

By Senator Montford

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1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 288.1175, F.S.;
4 removing provisions requiring the department to give
5 certain priority consideration when evaluating
6 applications for funding of agriculture education and
7 promotion facilities; amending s. 482.1562, F.S.;
8 clarifying the date by which an application for
9 recertification of a limited certification for urban
10 landscape commercial fertilizer application is
11 required; removing provisions imposing late renewal
12 charges; providing a grace period for such
13 recertification; amending s. 500.03, F.S.; defining
14 terms relating to the Florida Food Safety Act;
15 amending s. 570.07, F.S.; revising powers and duties
16 of the department to include sponsoring events;
17 authorizing the department to secure letters of
18 patent, copyrights, and trademarks on work products
19 and to engage in acts accordingly; amending s. 570.30,
20 F.S.; removing electronic data processing and
21 management information systems support for the
22 department as a power and duty of the Division of
23 Administration; amending s. 570.441, F.S.; authorizing
24 the use of funds in the Pest Control Trust Fund for
25 activities of the Division of Agricultural
26 Environmental Services; amending s. 570.50, F.S.;
27 revising powers and duties of the Division of Food
28 Safety to include analyzing milk, milk products, and
29 frozen desserts offered for sale in the state;

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30 amending s. 570.53, F.S.; revising duties of the
31 Division of Marketing and Development to remove
32 enforcement of provisions relating to dealers in
33 agricultural products; amending s. 570.544, F.S.;
34 revising duties of the director of the Division of
35 Consumer Services to include enforcement of provisions
36 relating to dealers in agricultural products and grain
37 dealers; creating s. 570.68, F.S.; authorizing the
38 Commissioner of Agriculture to create an Office of
39 Agriculture Technology Services; providing duties of
40 the office; amending s. 570.681, F.S.; clarifying
41 legislative findings with regard to the Florida
42 Agriculture Center and Horse Park; amending s.
43 570.685, F.S.; authorizing rather than requiring the
44 department to provide administrative and staff support
45 services, meeting space, and record storage for the
46 Florida Agriculture Center and Horse Park Authority;
47 amending s. 571.24, F.S.; clarifying the intent of the
48 Florida Agricultural Promotional Campaign as a
49 marketing program; removing an obsolete provision
50 relating to the designation of a division employee as
51 a member of the Advertising Interagency Coordinating
52 Council; amending s. 571.27, F.S.; removing obsolete
53 provisions relating to the authority of the department
54 to adopt rules for entering into contracts with
55 advertising agencies for services that are directly
56 related to the Florida Agricultural Promotional
57 Campaign; amending s. 571.28, F.S.; revising
58 provisions specifying membership criteria of the

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59 Florida Agricultural Promotional Campaign Advisory
60 Council; amending s. 581.181, F.S.; providing
61 applicability of provisions requiring treatment or
62 destruction of infested or infected plants and plant
63 products; repealing s. 589.26, F.S., relating to the
64 authority of the Florida Forest Service to dedicate
65 and reserve state park lands for public use; amending
66 s. 595.402, F.S.; defining terms relating to the
67 school food and nutrition service program; amending s.
68 595.404, F.S.; revising duties of the department with
69 regard to the school food and nutrition service
70 program; directing the department to collect and
71 publish data on food purchased by sponsors through the
72 Florida Farm to School Program and other school food
73 and nutrition service programs; amending s. 595.405,
74 F.S.; clarifying requirements for the School Nutrition
75 Program; providing for breakfast meals to be available
76 to all students in schools that serve any combination
77 of grades kindergarten through 5; amending s. 595.406,
78 F.S.; renaming the "Florida Farm Fresh Schools
79 Program" as the "Florida Farm to School Program";
80 authorizing the department to establish by rule a
81 recognition program for certain sponsors; amending s.
82 595.407, F.S.; revising provisions of the children's
83 summer nutrition program to include certain schools
84 that serve any combination of grades kindergarten
85 through 5; revising provisions relating to the
86 duration of the program; authorizing school districts
87 to exclude holidays and weekends; amending s. 595.408,

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88 F.S.; conforming references to changes made by the
89 act; amending s. 595.501, F.S.; requiring entities to
90 complete corrective action plans required by the
91 department or a federal agency to be in compliance
92 with school food and nutrition service programs;
93 amending s. 595.601, F.S.; correcting a cross-
94 reference; amending s. 604.20, F.S.; removing a
95 provision requiring an applicant for license as a
96 dealer in agricultural products to submit a letter
97 acknowledging assignment of a certificate of deposit
98 from the issuing institution; amending s. 604.33,
99 F.S.; removing provisions requiring grain dealers to
100 submit monthly reports; authorizing rather than
101 requiring the department to make at least one spot
102 check annually of each grain dealer; providing an
103 effective date.

