

By Senator Rouson

19-01344-21

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

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

50 establishing the Local Food Pantry Infrastructure  
51 Assistance Grant Program within the department for a  
52 specified purpose; defining the term "food pantry";  
53 requiring the department to adopt specified rules and  
54 to promote and market the program; creating s.  
55 595.802, F.S.; establishing the Healthy Food Access  
56 Pilot Program within the department for a specified  
57 purpose; requiring the department to adopt rules;  
58 authorizing the department to enter into agreements

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

77

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

79

80 Section 1. Section 220.192, Florida Statutes, is created to  
81 read:

82 220.192 Agricultural commodity donation tax credit.—

83 (1) DEFINITIONS.—For purposes of this section, the term:

84 (a) "Agricultural commodities" means any agricultural,

85 apicultural, aquacultural, floricultural, horticultural,

86 viticultural, and vegetable products produced in this state or

87 any class, variety, or use thereof, in their natural state or as

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88 processed by a producer for the purpose of marketing the product  
89 or by a processor, including, but not limited to, all  
90 agricultural products; livestock and livestock products; poultry  
91 and poultry products; fish and seafood; and products of the  
92 farms, waters, and forests of this state.

93 (b) "Farmer" means a person who engages in the growing or  
94 producing of farm produce as defined in s. 768.137. For purposes  
95 of this paragraph, the term "farm produce" has the same meaning  
96 as in s. 812.015(1)(e).

97 (2) TAX CREDIT.—

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

104 (b) Each farmer claiming a credit under this section must  
105 apply to the Department of Agriculture and Consumer Services by  
106 the date established by the Department of Agriculture and  
107 Consumer Services. The application form shall be adopted by rule  
108 of the Department of Agriculture and Consumer Services. The  
109 application form must, at a minimum, require a sworn affidavit  
110 from each farmer certifying the volume and type of agricultural  
111 commodities donated and certifying that all information  
112 contained in the application is true and correct. Each farmer  
113 must also submit receipts from the charitable or nonprofit  
114 organization confirming the claimed donation.

115 (c) If any credit granted under this section is not fully  
116 used in the first year for which it becomes available, the

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117 unused amount may be carried forward for a period not to exceed  
118 5 years. The amount carried forward may be used in a subsequent  
119 year when the tax imposed by this chapter exceeds the credit for  
120 such year under this section after applying the other credits  
121 and unused credit carryovers in the order provided in s.  
122 220.02(8).

123 (d) The maximum amount of tax credit which may be granted  
124 to a farmer under this section during any calendar year is  
125 \$5,000.

126 (3) RULES.—The Department of Agriculture and Consumer  
127 Services shall adopt rules to implement and administer this  
128 section, including rules prescribing forms, the documentation  
129 needed to substantiate a claim for the tax credit, and the  
130 specific procedures and guidelines for claiming the credit.

131 Section 2. Section 287.082, Florida Statutes, is amended to  
132 read:

133 287.082 Commodities manufactured, ~~grown, or produced~~ in  
134 state given preference.—Whenever two or more competitive sealed  
135 bids are received, one or more of which relates to commodities  
136 manufactured, ~~grown, or produced~~ within this state, and whenever  
137 all things stated in such received bids are equal with respect  
138 to price, quality, and service, the commodities manufactured, ~~7~~  
139 ~~grown, or produced~~ within this state shall be given preference.

140 Section 3. Section 287.0823, Florida Statutes, is created  
141 to read:

142 287.0823 Commodities grown or produced in state given  
143 preference.—

144 (1) It is the goal of the state that by 2030, 15 percent of  
145 all food commodities purchased by state agencies and Florida

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146 College System institutions and state universities shall be  
147 grown or produced within this state.

148 (2) (a) Notwithstanding any other provision of this section,  
149 and to the extent permitted by federal law, state agencies,  
150 Florida College System institutions, and state universities,  
151 when purchasing food commodities, shall give preference to food  
152 commodities grown or produced within this state.

153 (b) As used in this section, the term "food commodities"  
154 means any agricultural, apicultural, aquacultural,  
155 floricultural, horticultural, viticultural, and vegetable  
156 products produced in this state or any class, variety, or use  
157 thereof, in their natural state or as processed by a producer  
158 for the purpose of marketing the product or by a processor,  
159 including, but not limited to, all agricultural products;  
160 livestock and livestock products; poultry and poultry products;  
161 fish and seafood; and products of the farms, waters, and forests  
162 of this state.

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

174 (4) All state agencies and state universities and colleges

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175 that purchase food commodities shall cooperate with the  
176 department in establishing a reporting system for identifying  
177 the percentage of purchased food commodities that are grown or  
178 produced within this state. Beginning with the 2021-2022 fiscal  
179 year, such state agencies and state universities and colleges  
180 shall report their compliance with this section for the  
181 preceding fiscal year to the Governor, the Cabinet, the  
182 President of the Senate, and the Speaker of the House of  
183 Representatives on or before November 1 of each year. The report  
184 must contain, at a minimum, the following:

185 (a) Total expenditures for, and quantity of, food  
186 commodities purchased by each state agency and state university  
187 and college.

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

191 (c) Total expenditures of each state agency and state  
192 university and college for food commodities grown or produced  
193 outside of this state.

