

1 A bill to be entitled
2 An act relating to agriculture and nutrition; creating
3 s. 220.192, F.S.; providing definitions; providing a
4 tax credit for farmers who donate agricultural
5 commodities to certain charitable and nonprofit
6 organizations for certain distribution; providing
7 application requirements; directing the Department of
8 Agriculture and Consumer Services to adopt specified
9 rules; authorizing unused tax credit amounts to be
10 carried forward for a specified period; limiting the
11 tax credit amount a farmer may be granted; amending s.
12 287.082, F.S.; conforming provisions to changes made
13 by the act; amending s. 287.0823, F.S.; declaring it
14 is a state goal that by a specified date, a percentage
15 of food commodities purchased by state agencies,
16 universities, and colleges will be grown or produced
17 in the state; requiring state agencies, universities,
18 and colleges to give preference to food commodities
19 grown or produced in the state in certain purchasing
20 agreements, state term contracts, or contracts for the
21 purchase of food commodities; providing conditions for
22 such preference; providing a definition; requiring
23 state agencies, universities, and colleges to report
24 compliance of preference requirements to the Governor,
25 Cabinet, and Legislature; specifying report

26 requirements; amending s. 595.405, F.S.; providing
27 sponsor reimbursements for certain breakfast meals;
28 requiring certain schools to implement a program for
29 special assistance certification and reimbursement
30 alternatives to provide universal free school
31 breakfast and lunch meals; providing an exception;
32 requiring sponsors or designated sponsor entities to
33 consider certain public testimony before declining to
34 implement the program; directing the Department of
35 Education to use specified data and methodologies to
36 establish income levels for schools implementing the
37 program; creating s. 595.421, F.S.; establishing the
38 Agricultural Surplus Purchase Program within the
39 department for a specified purpose; authorizing the
40 department to consult with specified entities;
41 directing the department to purchase, donate, and
42 distribute certain agricultural commodities to
43 specified organizations and communities and to adopt
44 specified rules; creating s. 595.422, F.S.;

45 establishing the Local Food Pantry Infrastructure
46 Assistance Grant Program within the department for a
47 specified purpose; providing a definition; directing
48 the department to adopt specified rules and to promote
49 and market the program; creating s. 595.802, F.S.;

50 establishing the Healthy Food Access Pilot Program

51 within the department for a specified purpose;
52 directing the department to adopt rules; authorizing
53 the department to enter into agreements with third
54 party vendors; requiring the department to submit
55 specified annual reports to the Governor and
56 Legislature; providing that the program is repealed by
57 a specified date unless reenacted by the Legislature;
58 creating s. 595.803, F.S.; establishing the Produce
59 Prescription Pilot Program within the department for a
60 specified purpose; directing the department to adopt
61 rules; authorizing the department to enter into
62 agreements with third party vendors; requiring the
63 department to submit specified annual reports to the
64 Governor and Legislature; providing that the program
65 is repealed by a specified date unless reenacted by
66 the Legislature; directing the department to conduct a
67 specified study on geographical areas with limited
68 access to affordable and nutritious food; directing
69 the department to adopt rules; authorizing the
70 department to contract with a third-party vendor;
71 providing appropriations; providing an effective date.

72
73 Be It Enacted by the Legislature of the State of Florida:

74
75 Section 1. Section 220.192, Florida Statutes, is created

76 to read:

77 220.192 Agricultural commodity donation tax credit.-

78 (1) DEFINITIONS.-For purposes of this section, the term:

79 (a) "Agricultural commodity" means any agricultural,
 80 apicultural, aquacultural, floricultural, horticultural,
 81 viticultural, and vegetable products produced in this state or
 82 any class, variety, or use thereof, in their natural state or as
 83 processed by a producer for the purpose of marketing the product
 84 or by a processor as defined in s. 573.103, including, but not
 85 limited to, all agricultural products; livestock and livestock
 86 products; poultry and poultry products; fish and seafood; and
 87 products of the farms, waters, and forests of this state.

88 (b) "Farmer" means a person who is engaging in the growing
 89 or producing of farm produce as defined in s. 768.137. For
 90 purposes of this paragraph, the term "farm produce" has the same
 91 meaning as in s. 812.015(1).