104
105 Be It Enacted by the Legislature of the State of Florida:

106
107 Section 1. Subsection (5) of section 288.1175, Florida
108 Statutes, is amended to read:

109 288.1175 Agriculture education and promotion facility.—

110 (5) The Department of Agriculture and Consumer Services
111 shall ~~competitively~~ evaluate applications for funding of an
112 agriculture education and promotion facility based on the
113 following criteria and list the applications alphabetically by
114 applicant name. ~~if the number of applicants exceeds three, the~~
115 ~~Department of Agriculture and Consumer Services shall rank the~~
116 ~~applications based upon criteria developed by the Department of~~

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117 ~~Agriculture and Consumer Services, with priority given in~~
118 ~~descending order to the following items:~~

119 (a) The intended use of the funds by the applicant, ~~with~~
120 ~~priority given to the construction of a new facility.~~

121 (b) The amount of local match, ~~with priority given to the~~
122 ~~largest percentage of local match proposed.~~

123 (c) The location of the facility in a brownfield site as
124 defined in s. 376.79(3), a rural enterprise zone as defined in
125 s. 290.004, an agriculturally depressed area as defined in s.
126 570.74, or a county that has lost its agricultural land to
127 environmental restoration projects.

128 (d) The net increase, as a result of the facility, of total
129 available exhibition, arena, or civic center space within the
130 jurisdictional limits of the local government in which the
131 facility is to be located, ~~with priority given to the largest~~
132 ~~percentage increase of total exhibition, arena, or civic center~~
133 ~~space.~~

134 (e) The historic record of the applicant in promoting
135 agriculture and educating the public about agriculture,
136 including, without limitation, awards, premiums, scholarships,
137 auctions, and other such activities.

138 (f) The highest projection on paid attendance attracted by
139 the agriculture education and promotion facility and the
140 proposed economic impact on the local community.

141 (g) The location of the facility with respect to an
142 Institute of Food and Agricultural Sciences (IFAS) facility, ~~with~~
143 ~~priority given to facilities closer in proximity to an IFAS~~
144 ~~facility.~~

145 Section 2. Subsections (5) and (6) of section 482.1562,

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146 Florida Statutes, are amended to read:

147 482.1562 Limited certification for urban landscape
148 commercial fertilizer application.—

149 (5) An application for recertification must be made 4 years
150 after the date of issuance ~~at least 90 days before the~~
151 ~~expiration~~ of the current certificate and be accompanied by:

152 (a) Proof of having completed the 4 classroom hours of
153 acceptable continuing education required under subsection (4).

154 (b) A recertification fee set by the department in an
155 amount of at least \$25 but not more than \$75. Until the fee is
156 set by rule, the fee for certification is \$25.

157 (6) ~~A late renewal charge of \$50 per month shall be~~
158 ~~assessed 30 days after the date the application for~~
159 ~~recertification is due and must be paid in addition to the~~
160 ~~renewal fee. Unless timely recertified, a certificate~~
161 ~~automatically expires 90 days after the recertification date.~~
162 Upon expiration, or after a grace period which does not exceed
163 30 days after expiration, a certificate may be issued only upon
164 reapplying in accordance with subsection (3).

165 Section 3. Present paragraph (bb) of subsection (1) of
166 section 500.03, Florida Statutes, is redesignated as paragraph
167 (cc), and a new paragraph (bb) and paragraphs (dd) and (ee) are
168 added to that subsection, to read:

169 500.03 Definitions; construction; applicability.—

170 (1) For the purpose of this chapter, the term:

171 (bb) "Retail" means the offering of food directly to the
172 consumer.

173 (dd) "Vehicle" means a mode of transportation or mobile
174 carrier used to transport food from one location to another,

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175 including, but not limited to, carts, vans, trucks, cars, trains
176 and railway transport, and aircraft and watercraft type
177 transport.

