

By Senator Thompson

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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.

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

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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
29 benefits transfer system for purposes of accepting SNAP benefits

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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.