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**WHEREAS**, the City Commission finds that it is desirable to require certain commercial generators who provide food for consumption to divert food and food waste to beneficial uses, including feeding hungry people, feeding animals, industrial uses, and composting; and

**WHEREAS**, at least ten (10) days' notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings in the City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE  
CITY OF GAINESVILLE, FLORIDA:**

## **DIVISION 7. – FOOD DIVERSION**

31  
32 **Sec. 27-95.4 - Mandatory commercial food waste diversion established.**

33 (a) Beginning on the dates listed below, the following commercial generators shall divert  
34 food or food waste from the waste stream unless they are granted an exemption:

35 (1) By January 1, 2023, food retailers that occupy at least 25,000 square feet, including  
36 but not limited to grocery stores, convenience stores, meat markets, poultry  
37 markets, fish and related aquatic food markets, and produce markets.

38 (2) By January 1, 2024, food service establishments that occupy at least 4,500 square  
39 feet, businesses with a commercial kitchen(s) where the kitchen(s) occupies at least  
40 1,000 square feet, businesses engaged in selling food to other businesses, food  
41 manufacturers (excluding food service establishments) engaged in processing or  
42 fabricating food products from raw materials for sale directly to the public, retailers,  
43 or wholesalers.

44 Commercial generators which are required to divert food or food waste under this  
45 subsection shall divert food or food waste in accordance with the following hierarchy, listed in  
46 order of priority:

47 (1) feeding hungry people;

48 (2) feeding animals;

49 (3) providing for industrial uses;

50 (4) composting.

51 (b) Proof of participation in food waste diversion program. Upon request of the city  
52 manager or designee, a commercial generator required to divert food or food waste shall provide  
53 the following as proof of compliance: 1) receipts for delivery of food to a food bank or other  
54 facility that provides food to hungry people or animals, or 2) receipts for delivery of food waste

to a food waste processing facility that meets permitting requirements of the State of Florida, or  
produce proof of a valid and current contract with a food waste registrant.

(c) Exemptions. A commercial generator may request an exemption from the requirements  
of this section. The city manager or designee shall grant a request for an exemption if the  
commercial generator demonstrates that it is unable to comply due to lack of available service  
providers or facilities that accept food or food waste. An exemption request must be completed  
every 6 months and submitted using forms provided by the city. Commercial generators shall  
be notified in writing within sixty (60) days of whether their exemption request is granted or  
denied.

**Sec. 27-95.5. - Penalties for violation.**

Unless specifically stated otherwise, the city shall enforce violations of sections 27-95.4 through  
code enforcement proceedings, by section 1-9 of this Code of Ordinances, or seek injunctive  
relief in a court of competent jurisdiction.

**Section 2.** It is the intention of the City Commission that the provisions of Section 1 of this  
Ordinance shall become and be made a part of the Code of Ordinances of the City of  
Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be renumbered  
or relettered in order to accomplish such intentions.

**Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
finding shall not affect the other provisions or application of the ordinance which can be given  
effect without the invalid or unconstitutional provisions or application, and to this end the  
provisions of this ordinance are declared severable.

**Section 4.** All ordinances or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

**Section 5.** This ordinance shall become effective immediately upon adoption.

**PASSED AND ADOPTED THIS 2nd day of June, 2022.**



LAUREN POE  
MAYOR

ATTEST:

Approved as to form and legality



OMICHELE D. GAINNEY  
CITY CLERK



DANIEL M. NEE  
INTERIM CITY ATTORNEY

This ordinance passed on first reading this 5th day of May, 2022.

This ordinance passed on second reading this 2nd day of June, 2022.