

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 1886
 SPONSOR: Agriculture Committee
 SUBJECT: Food Safety
 DATE: March 10, 2004 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	_____ Poole	_____ Poole	_____ AG	_____ Favorable
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The Senate Agriculture Committee was assigned an interim project to “Study the Feasibility of Self-Inspection or Other Alternatives of Grocery Stores, Supermarkets and Minor Food Outlets” (Interim Project 2004-102). This bill represents efficiencies determined by the project. The Division of Food Safety of the Department of Agriculture and Consumer Services (Department) permits and inspects food establishments to assure compliance with sanitation requirements in retail food stores, food processing plants and food distribution points where food is sold to the public. The Department issues a permit after determining that a facility is in compliance with sanitation requirements and periodically inspects it to ensure continual compliance with sanitation standards.

Section 500.12, F.S., authorizes the Department to require a food permit for the operation of a food establishment or retail food store, with certain exceptions. This bill amends the exception for minor food outlets that may operate without a food permit to include those which sell non-potentially hazardous, non-perishable food, if the floor space, including food storage areas, do not exceed 200 square feet. The Department maintains authority to prohibit such an establishment from selling food if it has violated the provisions of the chapter.

This bill substantially amends section 500.12, Florida Statutes.

II. Present Situation:

The department is authorized under Section 500.12, Florida Statutes, to require a food permit for the operation of a food establishment or retail food store, with certain exceptions. An exception is provided for those operating minor food outlets that sell commercially pre-packaged, non-

potentially hazardous candy, chewing gum, soda, or popcorn if the shelf space does not exceed 12 linear feet and no other food is sold by the outlet.

III. Effect of Proposed Changes:

The bill would expand an exception from the Food Permit requirement under section 500.12, Florida Statutes, for Minor Food Outlets which sell only commercially pre-packaged, non-potentially hazardous, non-perishable food, if the floor space, including food storage areas, for the food items does not exceed 200 square feet.

The Department continues to have authority to prohibit any food establishment, including minor food outlets from selling food if it is satisfied the establishment has violated any of the provisions of the chapter.

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:

Food permit fees will no longer be collected from the minor food outlets which meet the expanded exception criteria of the bill. The number of outlets that will choose to participate is indeterminate.

B. Private Sector Impact:

Minor Food Outlets meeting the criteria of the expanded food permit exception will no longer be required to pay a permit fee. The number of outlets that will choose to participate is indeterminate.

C. Government Sector Impact:

The Department will no longer be required to provide a food permit and inspection services to minor food outlets choosing to participate in the expanded exception of the bill.

Inspection services of the Department can be redirected to other retail food establishments and additional efforts placed on other areas of responsibility, such as reinspection of businesses with failed inspection and opening of new businesses. While these activities will result in additional revenue, the Department estimates the overall impact on net revenue and program costs to be negligible.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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