

1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 482.1562, F.S.;
4 revising the date by which an application for
5 recertification of a limited certification for urban
6 landscape commercial fertilizer application is
7 required; removing provisions imposing late renewal
8 charges; providing a grace period for such
9 recertification; amending s. 500.03, F.S.; defining
10 terms relating to the Florida Food Safety Act;
11 amending s. 570.07, F.S.; revising powers and duties
12 of the department to include sponsoring events;
13 authorizing the department to secure letters of
14 patent, copyrights, and trademarks on work products
15 and to engage in acts accordingly; creating s.
16 570.158, F.S.; authorizing the department to designate
17 the Pompano State Farmers Market as the Edward L.
18 Myrick State Farmers Market; amending s. 570.30, F.S.;
19 removing electronic data processing and management
20 information systems support for the department as a
21 power and duty of the Division of Administration;
22 amending s. 570.441, F.S.; authorizing the use of
23 funds in the Pest Control Trust Fund for activities of
24 the Division of Agricultural Environmental Services;
25 amending s. 570.50, F.S.; revising powers and duties
26 of the Division of Food Safety to include analyzing

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

53 advertising agencies for services which are directly
54 related to the Florida Agricultural Promotional
55 Campaign; amending s. 571.28, F.S.; revising
56 provisions specifying membership criteria of the
57 Florida Agricultural Promotional Campaign Advisory
58 Council; amending s. 581.181, F.S.; providing
59 applicability of provisions requiring treatment or
60 destruction of infested or infected plants and plant
61 products; repealing s. 589.26, F.S., relating to the
62 authority of the Florida Forest Service to dedicate
63 and reserve state park lands for public use; amending
64 s. 595.402, F.S.; defining terms relating to the
65 school food and nutrition service program; amending s.
66 595.404, F.S.; revising duties of the department with
67 regard to the school food and nutrition service
68 program; directing the department to collect and
69 publish data on food purchased by sponsors through the
70 Florida Farm to School Program and other school food
71 and nutrition service programs; amending s. 595.405,
72 F.S.; revising requirements for the school nutrition
73 program; providing for breakfast meals to be available
74 to all students in schools that serve any combination
75 of grades kindergarten through 5; amending s. 595.406,
76 F.S.; renaming the "Florida Farm Fresh Schools
77 Program" as the "Florida Farm to School Program";
78 authorizing the department to establish by rule a

79 recognition program for certain sponsors; amending s.
80 595.407, F.S.; revising provisions of the children's
81 summer nutrition program to include certain schools
82 that serve any combination of grades kindergarten
83 through 5; revising provisions relating to the
84 duration of the program; authorizing school districts
85 to exclude holidays and weekends; amending s. 595.408,
86 F.S.; conforming references to changes made by the
87 act; amending s. 595.501, F.S.; requiring entities to
88 complete corrective action plans required by the
89 department or a federal agency to be in compliance
90 with school food and nutrition service programs;
91 amending s. 595.601, F.S.; correcting a cross-
92 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 providing an effective date.

109
 110 Be It Enacted by the Legislature of the State of Florida:

111
 112 Section 1. Subsections (5) and (6) of section 482.1562,
 113 Florida Statutes, are amended to read:

114 482.1562 Limited certification for urban landscape
 115 commercial fertilizer application.—

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

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

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

124 (6) ~~A late renewal charge of \$50 per month shall be~~
 125 ~~assessed 30 days after the date the application for~~
 126 ~~recertification is due and must be paid in addition to the~~
 127 ~~renewal fee. Unless timely recertified, a certificate~~
 128 ~~automatically expires 90 days after the recertification date.~~
 129 Upon expiration, or after a grace period that does not exceed 30
 130 days after expiration, a certificate may be issued only upon

131 reapplying in accordance with subsection (3).

132 Section 2. Paragraph (bb) of subsection (1) of section
 133 500.03, Florida Statutes, is redesignated as paragraph (cc), and
 134 a new paragraph (bb) and paragraphs (dd) and (ee) are added to
 135 that subsection, to read:

136 500.03 Definitions; construction; applicability.—

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

138 (bb) "Retail" means the offering of food directly to the
 139 consumer.

140 (dd) "Vehicle" means a mode of transportation or mobile
 141 carrier used to transport food from one location to another,
 142 including, but not limited to, carts, vans, trucks, cars, trains
 143 and railway transport, and aircraft and watercraft type
 144 transport.

145 (ee) "Wholesale" means the offering of food to businesses
 146 for resale.

