

By Senator Baker

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1 A bill to be entitled
2 An act relating to agriculture; creating the "Florida
3 Food Freedom Act"; providing definitions; providing a
4 purpose for the act; exempting certain food producers
5 selling or delivering directly to the consumer from
6 licensing requirements; prohibiting state and local
7 governmental agencies from requiring licensure,
8 certification, or inspection of such producers under
9 certain circumstances; amending s. 500.12, F.S.;
10 providing that certain persons selling directly to the
11 consumer are exempt from food permit requirements;
12 requiring persons selling directly to the consumer to
13 be trained and certified; amending s. 583.01, F.S.;
14 redefining the term "dealer" with regard to the sale
15 of eggs and poultry; providing an effective date.

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

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19 Section 1. Florida Food Freedom Act.—

20 (1) SHORT TITLE.—This section may be cited as the "Florida
21 Food Freedom Act."

22 (2) DEFINITIONS.—As used in this section, the term:

23 (a) "Agent" means a person who conducts commerce on behalf
24 of a producer.

25 (b) "Agritourism activity" has the same meaning as defined
26 in s. 570.961, Florida Statutes. The term also means a style of
27 vacation that normally takes place on a farm or ranch and
28 includes any farm or ranch that is open to the public at least
29 part of the year. The term also includes the opportunity to

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30 participate in agricultural tasks, including, but not limited
31 to, harvesting fruits and vegetables, riding horses, tasting
32 honey, learning about wine, and shopping in farm or ranch gift
33 shops and farm stands for local and regional agricultural
34 produce or hand-crafted gifts.

35 (c) "End consumer" means a person who is the last person to
36 purchase any product or preparation and who does not resell the
37 product or preparation.

38 (d) "Home consumption" means consumed within a private
39 home.

40 (e) "Producer" means any person who grows any plant or
41 animal for food or drink.

42 (f) "Transaction" means the exchange of buying and selling.

43 (3) PURPOSE; LICENSURE EXEMPTION.—

44 (a) The purpose of this section is to encourage the
45 expansion and accessibility of farmers' markets, roadside
46 stands, ranch- and farm-based sales, and agricultural sales by:

47 1. Promoting the purchase and consumption of fresh and
48 local agricultural products;

49 2. Enhancing the agricultural economy;

50 3. Encouraging agritourism activities in this state;

51 4. Providing this state's residents with unimpeded access
52 to healthful food from known sources; and

53 5. Encouraging the expansion and accessibility of farmers'
54 markets, roadside stands, ranch- and farm-based sales, and
55 direct agricultural sales from the producer to the end consumer.

56 (b) Any producer who:

57 1. Sells his or her product at farmers' markets or at
58 roadside stands;

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59 2. Sells his or her product through ranch- and farm-based
60 sales directly to the end consumer; or

61 3. Delivers his or her product directly to the end
62 consumer,

63
64 is exempt from permit requirements of s. 500.12, Florida
65 Statutes.

66 (c) Notwithstanding any other provision of law, a state
67 agency or an agency of any political subdivision of the state
68 may not require any licensure, certification, or inspection if
69 there is only one transaction between the producer or the
70 producer's agent and the end consumer when the food is for home
71 consumption.

72 Section 2. Paragraph (a) of subsection (1) of section
73 500.12, Florida Statutes, is amended to read:

74 500.12 Food permits; building permits.—

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

78 1. Persons operating minor food outlets, including, but not
79 limited to, video stores, which ~~that~~ sell commercially
80 prepackaged, nonpotentially hazardous candy, chewing gum, soda,
81 or popcorn, provided the shelf space for those items does not
82 exceed 12 linear feet and no other food is sold by the minor
83 food outlet.

84 2. Persons subject to continuous, onsite federal or state
85 inspection.

86 3. Persons selling only legumes in the shell, either
87 parched, roasted, or boiled.

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88 4. Persons selling food directly to the end consumer at
89 farmers markets, roadside stands, or from a ranch or farm which
90 has been grown, washed, prepared, or packaged ~~sugar cane or~~
91 ~~sorghum syrup that has been boiled and bottled~~ on a premise
92 located within the state. The packaging ~~Such bottles~~ must
93 contain a label listing the producer's name and street address,
94 all added ingredients, the net weight or volume of product, and
95 a statement that reads "This product has not been produced in a
96 facility permitted by the Florida Department of Agriculture and
97 Consumer Services." To ensure food safety protection standards,
98 each person who sells food directly to the end consumer and who
99 is responsible for the storage, preparation, display, or serving
100 of foods to the end consumer shall be trained and certified
101 consistent with the conference standards for Accreditation of
102 Food Protection Manager Certification Programs adopted by the
103 Conference for Food Protection.

104 Section 3. Subsection (4) of section 583.01, Florida
105 Statutes, is amended to read:

106 583.01 Definitions.—For the purpose of this chapter, unless
107 elsewhere indicated, the term:

108 (4) "Dealer" means any person, firm, or corporation,
109 including a producer, processor, retailer, or wholesaler, which
110 ~~that~~ sells, offers for sale, or holds for the purpose of sale in
111 this state:

112 (a) The eggs of a flock of more than 3,000 birds; or

113 (b) More than 20,000 head of dressed poultry that is
114 produced or processed per calendar year ~~30 dozen or more eggs or~~
115 ~~its equivalent in any one week, or in excess of 100 pounds of~~
116 ~~dressed poultry in any one week.~~

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Section 4. This act shall take effect July 1, 2010.