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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on General Government)

A bill to be entitled

An act relating to the Department of Agriculture and
Consumer Services; amending s. 482.1562, F.S.;
clarifying the date by which an application for
recertification of a limited certification for urban
landscape commercial fertilizer application is
required; removing provisions imposing late renewal
charges; providing a grace period for such
recertification; amending s. 500.03, F.S.; defining
terms relating to the Florida Food Safety Act;
amending s. 570.07, F.S.; revising powers and duties
of the department to include sponsoring events;
authorizing the department to secure letters of
patent, copyrights, and trademarks on work products
and to engage in acts accordingly; amending s. 570.30,
F.S.; removing electronic data processing and
management information systems support for the
department as a power and duty of the Division of
Administration; amending s. 570.441, F.S.; authorizing
the use of funds in the Pest Control Trust Fund for
activities of the Division of Agricultural
Environmental Services; amending s. 570.50, F.S.;
revising powers and duties of the Division of Food
Safety to include analyzing milk, milk products, and
frozen desserts offered for sale in the state;
amending s. 570.53, F.S.; revising duties of the
Division of Marketing and Development to remove



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



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



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

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

113
114 Section 1. Subsections (5) and (6) of section 482.1562,



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115 Florida Statutes, are amended to read:

116 482.1562 Limited certification for urban landscape
117 commercial fertilizer application.—

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

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

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

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

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

138 500.03 Definitions; construction; applicability.—

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

140 (bb) “Retail” means the offering of food directly to the
141 consumer.

142 (dd) “Vehicle” means a mode of transportation or mobile
143 carrier used to transport food from one location to another,



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144 including, but not limited to, carts, vans, trucks, cars, trains
145 and railway transport, and aircraft and watercraft type
146 transport.

147 (ee) "Wholesale" means the offering of food to businesses
148 for resale.

149 Section 3. Paragraph (c) of subsection (20) of section
150 570.07, Florida Statutes, is amended, and subsection (44) is
151 added to that section, to read:

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

155 (20)

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

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

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

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

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



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173 or use of such department work products on a royalty basis or
174 for such other consideration as the department shall deem
175 proper.

176 (c) Take any action necessary, including legal action, to
177 protect such department work products against improper or
178 unlawful use or infringement.

179 (d) Enforce the collection of any sums due to the
180 department for the manufacture or use of such department work
181 products by another party.

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

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

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

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

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

200 Section 5. Subsection (4) is added to section 570.441,
201 Florida Statutes, to read:



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202 570.441 Pest Control Trust Fund.—
203 (4) In addition to the uses authorized under subsection
204 (2), moneys collected or received by the department under
205 chapter 482 may be used to carry out the provisions of s.
206 570.44. This subsection expires June 30, 2018.

207 Section 6. Subsection (5) of section 570.50, Florida
208 Statutes, is amended to read:

209 570.50 Division of Food Safety; powers and duties.—The
210 duties of the Division of Food Safety include, but are not
211 limited to:

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

215 Section 7. Subsection (2) of section 570.53, Florida
216 Statutes, is amended to read:

217 570.53 Division of Marketing and Development; powers and
218 duties.—The powers and duties of the Division of Marketing and
219 Development include, but are not limited to:

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

222 Section 8. Subsection (2) of section 570.544, Florida
223 Statutes, is amended to read:

224 570.544 Division of Consumer Services; director; powers;
225 processing of complaints; records.—

226 (2) The director shall supervise, direct, and coordinate
227 the activities of the division and shall, under the direction of
228 the department, enforce the provisions of ss. 604.15-604.34 and
229 chapters 472, 496, 501, 507, 525, 526, 527, 531, 539, 559, 616,
230 and 849.



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231 Section 9. Section 570.68, Florida Statutes, is created to
232 read:

233 570.68 Office of Agriculture Technology Services.—The
234 commissioner may create an Office of Agriculture Technology
235 Services under the supervision of a senior manager exempt under
236 s. 110.205 in the Senior Management Service. The office shall
237 provide electronic data processing and agency information
238 technology services to support and facilitate the functions,
239 powers, and duties of the department.

