Florida Farmers' Market
NUTRITION PROGRAM
Grower's Handbook
INTRODUCTION

The purpose of the Farmers’ Market Nutrition Program (FMNP) is to improve the health of women and children and to encourage the purchase of locally grown fresh fruits and vegetables directly from farmers. The Senior Farmers’ Market Nutrition Program (SFMNP) provides low-income seniors with coupons that can be exchanged for eligible foods (fruits, vegetables, and honey) directly from farmers. These direct purchases increase the farmers’ share of the food dollar, keep more of the consumer dollar in local communities and help to revitalize rural areas.

In Florida, the program is administered by the Florida Department of Agriculture and Consumer Services, in cooperation with the Florida Department of Health, Florida Department of Elder Affairs and the Florida Cooperative Extension Service.

This manual contains the guidelines for the FMNP for participating farmers. Please review them carefully. Note: Farmers are responsible for ensuring that their employees and agents selling at the markets know and follow these guidelines. Any penalties for noncompliance by any farm representative are the responsibility of the farmer who signs the agreement.

If you have questions or concerns, contact:

Florida Department of Agriculture and Consumer Services:
Kelly Warren | (850) 617-7164

Florida Department of Health:
Rhonda Herndon | (850) 245-4202

Florida Department of Elder Affairs:
Dora Soto | (850) 414-2131
FARMERS ELIGIBILITY TO PARTICIPATE

Farmers must be certified by the Florida Department of Agriculture and Consumer Services to participate in the program. In order to be certified, farmers must attend a training session, sign an agreement with the state affirming to comply with all program rules and may be requested to submit additional verification documents. Face-to-face training is a requirement before initial participation in the program and may be requested at any time deemed necessary by the Florida Department of Agriculture and Consumer Services to continue participation.

Farmers and their employees or agents must have certification stamps throughout the season. The stamps are issued to the farmers by the Florida Department of Agriculture and Consumer Services upon completion of certification training and signing the agreement. Farmers must use the correct stamp for each authorized market where they sell.

Farmers may accept coupons only at markets authorized to participate in the program. For questions on authorized markets, please contact the Florida Department of Agriculture and Consumer Services.

Farmers must complete training requirements, submit a completed grower agreement to the Florida Department of Agriculture and Consumer Services and any additional verification documents requested prior to participation in the program. Completed grower agreement will be accepted by the Florida Department of Agriculture and Consumer Services up to September 1 of each year. It is the responsibility of the farmer to make sure that the Florida Department of Agriculture and Consumer Services has received their signed agreement prior to accepting FMNP coupons. FMNP and SFMNP coupons cannot be accepted until the farmer has received a signed copy of the Grower Agreement from the Florida Department of Agriculture and Consumer Services.

LOCALLY GROWN FARM PRODUCE REQUIREMENTS

Locally Grown: Farmers may accept FMNP coupons only for locally grown farm products. A list of authorized produce is included in this manual. For the purpose of this program, locally grown means:

1) grown in the state of Florida or
2) grown on land within 50 miles from the Florida state border.

FMNP coupon redemption is limited to fresh fruits and vegetables produced by a farmer on his/her farm. This may include land under lease or license, provided that the farmer who leases the land carries out the production (e.g., cultivation, planting, harvesting, etc.). In addition to the produce they grow, farmers may accept checks for authorized Florida products that they buy and resell if reselling of produce is allowed by the farmers’ market rules.

Farm Visits: In order to participate in the program, farmers must allow on-farm visits by the Florida Department of Agriculture and Consumer Services or by local county extension agents to verify product sources and acreage under production. Farmers must provide the necessary assistance to allow inspectors to document crops and conditions at the time of visit.

DISPLAY OF PRICES AND QUALITY

Fruits and vegetables sold to FMNP participants must be of the same quality and at the same price as those offered to nonparticipants. Farmers must post prices at all times for all authorized items offered for sale. Prices must be prominently displayed on signs that can be easily seen and read by customers.

DESCRIPTION OF COUPON BOOKLET

WIC FMNP coupons have a face value of $6.00. Qualified WIC participants receive a booklet with five coupons valued at $30.00. Each household receives one to two booklets, valued at $30.00 to $60.00. The number of booklets received by each household depends on the number of eligible WIC participants in the household.

