

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; providing for  
101 specified property owned by the Board of Trustees of  
102 the Internal Improvement Trust Fund to be deeded to  
103 the department; directing the department to sell a  
104 portion of such property and to develop a plan to use

105 the proceeds for facility repairs and construction of  
 106 an agricultural diagnostic laboratory; providing an  
 107 effective date.

108

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

110

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

113 482.1562 Limited certification for urban landscape  
 114 commercial fertilizer application.—

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

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

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

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

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

135 500.03 Definitions; construction; applicability.—

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

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

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

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

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

149 570.07 Department of Agriculture and Consumer Services;  
150 functions, powers, and duties.—The department shall have and  
151 exercise the following functions, powers, and duties:

152 (20)

153 (c) To sponsor events, trade breakfasts, luncheons, and  
154 dinners and distribute promotional materials and favors in  
155 connection with meetings, conferences, and conventions of  
156 dealers, buyers, food editors, and merchandising executives that

157 will assist in the promotion and marketing of Florida's  
158 agricultural and agricultural business products to the consuming  
159 public.

160

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

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

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

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

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

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

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

180 (f) Do all other acts necessary and proper for the  
181 execution of powers and duties conferred upon the department by  
182 this section, including adopting rules, as necessary, in order

183 to administer this section.

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

186 570.30 Division of Administration; powers and duties.—The  
 187 Division of Administration shall render services required by the  
 188 department and its other divisions, or by the commissioner in  
 189 the exercise of constitutional and cabinet responsibilities,  
 190 that can advantageously and effectively be centralized and  
 191 administered and any other function of the department that is  
 192 not specifically assigned by law to some other division. The  
 193 duties of this division include, but are not limited to:

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

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

198 570.158 Edward L. Myrick State Farmers Market; honorary  
 199 designation.—The department is authorized to designate the  
 200 Pompano State Farmers Market as the "Edward L. Myrick State  
 201 Farmers Market." This designation honors Mr. Edward L. Myrick, a  
 202 veteran of the United States Army and a pillar of the Pompano  
 203 agricultural community. Mr. Edward L. Myrick has played a  
 204 leading role in the success of the Pompano State Farmers Market  
 205 since 1976 and continues to serve the market and the community  
 206 through his leadership in ensuring the availability of fresh  
 207 agricultural produce to the community at large.

208 Section 6. Subsection (4) is added to section 570.441,



209 Florida Statutes, to read:

210 570.441 Pest Control Trust Fund.—

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

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

217 570.50 Division of Food Safety; powers and duties.—The  
 218 duties of the Division of Food Safety include, but are not  
 219 limited to:

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

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

225 570.53 Division of Marketing and Development; powers and  
 226 duties.—The powers and duties of the Division of Marketing and  
 227 Development include, but are not limited to:

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

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

232 570.544 Division of Consumer Services; director; powers;  
 233 processing of complaints; records.—

234 (2) The director shall supervise, direct, and coordinate

CS/HB 7015

2015

235 the activities of the division and shall, under the direction of  
236 the department, enforce the provisions of ss. 604.15-604.34 and  
237 chapters 472, 496, 501, 507, 525, 526, 527, 531, 539, 559, 616,  
238 and 849.

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

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

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

250 570.681 Florida Agriculture Center and Horse Park;  
251 legislative findings.—It is the finding of the Legislature that:

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

255 (1)(2) Equine and other agriculture-related industries  
256 ~~will~~ strengthen and benefit each other with the establishment of  
257 a statewide agriculture and horse facility.

258 (2)(3) The A Florida Agriculture Center and Horse Park  
259 provides ~~will provide~~ Florida with a unique tourist experience  
260 for visitors and residents, thus generating taxes and additional

261 dollars for the state.

262 (3)~~(4)~~ Promoting the Florida Agriculture Center and Horse  
 263 Park as a joint effort between the state and the private sector  
 264 allows ~~will allow~~ this facility to use ~~utilize~~ experts and  
 265 generate revenue from many areas to ensure the success of this  
 266 facility.

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

269 570.685 Florida Agriculture Center and Horse Park  
 270 Authority.—

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

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

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

286 Section 13. Section 571.24, Florida Statutes, is amended

287 to read:

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

- 296           (1) Developing logos and authorizing the use of logos as  
 297 provided by rule.
- 298           (2) Registering participants.
- 299           (3) Assessing and collecting fees.
- 300           (4) Collecting rental receipts for industry promotions.
- 301           (5) Developing in-kind advertising programs.
- 302           (6) Contracting with media representatives for the purpose  
 303 of dispersing promotional materials.
- 304           (7) Assisting the representative of the department who  
 305 serves on the Florida Agricultural Promotional Campaign Advisory  
 306 Council.
- 307           ~~(8) Designating a division employee to be a member of the~~  
 308 ~~Advertising Interagency Coordinating Council.~~
- 309           (8)~~(9)~~ Adopting rules pursuant to ss. 120.536(1) and  
 310 120.54 to implement the provisions of this part.
- 311           (9)~~(10)~~ Enforcing and administering the provisions of this  
 312 part, including measures ensuring that only Florida agricultural

313 or agricultural based products are marketed under the "Fresh  
 314 From Florida" or "From Florida" logos or other logos of the  
 315 Florida Agricultural Promotional Campaign.

