

HB 1679

2004

1 A bill to be entitled
 2 An act relating to food store and food establishment
 3 safety; amending s. 500.12, F.S.; revising existing
 4 operating restrictions in an exception to certain food
 5 permit requirements; amending s. 500.121, F.S.;
 6 authorizing the Department of Agriculture and Consumer
 7 Services to prohibit certain food establishments from
 8 selling food under certain circumstances; providing an
 9 effective date.

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

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13 Section 1. Paragraph (a) of subsection (1) of section
 14 500.12, Florida Statutes, is amended to read:

15 500.12 Food permits; building permits.--

16 (1)(a) A food permit from the department is required of
 17 any person who operates a food establishment or retail food
 18 store, except:

19 1. Persons operating minor food outlets, including, but
 20 not limited to, video stores, that sell commercially
 21 prepackaged, nonpotentially hazardous, nonperishable food ~~candy,~~
 22 ~~chewing gum, soda, or popcorn,~~ provided the floor shelf space
 23 used to display and store ~~for~~ those food items does not exceed
 24 200 square ~~12-linear~~ feet, including food storage areas, and
 25 provided no other food is sold, stored, processed, or served by
 26 the minor food outlet.

27 2. Persons subject to continuous, onsite federal or state
 28 inspection.

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29 3. Persons selling only legumes in the shell, either
30 parched, roasted, or boiled.

31 Section 2. Subsection (1) of section 500.121, Florida
32 Statutes, is amended to read:

33 500.121 Disciplinary procedures.--

34 (1) In addition to the suspension procedures provided in
35 s. 500.12, the department may impose a fine not exceeding \$5,000
36 against any retail food store or food establishment that has
37 violated this chapter, which fine, when imposed and paid, shall
38 be deposited by the department into the General Inspection Trust
39 Fund. The department may revoke or suspend the permit of any
40 such retail food store or food establishment, or prohibit any
41 food establishment exempted from the permitting requirement
42 under s. 500.12(1)(a) from selling food, if it is satisfied that
43 the retail food store or food establishment has:

44 (a) Violated any of the provisions of this chapter.

45 (b) Violated or aided or abetted in the violation of any
46 law of this state governing or applicable to retail food stores
47 or food establishments or any lawful rules of the department.

48 (c) Knowingly committed, or been a party to, any material
49 fraud, misrepresentation, conspiracy, collusion, trick, scheme,
50 or device whereby any other person, lawfully relying upon the
51 word, representation, or conduct of a retail food store or food
52 establishment, acts to her or his injury or damage.

53 (d) Committed any act or conduct of the same or different
54 character than that enumerated which constitutes fraudulent or
55 dishonest dealing.

56 Section 3. This act shall take effect upon becoming a law.