

By the Committee on Health Policy; and Senator Hays

588-02387-15

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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; or

34 c. By an individual or entity, at a temporary event hosted  
35 by a church or a religious, nonprofit fraternal, or nonprofit  
36 civic organization, which guarantees a percentage of the profit  
37 generated at the event to the nonprofit host, and which does not  
38 generate more than \$2,000 in revenue from a single event or  
39 \$4,000 annually from all temporary food service events.

40 3. Any eating place located on an airplane, train, bus, or  
41 watercraft which is a common carrier.

42 4. Any eating place maintained by a facility certified or  
43 licensed and regulated by the Agency for Health Care  
44 Administration or the Department of Children and Families or  
45 other similar place that is regulated under s. 381.0072.

46 5. Any place of business issued a permit or inspected by  
47 the Department of Agriculture and Consumer Services under s.  
48 500.12.

49 6. Any place of business where the food available for  
50 consumption is limited to ice, beverages with or without  
51 garnishment, popcorn, or prepackaged items sold without  
52 additions or preparation.

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

56 8. Any vending machine that dispenses any food or beverages  
57 other than potentially hazardous foods, as defined by division  
58 rule.

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59           9. Any vending machine that dispenses potentially hazardous  
60 food and which is located in a facility regulated under s.  
61 381.0072.

62           10. Any research and development test kitchen limited to  
63 the use of employees and which is not open to the general  
64 public.

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