147 Section 3. Paragraph (c) of subsection (20) of section
 148 570.07, Florida Statutes, is amended, and subsection (44) is
 149 added to that section, to read:

150 570.07 Department of Agriculture and Consumer Services;
 151 functions, powers, and duties.—The department shall have and
 152 exercise the following functions, powers, and duties:

153 (20)

154 (c) To sponsor events, trade breakfasts, luncheons, and
 155 dinners and distribute promotional materials and favors in
 156 connection with meetings, conferences, and conventions of

157 | dealers, buyers, food editors, and merchandising executives that
158 | will assist in the promotion and marketing of Florida's
159 | agricultural and agricultural business products to the consuming
160 | public.

161 |
162 | The department is authorized to receive and expend donations
163 | contributed by private persons for the purpose of covering costs
164 | associated with the above described activities.

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

166 | (a) Perform all things necessary to secure letters of
167 | patent, copyrights, and trademarks on any work products of the
168 | department and enforce its rights therein.

169 | (b) License, lease, assign, or otherwise give written
170 | consent to any person, firm, or corporation for the manufacture
171 | or use of such department work products on a royalty basis or
172 | for such other consideration as the department deems proper.

173 | (c) Take any action necessary, including legal action, to
174 | protect such department work products against improper or
175 | unlawful use or infringement.

176 | (d) Enforce the collection of any sums due to the
177 | department for the manufacture or use of such department work
178 | products by another party.

179 | (e) Sell any of such department work products and execute
180 | all instruments necessary to consummate any such sale.

181 | (f) Do all other acts necessary and proper for the
182 | execution of powers and duties conferred upon the department by

183 this section, including adopting rules, as necessary, in order
184 to administer this section.

185 Section 4. Subsection (5) of section 570.30, Florida
186 Statutes, is amended to read:

187 570.30 Division of Administration; powers and duties.—The
188 Division of Administration shall render services required by the
189 department and its other divisions, or by the commissioner in
190 the exercise of constitutional and cabinet responsibilities,
191 that can advantageously and effectively be centralized and
192 administered and any other function of the department that is
193 not specifically assigned by law to some other division. The
194 duties of this division include, but are not limited to:

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

197 Section 5. Section 570.158, Florida Statutes, is created
198 to read:

199 570.158 Edward L. Myrick State Farmers Market; honorary
200 designation.—The department is authorized to designate the
201 Pompano State Farmers Market as the "Edward L. Myrick State
202 Farmers Market." This designation honors Mr. Edward L. Myrick, a
203 veteran of the United States Army and a pillar of the Pompano
204 agricultural community. Mr. Edward L. Myrick has played a
205 leading role in the success of the Pompano State Farmers Market
206 since 1976 and continues to serve the market and the community
207 through his leadership in ensuring the availability of fresh
208 agricultural produce to the community at large.

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

211 570.441 Pest Control Trust Fund.—

212 (4) In addition to the uses authorized under subsection
 213 (2), moneys collected or received by the department under
 214 chapter 482 may be used to carry out the provisions of s.
 215 570.44. This subsection expires June 30, 2018.

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

218 570.50 Division of Food Safety; powers and duties.—The
 219 duties of the Division of Food Safety include, but are not
 220 limited to:

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

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

226 570.53 Division of Marketing and Development; powers and
 227 duties.—The powers and duties of the Division of Marketing and
 228 Development include, but are not limited to:

229 ~~(2) Enforcing the provisions of ss. 604.15–604.34, the~~
 230 ~~dealers in agricultural products law, and ss. 534.47–534.53.~~

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

233 570.544 Division of Consumer Services; director; powers;
 234 processing of complaints; records.—

235 (2) The director shall supervise, direct, and coordinate
 236 the activities of the division and shall, under the direction of
 237 the department, enforce the provisions of ss. 604.15-604.34 and
 238 chapters 472, 496, 501, 507, 525, 526, 527, 531, 539, 559, 616,
 239 and 849.

240 Section 10. Section 570.68, Florida Statutes, is created
 241 to read:

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

249 Section 11. Section 570.681, Florida Statutes, is amended
 250 to read:

251 570.681 Florida Agriculture Center and Horse Park;
 252 legislative findings.—It is the finding of the Legislature that:

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

256 (1)(2) Equine and other agriculture-related industries
 257 ~~will~~ strengthen and benefit each other with the establishment of
 258 a statewide agriculture and horse facility.

