall be
21 grown or produced within this state.

22 (2) (a) Notwithstanding any other provision of this section,
23 and to the extent permitted by federal law, such state agencies,
24 institutions, and universities, when purchasing food
25 commodities, shall give preference to food commodities grown or
26 produced within this state.

27 (b) As used in this section, the term "food commodities"
28 means any agricultural, apicultural, aquacultural,
29 floricultural, horticultural, viticultural, and vegetable
30 products produced in this state or any class, variety, or use
31 thereof, in their natural state or as processed by a producer
32 for the purpose of marketing the product or by a processor,
33 including, but not limited to, all agricultural products;
34 livestock and livestock products; poultry and poultry products;
35 fish and seafood; and products of the farms, waters, and forests
36 of this state.

37 (3) When a purchasing agreement, state term contract, or
38 contract for the purchase of food commodities is to be awarded
39 to the lowest responsive and responsible vendor, an otherwise
40 qualified vendor who will fulfill the contract through the use



410858

41 of food commodities grown or produced within this state may be
42 given preference over other vendors, provided that the price
43 included in the bid, proposal, or reply for the food commodities
44 grown or produced within this state is not more than 10 percent
45 greater than the price included in a bid, proposal, or reply
46 that is for food commodities grown or produced outside of this
47 state.

48 (4) All state agencies, Florida College System
49 institutions, and state universities that purchase food
50 commodities shall cooperate with the department in establishing
51 a reporting system for identifying the percentage of purchased
52 food commodities that are grown or produced within this state.
53 Beginning with the 2021-2022 fiscal year, such state agencies,
54 institutions, and universities shall report their compliance
55 with this section for the preceding fiscal year to the Governor,
56 the Cabinet, the President of the Senate, and the Speaker of the
57 House of Representatives on or before November 1 of each year.
58 The report must contain, at a minimum, the following for each
59 state agency, Florida College System institution, and state
60 university:

61 (a) Total expenditures for, and quantity of, food
62 commodities purchased.

63 (b) Total expenditures for, and quantity of, food
64 commodities purchased that were grown or produced within this
65 state.

66 (c) Total expenditures for food commodities grown or
67 produced outside of this state.

68 (d) A statement and assessment of good faith efforts taken
69 to cooperate with this subsection.



70 Section 3. Subsections (9) and (10) are added to section
71 595.405, Florida Statutes, to read:

72 595.405 School nutrition program requirements.—

73 (9) To eliminate the reduced-price copayment for school
74 breakfast meals, the department shall reimburse sponsors for
75 each breakfast meal that meets the requirements of federal law
76 and department rules and is served to a student who qualifies
77 for reduced-price meals, the greater of 30 cents or the
78 difference between the United States Department of Agriculture
79 reimbursement rate for a free breakfast and a reduced-price
80 breakfast.

81 (10) (a) Beginning June 1, 2022, each school in which 80
82 percent or more of the students are eligible for free or
83 reduced-price meals shall implement a program for special
84 assistance certification and reimbursement alternatives, as
85 defined by 7 C.F.R. s. 245.2, to provide universal free school
86 breakfast and lunch meals to all students, unless a sponsor,
87 after considering public testimony at two or more regularly
88 scheduled school board or sponsor's administration meetings,
89 decides not to implement a program in an eligible school. The
90 sponsor, its school nutrition director, or other designee shall
91 attend at least one training by the department regarding the
92 special assistance certification and reimbursement alternatives
93 before the decision whether to implement the special assistance
94 certification and reimbursement alternatives is made by the
95 school board or sponsor's administration.

96 (b) For schools implementing special assistance
97 certification and reimbursement alternatives, the Department of
98 Education shall use alternate sources of socioeconomic data,



410858

99 such as local data collected by the city or county zoning and
100 economic planning office; unemployment data; local Supplemental
101 Nutrition Assistance Program certification data, including
102 direct certification and statistical sampling of the school's
103 population using an equivalent income measurement process to the
104 free and reduced-price application; or Temporary Assistance for
105 Needy Families data, to establish the income level of the school
106 population.