SFMNP coupons have a face value of $4.00. Qualified seniors receive a booklet with five coupons valued at $20.00. Each senior participant receives two booklets for a total value of $40.00.

Coupons may NOT be used for purchases after the expiration date stated on the front of the coupon. Do not accept coupons after that date. In addition, farmers must deposit or cash all of the coupons 14 days from the time of transaction. After that date, the financial institution will not honor the coupons and will be considered void.

ELIGIBLE FOODS

The coupons are good only for fresh, locally grown and unprocessed fruits and vegetables. Produce may be cleaned, trimmed and packaged but not otherwise processed, heated or cooked. A list of authorized produce is included in this manual. SFMNP coupons can be used to purchase raw, unprocessed honey.

FMNP coupons cannot be redeemed for jelly, jam, eggs, baked goods, nuts of any kind, cane syrup, herbs, plants, flowers or other nonfood items or items not produced on local farms. WIC FMNP coupons may not be used to purchase honey.

RECEIVING COUPONS FROM CUSTOMERS

- FMNP coupons cannot be exchanged for cash or given away.
- Never give change for coupon purchases.
- Do not collect state or local taxes on purchases made with FMNP coupons.
- Do not accept coupons that are damaged, canceled, marked “VOID” or appear to be reproduced or tampered with. If you suspect any type of abuse, please do not accept the coupons and inform the market manager or the Florida Department of Agriculture and Consumer Services immediately.
RECEIVING COUPONS FROM CUSTOMERS (CONT.)

- WIC customers should pay the same price for the produce as do other customers. Any overpricing for FMNP purchases is forbidden.
- Do not accept coupons after the stated expiration date. They will not be honored.
- Ask to see the customer’s WIC or Senior identification card.
- The customer must sign and date the FMNP coupon at the time of transaction.
- All customers should receive courteous service. Remember, federal law prohibits discrimination against customers on the basis of race, color, national origin, sex, age or disability.

ENFORCEMENT OF PROGRAM GUIDELINES

The Florida Department of Agriculture and Consumer Services will conduct regular monitoring activities to ensure farmers’ compliance with the FMNP guidelines. These activities include:

- Regular visits to markets to ensure that farmers are properly certified
- Compliance buys to check for proper redemption procedures
- Farm visits to verify production sources by farmers

The Florida Department of Agriculture and Consumer Services will investigate alleged violations and assess penalties. Any participant in the program may file a grievance with the department.

Payments may be withheld for all coupons involved in infractions. If the coupon has already been cashed or deposited in a financial institution, repayment may be sought. Repeated or blatant infractions may result in termination from the program. A farmer who commits fraud or abuse is liable for prosecution under applicable federal, state and local laws.

REIMBURSEMENT FOR FMNP COUPONS

In order to cash or deposit the FMNP coupons at a local financial institution, the farmer must:

1. Stamp the upper right-hand portion on the front of the coupon with the correct FMNP Certified Grower Number.
2. Endorse the back of each coupon.
3. Deposit or cash FMNP coupons within 14 calendar days from the time of transaction.

Please notify the Florida Department of Agriculture and Consumer Services if you experience any difficulties cashing or depositing the coupons at your local financial institution.

LIST OF AUTHORIZED FRUITS AND VEGETABLES

Only fresh fruits and vegetables grown in Florida or within 50 miles from the state boarder may be purchased with FMNP coupons. FMNP coupons cannot be redeemed for jelly, jam, eggs, baked goods, nuts of any kind, cane syrup, herbs, plants, flowers or other nonfood items or items not produced on local farms.

FRESH VEGETABLES
Beans
Broccoli
Cabbage
Carrots
Cauliflower
Celery
Cabbage
Collards
Corn
Cucumbers
Eggplant
Endive/Escarole
Green Onion/Leeks
Greens
Kale
Lettuce
Mushrooms
Okra
Onions
Peas
Peppers
Potatoes
Pumpkins
Radishes
Rhubarb
Spinach
Squash
Turnips
Zucchini

FRESH FRUITS
Avocados
Berries
Blueberries
Carambola
Figs
Grapefruit
Grapes
Guava
Kumquats
Lemons
Limes
Melons
Oranges
Papaya
Passion Fruit
Peaches
Pears
Satsumas
Strawberries
Tangerine
Tomatoes

OTHER
Honey*

*Only SFMNP coupons can be used to purchase honey. FMNP vendors must abide by Florida cottage food laws to sell honey to Senior FMNP participants.

