

By the Committee on Appropriations; and 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; creating s. 15.0521, F.S.;  
4           designating tupelo honey as the official state honey;  
5           amending s. 482.1562, F.S.; revising the date by which  
6           an application for recertification of a limited  
7           certification for urban landscape commercial  
8           fertilizer is required; removing provisions imposing  
9           late renewal charges; providing a grace period for  
10          such recertification; amending s. 500.03, F.S.;  
11          defining terms relating to the Florida Food Safety  
12          Act; amending s. 570.07, F.S.; revising the functions,  
13          powers, and duties of the department to include  
14          sponsoring events; authorizing the department to  
15          secure letters of patent, copyrights, and trademarks  
16          on work products and to engage in acts accordingly;  
17          amending s. 570.30, F.S.; removing electronic data  
18          processing and management information systems support  
19          for the department as a power and duty of the Division  
20          of Administration; amending s. 570.441, F.S.;  
21          authorizing the use of funds in the Pest Control Trust  
22          Fund for activities of the Division of Agricultural  
23          Environmental Services; providing for expiration;  
24          amending s. 570.50, F.S.; revising the powers and  
25          duties of the Division of Food Safety to include  
26          analyzing milk, milk products, and frozen desserts  
27          offered for sale in the state; amending s. 570.53,  
28          F.S.; revising the powers and duties of the Division  
29          of Marketing and Development to remove the enforcement

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30 provisions relating to dealers in agricultural  
31 products; amending s. 570.544, F.S.; revising the  
32 duties of the director of the Division of Consumer  
33 Services to include enforcement provisions relating to  
34 dealers in agricultural products and grain dealers;  
35 creating s. 570.68, F.S.; authorizing the Commissioner  
36 of Agriculture to create an Office of Agriculture  
37 Technology Services; providing duties of the office;  
38 amending s. 570.681, F.S.; clarifying legislative  
39 findings with regard to the Florida Agriculture Center  
40 and Horse Park; amending s. 570.685, F.S.; authorizing  
41 rather than requiring the department to provide  
42 administrative and staff support services, meeting  
43 space, and record storage for the Florida Agriculture  
44 Center and Horse Park Authority; amending s. 571.24,  
45 F.S.; clarifying the intent of the Florida  
46 Agricultural Promotional Campaign as a marketing  
47 program; removing an obsolete provision relating to  
48 the designation of a division employee as a member of  
49 the Advertising Interagency Coordinating Council;  
50 amending s. 571.27, F.S.; removing obsolete provisions  
51 relating to the authority of the department to adopt  
52 rules for entering into contracts with advertising  
53 agencies for services that are directly related to the  
54 Florida Agricultural Promotional Campaign; amending s.  
55 571.28, F.S.; revising provisions specifying  
56 membership criteria of the Florida Agricultural  
57 Promotional Campaign Advisory Council; amending s.  
58 581.181, F.S.; providing applicability of provisions

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59 requiring treatment or destruction of infested or  
60 infected plants and plant products; repealing s.  
61 589.26, F.S., relating to the authority of the Florida  
62 Forest Service to dedicate and reserve state park  
63 lands for public use; amending s. 595.402, F.S.;  
64 defining terms relating to the school food and  
65 nutrition service program; amending s. 595.404, F.S.;  
66 revising the duties of the department with regard to  
67 the school food and nutrition service program;  
68 directing the department to collect and publish data  
69 on food purchased by sponsors through the Florida Farm  
70 to School Program and other school food and nutrition  
71 service programs; amending s. 595.405, F.S.;  
72 clarifying requirements for the school nutrition  
73 program; requiring breakfast meals to be available to  
74 all students in schools that serve any combination of  
75 grades kindergarten through fifth; amending s.  
76 595.406, F.S.; renaming the "Florida Farm Fresh  
77 Schools Program" as the "Florida Farm to School  
78 Program"; authorizing the department to establish by  
79 rule a recognition program for certain sponsors;  
80 amending s. 595.407, F.S.; revising provisions of the  
81 children's summer nutrition program to include certain  
82 schools that serve any combination of grades  
83 kindergarten through 5; revising provisions relating  
84 to the duration of the program; authorizing school  
85 districts to exclude holidays and weekends; amending  
86 s. 595.408, F.S.; conforming references to changes  
87 made by the act; amending s. 595.501, F.S.; requiring