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

318 571.27 Rules.—The department is authorized to adopt rules  
 319 that implement, make specific, and interpret the provisions of  
 320 this part, ~~including rules for entering into contracts with~~  
 321 ~~advertising agencies for services which are directly related to~~  
 322 ~~the Florida Agricultural Promotional Campaign. Such rules shall~~  
 323 ~~establish the procedures for negotiating costs with the offerors~~  
 324 ~~of such advertising services who have been determined by the~~  
 325 ~~department to be qualified on the basis of technical merit,~~  
 326 ~~creative ability, and professional competency. Such~~  
 327 ~~determination of qualifications shall also include consideration~~  
 328 ~~of the provisions in s. 287.055(3), (4), and (5).~~ The department  
 329 is further authorized to determine, by rule, the logos or  
 330 product identifiers to be depicted for use in advertising,  
 331 publicizing, and promoting the sale of Florida agricultural  
 332 products or agricultural-based products in the Florida  
 333 Agricultural Promotional Campaign. The department may also adopt  
 334 rules consistent ~~not inconsistent~~ with the provisions of this  
 335 part as in its judgment may be necessary for participant  
 336 registration, renewal of registration, classes of membership,  
 337 application forms, and ~~as well as~~ other forms and enforcement  
 338 measures ensuring compliance with this part.

CS/HB 7015

2015

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

341 571.28 Florida Agricultural Promotional Campaign Advisory  
 342 Council.—

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

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

359 581.181 Notice of infection of plants; destruction.—

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

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

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

370 595.402 Definitions.—As used in this chapter, the term:

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

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

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

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

382 595.404 School food and nutrition service program; powers  
 383 and duties of the department.—The department has the following  
 384 powers and duties:

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

389 (12) To advance funds from the program's annual  
 390 appropriation to a summer nutrition program sponsor ~~sponsors,~~

391 when requested, in order to implement the provisions of this  
392 chapter and in accordance with federal regulations.

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

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

398 595.405 School nutrition program requirements ~~for school~~  
399 ~~districts and sponsors.~~

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

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



417 ~~Breakfast Program.~~

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

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

433 (4)-(5) Each elementary, middle, and high school operating  
434 a breakfast program shall make a breakfast meal available if a  
435 student arrives at school on the school bus less than 15 minutes  
436 before the first bell rings and shall allow the student at least  
437 15 minutes to eat the breakfast.

438 (5) Each school district is encouraged to provide  
439 universal, free school breakfast meals to all students in each  
440 elementary, middle, and high school. A universal school  
441 breakfast program shall be implemented in each school in which  
442 80 percent or more of the students are eligible for free or

443 reduced-price meals, unless the district school board, after  
444 considering public testimony at two or more regularly scheduled  
445 board meetings, decides to not implement such a program in such  
446 schools.

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

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

460 (8)-(7) A ~~school~~ district school board may operate a  
461 breakfast program providing for food preparation at the school  
462 site or in central locations with distribution to designated  
463 satellite schools or any combination thereof.

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

467 Section 21. Section 595.406, Florida Statutes, is amended  
468 to read:

469 595.406 Florida Farm to School ~~Fresh Schools~~ Program.—

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

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

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

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

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

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

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

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

491 595.407 Children's summer nutrition program.—

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

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

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

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

509 595.408 Food Commodity distribution services; department  
 510 responsibilities and functions.—

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

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

521 otherwise permanently residing in the United States under color  
 522 of law.

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

528 (3) The department may:

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

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

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

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

546 Section 24. Section 595.501, Florida Statutes, is amended

547 to read:

548 595.501 Penalties.—

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

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

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

562 595.601 Food and Nutrition Services Trust Fund.—Chapter  
 563 99-37, Laws of Florida, recreated the Food and Nutrition  
 564 Services Trust Fund to record revenue and disbursements of  
 565 Federal Food and Nutrition funds received by the department as  
 566 authorized in s. 595.404 ~~595.405~~.

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

569 604.20 Bond or certificate of deposit prerequisite;  
 570 amount; form.—

571 (1) Before any license is issued, the applicant ~~therefor~~  
 572 shall make and deliver to the department a surety bond or

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

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



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

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

637 604.33 Security requirements for grain dealers.—Each grain  
638 dealer doing business in the state shall maintain liquid  
639 security, in the form of grain on hand, cash, certificates of  
640 deposit, or other nonvolatile security that can be liquidated in  
641 10 days or less, or cash bonds, surety bonds, or letters of  
642 credit, that have been assigned to the department and that are  
643 conditioned to secure the faithful accounting for and payment to  
644 the producers for grain stored or purchased, in an amount equal  
645 to the value of grain which the grain dealer has received from  
646 grain producers for which the producers have not received  
647 payment. The bonds must be executed by the applicant as  
648 principal and by a surety corporation authorized to transact  
649 business in the state. The certificates of deposit and letters  
650 of credit must be from a recognized financial institution doing

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

661 Section 28. The Board of Trustees of the Internal  
662 Improvement Trust Fund's property, described as the south half  
663 of the southeast quarter of the northwest quarter and the north  
664 half of the northeast quarter of the southwest quarter of  
665 Section 9, Township 25 South, Range 29 East, Osceola County,  
666 Florida, shall be deeded, by quitclaim deed, on or before  
667 December 31, 2015, to the Department of Agriculture and Consumer  
668 Services. Notwithstanding chapters 253 and 259, Florida  
669 Statutes, the Department of Agriculture and Consumer Services  
670 shall sell a portion of such deeded property described as that  
671 portion of the land lying south of Carroll Street of the parcel  
672 in 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 no less than the property's  
675 appraised value in accordance with s. 255.25001, Florida  
676 Statutes. All net proceeds from the sale shall be deposited into

CS/HB 7015

2015

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

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