92 (2) TAX CREDIT.-

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

99 (b) Each farmer claiming a credit under this section must
 100 apply to the Department of Agriculture and Consumer Services by

HB 1191

2021

101 the date established by the Department of Agriculture and
102 Consumer Services. The application form shall be adopted by rule
103 of the Department of Agriculture and Consumer Services. The
104 application form must, at a minimum, require a sworn affidavit
105 from each farmer certifying the volume and type of agricultural
106 commodities donated and certifying that all information
107 contained in the application is true and correct. Each farmer
108 must also submit receipts from the charitable or nonprofit
109 organization confirming the claimed donation.

110 (c) If any credit granted under this section is not fully
111 used in the first year for which it becomes available, the
112 unused amount may be carried forward for a period not to exceed
113 5 years. The amount carried forward may be used in a subsequent
114 year when the tax imposed by this chapter exceeds the credit for
115 such year under this section after applying the other credits
116 and unused credit carryovers in the order provided in s.
117 220.02(8).

118 (d) The maximum amount of tax credit which may be granted
119 to a farmer under this section during any calendar year is
120 \$5,000.

121 (3) RULES.—The Department of Agriculture and Consumer
122 Services may adopt rules to implement and administer this
123 section, including rules prescribing forms, the documentation
124 needed to substantiate a claim for the tax credit, and the
125 specific procedures and guidelines for claiming the credit.

126 Section 2. Section 287.082, Florida Statutes, is amended
 127 to read:

128 287.082 Commodities manufactured, ~~grown, or produced~~ in
 129 state given preference.—Whenever two or more competitive sealed
 130 bids are received, one or more of which relates to commodities
 131 manufactured, ~~grown, or produced~~ within this state, and whenever
 132 all things stated in such received bids are equal with respect
 133 to price, quality, and service, the commodities manufactured,
 134 ~~grown, or produced~~ within this state shall be given preference.

135 Section 3. Section 287.0823, Florida Statutes, is created
 136 to read:

137 287.0823 Commodities grown or produced in state given
 138 preference.—

139 (1) It is the goal of the state that by 2030, 15 percent
 140 of all food commodities purchased by agencies and state
 141 universities and colleges shall be grown or produced within this
 142 state.

143 (2) (a) Notwithstanding any other provision of this
 144 section, and to the extent permitted by federal law, state
 145 agencies, universities, and colleges when purchasing food
 146 commodities, preference shall be given to food commodities grown
 147 or produced within this state.

148 (b) As used in this section, the term "food commodities"
 149 means any agricultural, apicultural, aquacultural,
 150 floricultural, horticultural, viticultural, and vegetable

151 products produced in this state or any class, variety, or use
152 thereof, in their natural state or as processed by a producer
153 for the purpose of marketing the product or by a processor as
154 defined in s. 573.103, including, but not limited to, all
155 agricultural products; livestock and livestock products; poultry
156 and poultry products; fish and seafood; and products of the
157 farms, waters, and forests of this state.

158 (3) When a purchasing agreement, state term contract, or
159 contract for the purchase of food commodities is to be awarded
160 to the lowest responsive and responsible vendor, an otherwise
161 qualified vendor who will fulfill the contract through the use
162 of food commodities grown or produced within this state may be
163 given preference over other vendors, provided that the price
164 included in the bid, proposal or reply for the food commodities
165 grown or produced within this state is not more than 10 percent
166 greater than the price included in a bid, proposal, or reply
167 that is for food commodities grown or produced outside of the
168 state.

169 (4) All agencies and state universities and colleges that
170 purchase food commodities shall cooperate with the department in
171 establishing a reporting system for identifying the percentage
172 of purchased food commodities that are grown or produced within
173 this state. Beginning with the 2021-2022 fiscal year, such
174 agencies and state universities and colleges shall report their
175 compliance with this section for the preceding fiscal year to

176 the Governor, Cabinet, the President of the Senate, and the
177 Speaker of the House of Representatives on or before November 1
178 of each year. The report must contain, at a minimum, the
179 following:

180 (a) Total expenditures for, and quantity of, food
181 commodities purchased by each agency and state university and
182 college.

183 (b) Total expenditures for, and quantity of, food
184 commodities purchased that were grown or produced within this
185 state by each agency and state university and college.

186 (c) Total expenditures of each agency and state university
187 and college on food commodities grown or produced outside of the
188 state.

189 (d) A statement and assessment of good faith efforts taken
190 by each agency and state university and college.

