

By Senator Hays

11-01239A-15

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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 for the purposes of exemption
6 from licensure and inspection; providing an effective
7 date.

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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 private
24 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, or for the
29 benefit of, a church or a religious, nonprofit fraternal, or

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30 nonprofit civic 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 eating place located on an airplane, train, bus, or
35 watercraft which is a common carrier.

36 4. Any eating place maintained by a facility certified or
37 licensed and regulated by the Agency for Health Care
38 Administration or the Department of Children and Families or
39 other similar place that is regulated under s. 381.0072.

40 5. Any place of business issued a permit or inspected by
41 the Department of Agriculture and Consumer Services under s.
42 500.12.

43 6. Any place of business where the food available for
44 consumption is limited to ice, beverages with or without
45 garnishment, popcorn, or prepackaged items sold without
46 additions or preparation.

47 7. Any theater, if the primary use is as a theater and if
48 patron service is limited to food items customarily served to
49 the admittees of theaters.

50 8. Any vending machine that dispenses any food or beverages
51 other than potentially hazardous foods, as defined by division
52 rule.

53 9. Any vending machine that dispenses potentially hazardous
54 food and which is located in a facility regulated under s.
55 381.0072.

56 10. Any research and development test kitchen limited to
57 the use of employees and which is not open to the general
58 public.

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Section 2. This act shall take effect July 1, 2015.