

By Representative Ryan

1 A bill to be entitled
 2 An act relating to misbranded food products;
 3 amending s. 500.121, F.S.; requiring retesting
 4 of certain food products administratively
 5 determined to be misbranded; providing
 6 penalties; providing an effective date.

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8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Subsection (6) is added to section 500.121,
11 Florida Statutes, to read:

12 500.121 Disciplinary procedures.--

13 (6) If the department determines that a food offered
 14 in a food establishment is labeled with nutrient claims that
 15 are in violation of this chapter, the department shall retest
 16 or reexamine the product within 90 days after notification to
 17 the manufacturer and to the firm at which the product was
 18 collected. If the product is again found in violation, the
 19 department shall test or examine the product for a third time
 20 within 60 days after the second notification. The product
 21 manufacturer shall reimburse the department for the cost of
 22 the third test or examination. If the product is found in
 23 violation for a third time, the department shall exercise its
 24 authority under s. 500.172 and issue a stop-sale or stop-use
 25 order. The department may impose additional sanctions for
 26 violations of this subsection.

27 Section 2. This act shall take effect July 1, 2002.

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30 SENATE SUMMARY

31 Requires retesting of certain misbranded food. Provides
procedures and penalties.