191 Section 4. Subsections (9) and (10) are added to section
192 595.405, Florida Statutes, to read:

193 595.405 School nutrition program requirements.—

194 (9) To eliminate the reduced-price copayment for school
195 breakfast meals, the department shall reimburse sponsors for
196 each breakfast meal that meets the requirements of federal law
197 and department rules and is served to a student who qualifies
198 for reduced-price meals, the greater of 30 cents or the
199 difference between the United States Department of Agriculture
200 reimbursement rate for a free breakfast and a reduced-price

201 breakfast.

202 (10) (a) Beginning June 1, 2022, each school in which 80
203 percent or more of the students are eligible for free or
204 reduced-price meals shall implement a program for special
205 assistance certification and reimbursement alternatives, as
206 defined by 7 C.F.R. s. 245.2, to provide universal free school
207 breakfast and lunch meals to all students, unless a sponsor,
208 after considering public testimony at two or more regularly
209 scheduled school board or sponsor's administration meetings,
210 decides not to implement a program in an eligible school. The
211 sponsor, its school nutrition director, or other designee shall
212 attend at least one training by the department regarding the
213 special assistance certification and reimbursement alternatives
214 before the decision whether to implement the special assistance
215 certification and reimbursement alternatives is made by the
216 school board or sponsor's administration.

217 (b) For schools implementing special assistance
218 certification and reimbursement alternatives, the Department of
219 Education shall use alternate sources of socioeconomic data,
220 such as local data collected by the city or county zoning and
221 economic planning office; unemployment data; local Supplemental
222 Nutrition Assistance Program certification data including direct
223 certification, statistical sampling of the school's population
224 using an equivalent income measurement process to the free and
225 reduced-price application; or Temporary Assistance for Needy

226 Families data, to establish the income level of the school
227 population.

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

235 Section 5. Section 595.421, Florida Statutes, is created
236 to read:

237 595.421 Agricultural Surplus Purchase Program.—

238 (1) The Agricultural Surplus Purchase Program is
239 established within the department to purchase agricultural
240 commodities from farmers in the state who are unable to sell
241 their agricultural commodities due to unusually large yields or
242 disruptions in the market or food supply chain. The department
243 may consult with food banks or other nonprofit organizations to
244 establish and implement the program.

245 (2) (a) The department shall pay fair market value for any
246 agricultural commodities it purchases from a farmer under the
247 program.

248 (b) The department shall donate and distribute any
249 agricultural commodities purchased under the program to
250 charitable and nonprofit organizations in rural areas of

251 opportunity as defined in s. 288.0656(2)(d) and rural
252 communities as defined in s. 288.0656(2)(e).

253 (3) The department shall adopt by rule an application
254 process for farmers and charitable and nonprofit organizations
255 to participate in the program. The application process shall, at
256 a minimum, include eligibility requirements and criteria for
257 prioritizing and selecting applicants.

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

260 595.422 Local Food Pantry Infrastructure Assistance Grant
261 Program.—

262 (1) The Local Food Pantry Infrastructure Assistance Grant
263 Program is established within the department to build food
264 pantry capacity to facilitate managing donated food and to
265 increase the availability of perishable food items and to
266 minimize the loss of perishable food items before distribution.

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

271 (3) The department shall establish by rule grant award
272 requirements, including eligibility, application, and selection
273 criteria.

274 (4) The department shall promote and market the program to
275 food pantries as an opportunity to compete for grant funding.

276 Section 7. Section 595.802, Florida Statutes, is created
277 to read:

278 595.802 Healthy Food Access Pilot Program.—

279 (1) The Healthy Food Access Pilot Program is established
280 within the department to increase access to healthy and
281 affordable food by providing grants to support local
282 governments, transportation agencies, community development
283 corporations, and nonprofit organizations to implement transit
284 system projects that connect low-income and low access
285 communities in rural areas and throughout the state to grocery
286 stores, farmers' markets, and community-supported agriculture
287 programs.

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

291 (3) Beginning November 1, 2021, and each November 1
292 thereafter, the department shall submit an annual report to the
293 Governor, the President of the Senate, and the Speaker of the
294 House of Representatives on the projects funded, the geographic
295 distribution of the projects, the costs of the program, and the
296 outcomes.

297 (4) This section is repealed July 1, 2024, unless reviewed
298 and reenacted by the Legislature before that date.

