

By the Committee on Agriculture; and Senator Rouson

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1                                   A bill to be entitled  
2       An act relating to agriculture and nutrition; amending  
3       s. 287.082, F.S.; conforming provisions to changes  
4       made by the act; creating s. 287.0823, F.S.; declaring  
5       that it is a state goal that by a specified date, a  
6       percentage of food commodities purchased by state  
7       agencies, Florida College System institutions, and  
8       state universities will be grown or produced in this  
9       state; requiring such agencies, institutions, and  
10      universities to give preference to food commodities  
11      grown or produced in this state in certain purchasing  
12      agreements, state term contracts, or contracts for the  
13      purchase of food commodities; providing conditions for  
14      such preference; defining the term "food commodities";  
15      requiring certain of such agencies, institutions, and  
16      universities to cooperate with the Department of  
17      Management Services in establishing a reporting  
18      system; requiring such agencies, institutions, and  
19      universities to report compliance to the Governor,  
20      Cabinet, and Legislature by a specified date each  
21      year; specifying report requirements; amending s.  
22      595.405, F.S.; providing sponsor reimbursements for  
23      certain school breakfast meals; requiring certain  
24      schools to implement a program for special assistance  
25      certification and reimbursement alternatives to  
26      provide universal free school breakfast and lunch  
27      meals; providing an exception; requiring sponsors or  
28      designated sponsor entities to consider certain public  
29      testimony before declining to implement the program;

575-02985-21

20211768c1

30 directing the Department of Education to use specified  
31 data and methodologies to establish income levels for  
32 schools implementing the program; requiring a  
33 specified multiplier to be applied when using certain  
34 data; creating s. 595.421, F.S.; establishing the  
35 Agricultural Surplus Purchase Program within the  
36 Department of Agriculture and Consumer Services for a  
37 specified purpose; authorizing the department to  
38 consult with specified entities; directing the  
39 department to purchase, donate, and distribute certain  
40 agricultural commodities to specified organizations  
41 and communities and to adopt specified rules; creating  
42 s. 595.422, F.S.; establishing the Local Food Pantry  
43 Infrastructure Assistance Grant Program within the  
44 department for a specified purpose; defining the term  
45 "food pantry"; requiring the department to adopt  
46 specified rules and to promote and market the program;  
47 creating s. 595.802, F.S.; establishing the Healthy  
48 Food Access Pilot Program within the department for a  
49 specified purpose; requiring the department to adopt  
50 rules; authorizing the department to enter into  
51 agreements with third-party vendors; requiring the  
52 department to submit an annual report to the Governor  
53 and Legislature; providing that the program is  
54 repealed by a specified date unless reenacted by the  
55 Legislature; providing appropriations; providing an  
56 effective date.

57  
58 Be It Enacted by the Legislature of the State of Florida:

575-02985-21

20211768c1

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Section 1. Section 287.082, Florida Statutes, is amended to read:

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

Section 2. Section 287.0823, Florida Statutes, is created to read:

287.0823 Commodities grown or produced in state given preference.—

(1) It is the goal of the state that by 2030, 15 percent of all food commodities purchased by state agencies, Florida College System institutions, and state universities shall be grown or produced within this state.

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

(b) As used in this section, the term “food commodities” means any agricultural, apicultural, aquacultural, floricultural, horticultural, viticultural, and vegetable products produced in this state or any class, variety, or use thereof, in their natural state or as processed by a producer for the purpose of marketing the product or by a processor,

575-02985-21

20211768c1

88 including, but not limited to, all agricultural products;  
89 livestock and livestock products; poultry and poultry products;  
90 fish and seafood; and products of the farms, waters, and forests  
91 of this state.

92 (3) When a purchasing agreement, state term contract, or  
93 contract for the purchase of food commodities is to be awarded  
94 to the lowest responsive and responsible vendor, an otherwise  
95 qualified vendor who will fulfill the contract through the use  
96 of food commodities grown or produced within this state may be  
97 given preference over other vendors, provided that the price  
98 included in the bid, proposal, or reply for the food commodities  
99 grown or produced within this state is not more than 10 percent  
100 greater than the price included in a bid, proposal, or reply  
101 that is for food commodities grown or produced outside of this  
102 state.

