

HB 7015

2015

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 revising 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.;

Page 1 of 27

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb7015-00

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;
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.; revising
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.; providing legislative intent
48 of the 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 adopts rules for entering into contracts with
55 advertising agencies for services which 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
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.; revising 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,
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~~
 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
 129 total available exhibition, arena, or civic center space within
 130 the 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,
 143 ~~with priority given to facilities closer in proximity to an IFAS~~
 144 ~~facility.~~

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

HB 7015

2015

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 that does not exceed 30
163 days after expiration, a certificate may be issued only upon
164 reapplying in accordance with subsection (3).

165 Section 3. Paragraph (bb) of subsection (1) of section
166 500.03, Florida Statutes, is redesignated as paragraph (cc), and
167 a new paragraph (bb) and paragraphs (dd) and (ee) are added to
168 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,
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
 204 or use of such department work products on a royalty basis or
 205 for such other consideration as the department deems proper.

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

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

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

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

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

220 570.30 Division of Administration; powers and duties.—The
 221 Division of Administration shall render services required by the
 222 department and its other divisions, or by the commissioner in
 223 the exercise of constitutional and cabinet responsibilities,
 224 that can advantageously and effectively be centralized and
 225 administered and any other function of the department that is
 226 not specifically assigned by law to some other division. The
 227 duties of this division include, but are not limited to:

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

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

232 570.441 Pest Control Trust Fund.—

233 (4) In addition to the uses authorized under subsection
 234 (2), moneys collected or received by the department under

235 chapter 482 may be used to carry out the provisions of s.
 236 570.44. This subsection expires June 30, 2018.

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

239 570.50 Division of Food Safety; powers and duties.—The
 240 duties of the Division of Food Safety include, but are not
 241 limited to:

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

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

247 570.53 Division of Marketing and Development; powers and
 248 duties.—The powers and duties of the Division of Marketing and
 249 Development include, but are not limited to:

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

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

254 570.544 Division of Consumer Services; director; powers;
 255 processing of complaints; records.—

256 (2) The director shall supervise, direct, and coordinate
 257 the activities of the division and shall, under the direction of
 258 the department, enforce the provisions of ss. 604.15-604.34 and
 259 chapters 472, 496, 501, 507, 525, 526, 527, 531, 539, 559, 616,
 260 and 849.

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

263 570.68 Office of Agriculture Technology Services.—The
 264 commissioner may create an Office of Agriculture Technology
 265 Services under the supervision of a senior manager exempt under
 266 s. 110.205 in the Senior Management Service. The office shall
 267 provide electronic data processing and agency information
 268 technology services to support and facilitate the functions,
 269 powers, and duties of the department.

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

272 570.681 Florida Agriculture Center and Horse Park;
 273 legislative findings.—It is the finding of the Legislature that:
 274 ~~(1) Agriculture is an important industry to the State of~~
 275 ~~Florida, producing over \$6 billion per year while supporting~~
 276 ~~over 230,000 jobs.~~

277 (1)(2) Equine and other agriculture-related industries
 278 ~~will~~ strengthen and benefit each other with the establishment of
 279 a statewide agriculture and horse facility.

280 (2)(3) The ~~A~~ Florida Agriculture Center and Horse Park
 281 provides ~~will provide~~ Florida with a unique tourist experience
 282 for visitors and residents, thus generating taxes and additional
 283 dollars for the state.

284 (3)(4) Promoting the Florida Agriculture Center and Horse
 285 Park as a joint effort between the state and the private sector
 286 allows ~~will allow~~ this facility to use ~~utilize~~ experts and

287 generate revenue from many areas to ensure the success of this
 288 facility.

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

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
 309 to 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.

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
 332 120.54 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

HB 7015

2015

339 to 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~~
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
 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
 383 products infested with pests or noxious weeds that are
 384 determined to be widely established within the state and are not
 385 specifically regulated under other provisions of law or rules
 386 adopted by the department.

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

388 Section 18. Subsections (4) and (5) of section 595.402,
 389 Florida Statutes, are renumbered as subsections (5) and (6),
 390 respectively, and new subsections (4), (7), and (8) are added to

391 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:

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 sponsor ~~sponsors~~,
 413 when requested, in order to implement the provisions of this
 414 chapter and in accordance with federal regulations.

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

HB 7015

2015

417 that data 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~~
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
456 a 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
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~~
 487 ~~plans 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
 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
 515 or 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
 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~~
 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
 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
 585 99-37, Laws of Florida, recreated the Food and Nutrition
 586 Services Trust Fund to record revenue and disbursements of
 587 Federal Food and Nutrition funds received by the department as
 588 authorized in 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;
 592 amount; 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

HB 7015

2015

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
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

HB 7015

2015

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
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~~

HB 7015

2015

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
658 to 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
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~~

HB 7015

2015

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.