259 (2)(3) The A Florida Agriculture Center and Horse Park
 260 provides ~~will provide~~ Florida with a unique tourist experience

261 for visitors and residents, thus generating taxes and additional
 262 dollars for the state.

263 ~~(3)-(4)~~ Promoting the Florida Agriculture Center and Horse
 264 Park as a joint effort between the state and the private sector
 265 allows ~~will allow~~ this facility to use ~~utilize~~ experts and
 266 generate revenue from many areas to ensure the success of this
 267 facility.

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

270 570.685 Florida Agriculture Center and Horse Park
 271 Authority.—

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

274 (b) The department may provide ~~shall be responsible for~~
 275 ~~providing~~ administrative and staff support services relating to
 276 the meetings of the authority and may ~~shall~~ provide suitable
 277 space in the offices of the department for the meetings and the
 278 storage of records of the authority.

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

287 Section 13. Section 571.24, Florida Statutes, is amended
 288 to read:

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

297 (1) Developing logos and authorizing the use of logos as
 298 provided by rule.

299 (2) Registering participants.

300 (3) Assessing and collecting fees.

301 (4) Collecting rental receipts for industry promotions.

302 (5) Developing in-kind advertising programs.

303 (6) Contracting with media representatives for the purpose
 304 of dispersing promotional materials.

305 (7) Assisting the representative of the department who
 306 serves on the Florida Agricultural Promotional Campaign Advisory
 307 Council.

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

310 (8)~~(9)~~ Adopting rules pursuant to ss. 120.536(1) and
 311 120.54 to implement the provisions of this part.

312 (9)~~(10)~~ Enforcing and administering the provisions of this

313 part, including measures ensuring that only Florida agricultural
314 or agricultural based products are marketed under the "Fresh
315 From Florida" or "From Florida" logos or other logos of the
316 Florida Agricultural Promotional Campaign.

317 Section 14. Section 571.27, Florida Statutes, is amended
318 to read:

319 571.27 Rules.—The department is authorized to adopt rules
320 that implement, make specific, and interpret the provisions of
321 this part, ~~including rules for entering into contracts with~~
322 ~~advertising agencies for services which are directly related to~~
323 ~~the Florida Agricultural Promotional Campaign. Such rules shall~~
324 ~~establish the procedures for negotiating costs with the offerors~~
325 ~~of such advertising services who have been determined by the~~
326 ~~department to be qualified on the basis of technical merit,~~
327 ~~creative ability, and professional competency. Such~~
328 ~~determination of qualifications shall also include consideration~~
329 ~~of the provisions in s. 287.055(3), (4), and (5).~~ The department
330 is further authorized to determine, by rule, the logos or
331 product identifiers to be depicted for use in advertising,
332 publicizing, and promoting the sale of Florida agricultural
333 products or agricultural-based products in the Florida
334 Agricultural Promotional Campaign. The department may also adopt
335 rules consistent ~~not inconsistent~~ with the provisions of this
336 part as in its judgment may be necessary for participant
337 registration, renewal of registration, classes of membership,
338 application forms, and ~~as well as~~ other forms and enforcement

339 measures ensuring compliance with this part.

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

342 571.28 Florida Agricultural Promotional Campaign Advisory
 343 Council.—

344 (1) ORGANIZATION.—There is ~~hereby~~ created within the
 345 department the Florida Agricultural Promotional Campaign
 346 Advisory Council, to consist of 15 members appointed by the
 347 Commissioner of Agriculture for 4-year staggered terms. The
 348 membership shall include: 13 ~~six~~ members representing
 349 agricultural producers, shippers, ~~or~~ packers, ~~three members~~
 350 ~~representing agricultural~~ retailers, ~~two members representing~~
 351 agricultural associations, and wholesalers ~~one member~~
 352 ~~representing a wholesaler~~ of agricultural products, one member
 353 representing consumers, and one member representing the
 354 department. Initial appointment of the council members shall be
 355 four members to a term of 4 years, four members to a term of 3
 356 years, four members to a term of 2 years, and three members to a
 357 term of 1 year.

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

360 581.181 Notice of infection of plants; destruction.—

361 (3) This section does not apply to plants or plant
 362 products infested with pests or noxious weeds that are
 363 determined to be widely established within the state and are not
 364 specifically regulated under other provisions of law or rules

365 adopted by the department.

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

367 Section 18. Subsections (4) and (5) of section 595.402,
368 Florida Statutes, are renumbered as subsections (5) and (6),
369 respectively, and new subsections (4), (7), and (8) are added to
370 that section, to read:

371 595.402 Definitions.—As used in this chapter, the term:

372 (4) "School breakfast program" means a program authorized
373 by section 4 of the Child Nutrition Act of 1966 and administered
374 by the department.