103 (4) All state agencies, Florida College System  
104 institutions, and state universities that purchase food  
105 commodities shall cooperate with the department in establishing  
106 a reporting system for identifying the percentage of purchased  
107 food commodities that are grown or produced within this state.  
108 Beginning with the 2021-2022 fiscal year, such state agencies,  
109 institutions, and universities shall report their compliance  
110 with this section for the preceding fiscal year to the Governor,  
111 the Cabinet, the President of the Senate, and the Speaker of the  
112 House of Representatives on or before November 1 of each year.  
113 The report must contain, at a minimum, the following for each  
114 state agency, Florida College System institution, and state  
115 university:

116 (a) Total expenditures for, and quantity of, food

575-02985-21

20211768c1

117 commodities purchased.

118 (b) Total expenditures for, and quantity of, food  
119 commodities purchased that were grown or produced within this  
120 state.

121 (c) Total expenditures for food commodities grown or  
122 produced outside of this state.

123 (d) A statement and assessment of good faith efforts taken  
124 to cooperate with this subsection.

125 Section 3. Subsections (9) and (10) are added to section  
126 595.405, Florida Statutes, to read:

127 595.405 School nutrition program requirements.—

128 (9) To eliminate the reduced-price copayment for school  
129 breakfast meals, the department shall reimburse sponsors for  
130 each breakfast meal that meets the requirements of federal law  
131 and department rules and is served to a student who qualifies  
132 for reduced-price meals, the greater of 30 cents or the  
133 difference between the United States Department of Agriculture  
134 reimbursement rate for a free breakfast and a reduced-price  
135 breakfast.

136 (10) (a) Beginning June 1, 2022, each school in which 80  
137 percent or more of the students are eligible for free or  
138 reduced-price meals shall implement a program for special  
139 assistance certification and reimbursement alternatives, as  
140 defined by 7 C.F.R. s. 245.2, to provide universal free school  
141 breakfast and lunch meals to all students, unless a sponsor,  
142 after considering public testimony at two or more regularly  
143 scheduled school board or sponsor's administration meetings,  
144 decides not to implement a program in an eligible school. The  
145 sponsor, its school nutrition director, or other designee shall

575-02985-21

20211768c1

146 attend at least one training by the department regarding the  
147 special assistance certification and reimbursement alternatives  
148 before the decision whether to implement the special assistance  
149 certification and reimbursement alternatives is made by the  
150 school board or sponsor's administration.

151 (b) For schools implementing special assistance  
152 certification and reimbursement alternatives, the Department of  
153 Education shall use alternate sources of socioeconomic data,  
154 such as local data collected by the city or county zoning and  
155 economic planning office; unemployment data; local Supplemental  
156 Nutrition Assistance Program certification data, including  
157 direct certification and statistical sampling of the school's  
158 population using an equivalent income measurement process to the  
159 free and reduced-price application; or Temporary Assistance for  
160 Needy Families data, to establish the income level of the school  
161 population.

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

169 Section 4. Section 595.421, Florida Statutes, is created to  
170 read:

171 595.421 Agricultural Surplus Purchase Program.—

172 (1) The Agricultural Surplus Purchase Program is  
173 established within the department to purchase agricultural  
174 commodities from farmers in this state who are unable to sell

575-02985-21

20211768c1

175 their agricultural commodities due to unusually large yields or  
176 disruptions in the market or food supply chain. The department  
177 may consult with food banks or other nonprofit organizations to  
178 establish and implement the program.

179 (2) (a) The department shall pay fair market value for any  
180 agricultural commodities it purchases from a farmer under the  
181 program.

