

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Agriculture, Environment, and General Government

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BILL: PCS/SB 1832 (838940)

INTRODUCER: Appropriations Subcommittee on Agriculture, Environment, and General Government; and Senators Brodeur and Rouson

SUBJECT: Food Recovery

DATE: February 18, 2022      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Becker</u>	<u>Becker</u>	<u>AG</u>	<b>Favorable</b>
2.	<u>Blizzard</u>	<u>Betta</u>	<u>AEG</u>	<b>Recommend: Fav/CS</b>
3.	_____	_____	<u>AP</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

PCS/SB 1832 directs the Department of Agriculture and Consumer Services (department) to implement a pilot program, subject to appropriation, to provide incentives to Florida agricultural companies to contribute high-quality fresh fruits and vegetables to food recovery entities in the state. The bill provides guidance on how entities shall negotiate the price of produce and how the department shall reimburse the entities.

The bill directs the department to submit a report on the pilot program, including recommendations for legislation, to the Governor, President of the Senate, and Speaker of the House of Representatives by January 1, 2025. The bill grants the department rulemaking authority for the pilot program.

The bill creates a new pilot program that is contingent upon specific appropriation by the Legislature. The department may incur additional workload associated with the implementation of the provisions in the bill. The costs associated with this workload will need to be funded through the overall appropriation for the pilot program. This bill does not provide funding for the pilot program.

The bill takes effect July 1, 2022.

## II. Present Situation:

Section 595.420, F.S., provides legislative intent and powers of the department regarding food recovery. The Legislature finds that millions of pounds of surplus and slightly blemished fruits and vegetables are destroyed each year, while many Floridians go without food.<sup>1</sup> The Legislature further finds that the state, through the Commissioner of Agriculture and Consumer Services, should assist food recovery programs, when needed, to aid in their establishment and to support their continued and efficient operation.<sup>2</sup> In helping to coordinate the establishment of food recovery programs, the department may: identify suppliers, volunteers, and nonprofit organizations in the community to ascertain the level of interest in establishing a food recovery program; provide facilities and other resources for initial organizational meetings; and provide direct and indirect support for the fledgling program, upon demonstration of serious interest at the local level.<sup>3</sup>

Approximately one-fifth of Floridians are food insecure, including over one million children. The department's Food Recovery Program works to recover food by working with farmers (volunteers visit the farms and collect surplus produce in a process called gleaning) and by working with schools (the department provides Florida schools with guidance on food waste audits, share tables, food donations, and composting).<sup>4</sup>

Food distribution programs are funded by the Legislature through the DACS Food Recovery Program. Partnerships for the 2021-2022 fiscal year include:

- Feeding Florida's Farmers Feeding Florida Program, which purchases cosmetically blemished produce from local agricultural producers and provides it to households in need through Feeding Florida's member food banks.
- The Farm Share Program, which provides food free of charge to local community partner agencies as well as directly to families, children, senior citizens, and individuals in need to address food insecurity throughout the state.
- Feeding South Florida's Senior Grocery Delivery Program, which provides a grocery delivery service for low-income, homebound seniors in Palm Beach, Miami-Dade, and Broward Counties.
- Second Harvest of the Big Bend's Feeding Rural Florida Program, which purchases and distributes fresh, nutritious food to rural North Florida counties.<sup>5</sup>

## III. Effect of Proposed Changes:

The bill creates s. 595.420(8), F.S., and defines the terms "agricultural company" and "food recovery entity." The department is directed to implement a pilot program to provide incentives to Florida agricultural companies to contribute high-quality fresh fruits and vegetables to food recovery entities in Florida, subject to appropriation. The goal of the program is to reach annual

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<sup>1</sup> Section 595.420(1)(a), F.S.

<sup>2</sup> Section 595.420(1)(c), F.S.

<sup>3</sup> Section 595.420(3), F.S.

<sup>4</sup> Florida Department of Agriculture and Consumer Services Food Recovery Program *see* <https://www.fdacs.gov/Food-Nutrition/Nutrition-Programs/Food-Recovery-Program> (last visited Jan. 18, 2022).

<sup>5</sup> *Id.*

contributions of 50 million pounds of high-quality fresh fruits and vegetables from Florida growers to food recovery entities by July 1, 2025.

To encourage agricultural companies to contribute high-quality fruits and vegetables, the bill allows food recovery entities to negotiate the price per pound for produce and reimburse agricultural companies on a dollar-for-dollar basis for costs relating to picking, packing, precooling, and transporting high-quality fresh fruits and vegetables from the farm to the entity. Such produce must meet the United States Department of Agriculture grade 1 or 2 standards and must be shipped within seven days of the harvest date. The shipping date may be modified based on the expected shelf life of the particular fruit or vegetable, as long as the modified date will not affect the grade 1 or 2 standards. The harvest date must be included on the invoice provided by the agricultural company to the food recovery entity.

The bill directs the department to reimburse entities on a dollar-for-dollar basis for the purchase of high-quality fresh fruits and vegetables from agricultural companies plus a ten cents per pound distribution reimbursement. To receive reimbursement an entity must submit an invoice as prescribed by the department, which includes, at a minimum, the following information:

- Ship date;
- Ship location by city;
- Harvest date;
- Packaging type and size;
- Delivery location by city;
- Delivery date;
- Received weight in total pounds for each crop;
- Total price per pound for each crop;
- Total invoice price paid; and
- Total pounds delivered.

The bill directs the department to submit a report on the pilot program, including recommendations for legislation, to the Governor, President of the Senate, and Speaker of the House of Representatives by January 1, 2025. The bill grants the department rulemaking authority for the pilot program.

The bill takes effect July 1, 2022.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Agricultural companies may benefit from having an additional market for their produce and Floridians may benefit from the increased availability of fresh produce from food recovery entities.

C. Government Sector Impact:

If the Legislature provides funding for the pilot program, the department may incur costs relating to workload, depending on the amount of the annual appropriation and number of food recovery entities associated with the pilot program. Costs associated with this workload will need to be funded through the overall appropriation for the pilot program. This bill does not include funding for the program. Temporary staff may be needed in the future to manage the program.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 595.420 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**Recommended CS by Appropriations Subcommittee on Agriculture, Environment, and General Government on February 16, 2022:**

The committee substitute removes the appropriation of \$5 million to the department to implement the pilot program.

- B. **Amendments:**

None.