178 (ee) "Wholesale" means the offering of food to businesses
179 for resale.

180 Section 4. Paragraph (c) of subsection (20) of section
181 570.07, Florida Statutes, is amended, and subsection (44) is
182 added to that section, to read:

183 570.07 Department of Agriculture and Consumer Services;
184 functions, powers, and duties.—The department shall have and
185 exercise the following functions, powers, and duties:

186 (20)

187 (c) To sponsor events, trade breakfasts, luncheons, and
188 dinners and distribute promotional materials and favors in
189 connection with meetings, conferences, and conventions of
190 dealers, buyers, food editors, and merchandising executives that
191 will assist in the promotion and marketing of Florida's
192 agricultural and agricultural business products to the consuming
193 public.

194

195 The department is authorized to receive and expend donations
196 contributed by private persons for the purpose of covering costs
197 associated with the above described activities.

198 (44) The department may, in its own name:

199 (a) Perform all things necessary to secure letters of
200 patent, copyrights, and trademarks on any work products of the
201 department and enforce its rights therein.

202 (b) License, lease, assign, or otherwise give written
203 consent to any person, firm, or corporation for the manufacture

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204 or use of such department work products on a royalty basis or
205 for such other consideration as the department shall deem
206 proper.

207 (c) Take any action necessary, including legal action, to
208 protect such department work products against improper or
209 unlawful use or infringement.

210 (d) Enforce the collection of any sums due to the
211 department for the manufacture or use of such department work
212 products by another party.

213 (e) Sell any of such department work products and execute
214 all instruments necessary to consummate any such sale.

215 (f) Do all other acts necessary and proper for the
216 execution of powers and duties conferred upon the department by
217 this section, including adopting rules, as necessary, in order
218 to administer this section.

219 Section 5. Subsection (5) of section 570.30, Florida
220 Statutes, is amended, to read:

221 570.30 Division of Administration; powers and duties.—The
222 Division of Administration shall render services required by the
223 department and its other divisions, or by the commissioner in
224 the exercise of constitutional and cabinet responsibilities,
225 that can advantageously and effectively be centralized and
226 administered and any other function of the department that is
227 not specifically assigned by law to some other division. The
228 duties of this division include, but are not limited to:

229 ~~(5) Providing electronic data processing and management~~
230 ~~information systems support for the department.~~

231 Section 6. Subsection (4) is added to section 570.441,
232 Florida Statutes, to read:

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233 570.441 Pest Control Trust Fund.—
 234 (4) In addition to the uses authorized under subsection
 235 (2), moneys collected or received by the department under
 236 chapter 482 may be used to carry out the provisions of s.
 237 570.44. This subsection expires June 30, 2018.
 238 Section 7. Subsection (5) of section 570.50, Florida
 239 Statutes, is amended to read:
 240 570.50 Division of Food Safety; powers and duties.—The
 241 duties of the Division of Food Safety include, but are not
 242 limited to:
 243 (5) Analyzing food and feed samples offered for sale in the
 244 state ~~for chemical residues~~ as required under the adulteration
 245 sections of chapters 500, 502, and 580.
 246 Section 8. Subsection (2) of section 570.53, Florida
 247 Statutes, is amended to read:
 248 570.53 Division of Marketing and Development; powers and
 249 duties.—The powers and duties of the Division of Marketing and
 250 Development include, but are not limited to:
 251 ~~(2) Enforcing the provisions of ss. 604.15-604.34, the~~
 252 ~~dealers in agricultural products law, and ss. 534.47-534.53.~~
 253 Section 9. Subsection (2) of section 570.544, Florida
 254 Statutes, is amended to read:
 255 570.544 Division of Consumer Services; director; powers;
 256 processing of complaints; records.—
 257 (2) The director shall supervise, direct, and coordinate
 258 the activities of the division and shall, under the direction of
 259 the department, enforce the provisions of ss. 604.15-604.34 and
 260 chapters 472, 496, 501, 507, 525, 526, 527, 531, 539, 559, 616,
 261 and 849.

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262 Section 10. Section 570.68, Florida Statutes, is created to
263 read:

264 570.68 Office of Agriculture Technology Services.—The
265 commissioner may create an Office of Agriculture Technology
266 Services under the supervision of a senior manager exempt under
267 s. 110.205 in the Senior Management Service. The office shall
268 provide electronic data processing and agency information
269 technology services to support and facilitate the functions,
270 powers, and duties of the department.

