

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 960

SPONSOR: Senator Geller

SUBJECT: Food Product Shelf-Life Dates

DATE: March 28, 2000 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Poole</u>	<u>AG</u>	<u>Favorable</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

## I. Summary:

This bill requires that, with a few exceptions, any food product offered for sale in a container in Florida must display a date indicating the expiration of its shelf-life. Such dating may be applied by the seller, wholesaler, vendor, or retailer.

This bill creates an as yet unnumbered section of the Florida Statutes.

## II. Present Situation:

The Florida Food Safety Act assigns to the Department of Agriculture and Consumer Services (department) the administration and enforcement of the Act to prevent “fraud, harm, adulteration, misbranding, or false advertising in the preparation, manufacture, or sale of articles of food.” Section 500.04, F.S., specifies eleven prohibited acts including, but not limited to: the adulteration or misbranding of food and the alteration or destruction of labeling information which identifies the article’s expiration date or similar date, date of manufacture, or manufacturing or distribution lot or branch, if such act is done while such article is held for sale.

There is currently no federal or state law requiring grocery stores to put an expiration or “sell-by” date on food products sold in containers. However, most stores do put an expiration date or “sell-by” date on many products to satisfy consumers and for internal inventory control. Fluid milk and milk products and baby formula are the only food products currently required to be labeled with the maximum shelf-life period for which they may be offered for sale.

## III. Effect of Proposed Changes:

**Section 1.** Requires any food product sold in a container in Florida to display a conspicuous “BEST IF USED BY” or “SELL BY” date that indicates the month, day, and year of the expiration of the shelf-life of the product. Exempts fresh fruits and vegetables or items that sell

for less than 25 cents a piece. Authorizes dating to be applied by the seller, wholesaler, vendor, or retailer.

**Section 2.** Provides that this act shall take effect October 1, 2000.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill will have a substantial but unknown cost to the public because costs to distributors and grocery stores will be passed on to the consumer.

Since out-of-state manufacturers/processors/bottlers, etc. are not required to include a "use by" date on labeling, Florida retailers will probably have to pay an added price for such information to be included before products are brought into the state. Another cost to be absorbed by the retail food industry will be the reported need to discard food products because of their age when they are actually still safe and wholesome due to processing and storage controls.

C. Government Sector Impact:

	Trust Fund	FY 2000-01	FY 2001-02	FY 2002-03
<b>OPERATING COSTS:</b>				
<u>Non-Recurring:</u>				
7 professional/1 clerical pkg. @ \$2,000	GR	16,000		
6 electronic scales & fat testers @ \$2,700	GR	16,200		
1 vehicle	GR	15,800		
<b>Total Non-Recurring Costs:</b>	<b>GR</b>	<b>\$48,000</b>		
<u>Recurring:</u>				
1 Senior Word Process Systems Operator	GR	29,974	30,873	31,799
6 Sanitation & Safety Specialists	GR	238,278	245,426	252,789
1 Sanitation \$ Safety Supervisor	GR	45,966	47,345	48,765
1 Support Staff Exp. Pkg. @ \$7,350	GR	7,350	7,350	7,350
7 Professional Exp. Pkg. @ \$5,925	GR	41,475	41,475	41,475
Travel	GR	18,840	18,840	18,840
<b>Total Recurring Costs:</b>	<b>GR</b>	<b>\$381,883</b>	<b>\$391,309</b>	<b>\$401,018</b>
<b>TOTAL COSTS:</b>	<b>GR</b>	<b>\$429,883</b>	<b>\$391,309</b>	<b>\$401,018</b>

The provisions of this bill are funded from General Revenue since there is no revenue source provided in the bill. At this time, Chapter 500, F.S., the Florida Food Safety Act, has a maximum permit fee cap of \$350 per store which has not been increased since 1992. This is not adequate for the Department of Agriculture and Consumer Services to inspect the more than 39,000 food establishments it is already required to inspect for food safety. If the food dating requirement is passed into law, General Revenue must be provided in order for the department to fulfill these added duties.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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