

By Senator Burgess

23-01084A-24

20241422__

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 program to
6 provide incentives to food producers to sell high-
7 quality fresh food products to food recovery entities
8 at a discounted price; providing a goal for the
9 program; requiring food recovery entities to negotiate
10 with food producers; providing shipping requirements;
11 requiring the department to reimburse food recovery
12 entities for certain costs; providing reimbursement
13 invoice requirements; requiring the department to
14 submit a report to the Governor and Legislature by
15 specified dates; providing requirements for the
16 report; requiring the department to adopt rules;
17 providing an appropriation; providing an effective
18 date.

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

21
22 Section 1. Subsection (8) is added to section 595.420,
23 Florida Statutes, to read:

24 595.420 Food recovery; legislative intent; department
25 functions.—

26 (8) (a) As used in this subsection, the term:

27 1. "Food producer" means an agricultural company that
28 produces fresh food products in this state or the company's
29 associated shipper.

23-01084A-24

20241422__

30 2. "Food recovery entity" means a nonprofit association
31 engaged in food recovery and distribution which has been in
32 operation in this state for at least 20 years and has received a
33 minimum of 10 million pounds of perishable produce annually
34 within the last 3 years.

35 3. "Fresh food products" includes fresh fruits, vegetables,
36 proteins, poultry, eggs, and dairy, produced in this state by a
37 food producer.

38 4. "High-quality fresh food products" means fresh food
39 products that meet United States Department of Agriculture
40 commodity standards and grades upon delivery to their final
41 destination.

42 (b) Subject to legislative appropriation, the department
43 shall implement a program to provide incentives to food
44 producers to sell high-quality fresh food products to food
45 recovery entities in this state at a discounted price. The goal
46 of the program is to reduce human hunger in this state.

47 (c) A food recovery entity shall negotiate with a food
48 producer to pay discounted prices for the producer's fresh food
49 products. An invoice, bill of lading, or other documents
50 provided by the food producer to the food recovery entity must
51 include the harvest or processing date, the current market price
52 of each product purchased, and the shipping destination.

53 (d) A food recovery entity may reject any product that
54 fails to meet the entity's food quality standards.

55 (e) The department shall reimburse a food recovery entity
56 for each negotiated purchase of fresh food products produced,
57 purchased, and distributed in this state. To receive a
58 reimbursement, a food recovery entity must:

23-01084A-24

20241422__

59 1. Certify in writing to the department that all of the
60 fresh food products on an invoice meet the food recovery
61 entity's food quality standards and that the fresh food products
62 received will not be sold at wholesale, retail, or secondary
63 markets for monetary gain; and

64 2. Submit the invoice and any other documents provided by
65 the food producer to the department. The invoice must include
66 all of the following information:

67 a. Shipment date.

68 b. Shipment location, by shipper and city.

69 c. Total number of packages shipped and the price of each
70 product.

71 d. Total price paid for each product.

72 e. Total invoice price paid.

73 f. Total pounds shipped, as determined by measured weight
74 or an estimated weight, for each fresh food product.

75 (f) The department shall also reimburse a food recovery
76 entity for delivery and distribution costs in an amount equal to
77 2 cents per pound of fresh food products shipped, as indicated
78 by invoice.

79 (g) The department shall submit a report on the program to
80 the Governor, the President of the Senate, and the Speaker of
81 the House of Representatives by January 1, 2025, and shall
82 submit an updated report by January 1, 2026. The reports must
83 include an itemized list of all of the following:

84 1. Each fresh food product by package size, the total
85 number of packages, and the average price paid per package.

86 2. The total weight in pounds of each fresh food product
87 type, the price paid per pound for each fresh food product type,

23-01084A-24

20241422__

88 and the total spent per fresh food product type.

89 3. The total amount spent and the total amount spent per
90 major fresh food product.

91 (h) The department shall adopt rules to implement this
92 subsection.

93 Section 2. For the 2024-2025 fiscal year, the sum of \$5
94 million in nonrecurring funds is appropriated from the General
95 Revenue Fund to the Department of Agriculture and Consumer
96 Services to implement the program created pursuant to s.
97 595.420(8), Florida Statutes, by this act.

98 Section 3. This act shall take effect July 1, 2024.