

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

26 to school nutrition programs; authorizing the
 27 department to adopt rules; amending s. 595.406, F.S.;
 28 directing the department to allocate additional
 29 reimbursements for school meals comprised of certain
 30 agricultural commodities; providing an appropriation;
 31 authorizing the department to adopt rules; creating s.
 32 595.422, F.S.; directing the department to develop,
 33 adopt rules for, and promote and market the Florida
 34 Gleaning Support Grant Program to award grants to
 35 certain gleaners, field gleaning organizations, and
 36 food recovery programs and organizations; providing an
 37 appropriation; creating s. 595.801, F.S.; directing
 38 the department to conduct a specified study on
 39 geographical areas with limited access to affordable
 40 and nutritious food; authorizing the department to
 41 contract with a third-party vendor; providing an
 42 appropriation; authorizing the department to adopt
 43 rules; providing an effective date.

44

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

46

47 Section 1. Section 220.192, Florida Statutes, is created
 48 to read:

49 220.192 Agricultural commodity donation tax credit.-

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

51 (a) "Agricultural commodity" means any agricultural,
52 apicultural, aquacultural, floricultural, horticultural,
53 viticultural, and vegetable products produced in this state or
54 any class, variety, or use thereof, in their natural state or as
55 processed by a producer for the purpose of marketing the product
56 or by a processor as defined in s. 573.103, including, but not
57 limited to, all agricultural products, livestock and livestock
58 products, poultry and poultry products, fish and seafood, and
59 products of the farms, waters, and forests of this state.

60 (b) "Farmer" means a means a person who is engaging in the
61 growing or producing of farm produce as defined in s. 768.137.

62 (2) TAX CREDIT.—

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

69 (b) Each farmer claiming a credit under this section must
70 apply to the Department of Agriculture and Consumer Services by
71 the date established by the Department of Agriculture and
72 Consumer Services. The application form shall be adopted by rule
73 of the Department of Agriculture and Consumer Services. The
74 application form must, at a minimum, require a sworn affidavit
75 from each farmer certifying the volume and type of agricultural

76 commodities donated and certifying that all information
77 contained in the application is true and correct. Each farmer
78 must also submit receipts from the charitable or nonprofit
79 organization confirming the claimed donation.

80 (c) If any credit granted under this section is not fully
81 used in the first year for which it becomes available, the
82 unused amount may be carried forward for a period not to exceed
83 5 years. The amount carried forward may be used in a subsequent
84 year when the tax imposed by this chapter exceeds the credit for
85 such year under this section after applying the other credits
86 and unused credit carryovers in the order provided in s.
87 220.02(8).

88 (d) The maximum amount of tax credit which may be granted
89 to a farmer under this section during any calendar year is
90 \$5,000.

91 (3) RULES.—The Department of Agriculture and Consumer
92 Services may adopt rules to implement and administer this
93 section, including rules prescribing forms, the documentation
94 needed to substantiate a claim for the tax credit, and the
95 specific procedures and guidelines for claiming the credit.

96 Section 2. Section 595.402, Florida Statutes, is amended
97 to read:

98 595.402 Definitions.—As used in this chapter, the term:

99 (1) "Agricultural commodities" means any agricultural,
100 apicultural, aquacultural, floricultural, horticultural,

101 viticultural, and vegetable products produced in this state or
102 any class, variety, or use thereof, in their natural state or as
103 processed by a producer for the purpose of marketing the product
104 or by a processor as defined in s. 573.103, including, but not
105 limited to, all agricultural products, livestock and livestock
106 products, poultry and poultry products, fish and seafood, and
107 products of the farms, waters, and forests of this state. The
108 term does not include beverages.

109 (2)~~(1)~~ "Commissioner" means the Commissioner of
110 Agriculture.

111 (3)~~(2)~~ "Department" means the Department of Agriculture
112 and Consumer Services.

113 (4) "Field gleaning" means the practice of collecting
114 surplus, blemished, or unharvested crops from farmers' fields
115 for distribution to those in need.

116 (5)~~(3)~~ "Program" means any one or more of the school food
117 and nutrition service programs that the department has
118 responsibility over including, but not limited to, the National
119 School Lunch Program, the Special Milk Program, the School
120 Breakfast Program, the Summer Food Service Program, the Fresh
121 Fruit and Vegetable Program, and any other program that relates
122 to school nutrition.

123 (6)~~(4)~~ "School breakfast program" means a program
124 authorized by s. 4 of the Child Nutrition Act of 1966, 42 U.S.C.
125 s. 1773 ~~as amended~~, and administered by the department.

126 (7)~~(5)~~ "School district" means any of the 67 county school
 127 districts, including the respective district school board.

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

132 (9)~~(6)~~ "Sponsor" means any entity that is conducting a
 133 program under a current agreement with the department.

