

**By** the Appropriations Committee on Agriculture, Environment, and General Government; and Senators Burgess and Rouson

601-03261-24

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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 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 effective date.

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

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

23       595.420 Food recovery; legislative intent; department  
24       functions.—

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

26       1. "Current wholesale market price" means the wholesale  
27       market price for each fresh food product on an invoice dated at  
28       the closest shipping point, as reported by the United States  
29       Department of Agriculture's USDA Market News.

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30        2. "Discounted price" means a price for fresh food products  
31 sold by each food producer at a price that is at least 50  
32 percent below the current wholesale market price.

33        3. "Food producer" means an agricultural company that  
34 produces fresh food products in this state or the company's  
35 associated shipper.

36        4. "Food recovery entity" means a nonprofit association  
37 engaged in food recovery and distribution which has been in  
38 operation in this state for at least 10 years and has received a  
39 minimum of 10 million pounds of perishable produce annually  
40 within the last 3 years.

41        5. "Fresh food products" includes fresh fruits, vegetables,  
42 proteins, poultry, eggs, and dairy that are produced in this  
43 state by a food producer.

44        6. "High-quality fresh food products" means fresh food  
45 products that meet United States Department of Agriculture  
46 commodity standards and grades upon delivery to their final  
47 destination.

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

53        (c) A food recovery entity shall negotiate with a food  
54 producer to pay discounted prices for the producer's fresh food  
55 products. Any invoice, bill of lading, or other document  
56 provided by the food producer to the food recovery entity must  
57 include the harvest or processing date, the current wholesale  
58 market price of each product purchased, and the shipping

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59 destination.

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

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

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

71 2. Submit the invoice and any other documents provided by  
72 the food producer to the department. The invoice must include  
73 all of the following information:

74 a. Shipment date.

75 b. Shipment location, by shipper and city.

76 c. Each fresh food product purchased at the discounted  
77 price.

78 d. Total number of packages shipped and the price of each  
79 product.

80 e. Total price paid for each product.

81 f. Total invoice price paid.

82 g. Total pounds shipped, as determined by measured weight.

83 (f) The department shall also reimburse a food recovery  
84 entity for delivery and distribution costs in an amount equal to  
85 2 cents per pound of fresh food products shipped, as indicated  
86 by invoice.

87 (g) The department shall submit a report on the program to

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88 the Governor, the President of the Senate, and the Speaker of  
89 the House of Representatives by January 1, 2025, and shall  
90 submit an updated report by January 1, 2026. The reports must  
91 include an itemized list of all of the following:

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

94 2. The total weight in pounds of each fresh food product  
95 type, the price paid per pound for each fresh food product type,  
96 and the total spent per fresh food product type.

97 3. The total amount spent and the total amount spent per  
98 major fresh food product.

99 (h) The department shall adopt rules to implement this  
100 subsection.

101 Section 2. This act shall take effect July 1, 2024.