

By the Committee on Agriculture

303-841C-04

1 A bill to be entitled
 2 An act relating to food safety; amending s.
 3 500.12, F.S.; revising provisions exempting the
 4 operator of a minor food outlet from the
 5 requirement to obtain a food permit from the
 6 Department of Agriculture and Consumer
 7 Services; providing for the exemption to be
 8 based on the amount of floor space used to
 9 display and store food items rather than the
 10 amount of shelf space used for food items;
 11 amending s. 500.121, F.S.; authorizing the
 12 department to prohibit a food establishment
 13 from selling food if the establishment is
 14 exempt from the requirement to obtain a food
 15 permit and has violated certain laws or rules;
 16 providing an effective date.

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

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20 Section 1. Paragraph (a) of subsection (1) of section
 21 500.12, Florida Statutes, is amended to read:

22 500.12 Food permits; building permits.--

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

26 1. Persons operating minor food outlets, including,
 27 but not limited to, video stores, which ~~that~~ sell commercially
 28 prepackaged, nonpotentially-hazardous, nonperishable food, if
 29 the floor nonpotentially hazardous candy, chewing gum, soda,
 30 ~~or popcorn, provided the shelf space used to display and store~~
 31 ~~for~~ those food items does not exceed 200 square ~~12-linear~~

1 feet, including food storage areas,and if no other food is
2 sold, stored, processed, or served by the minor food outlet.

3 2. Persons subject to continuous, onsite federal or
4 state inspection.

5 3. Persons selling only legumes in the shell, either
6 parched, roasted, or boiled.

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

9 500.121 Disciplinary procedures.--

10 (1) In addition to the suspension procedures provided
11 in s. 500.12, the department may impose a fine not exceeding
12 \$5,000 against any retail food store or food establishment
13 that has violated this chapter, which fine, when imposed and
14 paid, shall be deposited by the department into the General
15 Inspection Trust Fund. The department may revoke or suspend
16 the permit of any such retail food store or food
17 establishment, or may prohibit any food establishment exempt
18 from the permitting requirement under s. 500.12(1)(a) from
19 selling food,if it is satisfied that the retail food store or
20 food establishment has:

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

22 (b) Violated or aided or abetted in the violation of
23 any law of this state governing or applicable to retail food
24 stores or food establishments or any lawful rules of the
25 department.

26 (c) Knowingly committed, or been a party to, any
27 material fraud, misrepresentation, conspiracy, collusion,
28 trick, scheme, or device whereby any other person, lawfully
29 relying upon the word, representation, or conduct of a retail
30 food store or food establishment, acts to her or his injury or
31 damage.

1 (d) Committed any act or conduct of the same or
2 different character than that enumerated which constitutes
3 fraudulent or dishonest dealing.

4 Section 3. This act shall take effect July 1, 2004.

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7 SENATE SUMMARY

8 Provides that the operator of a minor food outlet is
9 exempt from the requirement to obtain a food permit from
10 the Department of Agriculture and Consumer Services if
11 the space used to display and store food items does not
12 exceed 200 square feet. Authorizes the department to
13 prohibit a food establishment that is exempt from the
14 permit requirement from selling food if the establishment
15 is in violation of certain laws or rules.
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