



577798

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2009	.	
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The Committee on Regulated Industries (Dean) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 1086 - 1179  
and insert:

Section 28. Section 500.70, Florida Statutes, is created to read:

500.70 Tomato food safety standards; inspections; penalties; tomato good agricultural practices; tomato best management practices.-

(1) As used in this section, the term:



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12           (a) "Field packing" means the packing of tomatoes on a  
13 tomato farm or in a tomato greenhouse into containers for sale  
14 for human consumption without transporting the tomatoes to a  
15 packinghouse.

16           (b) "Packing" or "repacking" means the packing of tomatoes  
17 into containers for sale for human consumption. The term  
18 includes the sorting or separating of tomatoes into grades and  
19 sizes. The term also includes field packing.

20           (c) "Producing" means the planting, growing, or cultivating  
21 of tomatoes on a tomato farm or in a tomato greenhouse for sale  
22 for human consumption.

23           (2) The department may adopt rules establishing food safety  
24 standards to safeguard the public health and promote the public  
25 welfare by protecting the consuming public from injury caused by  
26 the adulteration or the microbiological, chemical, or  
27 radiological contamination of tomatoes. The rules must be based  
28 on federal requirements, available scientific research,  
29 generally accepted industry practices, and recommendations of  
30 food safety professionals. The rules shall apply to the  
31 producing, harvesting, packing, and repacking of tomatoes for  
32 sale for human consumption by a tomato farm, tomato greenhouse,  
33 or tomato packinghouse or repacker in this state. The rules may  
34 include, but are not limited to, standards for:

35           (a) Registration with the department of a person who  
36 produces, harvests, packs, or repacks tomatoes in this state who  
37 does not hold a food permit issued under s. 500.12.

38           (b) Proximity of domestic animals and livestock to the  
39 production areas for tomatoes.

40           (c) Food safety related use of water for irrigation during



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41 production and washing of tomatoes after harvest.

42 (d) Use of fertilizers.

43 (e) Cleaning and sanitation of containers, materials,  
44 equipment, vehicles, and facilities, including storage and  
45 ripening areas.(f) Health, hygiene, and sanitation of employees  
46 who handle tomatoes.

47 (g) Training and continuing education of a person who  
48 produces, harvests, packs, or repacks tomatoes in this state,  
49 and the person's employees who handle tomatoes.

50 (h) Labeling and recordkeeping, including standards for  
51 identifying and tracing tomatoes for sale for human consumption.

52 (3) (a) The department may inspect tomato farms, tomato  
53 greenhouses, tomato packinghouses, repacking locations, or any  
54 vehicle being used to transport or hold tomatoes to ensure  
55 compliance with the applicable provisions of this chapter, and  
56 the rules adopted under this chapter.

57 (b) The department may impose an administrative fine not to  
58 exceed \$5,000 per violation, or issue a written notice or  
59 warning under s. 500.179, against a person who violates any  
60 applicable provision of this section, or any rule adopted under  
61 this section.

62 (4) (a) The department may adopt rules establishing tomato  
63 good agricultural practices and tomato best management practices  
64 for the state's tomato industry based on applicable federal  
65 requirements, available scientific research, generally accepted  
66 industry practices, and recommendations of food safety  
67 professionals.

68 (b) A person who documents compliance with the department's  
69 rules, tomato good agricultural practices, and tomato best



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70 management practices is presumed to introduce tomatoes into the  
71 stream of commerce that are safe for human consumption, unless  
72 the department identifies noncompliance through inspections.

73 (5) The following are exempt from subsections (2) and (4):

74 (a) Tomatoes sold by the grower to a consumer on the  
75 premises on which they are grown in an amount that does not  
76 exceed two 25 lb. boxes per customer.

77 (b) Tomatoes sold by the grower at a local farmers market,  
78 in an amount that does not exceed two 25 lb. boxes per customer.

79 (6) The department may adopt rules pursuant to ss.  
80 120.536(1) and 120.54 to administer this section.

81  
82 ===== T I T L E A M E N D M E N T =====

83 And the title is amended as follows:

84 Delete lines 93 - 105

85 and insert:

86  
87 for purposes of the Florida Food Safety Act; creating s. 500.70,  
88 F.S.; defining terms; requiring minimum food safety standards  
89 for producing, harvesting, packing, and repacking tomatoes;  
90 authorizing the department to inspect tomato farms, greenhouses,  
91 and packinghouses or repackers; providing penalties; authorizing  
92 the department to establish good agricultural practices and best  
93 management practices for the tomato industry by rule; providing  
94 a presumption that tomatoes introduced into commerce are safe  
95 for human consumption under certain circumstances; exempting  
96 certain tomatoes from certain food safety standards and good  
97 agricultural practices and best management practices;  
98 authorizing the department to adopt