

By Senator Geller

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

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

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

500.121 Disciplinary procedures.--

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

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

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SENATE SUMMARY

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