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

196 Section 4. Subsections (9) and (10) are added to section  
197 595.405, Florida Statutes, to read:

198 595.405 School nutrition program requirements.—

199 (9) To eliminate the reduced-price copayment for school  
200 breakfast meals, the department shall reimburse sponsors for  
201 each breakfast meal that meets the requirements of federal law  
202 and department rules and is served to a student who qualifies  
203 for reduced-price meals, the greater of 30 cents or the

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204 difference between the United States Department of Agriculture  
205 reimbursement rate for a free breakfast and a reduced-price  
206 breakfast.

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

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



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

240 Section 5. Section 595.421, Florida Statutes, is created to  
241 read:

242 595.421 Agricultural Surplus Purchase Program.—

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

250 (2) (a) The department shall pay fair market value for any  
251 agricultural commodities it purchases from a farmer under the  
252 program.

253 (b) The department shall donate and distribute any  
254 agricultural commodities purchased under the program to  
255 charitable and nonprofit organizations in rural areas of  
256 opportunity as defined in s. 288.0656(2) (d) and rural  
257 communities as defined in s. 288.0656(2) (e).

258 (3) The department shall adopt by rule an application  
259 process for farmers and charitable and nonprofit organizations  
260 to participate in the program. The application process shall, at  
261 a minimum, include eligibility requirements and criteria for

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262 prioritizing and selecting applicants.

263 Section 6. Section 595.422, Florida Statutes, is created to  
264 read:

265 595.422 Local Food Pantry Infrastructure Assistance Grant  
266 Program.—

267 (1) The Local Food Pantry Infrastructure Assistance Grant  
268 Program is established within the department to build food  
269 pantry capacity to facilitate managing donated food, to increase  
270 the availability of perishable food items, and to minimize the  
271 loss of perishable food items before distribution.

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

276 (3) The department shall establish by rule grant award  
277 requirements, including eligibility, application, and selection  
278 criteria.

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

281 Section 7. Section 595.802, Florida Statutes, is created to  
282 read:

283 595.802 Healthy Food Access Pilot Program.—

284 (1) The Healthy Food Access Pilot Program is established  
285 within the department to increase access to healthy and  
286 affordable food by providing grants to support local  
287 governments, transportation agencies, community development  
288 corporations, and nonprofit organizations in implementing  
289 transit system projects that connect low-income and low access  
290 communities in rural areas and throughout this state to grocery

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291 stores, farmers' markets, and community-supported agriculture  
292 programs.

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

296 (3) Beginning November 1, 2021, and each November 1  
297 thereafter, the department shall submit an annual report to the  
298 Governor, the President of the Senate, and the Speaker of the  
299 House of Representatives on the projects funded, the geographic  
300 distribution of the projects, the costs of the program, and the  
301 outcomes.

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

304 Section 8. Section 595.803, Florida Statutes, is created to  
305 read:

306 595.803 Produce Prescription Pilot Program.—

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

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

316 (3) Beginning November 1, 2021, and each November 1  
317 thereafter, the department shall submit an annual report to the  
318 Governor, the President of the Senate, and the Speaker of the  
319 House of Representatives on the projects funded, the geographic

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320 distribution of the projects, the costs of the program, and the  
321 outcomes.

322 (4) This section is repealed July 1, 2024, unless reviewed  
323 and saved from repeal through reenactment by the Legislature  
324 before that date.

325 Section 9. (1) The Department of Agriculture and Consumer  
326 Services shall conduct a study on geographical areas with  
327 limited access to affordable and nutritious food. The study  
328 shall assess the prevalence of limited access to affordable and  
329 nutritious food throughout this state, particularly in areas  
330 composed of predominantly lower-income communities. The study  
331 shall identify the characteristics and indicators of areas with  
332 limited access to affordable and nutritious food and the effect  
333 of limited access to affordable and nutritious food on local  
334 populations; analyze the accuracy of current methodologies for  
335 measuring food access; and provide recommendations for a  
336 redefined methodology for identifying areas with limited access  
337 to affordable and nutritious foods to more accurately  
338 characterize the food environments of this state.

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

342 (3) For the 2021-2022 fiscal year, the sum of \$150,000 in  
343 nonrecurring funds from the General Revenue Fund is appropriated  
344 to the department for the purpose of conducting this study.

345 Section 10. (1) For the 2021-2022 fiscal year, the sum of  
346 \$2,756,801 in recurring funds from the General Revenue Fund is  
347 appropriated to the Department of Agriculture and Consumer  
348 Services for the purpose of providing sponsor reimbursements for

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349 breakfast meals pursuant to s. 595.405, Florida Statutes.

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

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

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

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

376 (5) (a) For the 2021-2022 fiscal year, the sum of \$800,000  
377 in recurring funds from the General Revenue Fund is appropriated

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378 to the Department of Agriculture and Consumer Services for the  
379 purpose of implementing the Produce Prescription Pilot Program  
380 pursuant to s. 595.803, Florida Statutes.

381 (b) Unexpended balances of appropriations provided for the  
382 pilot program may not revert to the General Revenue Fund at the  
383 end of the 2021-2022 fiscal year but shall be retained in the  
384 Food and Nutrition Services Trust Fund and be carried forward to  
385 fund the pilot program in the 2022-2023 fiscal year. Balances of  
386 appropriations provided for the pilot program which remain  
387 unexpended on July 1, 2024, shall revert to the General Revenue  
388 Fund.

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