271 Section 11. Section 570.681, Florida Statutes, is amended
272 to read:

273 570.681 Florida Agriculture Center and Horse Park;
274 legislative findings.—It is the finding of the Legislature that:

275 ~~(1) Agriculture is an important industry to the State of~~
276 ~~Florida, producing over \$6 billion per year while supporting~~
277 ~~over 230,000 jobs.~~

278 (1)~~(2)~~ Equine and other agriculture-related industries ~~will~~
279 strengthen and benefit each other with the establishment of a
280 statewide agriculture and horse facility.

281 (2)~~(3)~~ The ~~A~~ Florida Agriculture Center and Horse Park
282 provides ~~will provide~~ Florida with a unique tourist experience
283 for visitors and residents, thus generating taxes and additional
284 dollars for the state.

285 (3)~~(4)~~ Promoting the Florida Agriculture Center and Horse
286 Park as a joint effort between the state and the private sector
287 allows ~~will allow~~ this facility to utilize experts and generate
288 revenue from many areas to ensure the success of this facility.

289 Section 12. Paragraphs (b) and (c) of subsection (4) of
290 section 570.685, Florida Statutes, are amended to read:

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291 570.685 Florida Agriculture Center and Horse Park
292 Authority.—

293 (4) The authority shall meet at least semiannually and
294 elect a chair, a vice chair, and a secretary for 1-year terms.

295 (b) The department may provide ~~shall be responsible for~~
296 ~~providing~~ administrative and staff support services relating to
297 the meetings of the authority and may ~~shall~~ provide suitable
298 space in the offices of the department for the meetings and the
299 storage of records of the authority.

300 (c) In conducting its meetings, the authority shall use
301 accepted rules of procedure. The secretary shall keep a complete
302 record of the proceedings of each meeting, which shows ~~record~~
303 ~~shall show~~ the names of the members present and the actions
304 taken. These records shall be kept on file with the department,
305 and such records and other documents regarding matters within
306 the jurisdiction of the authority shall be subject to inspection
307 by members of the authority.

308 Section 13. Section 571.24, Florida Statutes, is amended to
309 read:

310 571.24 Purpose; duties of the department.—The purpose of
311 this part is to authorize the department to establish and
312 coordinate the Florida Agricultural Promotional Campaign, which
313 is intended to serve as a marketing program to promote Florida
314 agricultural commodities, value-added products, and agricultural
315 related businesses and not a food safety or traceability
316 program. The duties of the department shall include, but are not
317 limited to:

318 (1) Developing logos and authorizing the use of logos as
319 provided by rule.

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- 320 (2) Registering participants.
- 321 (3) Assessing and collecting fees.
- 322 (4) Collecting rental receipts for industry promotions.
- 323 (5) Developing in-kind advertising programs.
- 324 (6) Contracting with media representatives for the purpose
325 of dispersing promotional materials.
- 326 (7) Assisting the representative of the department who
327 serves on the Florida Agricultural Promotional Campaign Advisory
328 Council.
- 329 ~~(8) Designating a division employee to be a member of the~~
330 ~~Advertising Interagency Coordinating Council.~~
- 331 (8)~~(9)~~ Adopting rules pursuant to ss. 120.536(1) and 120.54
332 to implement the provisions of this part.
- 333 (9)~~(10)~~ Enforcing and administering the provisions of this
334 part, including measures ensuring that only Florida agricultural
335 or agricultural based products are marketed under the "Fresh
336 From Florida" or "From Florida" logos or other logos of the
337 Florida Agricultural Promotional Campaign.
- 338 Section 14. Section 571.27, Florida Statutes, is amended to
339 read:
- 340 571.27 Rules.—The department is authorized to adopt rules
341 that implement, make specific, and interpret the provisions of
342 this part, ~~including rules for entering into contracts with~~
343 ~~advertising agencies for services which are directly related to~~
344 ~~the Florida Agricultural Promotional Campaign. Such rules shall~~
345 ~~establish the procedures for negotiating costs with the offerors~~
346 ~~of such advertising services who have been determined by the~~
347 ~~department to be qualified on the basis of technical merit,~~
348 ~~creative ability, and professional competency. Such~~

