

1                   A bill to be entitled  
2           An act relating to transactions in fresh produce  
3           markets; providing definitions; requiring certain  
4           owners and operators of farmers' markets, community  
5           farmers' markets, flea markets, and other open-air  
6           markets selling fresh produce to allow authorized Food  
7           and Nutrition Service groups, associations, and third-  
8           party organizations to operate electronic benefits  
9           transfer systems in such markets; providing for  
10          applicability; providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14           Section 1. (1) As used in this section, the term:

15           (a) "Market" means a farmers' market, community farmers'  
16 market, flea market, or other open-air market.

17           (b) "SNAP" means the federal Supplemental Nutrition  
18 Assistance Program established under 7 U.S.C. ss. 2011 et seq.

19           (2) (a) The owner or operator of a market selling fresh  
20 produce who is not an authorized SNAP retailer may allow an  
21 authorized Food and Nutrition Service group or association of  
22 produce sellers that is actively participating in produce sales  
23 in the market, or an authorized Food and Nutrition Service  
24 third-party organization, to implement and operate an electronic  
25 benefits transfer system for purposes of accepting SNAP benefits  
26 in the market on behalf of the produce sellers to the extent and  
27 manner allowed by federal law and regulation.

28           (b) The authorized Food and Nutrition Service group,

CS/HB 631

2013

29 association, or third-party organization responsible for  
30 implementation and operation of the electronic benefits transfer  
31 system may not be another market that competes with the market  
32 being served.

33 (c) The market owner or operator shall reasonably  
34 accommodate the authorized Food and Nutrition Service group,  
35 association, or third-party organization in the implementation  
36 and operation of an electronic benefits transfer system for  
37 purposes of accepting SNAP benefits.

38 (3) This section does not:

39 (a) Apply to a market selling fresh produce whose owner or  
40 operator has an electronic benefits transfer system for  
41 accepting SNAP benefits in the market.

42 (b) Prohibit an authorized Food and Nutrition Service  
43 produce seller in a market selling fresh produce from operating  
44 his or her own electronic benefits transfer system as part of  
45 his or her customer transaction options.

46 (c) Require a market owner or operator to create, operate,  
47 or maintain an electronic benefits transfer system on behalf of  
48 its produce sellers.

49 Section 2. This act shall take effect July 1, 2013.