

1                   A bill to be entitled  
 2           An act relating to transactions in fresh produce  
 3           markets; providing definitions; requiring certain  
 4           owners and operators of farmers' markets, community  
 5           farmers' markets, flea markets, and other open-air  
 6           markets selling fresh produce to allow authorized Food  
 7           Nutrition Service groups, associations, and third-  
 8           party organizations to operate electronic benefits  
 9           transfer systems in such markets; providing for  
 10          applicability; requiring the Department of Children  
 11          and Families to adopt rules; providing an effective  
 12          date.

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

16           Section 1. (1) As used in this section, the term:  
 17           (a) "Market" means a farmers' market, community farmers'  
 18           market, flea market, or other open-air market.

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

21           (2) (a) The owner or operator of a market selling fresh  
 22           produce who is an authorized SNAP retailer, but who does not  
 23           have an electronic benefits transfer system for accepting SNAP  
 24           benefits in the market by January 1, 2014, shall allow an  
 25           authorized Food Nutrition Service group or association of  
 26           produce sellers that is actively participating in produce sales  
 27           in the market, or an authorized Food Nutrition Service third-  
 28           party organization, to implement and operate an electronic

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29 benefits transfer system for purposes of accepting SNAP benefits  
30 in the market on behalf of the produce sellers to the extent and  
31 manner allowed by federal law and regulation.

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

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

42 (3) This section does not:

43 (a) Apply to a market selling fresh produce whose owner or  
44 operator has an electronic benefits transfer system for  
45 accepting SNAP benefits in the market.

46 (b) Prohibit an authorized Food Nutrition Service produce  
47 seller in a market selling fresh produce from operating his or  
48 her own electronic benefits transfer system as part of his or  
49 her customer transaction options.

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

53 (4) The Department of Children and Families shall adopt  
54 rules to administer this section.

55 Section 2. This act shall take effect July 1, 2013.