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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.