

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Regulatory Reform &
2 Economic Development Subcommittee
3 Representative Porras offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
7 Section 1. Subsection (3) of section 509.101, Florida Statutes,
8 is amended to read:

9 509.101 Establishment rules; posting of notice; food
10 service inspection report; maintenance of guest register; mobile
11 food dispensing vehicle registry.—

12 (3) It is the duty of each operator of a public food
13 service establishment that provides commissary services to
14 maintain a daily registry verifying that each mobile food
15 dispensing vehicle or temporary commercial kitchen that receives
16 such services is properly licensed by the division. In order

Amendment No. 1

17 that such licensure may be readily verified, each mobile food
18 dispensing vehicle operator or temporary commercial kitchen
19 operator shall permanently affix in a prominent place on the
20 side of the vehicle or kitchen, in figures at least 2 inches
21 high and in contrasting colors from the background, the
22 operator's public food service establishment license number.
23 Prior to providing commissary services, each public food service
24 establishment must verify that the license number displayed on
25 the vehicle or kitchen matches the number on the vehicle or
26 kitchen operator's public food service establishment license.

27 Section 2. Subsections (1), (2) and (3) of section
28 509.102, Florida Statutes, are amended to read:

29 509.102 Mobile food dispensing vehicles; temporary
30 commercial kitchens; preemption.-

31 (1)(a) As used in this section, the term "mobile food
32 dispensing vehicle" means any vehicle that is a public food
33 service establishment and that is self-propelled or otherwise
34 movable from place to place and includes self-contained
35 utilities, including, but not limited to, gas, water,
36 electricity, or liquid waste disposal.

37 (b) As used in this section, the term "temporary
38 commercial kitchen" means any kitchen that is a public food
39 service establishment, used for the preparation of takeout or
40 delivery-only meals housed in portable structures that are
41 movable from place to place by a tow or are self-propelled or

212945 - h0415-strike.docx

Published On: 2/22/2023 6:14:43 PM

Amendment No. 1

42 otherwise axel mounted, that include self-contained utilities,
43 including, but not limited to, gas, water, electricity, or
44 liquid waste disposal. Such kitchens are subject to all
45 provisions of this chapter except as may be provided herein. The
46 term does not include a tent.

47 (2) (a) Regulation of mobile food dispensing vehicles, and
48 temporary commercial kitchens, involving licenses,
49 registrations, permits, and fees is preempted to the state. A
50 municipality, county, or other local governmental entity may not
51 require a separate license, registration, or permit other than
52 the license required under s. 509.241, or require the payment of
53 any license, registration, or permit fee other than the fee
54 required under s. 509.251, as a condition for the operation of a
55 mobile food dispensing vehicle or temporary commercial kitchen
56 within the entity's jurisdiction. A municipality, county, or
57 other local governmental entity may not prohibit mobile food
58 dispensing vehicles or temporary commercial kitchens from
59 operating within the entirety of the entity's jurisdiction.

60 (b) Any mobile food dispensing vehicle or temporary
61 commercial kitchen that is operated on the same premises as and
62 by a separately licensed public food service establishment may
63 operate during the same hours of operation as the separately
64 licensed public food service establishment that operates such
65 mobile food dispensing vehicle or temporary commercial kitchen.

Amendment No. 1

66 (3) This section may not be construed to affect a
67 municipality, county, or other local governmental entity's
68 authority to regulate the operation of mobile food dispensing
69 vehicles or temporary commercial kitchens other than the
70 regulations described in subsection (2).

71 Section 3. This act shall take effect July 1, 2023.

72 -----

73 **T I T L E A M E N D M E N T**

74 Remove everything before the enacting clause and insert:

75 A bill to be entitled

76 An act relating to temporary commercial kitchens;
77 amending s. 509.101, F.S.; requiring operators of
78 public food service establishments who provide
79 commissary services to maintain a temporary commercial
80 kitchen registry; requiring temporary commercial
81 kitchen operators to display license number; amending
82 s. 509.102, F.S.; defining the term "temporary
83 commercial kitchen"; preempting regulation of
84 temporary commercial kitchens to the state; providing
85 an effective date.
86
87