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88 certain entities to complete corrective action plans  
89 required by the department or a federal agency to be  
90 in compliance with school food and nutrition service  
91 programs; amending s. 595.601, F.S.; correcting a  
92 cross-reference; amending s. 604.20, F.S.; removing a  
93 provision requiring an applicant for license as a  
94 dealer in agricultural products to submit a letter  
95 acknowledging assignment of a certificate of deposit  
96 from the issuing institution; amending s. 604.33,  
97 F.S.; removing provisions requiring grain dealers to  
98 submit monthly reports; authorizing rather than  
99 requiring the department to make at least one spot  
100 check annually of each grain dealer; directing the  
101 Board of Trustees of the Internal Improvement Trust  
102 Fund to sell a portion of specified property;  
103 requiring that the proceeds of such sale be deposited  
104 into the General Inspection Trust Fund of the  
105 department; directing the department to develop a plan  
106 to use the proceeds for facility repairs and  
107 construction of an agricultural diagnostic laboratory;  
108 requiring the plan to be submitted to the Governor and  
109 the Legislature by a certain date; providing an  
110 effective date.

111  
112 Be It Enacted by the Legislature of the State of Florida:

113  
114 Section 1. Section 15.0521, Florida Statutes, is created to  
115 read:

116 15.0521 Official state honey.—Tupelo honey is designated as

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117 the official Florida state honey.

118 Section 2. Subsections (5) and (6) of section 482.1562,  
119 Florida Statutes, are amended to read:

120 482.1562 Limited certification for urban landscape  
121 commercial fertilizer application.—

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

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

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

130 (6) ~~A late renewal charge of \$50 per month shall be~~  
131 ~~assessed 30 days after the date the application for~~  
132 ~~recertification is due and must be paid in addition to the~~  
133 ~~renewal fee. Unless timely recertified, a certificate~~  
134 ~~automatically expires 90 days after the recertification date.~~  
135 Upon expiration, or after a grace period that does not exceed 30  
136 days after expiration, a certificate may be issued only upon  
137 reapplying in accordance with subsection (3).

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

142 500.03 Definitions; construction; applicability.—

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

144 (bb) "Retail" means the offering of food directly to the  
145 consumer.

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146        (dd) "Vehicle" means a mode of transportation or mobile  
147 carrier used to transport food from one location to another,  
148 including, but not limited to, carts, vans, trucks, cars, trains  
149 and railway transport, and aircraft and watercraft type  
150 transport.

151        (ee) "Wholesale" means the offering of food to businesses  
152 for resale.

153        Section 4. Paragraph (c) of subsection (20) of section  
154 570.07, Florida Statutes, is amended, and subsection (44) is  
155 added to that section, to read:

156        570.07 Department of Agriculture and Consumer Services;  
157 functions, powers, and duties.—The department shall have and  
158 exercise the following functions, powers, and duties:

159        (20)

160        (c) To sponsor events, trade breakfasts, luncheons, and  
161 dinners and distribute promotional materials and favors in  
162 connection with meetings, conferences, and conventions of  
163 dealers, buyers, food editors, and merchandising executives that  
164 will assist in the promotion and marketing of Florida's  
165 agricultural and agricultural business products to the consuming  
166 public.

167

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

171        (44) In its own name, to:

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

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175 (b) License, lease, assign, or otherwise give written  
176 consent to any person, firm, or corporation for the manufacture  
177 or use of such department work products on a royalty basis or  
178 for such other consideration as the department shall deem  
179 proper.

180 (c) Take any action necessary, including legal action, to  
181 protect such department work products against improper or  
182 unlawful use or infringement.

183 (d) Enforce the collection of any sums due to the  
184 department for the manufacture or use of such department work  
185 products by another party.

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

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

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

194 570.30 Division of Administration; powers and duties.—The  
195 Division of Administration shall render services required by the  
196 department and its other divisions, or by the commissioner in  
197 the exercise of constitutional and cabinet responsibilities,  
198 that can advantageously and effectively be centralized and  
199 administered and any other function of the department that is  
200 not specifically assigned by law to some other division. The  
201 duties of this division include, but are not limited to:

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

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

206 570.441 Pest Control Trust Fund.—

207 (4) In addition to the uses authorized under subsection  
208 (2), moneys collected or received by the department under  
209 chapter 482 may be used to carry out the provisions of s.  
210 570.44. This subsection expires June 30, 2018.

