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CS/HB 103, Engrossed 1

2016 Legislature

1
2 An act relating to transactions in fresh produce
3 markets; creating s. 414.456, F.S.; providing
4 definitions; authorizing certain owners and operators
5 of farmers' markets, community farmers' markets, flea
6 markets, and other open-air markets selling fresh
7 produce to allow authorized Food and Nutrition Service
8 groups, associations, and third-party organizations to
9 operate electronic benefits transfer systems in such
10 markets; providing restrictions on the use of
11 Supplemental Nutrition Assistance Program benefits in
12 such markets; providing applicability; providing an
13 effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 414.456, Florida Statutes, is created
18 to read:

19 414.456 Supplemental Nutrition Assistance Program;
20 transactions in fresh produce markets.—

21 (1) As used in this section, the term:

22 (a) "Market" means a farmers' market, community farmers'
23 market, flea market, or other open-air market.

24 (b) "SNAP" means the federal Supplemental Nutrition
25 Assistance Program established under 7 U.S.C. ss. 2011 et seq.

26 (2) (a) The owner or operator of a market selling fresh



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27 | produce who is not an authorized SNAP retailer may allow an
28 | authorized Food and Nutrition Service group or association of
29 | produce sellers that is actively participating in produce sales
30 | in the market, or an authorized Food and Nutrition Service
31 | third-party organization, to implement and operate an electronic
32 | benefits transfer system for purposes of accepting SNAP benefits
33 | in the market on behalf of the produce sellers to the extent and
34 | manner allowed by federal law and regulation.

35 | (b) The authorized Food and Nutrition Service group,
36 | association, or third-party organization responsible for
37 | implementation and operation of the electronic benefits transfer
38 | system may not be another market that competes with the market
39 | being served.

40 | (c) The market owner or operator shall reasonably
41 | accommodate the authorized Food and Nutrition Service group,
42 | association, or third-party organization in the implementation
43 | and operation of an electronic benefits transfer system for
44 | purposes of accepting SNAP benefits.

45 | (d) SNAP benefits may only be used for the purchase of
46 | fresh produce or other fresh food on a dollar-for-dollar basis
47 | and may not be traded for tokens or other means of trade for
48 | nonproduce items.

49 | (3) This section does not:

50 | (a) Apply to a market selling fresh produce whose owner or
51 | operator has an electronic benefits transfer system for
52 | accepting SNAP benefits in the market.



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53 (b) Prohibit an authorized Food and Nutrition Service
54 produce seller in a market selling fresh produce from operating
55 his or her own electronic benefits transfer system as part of
56 his or her customer transaction options.

57 (c) Require a market owner or operator to create, operate,
58 or maintain an electronic benefits transfer system on behalf of
59 its produce sellers.

60 Section 2. This act shall take effect July 1, 2016.