

1                                   A bill to be entitled  
 2           An act relating to food recovery; amending s. 595.420,  
 3           F.S.; providing definitions; directing the Department  
 4           of Agriculture and Consumer Services, subject to  
 5           legislative appropriation, to implement a pilot  
 6           program to provide incentives to food recovery  
 7           entities to negotiate the price for fresh food  
 8           products; providing shipping requirements; authorizing  
 9           food recovery entities to reject certain fresh food  
 10          products; requiring the department to reimburse food  
 11          recovery entities for certain costs; providing  
 12          reimbursement requirements; requiring the department  
 13          to submit reports to the Governor and Legislature by  
 14          specified dates and to adopt rules; providing for  
 15          expiration of the pilot program; providing an  
 16          effective date.

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

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 20           Section 1. Subsection (8) is added to section 595.420,  
 21   Florida Statutes, to read:

22           595.420 Food recovery; legislative intent; department  
 23   functions.—

24           (8)(a) As used in this subsection, the term:

25           1. "Current wholesale price" means the wholesale price for

26 each fresh food product on the invoice date at the closest  
 27 shipping point as reported by the United States Department of  
 28 Agriculture's Market News.

29 2. "Food producer" means an agricultural company, or their  
 30 associated shipper, that produces fresh food products in the  
 31 state.

32 3. "Food recovery entity" means a nonprofit association  
 33 engaged in food recovery and distribution that has at least 10  
 34 years of operation in the state and has received a minimum of 10  
 35 million pounds of perishable fresh food products annually for  
 36 the last 3 years.

37 4. "Fresh food products" means high-quality fresh fruits,  
 38 vegetables, proteins, and dairy produced by a food producer that  
 39 are delivered to their final destination for charitable  
 40 distribution and meet United States Department of Agriculture  
 41 commodity standards and grades upon such delivery.

42 (b) Subject to legislative appropriation, the department  
 43 shall implement a pilot program for food recovery entities to  
 44 negotiate a discounted price for fresh food products so that the  
 45 fresh food products can be exclusively distributed for  
 46 charitable purposes to relieve human hunger in the state.

47 (c) Food recovery entities must negotiate and pay no more  
 48 than 50 percent of the current wholesale price to a food  
 49 producer for the purchase of fresh food products. The harvest or  
 50 processing date and the current wholesale price of each fresh

51 food product purchased and the shipment destination must be  
52 included by invoice, bill of lading, or other documents from the  
53 food producer to the food recovery entity.

54 (d) Food recovery entities may reject any fresh food  
55 product that does not meet the quality standards of the food  
56 recovery entity.

57 (e) The department shall reimburse a food recovery entity  
58 for each negotiated purchase of fresh food products and an  
59 additional 2 cents per pound of fresh food products purchased  
60 for costs to deliver and distribute the fresh food products for  
61 charitable purposes. To receive reimbursement, a food recovery  
62 entity must:

63 1. Certify in writing that:

64 a. The fresh food products meet the quality standards of  
65 the food recovery entity.

66 b. The purchased fresh food products will not be sold to  
67 wholesale, retail, or secondary markets for monetary gain.

68 c. Each fresh food product was purchased at a discounted  
69 price.

70 2. Submit an invoice as prescribed by the department,  
71 which includes the following information:

72 a. Shipment date.

73 b. Shipment location by shipper and city.

74 c. Number of packages shipped and the price for each fresh  
75 food product.

76 d. Total price paid for each fresh food product.

77 e. Total invoice price paid.

78 f. Total pounds shipped by measured weight or by estimate  
79 of the fresh food product.

80 (f) The department shall submit a report on the pilot  
81 program to the Governor, the President of the Senate, and the  
82 Speaker of the House of Representatives by January 1, 2025, and  
83 by each January 1 thereafter. The report must include all of the  
84 following:

85 1. Each fresh food product by package size, total number  
86 of packages, and average price per package.

87 2. Each fresh food product by total pounds and total  
88 average price per pound.

89 3. Total dollars spent on each fresh food product and  
90 total dollars spent on all fresh food products.

91 (g) The department shall adopt rules to implement this  
92 subsection.

93 (h) This subsection expires on January 1, 2028.

94 Section 2. This act shall take effect July 1, 2024.