211 Section 7. Subsection (5) of section 570.50, Florida  
212 Statutes, is amended to read:

213 570.50 Division of Food Safety; powers and duties.—The  
214 duties of the Division of Food Safety include, but are not  
215 limited to:

216 (5) Analyzing food and feed samples offered for sale in the  
217 state ~~for chemical residues~~ as required under the adulteration  
218 sections of chapters 500, 502, and 580.

219 Section 8. Subsection (2) of section 570.53, Florida  
220 Statutes, is amended to read:

221 570.53 Division of Marketing and Development; powers and  
222 duties.—The powers and duties of the Division of Marketing and  
223 Development include, but are not limited to:

224 ~~(2) Enforcing the provisions of ss. 604.15-604.34, the~~  
225 ~~dealers in agricultural products law, and ss. 534.47-534.53.~~

226 Section 9. Subsection (2) of section 570.544, Florida  
227 Statutes, is amended to read:

228 570.544 Division of Consumer Services; director; powers;  
229 processing of complaints; records.—

230 (2) The director shall supervise, direct, and coordinate  
231 the activities of the division and shall, under the direction of  
232 the department, enforce the provisions of ss. 604.15-604.34 and



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233 chapters 472, 496, 501, 507, 525, 526, 527, 531, 539, 559, 616,  
234 and 849.

235 Section 10. Section 570.68, Florida Statutes, is created to  
236 read:

237 570.68 Office of Agriculture Technology Services.—The  
238 commissioner may create an Office of Agriculture Technology  
239 Services under the supervision of a senior manager exempt under  
240 s. 110.205 in the Senior Management Service. The office shall  
241 provide electronic data processing and agency information  
242 technology services to support and facilitate the functions,  
243 powers, and duties of the department.

244 Section 11. Section 570.681, Florida Statutes, is amended  
245 to read:

246 570.681 Florida Agriculture Center and Horse Park;  
247 legislative findings.—It is the finding of the Legislature that:

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

251 (1)~~(2)~~ Equine and other agriculture-related industries ~~will~~  
252 strengthen and benefit each other with the establishment of a  
253 statewide agriculture and horse facility.

254 (2)~~(3)~~ The A Florida Agriculture Center and Horse Park  
255 provides ~~will provide~~ Florida with a unique tourist experience  
256 for visitors and residents, thus generating taxes and additional  
257 dollars for the state.

258 (3)~~(4)~~ Promoting the Florida Agriculture Center and Horse  
259 Park as a joint effort between the state and the private sector  
260 allows ~~will allow~~ this facility to utilize experts and generate  
261 revenue from many areas to ensure the success of this facility.

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

264 570.685 Florida Agriculture Center and Horse Park  
265 Authority.—

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

268 (b) The department may provide ~~shall be responsible for~~  
269 ~~providing~~ administrative and staff support services relating to  
270 the meetings of the authority and may ~~shall~~ provide suitable  
271 space in the offices of the department for the meetings and the  
272 storage of records of the authority.

273 (c) In conducting its meetings, the authority shall use  
274 accepted rules of procedure. The secretary shall keep a complete  
275 record of the proceedings of each meeting, which shows record  
276 ~~shall show~~ the names of the members present and the actions  
277 taken. These records shall be kept on file with the department,  
278 and such records and other documents regarding matters within  
279 the jurisdiction of the authority shall be subject to inspection  
280 by members of the authority.

281 Section 13. Section 571.24, Florida Statutes, is amended to  
282 read:

283 571.24 Purpose; duties of the department.—The purpose of  
284 this part is to authorize the department to establish and  
285 coordinate the Florida Agricultural Promotional Campaign, which  
286 is intended to serve as a marketing program to promote Florida  
287 agricultural commodities, value-added products, and agricultural  
288 related businesses and not as a food safety or traceability  
289 program. The duties of the department shall include, but are not  
290 limited to:

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291 (1) Developing logos and authorizing the use of logos as  
292 provided by rule.

293 (2) Registering participants.

294 (3) Assessing and collecting fees.

295 (4) Collecting rental receipts for industry promotions.

296 (5) Developing in-kind advertising programs.

297 (6) Contracting with media representatives for the purpose  
298 of dispersing promotional materials.

299 (7) Assisting the representative of the department who  
300 serves on the Florida Agricultural Promotional Campaign Advisory  
301 Council.

302 ~~(8) Designating a division employee to be a member of the~~  
303 ~~Advertising Interagency Coordinating Council.~~

304 (8)~~(9)~~ Adopting rules pursuant to ss. 120.536(1) and 120.54  
305 to implement the provisions of this part.