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

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

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

383 595.404 School food and nutrition service program; powers
384 and duties of the department.—The department has the following
385 powers and duties:

386 (5) To provide ~~make a reasonable effort to ensure that any~~
387 ~~school designated as a "severe need school" receives~~ the highest
388 rate of reimbursement to which it is entitled under 42 U.S.C. s.
389 1773 for each breakfast meal served.

390 (12) To advance funds from the program's annual

391 appropriation to a summer nutrition program sponsor ~~sponsors~~,
 392 when requested, in order to implement the provisions of this
 393 chapter and in accordance with federal regulations.

394 (13) To collect data on food purchased through the
 395 programs defined in s. 595.402(3) and s. 595.406 and to publish
 396 that data annually.

397 Section 20. Section 595.405, Florida Statutes, is amended
 398 to read:

399 595.405 School nutrition program requirements ~~for school~~
 400 ~~districts and sponsors.~~-

401 (1) Each ~~school~~ district school board shall consider the
 402 recommendations of the district school superintendent and adopt
 403 policies to provide for an appropriate food and nutrition
 404 service program for students consistent with federal law and
 405 department rules.

406 (2) Each ~~school~~ district school board shall implement
 407 school breakfast programs that make breakfast meals available to
 408 all students in each ~~elementary~~ school that serves any
 409 combination of grades kindergarten through 5. ~~Universal school~~
 410 ~~breakfast programs shall be offered in schools in which 80~~
 411 ~~percent or more of the students are eligible for free or~~
 412 ~~reduced-price meals. Each school shall, to the maximum extent~~
 413 ~~practicable, make breakfast meals available to students at an~~
 414 ~~alternative site location, which may include, but need not be~~
 415 ~~limited to, alternative breakfast options as described in~~
 416 ~~publications of the Food and Nutrition Service of the United~~

417 ~~States Department of Agriculture for the federal School~~
418 ~~Breakfast Program.~~

419 (3) Each ~~school~~ district school board must annually set
420 prices for breakfast meals at rates that, combined with federal
421 reimbursements and state allocations, are sufficient to defray
422 costs of school breakfast programs without requiring allocations
423 from the district's operating funds, except if the district
424 school board approves lower rates.

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

434 (4)-(5) Each elementary, middle, and high school operating
435 a breakfast program shall make a breakfast meal available if a
436 student arrives at school on the school bus less than 15 minutes
437 before the first bell rings and shall allow the student at least
438 15 minutes to eat the breakfast.

439 (5) Each school district is encouraged to provide
440 universal, free school breakfast meals to all students in each
441 elementary, middle, and high school. A universal school
442 breakfast program shall be implemented in each school in which

443 80 percent or more of the students are eligible for free or
444 reduced-price meals, unless the district school board, after
445 considering public testimony at two or more regularly scheduled
446 board meetings, decides to not implement such a program in such
447 schools.

448 (6) To increase school breakfast and universal school
449 breakfast program participation, each school district must, to
450 the maximum extent practicable, make breakfast meals available
451 to students through alternative service models as described in
452 publications of the Food and Nutrition Service of the United
453 States Department of Agriculture for the federal School
454 Breakfast Program.

455 (7)~~(6)~~ Each ~~school~~ district school board shall annually
456 provide ~~to all students in each elementary, middle, and high~~
457 ~~school~~ information prepared by the district's food service
458 administration regarding available ~~its~~ school breakfast
459 programs. The information shall be communicated through school
460 announcements and ~~written~~ notices sent to all parents.

461 (8)~~(7)~~ A ~~school~~ district school board may operate a
462 breakfast program providing for food preparation at the school
463 site or in central locations with distribution to designated
464 satellite schools or any combination thereof.

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

468 Section 21. Section 595.406, Florida Statutes, is amended

469 to read:

470 595.406 Florida Farm to School ~~Fresh-Schools~~ Program.—

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

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

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

478 (c) Sponsors to demonstrate a preference for competitively
479 priced organic food products.

480 (d) Sponsors to make reasonable efforts to select foods
481 based on a preference for those that have maximum nutritional
482 content.