Please visit: FreshFromFlorida.com/Business-Services/Search-by-Business/Food-Inspections/Cottage-Foods for more information on Florida cottage food laws.

- This list is not exhaustive. All fruits and vegetables that you grow are eligible. -
RULES AND PROCEDURES FOR PARTICIPATING FARMERS

PART I: Basic Policies and Procedures

PART II: Complaint Process

PART III: Abuse and Sanction Policy

PART IV: Procedures for Offering, Conducting and Rendering Final Decisions on Fair Hearings

The following rules and procedures apply to all farmers participating in the Florida FMNP and should be reviewed before signing a participation agreement.

PART I: BASIC POLICIES AND PROCEDURES

1. Coupons may be accepted only for “fresh, nutritious, unprepared foods for human consumption.” In Florida, “authorized” or “coupon-eligible” foods are locally grown, fresh fruits, vegetables and honey (seniors only). Coupons may NOT be accepted for other products such as meat, seafood, eggs, cheese, syrup, nuts and seeds, jam, cider, baked goods, herbs, plants, decorative pumpkins or gourds. Only SFMNP coupons can be used to purchase honey.

2. The term “locally grown” means grown either in the state of Florida or on land within 50 miles of the Florida state border.

3. The farmer must not resell agricultural produce obtained from wholesale distributors.

4. Farmers must grow a portion of the produce he/she is selling at authorized FMNP markets.

5. The UF-FAS grower’s certificate, if available, must be submitted at the time of application submission.

6. The terms “certified” or “participating” refer to farmers who have completed FMNP training requirements and who have signed a grower agreement affirming to abide by program rules and procedures. The grower agreement is valid for one market season.

7. Coupons may be accepted only by certified farmers who grow fresh fruits and vegetables to sell at authorized farmers’ markets. Farmers may be visited by local county extension agents or the Florida Department of Agriculture and Consumer Services employees to ensure they meet program guidelines.

8. Certified farmers may not redeem coupons accepted by, or on behalf of, unauthorized vendors.

9. Where permitted by the market’s rules, a certified farmer may accept the coupons for the purchase of authorized, locally grown food that is produced by someone else but sold by the farmer in addition to his/her own fresh produce.

10. If a vendor sells both eligible and ineligible foods, the Florida FMNP sign should be prominently displayed near the authorized foods so that shoppers can easily see which foods may or may not be purchased with the coupons.

11. Coupons may be accepted only at authorized farmers’ markets during advertised market hours. Farmers’ markets are defined as two or more farmers selling their produce at retail at a set place, date and time.

12. Each completed FMNP agreement will show a unique grower number assigned to that farmer. This number must be stamped on each coupon accepted by the farmer in order to redeem the coupon.

13. A farmer seeking to accept coupons at more than one participating market must have a separate stamp for each market.

14. Coupons are fully negotiable instruments (checks) with a face value of $6.00 for WIC FMNP and $4.00 for SFMNP for each and should be treated like cash. Farmers are responsible for protecting the coupons from possible loss or theft at all times until able to deposit or cash them at a local financial institution.

15. No state or local taxes may be collected for coupon purchases.

16. Under no circumstances may coupons be exchanged for cash for shoppers (see Part III regarding disqualification from the program).

17. No cash change may be returned to FMNP participants. There are no exceptions, even for customers wanting only a small amount of food.

18. Farmers may accept cash along with coupons for sales to FMNP participants. For example, a $4.35 purchase may be paid for with one $4.00 SFMNP coupon and 35 cents.

19. Farmers must offer authorized foods to coupon shoppers at the same price charged to other customers. If the amount of a sale is less than the value of a coupon presented, the vendor should provide additional fruits or vegetables to make up the difference. These may be more of the same item or any other authorized item acceptable to the shopper.

20. Farmers must offer coupon shoppers the same courtesies offered to other customers. Any customer presenting coupons should be presumed to have obtained them legitimately. Keep in mind for WIC recipients, relative or friends may be designated co-caretakers or proxies and are able to do the farmers’ market shopping for a coupon recipient. Look for the co-caretaker’s or proxy’s signature on the WIC identification card.