240 Section 10. Section 570.681, Florida Statutes, is amended
241 to read:

242 570.681 Florida Agriculture Center and Horse Park;
243 legislative findings.—It is the finding of the Legislature that:

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

247 (1)(2) Equine and other agriculture-related industries ~~will~~
248 strengthen and benefit each other with the establishment of a
249 statewide agriculture and horse facility.

250 (2)(3) The A Florida Agriculture Center and Horse Park
251 provides ~~will provide~~ Florida with a unique tourist experience
252 for visitors and residents, thus generating taxes and additional
253 dollars for the state.

254 (3)(4) Promoting the Florida Agriculture Center and Horse
255 Park as a joint effort between the state and the private sector
256 allows ~~will allow~~ this facility to utilize experts and generate
257 revenue from many areas to ensure the success of this facility.

258 Section 11. Paragraphs (b) and (c) of subsection (4) of
259 section 570.685, Florida Statutes, are amended to read:



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260 570.685 Florida Agriculture Center and Horse Park
261 Authority.—

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

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

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

277 Section 12. Section 571.24, Florida Statutes, is amended to
278 read:

279 571.24 Purpose; duties of the department.—The purpose of
280 this part is to authorize the department to establish and
281 coordinate the Florida Agricultural Promotional Campaign, which
282 is intended to serve as a marketing program to promote Florida
283 agricultural commodities, value-added products, and agricultural
284 related businesses and not a food safety or traceability
285 program. The duties of the department shall include, but are not
286 limited to:

287 (1) Developing logos and authorizing the use of logos as
288 provided by rule.



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- 289 (2) Registering participants.
- 290 (3) Assessing and collecting fees.
- 291 (4) Collecting rental receipts for industry promotions.
- 292 (5) Developing in-kind advertising programs.
- 293 (6) Contracting with media representatives for the purpose
- 294 of dispersing promotional materials.
- 295 (7) Assisting the representative of the department who
- 296 serves on the Florida Agricultural Promotional Campaign Advisory
- 297 Council.
- 298 ~~(8) Designating a division employee to be a member of the~~
- 299 ~~Advertising Interagency Coordinating Council.~~
- 300 (8)~~(9)~~ Adopting rules pursuant to ss. 120.536(1) and 120.54
- 301 to implement the provisions of this part.
- 302 (9)~~(10)~~ Enforcing and administering the provisions of this
- 303 part, including measures ensuring that only Florida agricultural
- 304 or agricultural based products are marketed under the "Fresh
- 305 From Florida" or "From Florida" logos or other logos of the
- 306 Florida Agricultural Promotional Campaign.
- 307 Section 13. Section 571.27, Florida Statutes, is amended to
- 308 read:
- 309 571.27 Rules.—The department is authorized to adopt rules
- 310 that implement, make specific, and interpret the provisions of
- 311 this part,~~including rules for entering into contracts with~~
- 312 ~~advertising agencies for services which are directly related to~~
- 313 ~~the Florida Agricultural Promotional Campaign. Such rules shall~~
- 314 ~~establish the procedures for negotiating costs with the offerors~~
- 315 ~~of such advertising services who have been determined by the~~
- 316 ~~department to be qualified on the basis of technical merit,~~
- 317 ~~creative ability, and professional competency. Such~~



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

330 Section 14. Subsection (1) of section 571.28, Florida
331 Statutes, is amended to read:

332 571.28 Florida Agricultural Promotional Campaign Advisory
333 Council.—

334 (1) ORGANIZATION.—There is ~~hereby~~ created within the
335 department the Florida Agricultural Promotional Campaign
336 Advisory Council, to consist of 15 members appointed by the
337 Commissioner of Agriculture for 4-year staggered terms. The
338 membership shall include: 13 ~~six~~ members representing
339 agricultural producers, shippers, ~~or~~ packers, ~~three members~~
340 ~~representing agricultural~~ retailers, ~~two members representing~~
341 agricultural associations, and wholesalers ~~one member~~
342 ~~representing a wholesaler~~ of agricultural products, one member
343 representing consumers, and one member representing the
344 department. Initial appointment of the council members shall be
345 four members to a term of 4 years, four members to a term of 3
346 years, four members to a term of 2 years, and three members to a



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347 term of 1 year.