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

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

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

492 595.407 Children's summer nutrition program.—

493 (2) Each school district shall develop a plan to sponsor
494 or operate a summer nutrition program to operate sites in the

495 school district as follows:

496 (a) Within 5 miles of at least one ~~elementary~~ school that
 497 serves any combination of grades kindergarten through 5 at which
 498 50 percent or more of the students are eligible for free or
 499 reduced-price school meals and for the duration of 35
 500 ~~consecutive~~ days between the end of the school year and the
 501 beginning of the next school year. School districts may exclude
 502 holidays and weekends.

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

508 Section 23. Section 595.408, Florida Statutes, is amended
 509 to read:

510 595.408 Food Commodity distribution services; department
 511 responsibilities and functions.—

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

517 (b) The department shall determine the benefits each
 518 applicant or recipient of assistance is entitled to receive
 519 under this chapter, provided that each applicant or recipient is
 520 a resident of this state and a citizen of the United States or

521 is an alien lawfully admitted for permanent residence or
 522 otherwise permanently residing in the United States under color
 523 of law.

524 (2) The department shall cooperate fully with the United
 525 States Government and its agencies and instrumentalities so that
 526 the department may receive the benefit of all federal financial
 527 allotments and assistance possible to carry out the purposes of
 528 this chapter.

529 (3) The department may:

530 (a) Accept any duties with respect to food ~~commodity~~
 531 distribution services as are delegated to it by an agency of the
 532 federal government or any state, county, or municipal
 533 government.

534 (b) Act as agent of, or contract with, the federal
 535 government, state government, or any county or municipal
 536 government in the administration of food ~~commodity~~ distribution
 537 services to secure the benefits of any public assistance that is
 538 available from the federal government or any of its agencies,
 539 and in the distribution of funds received from the federal
 540 government, state government, or any county or municipal
 541 government for food ~~commodity~~ distribution services within the
 542 state.

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

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

547 Section 24. Section 595.501, Florida Statutes, is amended
 548 to read:

549 595.501 Penalties.—

550 (1) When a corrective action plan is issued by the
 551 department or a federal agency, each sponsor is required to
 552 complete the corrective action plan to be in compliance with the
 553 program.

554 (2) Any person ~~or~~, sponsor, ~~or school district~~ that
 555 violates any provision of this chapter or any rule adopted
 556 thereunder or otherwise does not comply with the program is
 557 subject to a suspension or revocation of their agreement, loss
 558 of reimbursement, or a financial penalty in accordance with
 559 federal or state law or both. This section does not restrict the
 560 applicability of any other law.

561 Section 25. Section 595.601, Florida Statutes, is amended
 562 to read:

563 595.601 Food and Nutrition Services Trust Fund.—Chapter
 564 99-37, Laws of Florida, recreated the Food and Nutrition
 565 Services Trust Fund to record revenue and disbursements of
 566 Federal Food and Nutrition funds received by the department as
 567 authorized in s. 595.404 ~~595.405~~.

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

570 604.20 Bond or certificate of deposit prerequisite;
 571 amount; form.—

572 (1) Before any license is issued, the applicant ~~therefor~~

573 shall make and deliver to the department a surety bond or
574 certificate of deposit in the amount of at least \$5,000 or in
575 such greater amount as the department may determine. No bond or
576 certificate of deposit may be in an amount less than \$5,000. The
577 penal sum of the bond or certificate of deposit to be furnished
578 to the department by an applicant for license as a dealer in
579 agricultural products shall be in an amount equal to twice the
580 dollar amount of agricultural products handled for a Florida
581 producer or a producer's agent or representative, by purchase or
582 otherwise, during the month of maximum transaction in such
583 products during the preceding 12-month period. An applicant for
584 license who has not handled agricultural products for a Florida
585 producer or a producer's agent or representative, by purchase or
586 otherwise, during the preceding 12-month period shall furnish a
587 bond or certificate of deposit in an amount equal to twice the
588 estimated dollar amount of such agricultural products to be
589 handled, by purchase or otherwise, during the month of maximum
590 transaction during the next immediate 12 months. Such bond or
591 certificate of deposit shall be provided or assigned in the
592 exact name in which the dealer will conduct business subject to
593 ~~the provisions of~~ ss. 604.15-604.34. Such bond must be executed
594 by a surety company authorized to transact business in the
595 state. For the purposes of ss. 604.19-604.21, the term
596 "certificate of deposit" means a certificate of deposit at any
597 recognized financial institution doing business in the United
598 States. A ~~No~~ certificate of deposit may not be accepted in