21. By law, no person shall be denied participation in the FMNP or otherwise be discriminated against, on the basis of race, color, national origin, sex, age or disability. (See Part II.)

22. Authorized farmers must display the Florida FMNP sign at their market stands during market hours. The sign helps identify participating farmers and prevents shopper embarrassment of having to ask if the vendor accepts the coupons. If the sign is lost or destroyed, the farmer should contact the Florida Department of Agriculture and Consumer Services to obtain a replacement sign.

23. Coupons may not be accepted after their expiration date. Expired coupons must be refused.

24. Every coupon must be stamped with the certified grower number. The financial institution and the state may reject a coupon not showing a valid certified grower number.

25. Every coupon must be signed and dated by the client, co-caretaker or proxy at the time of transaction.

26. Every coupon must be deposited or chased no later than 14 calendar days after receipt from the client. The farmer must ensure the client, co-caretaker or proxy writes the date of receipt on the check prior to exchanging authorized fresh fruits and vegetables to them. The financial institution and the state...
will not honor coupons deposited or cashed later than 14 calendar days after receipt from the client.

27. At the end of the season, participating farmers will be asked to respond to a survey intended to collect: (a) comments and suggestions to help the state understand and correct problems about the program, (b) information used to evaluate and promote Florida farmers’ markets and the Florida FMNP and (c) information needed to comply with federal requirements that measures the program’s effect on farmers’ markets.

28. Participating farmers and markets will be monitored by the department for compliance with program guidelines. Monitoring may include undercover coupon purchases. The state may also request inspection of a food production site if a farmer is allegedly accepting coupons for foods that are not locally grown.

29. A farmer who receives a suspension letter from the department must immediately remove the Florida FMNP sign from his/her market stand(s) and stop accepting the coupons until further notice. (See Part III.)

30. The state may establish a claim for payment made to a farmer for coupons redeemed in violation of program rules.

31. Markets are self-governing and may elect to expel a vendor from the market. Market managers are encouraged to help monitor Florida FMNP activities at the site to ensure that all participating farmers are operating in compliance with program rules and to notify the state if they suspect a vendor is violating program policies. Only the state agency may disqualify or suspend a certified farmer from participation in the program if the farmer is still an active member of the market and selling authorized foods.

PART II: COMPLAINT PROCESS

1. HOW TO FILE A COMPLAINT
Complaints about the program may be reported to the Florida FMNP Coordinator at the Florida Department of Agriculture and Consumer Services.

To file a complaint, contact:
Kelly Warren, FMNP Coordinator
Farmers’ Market Nutrition Program
Florida Department of Agriculture and Consumer Services
600 South Calhoun Street, Suite 146
Tallahassee, FL 32399-0800
(850) 617-7164

2. CIVIL RIGHTS
In accordance with federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write to: USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410, or call toll free (866) 632-9992 (voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.

PART III: ABUSE AND SANCTION POLICY

Farmers identified and documented as having violating the program will be sanctioned. Before any sanction is taken, the farmer will be notified of the violation, proposed sanction and his/her rights to a fair hearing. Fraud or other abuses of federal regulations may be subject to prosecution. Additional training may be provided on site or by teleconference as needed. Payments may be withheld for all coupons involved in infractions. If the coupon has already been cashed or deposited in a financial institution, repayment may be sought. A sanction schedule follows.

