

Assembly Bill No. 654

Passed the Assembly September 11, 2013

Chief Clerk of the Assembly

Passed the Senate September 6, 2013

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2013, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 47021 and 47026 of, to amend the heading of Article 4 (commencing with Section 47025) of Chapter 10.5 of Division 17 of, and to add the heading of Article 3.5 (commencing with Section 47022) to Chapter 10.5 of Division 17 of, the Food and Agricultural Code, relating to direct marketing of agricultural products.

LEGISLATIVE COUNSEL'S DIGEST

AB 654, Hall. Direct marketing: certified farmers' markets.

(1) Existing law requires, until January 1, 2014, that every operator of a certified farmers' market remit to the Department of Food and Agriculture a fee equal to the number of certified producer certificates and other agricultural producers participating on each market day for the entire previous quarter to be deposited in the Department of Food and Agriculture Fund and used by the department, upon appropriation by the Legislature, as specified.

This bill would extend these provisions until January 1, 2018.

(2) Existing law authorizes California farmers to transport for sale and sell California-grown fresh fruits, nuts, and vegetables that they produce, directly to the public at a certified farmers' market, as specified. Existing law provides that it is unlawful for any person operating under these provisions to commit certain acts related to the conduct of farmers' markets, including to deceptively prepare, pack, place, deliver, load, ship, transport, or sell those products. Existing law, until January 1, 2014, provides that in lieu of prosecution, but not precluding suspension or revocation of certified producer's certificates or certified farmers' market certificates, the Secretary of Food and Agriculture or a county agricultural commissioner may levy a civil penalty against a person who violates these provisions or any regulation implemented pursuant to these provisions, as specified.

This bill would extend the provision authorizing the civil penalty until January 1, 2018.

(3) This bill would also make clarifying changes.

The people of the State of California do enact as follows:

SECTION 1. Section 47021 of the Food and Agricultural Code is amended to read:

47021. (a) Every operator of a certified farmers' market shall remit to the department, within 30 days after the end of each quarter, a fee equal to the number of certified producer certificates and other agricultural producers participating on each market day for the entire previous quarter. The fee shall be established by January 1 of each year by the department upon the receipt of a budget recommendation from the advisory committee. The fee shall not exceed sixty cents (\$0.60) for each certified producer certificate and other agricultural producers participating on each market day. A certified farmers' market may directly recover all or part of the fee from the participating certified and other agricultural producers.

(b) Any operator of a certified farmers' market who fails to pay the required fee within 30 days after the end of the quarter in which it is due, shall pay to the department a monthly interest charge on the unpaid balance and a late penalty charge, to be determined by the department and not to exceed the maximum amount permitted by law.

(c) All fees collected pursuant to this section shall be deposited in the Department of Food and Agriculture Fund. The money generated by the imposition of the fees shall be used, upon appropriation by the Legislature, by the department, to cover the reasonable costs to carry out this chapter, including all of the following actions undertaken by the department:

- (1) The coordination of the advisory committee.
- (2) The evaluation of county enforcement actions and assistance with regard to multiple county enforcement problems.
- (3) The adoption of regulations to carry out this chapter.
- (4) Hearing appeals from actions taken by county agricultural commissioners to enforce this chapter.
- (5) The review of rules or procedures established by a certified farmers' market and the issuance of advisory opinions and the provision of informal hearings pursuant to Section 47004.1 as to whether the rules or procedures are consistent with this chapter and implementing regulations.

(6) The maintenance of a current statewide listing of certified farmers' markets with schedules of operations and locations.

(7) The maintenance of a current statewide listing of certified producers.

(8) The dissemination to all certified farmers' markets information regarding the suspension or revocation of any producer's certificate and the imposition of administrative penalties.

(9) Other actions, including the maintenance of special fund reserves, that are recommended by the advisory committee and approved by the department for the purpose of carrying out this chapter.

(d) This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.

SEC. 2. The heading of Article 3.5 (commencing with Section 47022) is added to Chapter 10.5 of Division 17 of the Food and Agricultural Code, to read:

Article 3.5. Violations

SEC. 3. The heading of Article 4 (commencing with Section 47025) of Chapter 10.5 of Division 17 of the Food and Agricultural Code is amended to read:

Article 4. Enforcement

SEC. 4. Section 47026 of the Food and Agricultural Code is amended to read:

47026. This article shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.

Approved _____, 2013

Governor