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349 ~~determination of qualifications shall also include consideration~~
350 ~~of the provisions in s. 287.055(3), (4), and (5).~~ The department
351 is further authorized to determine, by rule, the logos or
352 product identifiers to be depicted for use in advertising,
353 publicizing, and promoting the sale of Florida agricultural
354 products or agricultural-based products in the Florida
355 Agricultural Promotional Campaign. The department may also adopt
356 rules consistent ~~not inconsistent~~ with ~~the provisions of this~~
357 part as in its judgment may be necessary for participant
358 registration, renewal of registration, classes of membership,
359 application forms, and ~~as well as~~ other forms and enforcement
360 measures ensuring compliance with this part.

361 Section 15. Subsection (1) of section 571.28, Florida
362 Statutes, is amended to read:

363 571.28 Florida Agricultural Promotional Campaign Advisory
364 Council.—

365 (1) ORGANIZATION.—There is ~~hereby~~ created within the
366 department the Florida Agricultural Promotional Campaign
367 Advisory Council, to consist of 15 members appointed by the
368 Commissioner of Agriculture for 4-year staggered terms. The
369 membership shall include: 13 ~~six~~ members representing
370 agricultural producers, shippers, ~~or~~ packers, ~~three members~~
371 ~~representing agricultural~~ retailers, ~~two members representing~~
372 agricultural associations, and wholesalers ~~one member~~
373 ~~representing a wholesaler~~ of agricultural products, one member
374 representing consumers, and one member representing the
375 department. Initial appointment of the council members shall be
376 four members to a term of 4 years, four members to a term of 3
377 years, four members to a term of 2 years, and three members to a

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378 term of 1 year.

379 Section 16. Subsection (3) is added to section 581.181,
380 Florida Statutes, to read:

381 581.181 Notice of infection of plants; destruction.—

382 (3) This section does not apply to plants or plant products
383 infested with pests or noxious weeds that are determined to be
384 widely established within the state and are not specifically
385 regulated under other sections of statutes or rules adopted by
386 the department.

387 Section 17. Section 589.26, Florida Statutes, is repealed.

388 Section 18. Present subsections (4) and (5) of section
389 595.402, Florida Statutes, are renumbered as subsections (5) and
390 (6), respectively, and a new subsection (4) and subsections (7)
391 and (8) are added to that section, to read:

392 595.402 Definitions.—As used in this chapter, the term:

393 (4) "School breakfast program" means a program authorized
394 by section 4 of the Child Nutrition Act of 1966 and administered
395 by the department.

396 (7) "Summer nutrition program" means one or more of the
397 programs authorized under 42 U.S.C. s. 1761.

398 (8) "Universal school breakfast program" means a program
399 that makes breakfast available at no cost to all students
400 regardless of their household income.

401 Section 19. Subsections (5) and (12) of section 595.404,
402 Florida Statutes, are amended, and subsection (13) is added to
403 that section, to read:

404 595.404 School food and nutrition service program; powers
405 and duties of the department.—The department has the following
406 powers and duties:

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407 (5) To provide ~~make a reasonable effort to ensure that any~~
408 ~~school designated as a "severe need school" receives~~ the highest
409 rate of reimbursement to which it is entitled under 42 U.S.C. s.
410 1773 for each breakfast meal served.

411 (12) To advance funds from the program's annual
412 appropriation to a summer nutrition program sponsors, when
413 requested, in order to implement the provisions of this chapter
414 and in accordance with federal regulations.

415 (13) To collect data on food purchased through the programs
416 defined in ss. 595.402(3) and 595.406 and to publish that data
417 annually.

418 Section 20. Section 595.405, Florida Statutes, is amended
419 to read:

420 595.405 School Nutrition Program requirements ~~for school~~
421 ~~districts and sponsors.~~

422 (1) Each ~~school~~ district school board shall consider the
423 recommendations of the district school superintendent and adopt
424 policies to provide for an appropriate food and nutrition
425 service program for students consistent with federal law and
426 department rules.