107 (c) A multiplier shall be applied when an alternate source
108 of socioeconomic data is used to ensure school-level allocations
109 of Title I, Part A, Basic funds for schools implementing special
110 assistance certification and reimbursement alternatives are
111 maintained at the same funding level or higher as the funding
112 level received from the enrollment surveys and free and reduced-
113 price school lunch data for the 2019-2020 school year.

114 Section 4. Section 595.421, Florida Statutes, is created to
115 read:

116 595.421 Agricultural Surplus Purchase Program.-

117 (1) The Agricultural Surplus Purchase Program is
118 established within the department to purchase agricultural
119 commodities from farmers in this state who are unable to sell
120 their agricultural commodities due to unusually large yields or
121 disruptions in the market or food supply chain. The department
122 may consult with food banks or other nonprofit organizations to
123 establish and implement the program.

124 (2) (a) The department shall pay fair market value for any
125 agricultural commodities it purchases from a farmer under the
126 program.

127 (b) The department shall donate and distribute any



410858

128 agricultural commodities purchased under the program to
129 charitable and nonprofit organizations in rural areas of
130 opportunity as defined in s. 288.0656(2) and rural communities
131 as defined in s. 288.0656(2).

132 (3) The department shall adopt by rule an application
133 process for farmers and charitable and nonprofit organizations
134 to participate in the program. The application process shall, at
135 a minimum, include eligibility requirements and criteria for
136 prioritizing and selecting applicants.

137 (4) The department is encouraged to seek funding from
138 private entities and other governmental entities to fund the
139 program.

140 Section 5. Section 595.422, Florida Statutes, is created to
141 read:

142 595.422 Local Food Pantry Infrastructure Assistance Grant
143 Program.—

144 (1) The Local Food Pantry Infrastructure Assistance Grant
145 Program is established within the department to build food
146 pantry capacity to facilitate managing donated food, to increase
147 the availability of perishable food items, and to minimize the
148 loss of perishable food items before distribution.

149 (2) As used in this section, the term "food pantry" means a
150 public or private nonprofit organization that distributes food
151 to persons and households in need to relieve situations of
152 emergency and distress.

153 (3) The department shall establish by rule grant award
154 requirements, including eligibility, application, and selection
155 criteria.

156 (4) The department shall promote and market the program to



157 food pantries as an opportunity to compete for grant funding.
158 Section 6. Section 595.802, Florida Statutes, is created to
159 read:

160 595.802 Healthy Food Access Pilot Program.-

161 (1) The Healthy Food Access Pilot Program is established
162 within the department to increase access to healthy and
163 affordable food by providing grants to support local
164 governments, transportation agencies, community development
165 corporations, and nonprofit organizations in implementing
166 transit system projects that connect low-income and low access
167 communities in rural areas and throughout this state to grocery
168 stores, farmers' markets, and community-supported agriculture
169 programs.

170 (2) The department shall adopt rules to implement this
171 section and may enter into an agreement with a third-party
172 vendor to administer the pilot program.

173 (3) Beginning November 1, 2021, and each November 1
174 thereafter, the department shall submit an annual report to the
175 Governor, the President of the Senate, and the Speaker of the
176 House of Representatives on the projects funded, the geographic
177 distribution of the projects, the costs of the program, and the
178 outcomes.

179 (4) This section is repealed July 1, 2024, unless reviewed
180 and saved from repeal through reenactment by the Legislature.

181 Section 7. (1) For the 2021-2022 fiscal year, the sum of
182 \$2,756,801 in recurring funds from the General Revenue Fund is
183 appropriated to the Department of Agriculture and Consumer
184 Services for the purpose of providing sponsor reimbursements for
185 breakfast meals pursuant to s. 595.405, Florida Statutes.



410858

186 (2) For the 2021-2022 fiscal year, the sum of \$1 million in
187 recurring funds from the General Revenue Fund is appropriated to
188 the Department of Agriculture and Consumer Services for the
189 purpose of implementing the Agricultural Surplus Purchase
190 Program pursuant to s. 595.421, Florida Statutes. The department
191 may use up to 5 percent of the funds for administrative costs
192 associated with the program.