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<tr>
<th>Violation Type</th>
<th>Description</th>
<th>Outcome</th>
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| Class I       | a. Failure to obtain the signature of the participant, co-caretaker or the proxy on the coupon at the time of the transaction.  
   b. Failure to check the customer’s WIC or Senior identification card.  
   c. Failure to display the “We Gladly Accept FMNP Coupons Here” sign.  
   d. Failure to clearly mark or post current prices, including sale prices, either on the authorized food items or on a sign immediately next to or in front of the items.  
   e. Failure to use the appropriate stamp assigned to each vendor and/or market. | A Class I violation will result in a written warning in the form of a letter from FDACS. The warning will include a corrective action request. |
| Class II      | a. Accepting a coupon after the valid redemption period that is indicated on the coupon.  
   b. Charging for food items not received, such as the issuance of a rain check.  
   c. Accepting a coupon at an unauthorized location.  
   d. Failure to provide only locally grown, authorized produce to participants in exchange for FMNP coupons.  
   e. Two or more Class I violations. | A Class II violation will result in a noncompliance letter from the state. |
| Class III     | a. Accepting a coupon on which the participant’s name or valid redemption period has been changed.  
   b. Failure to provide FMNP authorized produce to participants at the same price posted and/or charged to other customers.  
   c. Providing change for a coupon transaction.  
   d. Collecting sales tax for authorized produce purchased with FMNP coupons.  
   e. Exchanging coupons for cash or anything of value other than FMNP authorized produce.  
   f. Two or more Class II violations. | A Class III violation will result in a one-year suspension from the program. |
A Class IV violation will result in a three-year suspension from the program.

PART IV: PROCEDURES FOR OFFERING, CONDUCTING AND RENDERING FINAL DECISIONS ON HEARINGS

This process applies to farmers wishing to appeal a decision made by the Florida Department of Agriculture and Consumer Services concerning participation. Appeals for decisions concerning benefit (client) eligibility in the FMNP should be filed with the Department of Health, Special Supplemental Nutrition Program for Women, Infants and Children (WIC). Procedures for appeals concerning WIC are contained in a separate policy manual. Expiration of a contract, certification or agreement is not subject to appeal.

The Florida Department of Agriculture and Consumer Services will provide farmers with a written notification of any adverse action. This notification will include the cause for the action as well as the effective date of the action and will be provided to the farmer as quickly as possible. Delivery of the notice will be made by certified mail, return receipt requested, to the last address provided by the farmer during the most current certification or may be made in person by an authorized representative of the Florida Department of Agriculture and Consumer Services. It is the responsibility of the farmer to notify the Florida Department of Agriculture and Consumer Services of any address changes or corrections after the yearly certification. The notification will outline the farmer’s right to appeal the action within fifteen (15) days of the date of the notice, outline the right to have a decision concerning the appeal issued within sixty (60) days and list the address to which a hearing request must be sent or delivered.

Upon receipt of a request for a fair hearing, the Florida Department of Agriculture and Consumer Services will schedule a hearing before an impartial decision maker selected by the Florida Department of Agriculture and Consumer Services. This decision maker will in no manner have participated in the decision to take adverse action against the farmer. Notice of the hearing will be sent via certified mail, return receipt requested, to the farmer or his representative. This notice will include the date, time and location of the hearing and will be mailed no less than ten (10) days prior to the scheduled date.

The farmer and the Florida Department of Agriculture and Consumer Services shall each have one opportunity to reschedule the hearing date upon specific request to the impartial decision maker. If the postponement will prevent the decision from being rendered within the sixty (60) day period, the impartial decision maker will deny the postponement unless the farmer waives the right to a decision within that period.

A disqualification from the FMNP shall take effect on the effective date specified by the Florida Department of Agriculture and Consumer Services in the initial notification regardless of the scheduled date of the hearing.

Subpoenas may be issued by the Florida Department of Agriculture and Consumer Services to compel the attendance of witnesses or the production of documents at the hearing. Any such subpoenas shall be served in the manner prescribed by Florida state law. Subpoenas will be issued upon request of the farmer or his representative if such a request is received by the Florida Department of Agriculture and Consumer Services no fewer than seven (7) days before the date set for the hearing.

At the hearing, the farmer shall have the opportunity to present their case orally or in writing and to confront and cross-examine adverse witnesses. The farmer shall have the opportunity to be represented by counsel if desired and will have the opportunity to review the case record before the hearing.

The impartial decision maker shall issue a written decision within sixty (60) days from the date the Florida Department of Agriculture and Consumer Services received the request for the hearing. The decision will be made based solely on the evidence presented at the hearing and the statutory and regulatory provisions governing the FMNP. The impartial decision maker shall describe the basis for this decision; however, he does not need to prepare a full opinion of formal finding of fact and conclusions of law. The decision shall be delivered to the farmer, by certified mail, return receipt requested. The decision of the impartial decision maker shall be final and not subject to further administrative proceedings.