427 (2) Each ~~school~~ district school board shall implement
428 school breakfast programs that make breakfast meals available to
429 all students in each ~~elementary~~ school that serves any
430 combination of grades kindergarten through 5. Universal school
431 ~~breakfast programs shall be offered in schools in which 80~~
432 ~~percent or more of the students are eligible for free or~~
433 ~~reduced-price meals. Each school shall, to the maximum extent~~
434 ~~practicable, make breakfast meals available to students at an~~
435 ~~alternative site location, which may include, but need not be~~

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436 ~~limited to, alternative breakfast options as described in~~
437 ~~publications of the Food and Nutrition Service of the United~~
438 ~~States Department of Agriculture for the federal School~~
439 ~~Breakfast Program.~~

440 (3) Each ~~school~~ district school board must annually set
441 prices for breakfast meals at rates that, combined with federal
442 reimbursements and state allocations, are sufficient to defray
443 costs of school breakfast programs without requiring allocations
444 from the district's operating funds, except if the district
445 school board approves lower rates.

446 ~~(4) Each school district is encouraged to provide~~
447 ~~universal, free school breakfast meals to all students in each~~
448 ~~elementary, middle, and high school. Each school district shall~~
449 ~~approve or disapprove a policy, after receiving public testimony~~
450 ~~concerning the proposed policy at two or more regular meetings,~~
451 ~~which makes universal, free school breakfast meals available to~~
452 ~~all students in each elementary, middle, and high school in~~
453 ~~which 80 percent or more of the students are eligible for free~~
454 ~~or reduced-price meals.~~

455 ~~(4)-(5)~~ Each elementary, middle, and high school operating a
456 breakfast program shall make a breakfast meal available if a
457 student arrives at school on the school bus less than 15 minutes
458 before the first bell rings and shall allow the student at least
459 15 minutes to eat the breakfast.

460 (5) Each school district is encouraged to provide
461 universal, free school breakfast meals to all students in each
462 elementary, middle, and high school. A universal school
463 breakfast program shall be implemented in each school in which
464 80 percent or more of the students are eligible for free or

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465 reduced-price meals, unless the district school board, after
466 considering public testimony at two or more regularly scheduled
467 board meetings, decides to not implement such a program in such
468 schools.

469 (6) To increase school breakfast and universal school
470 breakfast program participation, each school district must, to
471 the maximum extent practicable, make breakfast meals available
472 to students through alternative service models as described in
473 publications of the Food and Nutrition Service of the United
474 States Department of Agriculture for the federal School
475 Breakfast Program.

476 (7)~~(6)~~ Each ~~school~~ district school board shall annually
477 provide ~~to all students in each elementary, middle, and high~~
478 ~~school~~ information prepared by the district's food service
479 administration regarding available ~~its~~ school breakfast
480 programs. The information shall be communicated through school
481 announcements and ~~written~~ notices sent to all parents.

482 (8)~~(7)~~ A ~~school~~ district school board may operate a
483 breakfast program providing for food preparation at the school
484 site or in central locations with distribution to designated
485 satellite schools or any combination thereof.

486 ~~(8) Each sponsor shall complete all corrective action plans~~
487 ~~required by the department or a federal agency to be in~~
488 ~~compliance with the program.~~

489 Section 21. Section 595.406, Florida Statutes, is amended
490 to read:

491 595.406 Florida Farm to School ~~Fresh Schools~~ Program.—

492 (1) In order to implement the Florida Farm to School ~~Fresh~~
493 ~~Schools~~ Program, the department shall develop policies

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494 pertaining to school food services which encourage:

495 (a) Sponsors to buy fresh and high-quality foods grown in
496 this state when feasible.

497 (b) Farmers in this state to sell their products to
498 sponsors, school districts, and schools.

499 (c) Sponsors to demonstrate a preference for competitively
500 priced organic food products.

501 (d) Sponsors to make reasonable efforts to select foods
502 based on a preference for those that have maximum nutritional
503 content.

504 (2) The department shall provide outreach, guidance, and
505 training to sponsors, schools, school food service directors,
506 parent and teacher organizations, and students about the benefit
507 of fresh food products from farms in this state.

508 (3) The department may recognize sponsors who purchase at
509 least 10 percent of the food they serve from the Florida Farm to
510 School Program.

