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**SB-1448 Farm to Community Food Hub Program: California Agricultural Land Equity Task Force.** (2023-2024)

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**Senate Bill No. 1448**

**CHAPTER 917**

An act to amend Sections 591 and 592 of, to amend and renumber Section 594 of, and to repeal Section 593 of, the Food and Agricultural Code, and to add Section 75129.5 to the Public Resources Code, relating to food and agriculture, and declaring the urgency thereof, to take effect immediately.

[ Approved by Governor September 28, 2024. Filed with Secretary of State September 28, 2024. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1448, Hurtado. Farm to Community Food Hub Program: California Agricultural Land Equity Task Force.

(1) Existing law establishes the Farm to Community Food Hub Program, which is administered by the Office of Farm to Fork in the Department of Food and Agriculture, which is under the control of the Secretary of Food and Agriculture. Existing law requires the secretary to establish the Farm to Community Food Hub Advisory Committee for the purpose of advising the secretary with respect to their responsibilities regarding the program. Existing law requires the advisory committee to comprise 10 members from specified regions, including 4 members who are executives or managers of a food supply chain business headquartered in California, 4 members who are executives or directors of a civil society organization or representatives of academic institution with certain expertise, and one member who is a farmer or rancher meets specified qualifications. Existing law requires the program to be administered in 2 phases, and requires the office, for the first phase, to solicit and select proposals throughout the state to create farm to community food hubs and award planning grants to selected proposals and, for the second phase, to select at least 3 of the proposals that were awarded planning grants during the first phase and award to those proposals development grants for capital and operating expenses of the farm to community food hub for a 5-year period. Existing law repeals these provisions on January 1, 2028.

This bill would eliminate the advisory committee and instead require the office to develop and consult with a working group comprising at least 7 individuals who possess expertise in the operation of food hubs and other specified areas, as provided. The bill would exempt the working group from the Bagley-Keene Open Meeting Act. The bill would require that the program prioritize the creation of new farm to community food hubs and would authorize, instead of require, the program to be administered in the 2 above-described phases. The bill would extend the operation of the program until January 1, 2034.

(2) Existing law appropriated \$1,000,000 to the Strategic Growth Council to establish the California Agricultural Land Equity Task Force to develop recommendations on how to equitably increase access to agricultural land for food production and traditional tribal agricultural uses. Existing law requires the task force, on or before January 1, 2026, to submit a report to the Legislature and Governor that includes a set of policy recommendations on how to address the agricultural land equity crisis.

This bill would authorize the council, using existing or private funds, to provide public task force members a reasonable per diem allowance, as specified, or at a higher rate authorized by the task force, for each day's attendance at a noticed meeting of the

task force. The bill would require the report to be posted on the council's internet website.

(3) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

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## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 591 of the Food and Agricultural Code is amended to read:

**591.** (a) The Farm to Community Food Hub Program is hereby established for the purpose of piloting investments in the capital aggregation and distribution infrastructure needed to increase purchasing of local, environmentally sustainable, climate-smart, and equitably produced food by schools and other institutions, build a better food system economy, support the local farming economy, accelerate climate adaptation and resilience, and employ food system workers with fair wages and working conditions.

(b) The program shall be administered by the Office of Farm to Fork in the department. In administering the program, the office shall develop and consult with a working group comprising at least seven individuals who possess expertise in the operation of food hubs and the areas described in subdivision (a), including, but not limited to, representatives of the Sustainable Agriculture and Research Education Program, housed within the University of California Agriculture and Natural Resources, representatives of the department's BIPOC Producer Advisory Committee and Small-Scale Producer Advisory Committee, technical experts with experience establishing a food hub, food supply chain representatives such as producers, processors, or purchasers with expertise working with small and socially disadvantaged farms, and at least one representative with expertise in advancing food system improvements that are supportive of local food systems.

(c) (1) A participant of the working group shall recuse themselves from any matter involving the scoring of grant applications or directing of grant funds, if an entity for which they serve on the board of directors or in any other role intends to apply, or has applied, for a grant under the program.

(2) A participant of the working group who recuses themselves pursuant to paragraph (1) may still serve on the working group to provide general guidance on the formation of the program.

(d) Participants of the working group shall receive a reasonable per diem allowance.