299 Section 8. Section 595.803, Florida Statutes, is created
300 to read:

301 595.803 Produce Prescription Pilot Program.—

302 (1) The Produce Prescription Pilot Program is established
 303 within the department to demonstrate and evaluate the
 304 improvement of dietary health through increased consumption of
 305 Florida-grown fruits and vegetables, reduced individual and
 306 household food insecurity, and reduced healthcare visits and
 307 associated costs through produce prescription grants.

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

311 (3) Beginning November 1, 2021, and each November 1
 312 thereafter, the department shall submit an annual report to the
 313 Governor, the President of the Senate, and the Speaker of the
 314 House of Representatives on the projects funded, the geographic
 315 distribution of the projects, the costs of the program, and the
 316 outcomes.

317 (4) This section is repealed July 1, 2024, unless reviewed
 318 and reenacted by the Legislature before that date.

319 Section 9. (1) The Department of Agriculture and Consumer
 320 Services shall conduct a study on geographical areas with
 321 limited access to affordable and nutritious food. The study
 322 shall assess the prevalence of limited access to affordable and
 323 nutritious food throughout the state, particularly in areas
 324 composed of predominantly lower-income communities. The study
 325 shall identify the characteristics and indicators of areas with

326 limited access to affordable and nutritious food and the effect
327 of limited access to affordable and nutritious food on local
328 populations; analyze the accuracy of current methodologies for
329 measuring food access; and provide recommendations for a
330 redefined methodology for identifying areas with limited access
331 to affordable and nutritious foods to more accurately
332 characterize the food environments of the state.

333 (2) The department shall adopt rules to implement and this
334 section and may enter into an agreement with a third-party
335 vendor to conduct all or part of the study.

336 (3) For the 2020-2021 fiscal year, the sum of \$150,000 in
337 nonrecurring funds from the General Revenue Fund is appropriated
338 to the department for the purpose of conducting this study.

339 Section 10. (1) For the 2021-2022 fiscal year, the sum of
340 \$2,756,801 in recurring funds from the General Revenue Fund is
341 appropriated to the Department of Agriculture and Consumer
342 Services for the purpose of providing sponsor reimbursements for
343 breakfast meals pursuant to s. 595.405, Florida Statutes.

344 (2) For the 2021-2022 fiscal year, the sum of \$7 million
345 in recurring funds from the General Revenue Fund is appropriated
346 to the Department of Agriculture and Consumer Services for the
347 purpose of implementing the Agricultural Surplus Purchase
348 Program pursuant to s. 595.421, Florida Statutes. The department
349 may use up to 5 percent of the funds for administrative costs
350 associated with the program.

351 (3) For the 2021-2022 fiscal year, the sum of \$1,250,000
352 in recurring funds from the General Revenue Fund is appropriated
353 to the Department of Agriculture and Consumer Services for the
354 purpose of implementing the Local Food Pantry Infrastructure
355 Assistance Grant Program pursuant to s. 595.422, Florida
356 Statutes.

357 (4) (a) For the 2021-2022 fiscal year, the sum of \$700,000
358 in recurring funds from the General Revenue Fund is appropriated
359 to the Department of Agriculture and Consumer Services for the
360 purpose of implementing the Healthy Food Access Pilot Program
361 pursuant to s. 595.802, Florida Statutes.

362 (b) Unexpended balances of appropriations provided for the
363 Healthy Food Access Pilot Program may not revert to the General
364 Revenue Fund at the end of the 2021-2022 fiscal year but shall
365 be retained in the Food and Nutrition Services Trust Fund and be
366 carried forward to fund the pilot program in the 2022-2023
367 fiscal year. Balances of appropriations provided for the pilot
368 program which remain unexpended on July 1, 2024, shall revert to
369 the General Revenue Fund.

370 (5) (a) For the 2021-2022 fiscal year, the sum of \$800,000
371 in recurring funds from the General Revenue Fund is appropriated
372 to the Department of Agriculture and Consumer Services for the
373 purpose of implementing the Produce Prescription Pilot Program
374 pursuant to s. 595.803, Florida Statutes.

375 (b) Unexpended balances of appropriations provided for the

HB 1191

2021

376 | pilot program may not revert to the General Revenue Fund at the
377 | end of the 2021-2022 fiscal year but shall be retained in the
378 | Food and Nutrition Services Trust Fund and be carried forward to
379 | fund the pilot program in the 2022-2023 fiscal year. Balances of
380 | appropriations provided for the pilot program which remain
381 | unexpended on July 1, 2024, shall revert to the General Revenue
382 | Fund.

383 | Section 11. This act shall take effect July 1, 2021.