511 Section 22. Subsection (2) of section 595.407, Florida
512 Statutes, is amended to read:

513 595.407 Children's summer nutrition program.—

514 (2) Each school district shall develop a plan to sponsor or
515 operate a summer nutrition program to operate sites in the
516 school district as follows:

517 (a) Within 5 miles of at least one ~~elementary~~ school that
518 serves any combination of grades kindergarten through 5 at which
519 50 percent or more of the students are eligible for free or
520 reduced-price school meals and for the duration of 35
521 ~~consecutive~~ days between the end of the school year and the
522 beginning of the next school year. School districts may exclude

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523 holidays and weekends.

524 (b) Within 10 miles of each ~~elementary~~ school that serves
525 any combination of grades kindergarten through 5 at which 50
526 percent or more of the students are eligible for free or
527 reduced-price school meals, except as operated pursuant to
528 paragraph (a).

529 Section 23. Section 595.408, Florida Statutes, is amended
530 to read:

531 595.408 Food ~~Commodity~~ distribution services; department
532 responsibilities and functions.-

533 (1) (a) The department shall conduct, supervise, and
534 administer all food ~~commodity~~ distribution services that will be
535 carried on using federal or state funds, or funds from any other
536 source, or food ~~commodities~~ received and distributed from the
537 United States or any of its agencies.

538 (b) The department shall determine the benefits each
539 applicant or recipient of assistance is entitled to receive
540 under this chapter, provided that each applicant or recipient is
541 a resident of this state and a citizen of the United States or
542 is an alien lawfully admitted for permanent residence or
543 otherwise permanently residing in the United States under color
544 of law.

545 (2) The department shall cooperate fully with the United
546 States Government and its agencies and instrumentalities so that
547 the department may receive the benefit of all federal financial
548 allotments and assistance possible to carry out the purposes of
549 this chapter.

550 (3) The department may:

551 (a) Accept any duties with respect to food ~~commodity~~

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552 distribution services as are delegated to it by an agency of the
553 federal government or any state, county, or municipal
554 government.

555 (b) Act as agent of, or contract with, the federal
556 government, state government, or any county or municipal
557 government in the administration of food ~~commodity~~ distribution
558 services to secure the benefits of any public assistance that is
559 available from the federal government or any of its agencies,
560 and in the distribution of funds received from the federal
561 government, state government, or any county or municipal
562 government for food ~~commodity~~ distribution services within the
563 state.

564 (c) Accept from any person or organization all offers of
565 personal services, food ~~commodities~~, or other aid or assistance.

566 (4) This chapter does not limit, abrogate, or abridge the
567 powers and duties of any other state agency.

568 Section 24. Section 595.501, Florida Statutes, is amended
569 to read:

570 595.501 Penalties.—

571 (1) When a corrective action plan is issued by the
572 department or a federal agency, each sponsor is required to
573 complete the corrective action plan to be in compliance with the
574 program.

575 (2) Any person ~~or, sponsor, or school district~~ that
576 violates any provision of this chapter or any rule adopted
577 thereunder or otherwise does not comply with the program is
578 subject to a suspension or revocation of their agreement, loss
579 of reimbursement, or a financial penalty in accordance with
580 federal or state law or both. This section does not restrict the

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581 applicability of any other law.

582 Section 25. Section 595.601, Florida Statutes, is amended
583 to read:

584 595.601 Food and Nutrition Services Trust Fund.—Chapter 99-
585 37, Laws of Florida, recreated the Food and Nutrition Services
586 Trust Fund to record revenue and disbursements of Federal Food
587 and Nutrition funds received by the department as authorized in
588 s. 595.404 ~~595.405~~.

589 Section 26. Subsection (1) of section 604.20, Florida
590 Statutes, is amended to read:

591 604.20 Bond or certificate of deposit prerequisite; amount;
592 form.—

593 (1) Before any license is issued, the applicant ~~therefor~~
594 shall make and deliver to the department a surety bond or
595 certificate of deposit in the amount of at least \$5,000 or in
596 such greater amount as the department may determine. No bond or
597 certificate of deposit may be in an amount less than \$5,000. The
598 penal sum of the bond or certificate of deposit to be furnished
599 to the department by an applicant for license as a dealer in
600 agricultural products shall be in an amount equal to twice the
601 dollar amount of agricultural products handled for a Florida
602 producer or a producer's agent or representative, by purchase or
603 otherwise, during the month of maximum transaction in such
604 products during the preceding 12-month period. An applicant for
605 license who has not handled agricultural products for a Florida
606 producer or a producer's agent or representative, by purchase or
607 otherwise, during the preceding 12-month period shall furnish a
608 bond or certificate of deposit in an amount equal to twice the
609 estimated dollar amount of such agricultural products to be