306 (9)~~(10)~~ Enforcing and administering the provisions of this  
307 part, including measures ensuring that only Florida agricultural  
308 or agricultural based products are marketed under the "Fresh  
309 From Florida" or "From Florida" logos or other logos of the  
310 Florida Agricultural Promotional Campaign.

311 Section 14. Section 571.27, Florida Statutes, is amended to  
312 read:

313 571.27 Rules.—The department is authorized to adopt rules  
314 that implement, make specific, and interpret the provisions of  
315 this part, ~~including rules for entering into contracts with~~  
316 ~~advertising agencies for services which are directly related to~~  
317 ~~the Florida Agricultural Promotional Campaign. Such rules shall~~  
318 ~~establish the procedures for negotiating costs with the offerors~~  
319 ~~of such advertising services who have been determined by the~~

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320 ~~department to be qualified on the basis of technical merit,~~  
321 ~~creative ability, and professional competency. Such~~  
322 ~~determination of qualifications shall also include consideration~~  
323 ~~of the provisions in s. 287.055(3), (4), and (5).~~ The department  
324 is further authorized to determine, by rule, the logos or  
325 product identifiers to be depicted for use in advertising,  
326 publicizing, and promoting the sale of Florida agricultural  
327 products or agricultural-based products in the Florida  
328 Agricultural Promotional Campaign. The department may also adopt  
329 rules consistent ~~not inconsistent~~ with ~~the provisions of~~ this  
330 part as in its judgment may be necessary for participant  
331 registration, renewal of registration, classes of membership,  
332 application forms, and ~~as well as~~ other forms and enforcement  
333 measures ensuring compliance with this part.

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

336 571.28 Florida Agricultural Promotional Campaign Advisory  
337 Council.—

338 (1) ORGANIZATION.—There is ~~hereby~~ created within the  
339 department the Florida Agricultural Promotional Campaign  
340 Advisory Council, to consist of 15 members appointed by the  
341 Commissioner of Agriculture for 4-year staggered terms. The  
342 membership shall include: 13 ~~six~~ members representing  
343 agricultural producers, shippers, ~~or~~ packers, ~~three members~~  
344 ~~representing agricultural retailers, two members representing~~  
345 ~~agricultural associations, and wholesalers~~ one member  
346 ~~representing a wholesaler~~ of agricultural products, 1 ~~one~~ member  
347 representing consumers, and 1 ~~one~~ member representing the  
348 department. Initial appointment of the council members shall be

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349 ~~4 four~~ members to a term of 4 years, ~~4 four~~ members to a term of  
350 3 years, ~~4 four~~ members to a term of 2 years, and ~~3 three~~  
351 members to a term of 1 year.

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

354 581.181 Notice of infection of plants; destruction.—

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

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

361 Section 18. Present subsections (4) and (5) of section  
362 595.402, Florida Statutes, are renumbered as subsections (5) and  
363 (6), respectively, and a new subsection (4) and subsections (7)  
364 and (8) are added to that section, to read:

365 595.402 Definitions.—As used in this chapter, the term:

366 (4) "School breakfast program" means a program authorized  
367 by section 4 of the Child Nutrition Act of 1966 and administered  
368 by the department.

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

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

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

377 595.404 School food and nutrition service program; powers

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378 and duties of the department.—The department has the following  
379 powers and duties:

380 (5) To provide ~~make a reasonable effort to ensure that any~~  
381 ~~school designated as~~ a "severe need school" ~~receives~~ the highest  
382 rate of reimbursement to which it is entitled under 42 U.S.C. s.  
383 1773 for each breakfast meal served.

384 (12) To advance funds from the program's annual  
385 appropriation to a summer nutrition program sponsor ~~sponsors~~,  
386 when requested, in order to implement the provisions of this  
387 chapter and in accordance with federal regulations.

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

391 Section 20. Section 595.405, Florida Statutes, is amended  
392 to read:

393 595.405 School nutrition program requirements ~~for school~~  
394 ~~districts and sponsors.~~—

395 (1) Each ~~school~~ district school board shall consider the  
396 recommendations of the district school superintendent and adopt  
397 policies to provide for an appropriate food and nutrition  
398 service program for students consistent with federal law and  
399 department rules.

