

26 | 500.03 Definitions; construction; applicability.—
 27 | (1) For the purpose of this chapter, the term:
 28 | (r) "Food service establishment" means any place where
 29 | food is prepared and intended for individual portion service,
 30 | and includes the site at which individual portions are provided.
 31 | The term includes any such place regardless of whether
 32 | consumption is on or off the premises and regardless of whether
 33 | there is a charge for the food. The term includes delicatessens
 34 | that offer prepared food in individual service portions. The
 35 | term does not include schools, institutions, fraternal
 36 | organizations, private homes where food is prepared or served
 37 | for individual family consumption, retail food stores, the
 38 | location of food vending machines, cottage food operations, home
 39 | kitchen operations, and supply vehicles, nor does the term
 40 | include a research and development test kitchen limited to the
 41 | use of employees and which is not open to the general public.
 42 | (s) "Home kitchen food product" means food that is:
 43 | 1. Stored, handled, prepared, and packaged by a home
 44 | kitchen operation.
 45 | 2. Not raw milk, raw milk products, raw oysters, or raw
 46 | shellfish.
 47 | (t) "Home kitchen operation" means a natural person or an
 48 | entity that stores, handles, and prepares home kitchen food
 49 | products at the residence of the natural person or at the
 50 | residence of a natural person who has an ownership interest in

51 the entity and sells such products in accordance with s. 500.82.

52 A home kitchen operation is not:

53 1. A public food service establishment as defined in s.
54 509.013(5).

55 2. A catering operation licensed under chapter 509.

56 3. A cottage food operation.

57 Section 2. Section 500.82, Florida Statutes, is created to
58 read:

59 500.82 Home kitchen operations.—

60 (1)(a) A home kitchen operation must comply with the
61 applicable requirements of this chapter but is exempt from the
62 permitting requirements of s. 500.12 if the home kitchen
63 operation complies with this section and:

64 1. Has annual gross sales of home kitchen food products
65 that do not exceed \$250,000.

66 2. Limits preparation and service of home kitchen food
67 products to no more than 10 individual meals per day or the
68 approximate equivalent of meal components when sold separately.

69 3. Prepares, cooks, and serves home kitchen food products
70 on the same calendar day.

71 4. Processes home kitchen food products in compliance with
72 state and federal regulations and s. 500.80.

73 (b) For purposes of this subsection, a home kitchen
74 operation's annual gross sales include all sales of home kitchen
75 food products at any location, regardless of the types of

76 products sold or the number of persons involved in the
 77 operation. A home kitchen operation must provide the department,
 78 upon request, with written documentation to verify the
 79 operation's annual gross sales, and the department shall be
 80 granted access to such records within 24 hours of the request.

81 (2) A home kitchen operation may sell, offer for sale, and
 82 accept payment for home kitchen food products over the Internet
 83 or in person. Such products may be delivered in person directly
 84 to the consumer, to a specific event venue, or to the consumer
 85 by the home kitchen operation or a third party delivery service.
 86 A home kitchen operation may not sell, offer for sale, or
 87 deliver home kitchen food products to any wholesaler or
 88 retailer.

89 (3) All home kitchen operation owners and employees must
 90 successfully complete a food safety certificate training program
 91 that complies with the United States Food and Drug
 92 Administration's Food Safety Modernization Act. The course, at a
 93 minimum, must include information and training on cross-
 94 contamination, temperature control, and personal hygiene.

95 (4) A home kitchen operation must:

96 (a) Take steps to avoid any potential contamination to:

97 1. Food.

98 2. Equipment.

99 3. Utensils.

100 4. Unwrapped single-service and single-use articles.

- 101 (b) Prevent an individual from entering the food
102 preparation area while food is being prepared if the individual
103 is known to be suffering from:
- 104 1. Symptoms associated with acute gastrointestinal
105 illness; or
- 106 2. A communicable disease that is transmissible through
107 food.
- 108 (c) Ensure a handwashing station supplied with warm water,
109 soap, and disposable hand towels is conveniently located in food
110 preparation, food dispensing, and warewashing areas.
- 111 (d) Ensure that the kitchen sink is fully operational and
112 has hot and cold water and a sanitizing agent, and that dishes
113 are sanitized between each use.
- 114 (e) Ensure that ready-to-eat home kitchen food products
115 are protected from contamination during storage, preparation,
116 handling, transport, and display.
- 117 (f) Ensure that home kitchen food products are maintained
118 at proper holding temperatures.
- 119 (g) Ensure that utensils and equipment used in the home
120 kitchen operation:
- 121 1. Retain their characteristic qualities under normal use
122 conditions.
- 123 2. Are properly sanitized after each use.
- 124 3. Are maintained in a sanitary manner between uses.
- 125 (h) Ensure that kitchen equipment is cleaned and sanitized