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610 handled, by purchase or otherwise, during the month of maximum
611 transaction during the next immediate 12 months. Such bond or
612 certificate of deposit shall be provided or assigned in the
613 exact name in which the dealer will conduct business subject to
614 ~~the provisions of~~ ss. 604.15-604.34. Such bond must be executed
615 by a surety company authorized to transact business in the
616 state. For the purposes of ss. 604.19-604.21, the term
617 "certificate of deposit" means a certificate of deposit at any
618 recognized financial institution doing business in the United
619 States. A ~~No~~ certificate of deposit may not be accepted in
620 connection with an application for a dealer's license unless the
621 issuing institution is properly insured by either the Federal
622 Deposit Insurance Corporation or the Federal Savings and Loan
623 Insurance Corporation. Such bond or any certificate of deposit
624 assignment or agreement shall be upon a form prescribed or
625 approved by the department and shall be conditioned to secure
626 the faithful accounting for and payment, in the manner
627 prescribed by s. 604.21(9), to producers or their agents or
628 representatives of the proceeds of all agricultural products
629 handled or purchased by such dealer and to secure payment to
630 dealers who sell agricultural products to such dealer. Such bond
631 or certificate of deposit assignment or agreement shall include
632 terms binding the instrument to the Commissioner of Agriculture.
633 A certificate of deposit shall be presented with an assignment
634 of applicant's rights in the certificate in favor of the
635 Commissioner of Agriculture on a form prescribed by the
636 department ~~and with a letter from the issuing institution~~
637 acknowledging that the assignment has been properly recorded on
638 the books of the issuing institution and will be honored by the

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639 issuing institution. Such assignment shall be irrevocable while
640 the dealer's license is in effect and for an additional period
641 of 6 months after the termination or expiration of the dealer's
642 license, if a ~~provided~~ ~~no~~ complaint is not pending against the
643 licensee. If a complaint is pending, the assignment shall remain
644 in effect until all actions on the complaint have been
645 finalized. The certificate of deposit may be released by the
646 assignee of the financial institution to the licensee or the
647 licensee's successors, assignee, or heirs if ~~no~~ claims are not
648 pending against the licensee before the department at the
649 conclusion of 6 months after the last effective date of the
650 license. A ~~No~~ certificate of deposit which shall be accepted
651 ~~that~~ contains any provision that would give the issuing
652 institution any prior rights or claim on the proceeds or
653 principal of such certificate of deposit may not be accepted.
654 The department shall determine by rule the maximum amount of
655 bond or certificate of deposit required of a dealer and whether
656 an annual bond or certificate of deposit will be required.

657 Section 27. Section 604.33, Florida Statutes, is amended to
658 read:

659 604.33 Security requirements for grain dealers.—Each grain
660 dealer doing business in the state shall maintain liquid
661 security, in the form of grain on hand, cash, certificates of
662 deposit, or other nonvolatile security that can be liquidated in
663 10 days or less, or cash bonds, surety bonds, or letters of
664 credit, that have been assigned to the department and that are
665 conditioned to secure the faithful accounting for and payment to
666 the producers for grain stored or purchased, in an amount equal
667 to the value of grain which the grain dealer has received from

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668 grain producers for which the producers have not received
669 payment. The bonds must be executed by the applicant as
670 principal and by a surety corporation authorized to transact
671 business in the state. The certificates of deposit and letters
672 of credit must be from a recognized financial institution doing
673 business in the United States. ~~Each grain dealer shall report to~~
674 ~~the department monthly, on or before a date established by rule~~
675 ~~of the department, the value of grain she or he has received~~
676 ~~from producers for which the producers have not received payment~~
677 ~~and the types of transaction involved, showing the value of each~~
678 ~~type of transaction. The report shall also include a statement~~
679 ~~showing the type and amount of security maintained to cover the~~
680 ~~grain dealer's liability to producers. The department may shall~~
681 make at least one spot check annually of each grain dealer to
682 determine compliance with the requirements of this section.

683 Section 28. This act shall take effect July 1, 2015.