

By Senators Bullard and Soto

39-00107-14

2014160__

1 A bill to be entitled
2 An act relating to canned or perishable food
3 distributed free of charge; amending s. 768.136, F.S.;
4 revising the definition of the term "donor"; limiting
5 the liability of public schools with respect to canned
6 or perishable food donated to charitable or nonprofit
7 organizations; making grammatical changes; providing
8 an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Subsection (1) of section 768.136, Florida
13 Statutes, is reordered and amended to read:

14 768.136 Liability for canned or perishable food distributed
15 free of charge.—

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

17 (b)(a) "Donor" means a person, business, organization, or
18 institution, including a public school, which owns, rents,
19 leases, or operates:

20 1. A ~~Any~~ building, vehicle, place, or structure, or a ~~any~~
21 room or division in a building, vehicle, place, or structure,
22 which that is maintained and operated as a place where food is
23 regularly prepared, served, or sold for immediate consumption on
24 or in the vicinity of the premises; or to be called for or taken
25 out by customers; or to be delivered to factories, construction
26 camps, airlines, locations where catered events are being held,
27 and other similar locations for consumption at any place;

28 2. A ~~Any~~ public location with vending machines dispensing
29 prepared meals; or

39-00107-14

2014160__

30 3. A ~~Any~~ retail grocery store.

31 (c) ~~(b)~~ "Gleaner" means a person who harvests for free
32 distribution an agricultural crop that has been donated by the
33 owner.

34 (a) ~~(e)~~ "Canned food" means any food that ~~which~~ has been
35 commercially processed and prepared for human consumption and
36 ~~which has been~~ commercially packaged in such a manner as to
37 remain nonperishable without refrigeration for a reasonable
38 length of time.

39 (d) "Perishable food" means any food that may spoil or
40 otherwise become unfit for human consumption because of its
41 nature, type, or physical condition. The term ~~"Perishable food"~~
42 includes, but is not limited to, fresh or processed meats,
43 poultry, seafood, dairy products, bakery products, eggs in the
44 shell, fresh fruits or vegetables, and foods that have been
45 noncommercially packaged, that have been frozen or otherwise
46 require refrigeration to remain nonperishable for a reasonable
47 length of time, or that have been prepared at a public food
48 service establishment licensed under chapter 509.

49 Section 2. This act shall take effect July 1, 2014.