- 126 between uses.
- 127 (i) Ensure that gases, odors, steam, heat, grease, vapors,
128 and smoke are able to escape the kitchen.
- 129 (j) Ensure that temperature measuring devices or holding
130 equipment for the time or temperature control of food is
131 properly used for hot and cold holding of home kitchen food
132 products during storage, serving, and cooling.
- 133 (k) Ensure that home kitchen food product preparation and
134 service is discontinued if there is a disruption of potable
135 water service.
- 136 (5) A home kitchen operation may only sell home kitchen
137 food products which are affixed with a label that contains the
138 following information:
- 139 (a) The name and address of the home kitchen operation.
- 140 (b) The name of the home kitchen food product.
- 141 (c) The ingredients of the home kitchen food product, in
142 descending order of predominance by weight.
- 143 (d) The net weight or net volume of the home kitchen food
144 product.
- 145 (e) Allergen information as specified by federal labeling
146 requirements.
- 147 (f) If any nutritional claim is made, appropriate
148 nutritional information as specified by federal labeling
149 requirements.
- 150 (g) The following statement printed in at least 10-point

151 type in a color that provides a clear contrast to the background
152 of the label: "Made in a home kitchen operation that is not
153 subject to Florida's food safety regulations."

154 (6) This section does not:

155 (a) Exempt a home kitchen operation from any state or
156 federal tax law, rule, regulation, or certificate that applies
157 to all home kitchen operations.

158 (b) Prevent the department or a local health department
159 from enforcing an order to cease and desist operation of a home
160 kitchen if the department or the local health department has a
161 valid reason to suspect that the home kitchen operation is the
162 source of an adulterated food or of an outbreak of illness
163 caused by contaminated food.

164 (c) Apply to a person operating under a food permit issued
165 pursuant to s. 500.12.

166 (7) The regulation of home kitchen operations is preempted
167 to the state. A local law, ordinance, or regulation may not
168 prohibit a home kitchen operation or regulate the preparation,
169 processing, storage, or sale of home kitchen food products by a
170 home kitchen operation; however, a home kitchen operation must
171 comply with the conditions for the operation of a home-based
172 business under s. 559.955.

173 (8) (a) The department must investigate any complaint which
174 alleges that a home kitchen operation has violated an applicable
175 provision of this chapter or rule adopted under this chapter.

176 (b) Upon receipt of a complaint, the department's
 177 authorized officer or employee must enter and inspect the
 178 premises of a home kitchen operation to determine compliance
 179 with this chapter and department rules, as applicable. A home
 180 kitchen operation's refusal to permit the department's
 181 authorized officer or employee entry to the premises or to
 182 conduct the inspection is grounds for disciplinary action
 183 pursuant to s. 500.121.

184 (9) A home kitchen operation is subject to the
 185 disciplinary procedures under s. 500.121(7).

186 Section 3. Subsection (1) of section 500.121, Florida
 187 Statutes, is amended to read:

188 500.121 Disciplinary procedures.—

189 (1) In addition to the suspension procedures provided in
 190 s. 500.12, if applicable, the department may impose an
 191 administrative fine in the Class II category pursuant to s.
 192 570.971 against any retail food store, food establishment, home
 193 kitchen operation, or cottage food operation that violates this
 194 chapter, which fine, when imposed and paid, shall be deposited
 195 by the department into the General Inspection Trust Fund. The
 196 department may revoke or suspend the permit of any such retail
 197 food store or food establishment if it is satisfied that the
 198 retail food store or food establishment has:

199 (a) Violated this chapter.

200 (b) Violated or aided or abetted in the violation of any

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201 law of this state governing or applicable to retail food stores
202 or food establishments or any lawful rules of the department.

203 (c) Knowingly committed, or been a party to, any material
204 fraud, misrepresentation, conspiracy, collusion, trick, scheme,
205 or device whereby another person, lawfully relying upon the
206 word, representation, or conduct of a retail food store or food
207 establishment, acts to her or his injury or damage.

208 (d) Committed any act or conduct of the same or different
209 character than that enumerated which constitutes fraudulent or
210 dishonest dealing.

211 Section 4. This act shall take effect July 1, 2022.