400 (2) Each ~~school~~ district school board shall implement  
401 school breakfast programs that make breakfast meals available to  
402 all students in each elementary school that serves any  
403 combination of grades kindergarten through 5. ~~Universal school~~  
404 ~~breakfast programs shall be offered in schools in which 80~~  
405 ~~percent or more of the students are eligible for free or~~  
406 ~~reduced-price meals. Each school shall, to the maximum extent~~

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407 ~~practicable, make breakfast meals available to students at an~~  
408 ~~alternative site location, which may include, but need not be~~  
409 ~~limited to, alternative breakfast options as described in~~  
410 ~~publications of the Food and Nutrition Service of the United~~  
411 ~~States Department of Agriculture for the federal School~~  
412 ~~Breakfast Program.~~

413 (3) Each ~~school~~ district school board must annually set  
414 prices for breakfast meals at rates that, combined with federal  
415 reimbursements and state allocations, are sufficient to defray  
416 costs of school breakfast programs without requiring allocations  
417 from the district's operating funds, except if the district  
418 school board approves lower rates.

419 ~~(4) Each school district is encouraged to provide~~  
420 ~~universal, free school breakfast meals to all students in each~~  
421 ~~elementary, middle, and high school. Each school district shall~~  
422 ~~approve or disapprove a policy, after receiving public testimony~~  
423 ~~concerning the proposed policy at two or more regular meetings,~~  
424 ~~which makes universal, free school breakfast meals available to~~  
425 ~~all students in each elementary, middle, and high school in~~  
426 ~~which 80 percent or more of the students are eligible for free~~  
427 ~~or reduced-price meals.~~

428 ~~(4)(5)~~ Each ~~elementary, middle, and high school~~ operating a  
429 breakfast program shall make a breakfast meal available if a  
430 student arrives at school on the school bus less than 15 minutes  
431 before the first bell rings and shall allow the student at least  
432 15 minutes to eat the breakfast.

433 (5) Each school district is encouraged to provide  
434 universal, free school breakfast meals to all students in each  
435 elementary, middle, and high school. A universal school

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436 breakfast program shall be implemented in each school in which  
437 80 percent or more of the students are eligible for free or  
438 reduced-price meals, unless the district school board, after  
439 considering public testimony at two or more regularly scheduled  
440 board meetings, decides to not implement such a program in such  
441 schools.

442 (6) To increase school breakfast and universal school  
443 breakfast program participation, each school district must, to  
444 the maximum extent practicable, make breakfast meals available  
445 to students through alternative service models as described in  
446 publications of the Food and Nutrition Service of the United  
447 States Department of Agriculture for the federal School  
448 Breakfast Program.

449 (7)~~(6)~~ Each ~~school~~ district school board shall annually  
450 provide ~~to all students in each elementary, middle, and high~~  
451 ~~school~~ information prepared by the district's food service  
452 administration regarding available ~~its~~ school breakfast  
453 programs. The information shall be communicated through school  
454 announcements and ~~written~~ notices sent to all parents.

455 (8)~~(7)~~ A ~~school~~ district school board may operate a  
456 breakfast program providing for food preparation at the school  
457 site or in central locations with distribution to designated  
458 satellite schools or any combination thereof.

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

462 Section 21. Section 595.406, Florida Statutes, is amended  
463 to read:

464 595.406 Florida Farm to School ~~Fresh Schools~~ Program.—



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465 (1) In order to implement the Florida Farm to School ~~Fresh~~  
466 ~~Schools~~ Program, the department shall develop policies  
467 pertaining to school food services which encourage:

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

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

472 (c) Sponsors to demonstrate a preference for competitively  
473 priced organic food products.

474 (d) Sponsors to make reasonable efforts to select foods  
475 based on a preference for those that have maximum nutritional  
476 content.

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

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

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

486 595.407 Children's summer nutrition program.—

487 (2) Each school district shall develop a plan to sponsor or  
488 operate a summer nutrition program to operate sites in the  
489 school district as follows:

490 (a) Within 5 miles of at least one ~~elementary~~ school that  
491 serves any combination of grades kindergarten through 5 at which  
492 50 percent or more of the students are eligible for free or  
493 reduced-price school meals and for the duration of 35

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494 ~~consecutive~~ days between the end of the school year and the  
495 beginning of the next school year. School districts may exclude  
496 holidays and weekends.

