

By Senator Harrell

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1 A bill to be entitled
2 An act relating to food recovery; amending s. 595.420,
3 F.S.; defining terms; directing the Department of
4 Agriculture and Consumer Services, subject to
5 legislative appropriation, to implement a pilot
6 program to provide incentives to agricultural
7 companies to sell fresh food products to food recovery
8 entities; authorizing food recovery entities to
9 negotiate the price for fresh food products and
10 reimburse agricultural companies for certain costs;
11 providing shipping requirements; requiring the
12 department to reimburse food recovery entities for
13 certain costs; providing reimbursement invoice
14 requirements; requiring the department to submit a
15 report to the Governor and Legislature by a specified
16 date and to adopt rules; providing an effective date.
17

18 Be It Enacted by the Legislature of the State of Florida:
19

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. "Agricultural company" means a fresh food products
26 producer in the state that uses a licensed shipping facility.

27 2. "Food recovery entity" means a nonprofit association
28 engaged in food recovery and distribution that has been in
29 operation in the state for at least 10 years and has received a

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30 minimum of 10 million pounds of perishable fresh food products
31 annually for at least 3 years.

32 3. "Fresh food products" means high-quality, United States
33 Department of Agriculture grade 1 standard fresh fruits,
34 vegetables, proteins, and dairy produced by an agricultural
35 company.

36 4. "Harvest ship window" means the number of days within
37 which a fresh food product can be shipped after harvest and meet
38 the United States Department of Agriculture grade 1 standard.

39 (b) Subject to legislative appropriation, the department
40 shall implement a pilot program to provide incentives to
41 agricultural companies to sell fresh food products to food
42 recovery entities. The goal of the pilot program is to have 100
43 million pounds of fresh food products sold to food recovery
44 entities annually.

45 (c)1. To provide an incentive to agricultural companies to
46 sell fresh food products to food recovery entities at a
47 discounted price, a food recovery entity may negotiate the price
48 per box or pound for fresh food products and reimburse an
49 agricultural company for all or part of the costs relating to
50 harvesting, precooling, packaging, and delivering fresh food
51 products from the farm to the licensed shipping facility. The
52 fresh food products must meet the United States Department of
53 Agriculture grade 1 standard and must be shipped within the
54 harvest ship window.

55 2. The harvest ship window for fresh food products is 7
56 days unless the food recovery entity chooses to extend the
57 window for a specific fresh food product on a case-by-case
58 basis. The harvest ship window may be extended by the food

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59 recovery entity based on the expected shelf life of a particular
60 fresh food product as long as the extended window will not
61 affect the United States Department of Agriculture grade 1
62 standard for shipping the product. The food recovery entity must
63 provide notice of an approved extended harvest ship window to
64 the agricultural company in writing, which may be delivered by
65 e-mail.

66 3. The invoice provided by the agricultural company or the
67 licensed shipping facility must include all of the following
68 information:

69 a. A signed statement that the fresh food products shipped
70 to the food recovery entity meet the harvest ship window.

71 b. Any written approval by the food recovery entity to
72 extend the harvest ship window.

73 c. The shipment order number.

74 d. The harvest and shipment dates for each fresh food
75 product.

76 4. The agricultural company or the licensed shipping
77 facility must maintain records of fresh food product shipments
78 to food recovery entities under the pilot program for 2 years
79 after the shipment date.

80 5. Fresh food products from an agricultural company or
81 licensed shipping facility may be shipped to a food recovery
82 entity in packaged food boxes or bulk shipments and distributed
83 by the food recovery entity in boxes or in bulk as deemed
84 practical for food safety and packaging.

85 (d) The department shall reimburse food recovery entities
86 on a dollar-for-dollar basis for the purchase of discounted
87 fresh food products from agricultural companies plus a 10 cents

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88 per box distribution reimbursement. To receive the
89 reimbursements, a food recovery entity must submit an invoice as
90 prescribed by the department, which includes, at a minimum, the
91 following information:

92 1. Name and city of the agricultural company.

93 2. Name and city of the licensed shipping facility.

94 3. Shipment date.

95 4. Date the shipment was received.

96 5. Harvest date for each fresh food product.

97 6. Packaging type and size used for each fresh food
98 product.

99 7. Total units or pounds for each fresh food product.

100 8. Total price per box or pound for each fresh food
101 product.

102 9. Total invoice price paid.

103 (e) The department shall submit a report on the pilot
104 program, including recommendations for legislation, to the
105 Governor, the President of the Senate, and the Speaker of the
106 House of Representatives by January 1, 2024.

107 (f) The department shall adopt rules to implement this
108 subsection.

109 Section 2. This act shall take effect July 1, 2023.