348 Section 15. Subsection (3) is added to section 581.181,
349 Florida Statutes, to read:

350 581.181 Notice of infection of plants; destruction.—

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

356 Section 16. Section 589.26, Florida Statutes, is repealed.

357 Section 17. Present subsections (4) and (5) of section
358 595.402, Florida Statutes, are renumbered as subsections (5) and
359 (6), respectively, and a new subsection (4) and subsections (7)
360 and (8) are added to that section, to read:

361 595.402 Definitions.—As used in this chapter, the term:

362 (4) "School breakfast program" means a program authorized
363 by section 4 of the Child Nutrition Act of 1966 and administered
364 by the department.

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

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

370 Section 18. Subsections (5) and (12) of section 595.404,
371 Florida Statutes, are amended, and subsection (13) is added to
372 that section, to read:

373 595.404 School food and nutrition service program; powers
374 and duties of the department.—The department has the following
375 powers and duties:



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376 (5) To provide ~~make a reasonable effort to ensure that any~~
377 ~~school designated as a "severe need school" receives~~ the highest
378 rate of reimbursement to which it is entitled under 42 U.S.C. s.
379 1773 for each breakfast meal served.

380 (12) To advance funds from the program's annual
381 appropriation to a summer nutrition program ~~sponsors~~, when
382 requested, in order to implement the provisions of this chapter
383 and in accordance with federal regulations.

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

387 Section 19. Section 595.405, Florida Statutes, is amended
388 to read:

389 595.405 School Nutrition Program requirements ~~for school~~
390 ~~districts and sponsors.~~

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

396 (2) Each ~~school~~ district school board shall implement
397 school breakfast programs that make breakfast meals available to
398 all students in each ~~elementary~~ school that serves any
399 combination of grades kindergarten through 5. ~~Universal school~~
400 ~~breakfast programs shall be offered in schools in which 80~~
401 ~~percent or more of the students are eligible for free or~~
402 ~~reduced-price meals. Each school shall, to the maximum extent~~
403 ~~practicable, make breakfast meals available to students at an~~
404 ~~alternative site location, which may include, but need not be~~



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405 ~~limited to, alternative breakfast options as described in~~
406 ~~publications of the Food and Nutrition Service of the United~~
407 ~~States Department of Agriculture for the federal School~~
408 ~~Breakfast Program.~~

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

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

424 ~~(4)(5) Each elementary, middle, and high school~~ operating a
425 breakfast program shall make a breakfast meal available if a
426 student arrives at school on the school bus less than 15 minutes
427 before the first bell rings and shall allow the student at least
428 15 minutes to eat the breakfast.

429 (5) Each school district is encouraged to provide
430 universal, free school breakfast meals to all students in each
431 elementary, middle, and high school. A universal school
432 breakfast program shall be implemented in each school in which
433 80 percent or more of the students are eligible for free or



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434 reduced-price meals, unless the district school board, after
435 considering public testimony at two or more regularly scheduled
436 board meetings, decides to not implement such a program in such
437 schools.

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

445 (7) ~~(6)~~ Each ~~school~~ district school board shall annually
446 provide to all students in each elementary, middle, and high
447 ~~school~~ information prepared by the district's food service
448 administration regarding available ~~its~~ school breakfast
449 programs. The information shall be communicated through school
450 announcements and ~~written~~ notices sent to all parents.

451 (8) ~~(7)~~ A ~~school~~ district school board may operate a
452 breakfast program providing for food preparation at the school
453 site or in central locations with distribution to designated
454 satellite schools or any combination thereof.

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

458 Section 20. Section 595.406, Florida Statutes, is amended
459 to read:

460 595.406 Florida Farm to School ~~Fresh Schools~~ Program.—

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



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463 pertaining to school food services which encourage:

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

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

468 (c) Sponsors to demonstrate a preference for competitively
469 priced organic food products.