193 (3) For the 2021-2022 fiscal year, the sum of \$500,000 in
194 recurring funds from the General Revenue Fund is appropriated to
195 the Department of Agriculture and Consumer Services for the
196 purpose of implementing the Local Food Pantry Infrastructure
197 Assistance Grant Program pursuant to s. 595.422, Florida
198 Statutes.

199 (4) (a) For the 2021-2022 fiscal year, the sum of \$350,000
200 in recurring funds from the General Revenue Fund is appropriated
201 to the Department of Agriculture and Consumer Services for the
202 purpose of implementing the Healthy Food Access Pilot Program
203 pursuant to s. 595.802, Florida Statutes.

204 (b) Unexpended balances of appropriations provided for the
205 Healthy Food Access Pilot Program may not revert to the General
206 Revenue Fund at the end of the 2021-2022 fiscal year but must be
207 retained in the Food and Nutrition Services Trust Fund and
208 carried forward to fund the pilot program in the 2022-2023
209 fiscal year. Balances of appropriations provided for the pilot
210 program which remain unexpended on July 1, 2024, shall revert to
211 the General Revenue Fund.

212 Section 8. This act shall take effect July 1, 2021.

213
214 ===== T I T L E A M E N D M E N T =====



410858

215 And the title is amended as follows:

216 Delete everything before the enacting clause
217 and insert:

218 A bill to be entitled

219 An act relating to agriculture and nutrition; amending
220 s. 287.082, F.S.; conforming provisions to changes
221 made by the act; creating s. 287.0823, F.S.; declaring
222 that it is a state goal that by a specified date, a
223 percentage of food commodities purchased by state
224 agencies, Florida College System institutions, and
225 state universities will be grown or produced in this
226 state; requiring such agencies, institutions, and
227 universities to give preference to food commodities
228 grown or produced in this state in certain purchasing
229 agreements, state term contracts, or contracts for the
230 purchase of food commodities; providing conditions for
231 such preference; defining the term "food commodities";
232 requiring certain of such agencies, institutions, and
233 universities to cooperate with the Department of
234 Management Services in establishing a reporting
235 system; requiring such agencies, institutions, and
236 universities to report compliance to the Governor,
237 Cabinet, and Legislature by a specified date each
238 year; specifying report requirements; amending s.
239 595.405, F.S.; providing sponsor reimbursements for
240 certain school breakfast meals; requiring certain
241 schools to implement a program for special assistance
242 certification and reimbursement alternatives to
243 provide universal free school breakfast and lunch



244 meals; providing an exception; requiring sponsors or
245 designated sponsor entities to consider certain public
246 testimony before declining to implement the program;
247 directing the Department of Education to use specified
248 data and methodologies to establish income levels for
249 schools implementing the program; requiring a
250 specified multiplier to be applied when using certain
251 data; creating s. 595.421, F.S.; establishing the
252 Agricultural Surplus Purchase Program within the
253 Department of Agriculture and Consumer Services for a
254 specified purpose; authorizing the department to
255 consult with specified entities; directing the
256 department to purchase, donate, and distribute certain
257 agricultural commodities to specified organizations
258 and communities and to adopt specified rules; creating
259 s. 595.422, F.S.; establishing the Local Food Pantry
260 Infrastructure Assistance Grant Program within the
261 department for a specified purpose; defining the term
262 "food pantry"; requiring the department to adopt
263 specified rules and to promote and market the program;
264 creating s. 595.802, F.S.; establishing the Healthy
265 Food Access Pilot Program within the department for a
266 specified purpose; requiring the department to adopt
267 rules; authorizing the department to enter into
268 agreements with third-party vendors; requiring the
269 department to submit an annual report to the Governor
270 and Legislature; providing that the program is
271 repealed by a specified date unless reenacted by the
272 Legislature; providing appropriations; providing an



410858

273

effective date.