599 | connection with an application for a dealer's license unless the
600 | issuing institution is properly insured by either the Federal
601 | Deposit Insurance Corporation or the Federal Savings and Loan
602 | Insurance Corporation. Such bond or any certificate of deposit
603 | assignment or agreement shall be upon a form prescribed or
604 | approved by the department and shall be conditioned to secure
605 | the faithful accounting for and payment, in the manner
606 | prescribed by s. 604.21(9), to producers or their agents or
607 | representatives of the proceeds of all agricultural products
608 | handled or purchased by such dealer and to secure payment to
609 | dealers who sell agricultural products to such dealer. Such bond
610 | or certificate of deposit assignment or agreement shall include
611 | terms binding the instrument to the Commissioner of Agriculture.
612 | A certificate of deposit shall be presented with an assignment
613 | of applicant's rights in the certificate in favor of the
614 | Commissioner of Agriculture on a form prescribed by the
615 | department ~~and with a letter from the issuing institution~~
616 | acknowledging that the assignment has been properly recorded on
617 | the books of the issuing institution and will be honored by the
618 | issuing institution. Such assignment shall be irrevocable while
619 | the dealer's license is in effect and for an additional period
620 | of 6 months after the termination or expiration of the dealer's
621 | license, if a ~~provided no~~ complaint is not pending against the
622 | licensee. If a complaint is pending, the assignment shall remain
623 | in effect until all actions on the complaint have been
624 | finalized. The certificate of deposit may be released by the

625 assignee of the financial institution to the licensee or the
626 licensee's successors, assignee, or heirs if ~~no~~ claims are not
627 pending against the licensee before the department at the
628 conclusion of 6 months after the last effective date of the
629 license. A ~~No~~ certificate of deposit which shall be accepted
630 ~~that~~ contains any provision that would give the issuing
631 institution any prior rights or claim on the proceeds or
632 principal of such certificate of deposit may not be accepted.
633 The department shall determine by rule the maximum amount of
634 bond or certificate of deposit required of a dealer and whether
635 an annual bond or certificate of deposit will be required.

636 Section 27. Section 604.33, Florida Statutes, is amended
637 to read:

638 604.33 Security requirements for grain dealers.—Each grain
639 dealer doing business in the state shall maintain liquid
640 security, in the form of grain on hand, cash, certificates of
641 deposit, or other nonvolatile security that can be liquidated in
642 10 days or less, or cash bonds, surety bonds, or letters of
643 credit, that have been assigned to the department and that are
644 conditioned to secure the faithful accounting for and payment to
645 the producers for grain stored or purchased, in an amount equal
646 to the value of grain which the grain dealer has received from
647 grain producers for which the producers have not received
648 payment. The bonds must be executed by the applicant as
649 principal and by a surety corporation authorized to transact
650 business in the state. The certificates of deposit and letters

651 of credit must be from a recognized financial institution doing
652 business in the United States. ~~Each grain dealer shall report to~~
653 ~~the department monthly, on or before a date established by rule~~
654 ~~of the department, the value of grain she or he has received~~
655 ~~from producers for which the producers have not received payment~~
656 ~~and the types of transaction involved, showing the value of each~~
657 ~~type of transaction. The report shall also include a statement~~
658 ~~showing the type and amount of security maintained to cover the~~
659 ~~grain dealer's liability to producers. The department may shall~~
660 make at least one spot check annually of each grain dealer to
661 determine compliance with the requirements of this section.

662 Section 28. The Board of Trustees of the Internal
663 Improvement Trust Fund's property, described as the south half
664 of the southeast quarter of the northwest quarter and the north
665 half of the northeast quarter of the southwest quarter of
666 Section 9, Township 25 South, Range 29 East, Osceola County,
667 Florida, is currently leased to the Department of Agriculture
668 and Consumer Services. Notwithstanding chapters 253 and 259,
669 Florida Statutes, the Board of Trustees of the Internal
670 Improvement Trust Fund is directed to sell a portion of such
671 property described as the land lying south of Carroll Street in
672 Osceola County, Florida, described as the north half of the
673 northeast quarter of the southwest quarter of Section 9,
674 Township 25 South, Range 29 East for not less than the
675 property's appraised value. All net proceeds from the sale shall
676 be deposited into the General Inspection Trust Fund of the

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677 Department of Agriculture and Consumer Services. The department
678 shall develop a plan to use the net proceeds for facility
679 repairs and construction of an agricultural diagnostic
680 laboratory at the Bronson Animal Disease Diagnostic Laboratory
681 located in Osceola County. The plan must be submitted to the
682 Governor, the President of the Senate, and the Speaker of the
683 House of Representatives by December 31, 2015.

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