182 (b) The department shall donate and distribute any  
183 agricultural commodities purchased under the program to  
184 charitable and nonprofit organizations in rural areas of  
185 opportunity as defined in s. 288.0656(2) and rural communities  
186 as defined in s. 288.0656(2).

187 (3) The department shall adopt by rule an application  
188 process for farmers and charitable and nonprofit organizations  
189 to participate in the program. The application process shall, at  
190 a minimum, include eligibility requirements and criteria for  
191 prioritizing and selecting applicants.

192 (4) The department is encouraged to seek funding from  
193 private entities and other governmental entities to fund the  
194 program.

195 Section 5. Section 595.422, Florida Statutes, is created to  
196 read:

197 595.422 Local Food Pantry Infrastructure Assistance Grant  
198 Program.—

199 (1) The Local Food Pantry Infrastructure Assistance Grant  
200 Program is established within the department to build food  
201 pantry capacity to facilitate managing donated food, to increase  
202 the availability of perishable food items, and to minimize the  
203 loss of perishable food items before distribution.

575-02985-21

20211768c1

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

208       (3) The department shall establish by rule grant award  
209 requirements, including eligibility, application, and selection  
210 criteria.

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

213       Section 6. Section 595.802, Florida Statutes, is created to  
214 read:

215       595.802 Healthy Food Access Pilot Program.—

216       (1) The Healthy Food Access Pilot Program is established  
217 within the department to increase access to healthy and  
218 affordable food by providing grants to support local  
219 governments, transportation agencies, community development  
220 corporations, and nonprofit organizations in implementing  
221 transit system projects that connect low-income and low access  
222 communities in rural areas and throughout this state to grocery  
223 stores, farmers' markets, and community-supported agriculture  
224 programs.

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

228       (3) Beginning November 1, 2021, and each November 1  
229 thereafter, the department shall submit an annual report to the  
230 Governor, the President of the Senate, and the Speaker of the  
231 House of Representatives on the projects funded, the geographic  
232 distribution of the projects, the costs of the program, and the



575-02985-21

20211768c1

233 outcomes.

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

236 Section 7. (1) For the 2021-2022 fiscal year, the sum of  
237 \$2,756,801 in recurring funds from the General Revenue Fund is  
238 appropriated to the Department of Agriculture and Consumer  
239 Services for the purpose of providing sponsor reimbursements for  
240 breakfast meals pursuant to s. 595.405, Florida Statutes.

241 (2) For the 2021-2022 fiscal year, the sum of \$1 million in  
242 recurring funds from the General Revenue Fund is appropriated to  
243 the Department of Agriculture and Consumer Services for the  
244 purpose of implementing the Agricultural Surplus Purchase  
245 Program pursuant to s. 595.421, Florida Statutes. The department  
246 may use up to 5 percent of the funds for administrative costs  
247 associated with the program.

248 (3) For the 2021-2022 fiscal year, the sum of \$500,000 in  
249 recurring funds from the General Revenue Fund is appropriated to  
250 the Department of Agriculture and Consumer Services for the  
251 purpose of implementing the Local Food Pantry Infrastructure  
252 Assistance Grant Program pursuant to s. 595.422, Florida  
253 Statutes.

254 (4) (a) For the 2021-2022 fiscal year, the sum of \$350,000  
255 in recurring funds from the General Revenue Fund is appropriated  
256 to the Department of Agriculture and Consumer Services for the  
257 purpose of implementing the Healthy Food Access Pilot Program  
258 pursuant to s. 595.802, Florida Statutes.

259 (b) Unexpended balances of appropriations provided for the  
260 Healthy Food Access Pilot Program may not revert to the General  
261 Revenue Fund at the end of the 2021-2022 fiscal year but must be

575-02985-21

20211768c1

262 retained in the Food and Nutrition Services Trust Fund and  
263 carried forward to fund the pilot program in the 2022-2023  
264 fiscal year. Balances of appropriations provided for the pilot  
265 program which remain unexpended on July 1, 2024, shall revert to  
266 the General Revenue Fund.

267 Section 8. This act shall take effect July 1, 2021.