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

502 Section 23. Section 595.408, Florida Statutes, is amended  
503 to read:

504 595.408 Food Commodity ~~commodity~~ distribution services; department  
505 responsibilities and functions.—

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

511 (b) The department shall determine the benefits each  
512 applicant or recipient of assistance is entitled to receive  
513 under this chapter, provided that each applicant or recipient is  
514 a resident of this state and a citizen of the United States or  
515 is an alien lawfully admitted for permanent residence or  
516 otherwise permanently residing in the United States under color  
517 of law.

518 (2) The department shall cooperate fully with the United  
519 States Government and its agencies and instrumentalities so that  
520 the department may receive the benefit of all federal financial  
521 allotments and assistance possible to carry out the purposes of  
522 this chapter.

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523 (3) The department may:

524 (a) Accept any duties with respect to food ~~commodity~~  
525 distribution services as are delegated to it by an agency of the  
526 federal government or any state, county, or municipal  
527 government.

528 (b) Act as agent of, or contract with, the federal  
529 government, state government, or any county or municipal  
530 government in the administration of food ~~commodity~~ distribution  
531 services to secure the benefits of any public assistance that is  
532 available from the federal government or any of its agencies,  
533 and in the distribution of funds received from the federal  
534 government, state government, or any county or municipal  
535 government for food ~~commodity~~ distribution services within the  
536 state.

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

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

541 Section 24. Section 595.501, Florida Statutes, is amended  
542 to read:

543 595.501 Penalties.—

544 (1) When a corrective action plan is issued by the  
545 department or a federal agency, each sponsor is required to  
546 complete the corrective action plan to be in compliance with the  
547 program.

548 (2) Any person ~~or~~, sponsor, ~~or school district~~ that  
549 violates any provision of this chapter or any rule adopted  
550 thereunder or otherwise does not comply with the program is  
551 subject to a suspension or revocation of their agreement, loss

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552 of reimbursement, or a financial penalty in accordance with  
553 federal or state law or both. This section does not restrict the  
554 applicability of any other law.

555 Section 25. Section 595.601, Florida Statutes, is amended  
556 to read:

557 595.601 Food and Nutrition Services Trust Fund.—Chapter 99-  
558 37, Laws of Florida, recreated the Food and Nutrition Services  
559 Trust Fund to record revenue and disbursements of Federal Food  
560 and Nutrition funds received by the department as authorized in  
561 s. 595.404 ~~595.405~~.

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

564 604.20 Bond or certificate of deposit prerequisite; amount;  
565 form.—

566 (1) Before any license is issued, the applicant ~~therefor~~  
567 shall make and deliver to the department a surety bond or  
568 certificate of deposit in the amount of at least \$5,000 or in  
569 such greater amount as the department may determine. No bond or  
570 certificate of deposit may be in an amount less than \$5,000. The  
571 penal sum of the bond or certificate of deposit to be furnished  
572 to the department by an applicant for license as a dealer in  
573 agricultural products shall be in an amount equal to twice the  
574 dollar amount of agricultural products handled for a Florida  
575 producer or a producer's agent or representative, by purchase or  
576 otherwise, during the month of maximum transaction in such  
577 products during the preceding 12-month period. An applicant for  
578 license who has not handled agricultural products for a Florida  
579 producer or a producer's agent or representative, by purchase or  
580 otherwise, during the preceding 12-month period shall furnish a

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581 bond or certificate of deposit in an amount equal to twice the  
582 estimated dollar amount of such agricultural products to be  
583 handled, by purchase or otherwise, during the month of maximum  
584 transaction during the next immediate 12 months. Such bond or  
585 certificate of deposit shall be provided or assigned in the  
586 exact name in which the dealer will conduct business subject to  
587 ~~the provisions of~~ ss. 604.15-604.34. Such bond must be executed  
588 by a surety company authorized to transact business in the  
589 state. For the purposes of ss. 604.19-604.21, the term  
590 "certificate of deposit" means a certificate of deposit at any  
591 recognized financial institution doing business in the United  
592 States. A ~~No~~ certificate of deposit may not be accepted in  
593 connection with an application for a dealer's license unless the  
594 issuing institution is properly insured by either the Federal  
595 Deposit Insurance Corporation or the Federal Savings and Loan  
596 Insurance Corporation. Such bond or any certificate of deposit  
597 assignment or agreement shall be upon a form prescribed or  
598 approved by the department and shall be conditioned to secure  
599 the faithful accounting for and payment, in the manner  
600 prescribed by s. 604.21(9), to producers or their agents or  
601 representatives of the proceeds of all agricultural products  
602 handled or purchased by such dealer and to secure payment to  
603 dealers who sell agricultural products to such dealer. Such bond  
604 or certificate of deposit assignment or agreement shall include  
605 terms binding the instrument to the Commissioner of Agriculture.  
606 A certificate of deposit shall be presented with an assignment  
607 of applicant's rights in the certificate in favor of the  
608 Commissioner of Agriculture on a form prescribed by the  
609 department ~~and with a letter from the issuing institution~~