(e) The working group is not subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

**SEC. 2.** Section 592 of the Food and Agricultural Code is amended to read:

**592.** (a) The program shall incentivize the creation and permanency of public-serving aggregation and distribution enterprises, known as farm to community food hubs, which may be operated by a nonprofit organization, school district, county office of education, cooperative, food and agriculture-related business, or Certified B Corporation. A farm to community food hub shall do all of the following:

(1) Serve as an aggregator and supply chain intermediary for local or regional farms or ranches, particularly those optimizing sustainable agriculture production practices or methods and following state labor practices. The farm to community food hub shall prioritize, to the greatest extent possible, but is not limited to, serving farms or ranches that are 500 acres or less, cooperatively owned, or owned by farmers or ranchers who are socially disadvantaged, beginning, limited resource, veterans, or disabled.

(2) Prioritize, to the greatest extent feasible, distributing food products from the farms or ranches described in paragraph (1) to public institutions and nonprofit organizations, with primary emphasis on public schools and food banks in the region. Distribution of the food products may be contracted to a value-added intermediary, such as a produce, grain, meat, or seafood processor, if the food products are ultimately provided on a prioritized basis to public institutions or nonprofit organizations.

(3) Ensure that the farms and ranches with which it works comply with all laws, rules, and regulations, including labor and environmental requirements and standards.

(b) The program shall prioritize the creation of new farm to community food hubs and may be administered in two phases, as follows:

(1) During the first phase of the program, the office shall solicit and select proposals throughout the state to create farm to community food hubs that meet the requirements in subdivision (a), and award planning grants to selected proposals.

(2) During the second phase of the program, the office shall select at least three of the proposals awarded planning grants pursuant to paragraph (1) and award to those proposals development grants for capital and operating expenses of each farm to community food hub for a five-year period.

(c) As a condition of the receipt of funds pursuant to paragraph (2) of subdivision (b), a farm to community food hub shall report to the office every quarter for five years after the receipt of the funds regarding the use of the funds.

(d) Notwithstanding Section 10231.5 of the Government Code, for at least five years following the initial award of development grant funding pursuant to paragraph (2) of subdivision (b), the office shall provide an annual report on the status of the farm to community food hubs to the Legislature, in accordance with Section 9795 of the Government Code. The report shall include information on the progress of the farm to community food hubs in all of the following areas:

(1) Financial viability of self-sustainability.

(2) The number and type, with respect to size and ownership, of farms from which food products were sourced, and the volumes of food products sourced from each farm.

(3) The number and type of institutions served by farm to community food hubs, and the volumes of food products provided to each institution.

(e) The program or a farm to community food hub awarded a development grant pursuant to paragraph (2) of subdivision (b) may accept federal, state, industry, philanthropic, and private sources of funding.

**SEC. 3.** Section 593 of the Food and Agricultural Code is repealed.

**SEC. 4.** Section 594 of the Food and Agricultural Code is amended and renumbered to read:

**593.** This article shall remain in effect only until January 1, 2034, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2034, deletes or extends that date.

**SEC. 5.** Section 75129.5 is added to the Public Resources Code, to read:

**75129.5.** (a) Notwithstanding any other law, the council may, using existing or private funds, provide public members of the California Agricultural Land Equity Task Force, established pursuant to Provision 8 of Item 0650-001-0001 of the Budget Act of 2022 (Chapters 43, 45, and 249 of the Statutes of 2022), a reasonable per diem allowance as specified in Section 11564.5 of the Government Code, or at a higher rate that may be established by the task force, for each day's attendance at a noticed meeting of the task force.

(b) The report required pursuant to Provision 8 of Item 0650-001-0001 of the Budget Act of 2022 (Chapters 43, 45, and 249 of the Statutes of 2022) shall be posted on the council's internet website.

**SEC. 6.** The Legislature finds and declares that Section 1 of this act, which amends Section 591 of the Food and Agricultural Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to allow the Farm to Community Food Hub Program working group to conduct its work in a quick manner given the budget implementation date, it is necessary to exempt the working group from the Bagley-Keene Open Meeting Act. The working group has no decisionmaking authority that would negatively or positively impact any constituent.

**SEC. 7.** This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to improve the implementation of vital programs that impact local food systems in California as quickly as possible, it is necessary for this act to take effect immediately.