

CS/HB 1219

2015

1 A bill to be entitled
2 An act relating to public food service establishments;
3 amending s. 509.013, F.S.; revising the definition of
4 the term "public food service establishment" to
5 exclude certain events; amending s. 509.032, F.S.;
6 providing additional requirements for temporary food
7 service event sponsors; providing an effective date.

8

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

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11 Section 1. Subsection (5) of section 509.013, Florida
12 Statutes, is amended to read:

13 509.013 Definitions.—As used in this chapter, the term:

14 (5) (a) "Public food service establishment" means any
15 building, vehicle, place, or structure, or any room or division
16 in a building, vehicle, place, or structure where food is
17 prepared, served, or sold for immediate consumption on or in the
18 vicinity of the premises; called for or taken out by customers;
19 or prepared prior to being delivered to another location for
20 consumption.

21 (b) The following are excluded from the definition in
22 paragraph (a):

23 1. Any place maintained and operated by a public or
24 private school, college, or university:

25 a. For the use of students and faculty; or

26 b. Temporarily to serve such events as fairs, carnivals,

27 food contests, and athletic contests.

28 2. Any eating place maintained and operated by a church or
 29 a religious, nonprofit fraternal, or nonprofit civic
 30 organization:

31 a. For the use of members and associates; or

32 b. Temporarily to serve such events as fairs, carnivals,
 33 food contests, or athletic contests.

34 3. Any temporary eating place maintained and operated by
 35 an individual or entity at a temporary event such as a fair,
 36 carnival, food contest, or athletic contest hosted by a church
 37 or a religious, nonprofit fraternal, or nonprofit civic
 38 organization that lasts 3 or fewer days, if the individual or
 39 entity:

40 a. Guarantees that a percentage of the profit generated at
 41 the event will be provided to the nonprofit host; and

42 b. Does not generate more than \$4,000 in total annual
 43 revenue during the previous calendar year from all eating places
 44 and temporary events that it maintains and operates.

45
 46 Upon request of the division, an individual or entity that
 47 claims an exclusion under this subparagraph must provide the
 48 division with documentation of such revenue generated during the
 49 previous calendar year, if any, from all eating places and
 50 temporary food service events that it maintains and operates.

51 ~~4.3.~~ Any eating place located on an airplane, train, bus,
 52 or watercraft which is a common carrier.

53 5.4. Any eating place maintained by a facility certified
54 or licensed and regulated by the Agency for Health Care
55 Administration or the Department of Children and Families or
56 other similar place that is regulated under s. 381.0072.

57 6.5. Any place of business issued a permit or inspected by
58 the Department of Agriculture and Consumer Services under s.
59 500.12.

60 7.6. Any place of business where the food available for
61 consumption is limited to ice, beverages with or without
62 garnishment, popcorn, or prepackaged items sold without
63 additions or preparation.

64 8.7. Any theater, if the primary use is as a theater and
65 if patron service is limited to food items customarily served to
66 the admittees of theaters.

67 9.8. Any vending machine that dispenses any food or
68 beverages other than potentially hazardous foods, as defined by
69 division rule.

70 10.9. Any vending machine that dispenses potentially
71 hazardous food and which is located in a facility regulated
72 under s. 381.0072.

73 11.10. Any research and development test kitchen limited
74 to the use of employees and which is not open to the general
75 public.

76 Section 2. Paragraph (c) of subsection (3) of section
77 509.032, Florida Statutes, is amended to read:

78 509.032 Duties.—

79 (3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD
 80 SERVICE EVENTS.—The division shall:

81 (c) Administer a public notification process for temporary
 82 food service events and distribute educational materials that
 83 address safe food storage, preparation, and service procedures.

84 1. Sponsors of temporary food service events shall notify
 85 the division, on a form adopted by rule of the division, at
 86 least ~~not less than~~ 3 days before the scheduled event of the
 87 type of food service proposed; ~~the time and location of the~~
 88 event; ~~a complete list of food service vendors participating in~~
 89 the event; a complete list of the names, addresses, telephone
 90 numbers, and types of exclusions claimed for any individuals or
 91 entities maintaining or operating eating places and claiming an
 92 exclusion under s. 509.013(5)(b); ~~the number of individual food~~
 93 service facilities each vendor will operate at the event; ~~and~~
 94 the identification number of each food service vendor's current
 95 license as a public food service establishment or temporary food
 96 service event licensee. Notification may be completed orally, by
 97 telephone, in person, or in writing. A public food service
 98 establishment or food service vendor may not use this
 99 notification process to circumvent the license requirements of
 100 this chapter.

101 2. The division shall keep a record of all notifications
 102 received for proposed temporary food service events and shall
 103 provide appropriate educational materials to the event sponsors,
 104 including the food-recovery brochure developed under s. 595.420.

105 3.a. Unless excluded under s. 509.013(5)(b), a public food
106 service establishment or other food service vendor must obtain
107 one of the following classes of license from the division: an
108 individual license, for a fee of no more than \$105, for each
109 temporary food service event in which it participates; or an
110 annual license, for a fee of no more than \$1,000, that entitles
111 the licensee to participate in an unlimited number of food
112 service events during the license period. The division shall
113 establish license fees, by rule, and may limit the number of
114 food service facilities a licensee may operate at a particular
115 temporary food service event under a single license.

116 b. Public food service establishments holding current
117 licenses from the division may operate under the regulations of
118 such a license at temporary food service events of 3 days or
119 less in duration.

120 Section 3. This act shall take effect July 1, 2015.