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610 acknowledging that the assignment has been properly recorded on  
611 the books of the issuing institution and will be honored by the  
612 issuing institution. Such assignment shall be irrevocable while  
613 the dealer's license is in effect and for an additional period  
614 of 6 months after the termination or expiration of the dealer's  
615 license, if a ~~provided no~~ complaint is not pending against the  
616 licensee. If a complaint is pending, the assignment shall remain  
617 in effect until all actions on the complaint have been  
618 finalized. The certificate of deposit may be released by the  
619 assignee of the financial institution to the licensee or the  
620 licensee's successors, assignee, or heirs if ~~no~~ claims are not  
621 pending against the licensee before the department at the  
622 conclusion of 6 months after the last effective date of the  
623 license. A ~~No~~ certificate of deposit which shall be accepted  
624 ~~that~~ contains any provision that would give the issuing  
625 institution any prior rights or claim on the proceeds or  
626 principal of such certificate of deposit may not be accepted.  
627 The department shall determine by rule the maximum amount of  
628 bond or certificate of deposit required of a dealer and whether  
629 an annual bond or certificate of deposit will be required.

630 Section 27. Section 604.33, Florida Statutes, is amended to  
631 read:

632 604.33 Security requirements for grain dealers.—Each grain  
633 dealer doing business in the state shall maintain liquid  
634 security, in the form of grain on hand, cash, certificates of  
635 deposit, or other nonvolatile security that can be liquidated in  
636 10 days or less, or cash bonds, surety bonds, or letters of  
637 credit, that have been assigned to the department and that are  
638 conditioned to secure the faithful accounting for and payment to

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639 the producers for grain stored or purchased, in an amount equal  
640 to the value of grain which the grain dealer has received from  
641 grain producers for which the producers have not received  
642 payment. The bonds must be executed by the applicant as  
643 principal and by a surety corporation authorized to transact  
644 business in the state. The certificates of deposit and letters  
645 of credit must be from a recognized financial institution doing  
646 business in the United States. ~~Each grain dealer shall report to~~  
647 ~~the department monthly, on or before a date established by rule~~  
648 ~~of the department, the value of grain she or he has received~~  
649 ~~from producers for which the producers have not received payment~~  
650 ~~and the types of transaction involved, showing the value of each~~  
651 ~~type of transaction. The report shall also include a statement~~  
652 ~~showing the type and amount of security maintained to cover the~~  
653 ~~grain dealer's liability to producers. The department may shall~~  
654 make at least one spot check annually of each grain dealer to  
655 determine compliance with the requirements of this section.

656 Section 28. The Board of Trustees of the Internal  
657 Improvement Trust Fund's property described as the south half of  
658 the southeast quarter of the northwest quarter and the north  
659 half of the northeast quarter of the southwest quarter of  
660 Section 9, Township 25 South, Range 29 East, Osceola County, is  
661 currently leased to the Department of Agriculture and Consumer  
662 Services. Notwithstanding chapters 253 and 259, Florida  
663 Statutes, the Board of Trustees of the Internal Improvement  
664 Trust Fund is directed to sell a portion of such property  
665 described as the land lying south of Carroll Street in Osceola  
666 County described as the north half of the northeast quarter of  
667 the southwest quarter of Section 9, Township 25 South, Range 29

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668 East for not less than the property's appraised value. All net  
669 proceeds from the sale shall be deposited into the General  
670 Inspection Trust Fund of the Department of Agriculture and  
671 Consumer Services. The department shall develop a plan to use  
672 the net proceeds for facility repairs and construction of an  
673 agricultural diagnostic laboratory at the Bronson Animal Disease  
674 Diagnostic Laboratory located in Osceola County. The plan must  
675 be submitted to the Governor, the President of the Senate, and  
676 the Speaker of the House of Representatives by December 31,  
677 2015.

678 Section 29. This act shall take effect July 1, 2015.