134 (10)~~(7)~~ "Summer nutrition program" means one or more of
 135 the programs authorized under 42 U.S.C. s. 1761.

136 (11)~~(8)~~ "Universal school breakfast program" means a
 137 program that makes breakfast available at no cost to all
 138 students regardless of their household income.

139 Section 3. Subsections (3), (6), (8), and (14) of section
 140 595.404, Florida Statutes, are amended to read:

141 595.404 School food and other nutrition programs; powers
 142 and duties of the department.—The department has the following
 143 powers and duties:

144 (3) To fully cooperate with the United States Government
 145 and its agencies and instrumentalities so that the department
 146 may receive the benefit of all federal financial allotments and
 147 assistance available ~~possible~~ to carry out the purposes of this
 148 chapter.

149 (6) To provide a "severe need school" the highest rate of
 150 reimbursement to which it is entitled ~~under 42 U.S.C. s. 1773~~

151 for each breakfast meal served as provided by 42 U.S.C. s. 1773.

152 (8) To annually allocate among the sponsors, as
153 applicable, funds provided from the school breakfast supplement
154 in the General Appropriations Act based on the ratio of each
155 district's total number of free and reduced-price breakfast
156 meals served to the total number of free and reduced-price lunch
157 meals served.

158 (14) To collect data on food purchased through the
159 programs defined and described in ss. 595.402(5) ~~ss. 595.402(3)~~
160 and 595.406 and to publish that data annually.

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

166 595.405 School nutrition program requirements.—

167 (5) Each district school board is encouraged to provide
168 universal, free school breakfast meals to all students in each
169 elementary, middle, and high school. A universal school
170 breakfast program shall be implemented in each school in which
171 80 percent or more of the students are eligible for free or
172 reduced-price meals, ~~unless the district school board, after~~
173 ~~considering public testimony at two or more regularly scheduled~~
174 ~~board meetings, decides not to implement such a program in such~~
175 ~~schools.~~

176 (7) Each district school board that makes breakfast meals
177 available to students through an alternative service model shall
178 receive funds from the school breakfast supplement in the
179 General Appropriations Act as provided in s. 585.404 for each
180 reimbursable breakfast meal served through the alternative
181 service model.

182 (10) A district school board may use share tables in a
183 manner that complies with state and local health and food safety
184 requirements to prevent food waste and to encourage consumption
185 of the food items offered as part of the program.

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

195 (12) To reduce food waste in school kitchens and
196 cafeterias, each district school board shall, to the maximum
197 extent practicable, implement practices to reduce, recycle, and
198 recover food waste as described in publications of the Food and
199 Nutrition Service of the United States Department of Agriculture
200 and the United States Environmental Protection Agency.

201 (13) The department shall create a sponsor education
 202 campaign to provide best practices for preventing and reducing
 203 food waste in school food and nutrition programs and guidance
 204 related to the liability protections provided in s. 768.136.

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

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

209 595.406 Florida Farm to School Program.—

210 (4) The department shall annually allocate to
 211 participating sponsors the sum appropriated by the Legislature
 212 for the Florida Farm to School Program as an additional
 213 reimbursement for each meal served if at least one component of
 214 the meal is comprised of a Florida-grown agricultural commodity,
 215 as defined in s. 595.402. To be eligible for the reimbursement,
 216 the sponsor must report the name of the farmer, farm, or
 217 facility producing the agricultural commodity and the county
 218 where the agricultural commodity was grown or produced to the
 219 department when the request for reimbursement is submitted.

220 (5) For the 2020-2021 fiscal year, the sum of \$1 million
 221 in nonrecurring funds from the General Revenue Fund is
 222 appropriated to the department for the purpose of implementing
 223 this program.

224 (6) The department may adopt rules to implement and
 225 administer this section.

226 Section 6. Section 595.422, Florida Statutes, is created
 227 to read:

228 595.422 Florida Gleaning Support Grant Program.—

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

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

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

240 (4) For the 2020-2021 fiscal year, the sum of \$500,000 in
 241 nonrecurring funds from the General Revenue Fund is appropriated
 242 to the department for the purpose of implementing this program.

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

245 595.801 Study of access to healthy food environments.—

246 (1) The department shall conduct a study on geographical
 247 areas with limited access to affordable and nutritious food. The
 248 study shall assess the prevalence of limited access to
 249 affordable and nutritious food throughout the state,
 250 particularly in areas composed of predominantly lower-income

251 communities. The study shall identify the characteristics and
252 indicators of areas with limited access to affordable and
253 nutritious food and the effect of limited access to affordable
254 and nutritious food on local populations; analyze the accuracy
255 of current methodologies for measuring food access; and provide
256 recommendations for a redefined methodology for identifying
257 areas with limited access to affordable and nutritious foods to
258 more accurately characterize the food environments of the state.

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

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

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

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