470 (d) Sponsors to make reasonable efforts to select foods
471 based on a preference for those that have maximum nutritional
472 content.

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

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

480 Section 21. Subsection (2) of section 595.407, Florida
481 Statutes, is amended to read:

482 595.407 Children's summer nutrition program.—

483 (2) Each school district shall develop a plan to sponsor or
484 operate a summer nutrition program to operate sites in the
485 school district as follows:

486 (a) Within 5 miles of at least one ~~elementary~~ school that
487 serves any combination of grades kindergarten through 5 at which
488 50 percent or more of the students are eligible for free or
489 reduced-price school meals and for the duration of 35
490 ~~consecutive~~ days between the end of the school year and the
491 beginning of the next school year. School districts may exclude



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492 holidays and weekends.

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

498 Section 22. Section 595.408, Florida Statutes, is amended
499 to read:

500 595.408 Food Commodity distribution services; department
501 responsibilities and functions.—

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

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

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

519 (3) The department may:

520 (a) Accept any duties with respect to food commodity



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521 distribution services as are delegated to it by an agency of the
522 federal government or any state, county, or municipal
523 government.

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

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

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

537 Section 23. Section 595.501, Florida Statutes, is amended
538 to read:

539 595.501 Penalties.—

540 (1) When a corrective action plan is issued by the
541 department or a federal agency, each sponsor is required to
542 complete the corrective action plan to be in compliance with the
543 program.

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



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550 applicability of any other law.

551 Section 24. Section 595.601, Florida Statutes, is amended
552 to read:

553 595.601 Food and Nutrition Services Trust Fund.—Chapter 99-
554 37, Laws of Florida, recreated the Food and Nutrition Services
555 Trust Fund to record revenue and disbursements of Federal Food
556 and Nutrition funds received by the department as authorized in
557 s. 595.404 ~~595.405~~.

558 Section 25. Subsection (1) of section 604.20, Florida
559 Statutes, is amended to read:

560 604.20 Bond or certificate of deposit prerequisite; amount;
561 form.—

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



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



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

626 Section 26. Section 604.33, Florida Statutes, is amended to
627 read:

628 604.33 Security requirements for grain dealers.—Each grain
629 dealer doing business in the state shall maintain liquid
630 security, in the form of grain on hand, cash, certificates of
631 deposit, or other nonvolatile security that can be liquidated in
632 10 days or less, or cash bonds, surety bonds, or letters of
633 credit, that have been assigned to the department and that are
634 conditioned to secure the faithful accounting for and payment to
635 the producers for grain stored or purchased, in an amount equal
636 to the value of grain which the grain dealer has received from



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

652 Section 27. The Board of Trustees of the Internal
653 Improvement Trust Fund's property described as the south half of
654 the southeast quarter of the northwest quarter and the north
655 half of the northeast quarter of the southwest quarter of
656 Section 9, Township 25 South, Range 29 East, Osceola County,
657 shall be deeded, by quitclaim deed, on or before December 31,
658 2015, to the Department of Agriculture and Consumer Services.
659 Notwithstanding the provisions of chapters 253 and 259, Florida
660 Statutes, the Department of Agriculture and Consumer Services is
661 directed to sell a portion of such deeded property described as
662 that portion of the land lying south of Carroll Street of the
663 parcel in Osceola County described as the north half of the
664 northeast quarter of the southwest quarter of Section 9,
665 Township 25 South, Range 29 East for at least the property's



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666 appraised value in accordance with s. 255.25001, Florida
667 Statutes. All net proceeds from the sale shall be deposited into
668 the General Inspection Trust Fund of the Department of
669 Agriculture and Consumer Services. The department shall develop
670 a plan to use the net proceeds for facility repairs and
671 construction of an agricultural diagnostic laboratory at the
672 Bronson Animal Disease Diagnostic Laboratory located in Osceola
673 County. The plan must be submitted to the Governor, the
674 President of the Senate, and the Speaker of the House of
675 Representatives by December 31, 2015.

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