

1 A bill to be entitled
 2 An act relating to temporary commercial kitchens;
 3 amending s. 509.101, F.S.; requiring operators of
 4 public food service establishments who provide
 5 commissary services to maintain a temporary commercial
 6 kitchen registry; requiring temporary commercial
 7 kitchen operators to display license numbers; amending
 8 s. 509.102, F.S.; defining the term "temporary
 9 commercial kitchen"; preempting regulation of
 10 temporary commercial kitchens to the state;
 11 authorizing mobile food dispensing vehicles and
 12 temporary commercial kitchens in specified locations
 13 to operate during certain hours; providing conditions
 14 for operating a temporary kitchen; providing an
 15 effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

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 19 Section 1. Subsection (3) of section 509.101, Florida
 20 Statutes, is amended to read:

21 509.101 Establishment rules; posting of notice; food
 22 service inspection report; maintenance of guest register; mobile
 23 food dispensing vehicle registry.—

24 (3) It is the duty of each operator of a public food
 25 service establishment that provides commissary services to

26 | maintain a daily registry verifying that each mobile food
 27 | dispensing vehicle or temporary commercial kitchen that receives
 28 | such services is properly licensed by the division. In order
 29 | that such licensure may be readily verified, each mobile food
 30 | dispensing vehicle operator or temporary commercial kitchen
 31 | operator shall permanently affix in a prominent place on the
 32 | side of the vehicle or kitchen, in figures at least 2 inches
 33 | high and in contrasting colors from the background, the
 34 | operator's public food service establishment license number.
 35 | Prior to providing commissary services, each public food service
 36 | establishment must verify that the license number displayed on
 37 | the vehicle or kitchen matches the number on the vehicle or
 38 | kitchen operator's public food service establishment license.

39 | Section 2. Section 509.102, Florida Statutes, is amended
 40 | to read:

41 | 509.102 Mobile food dispensing vehicles; temporary
 42 | commercial kitchens; preemption.—

43 | (1)(a) As used in this section, the term "mobile food
 44 | dispensing vehicle" means any vehicle that is a public food
 45 | service establishment and that is self-propelled or otherwise
 46 | movable from place to place and includes self-contained
 47 | utilities, including, but not limited to, gas, water,
 48 | electricity, or liquid waste disposal.

49 | (b) As used in this section, the term "temporary
 50 | commercial kitchen" means any kitchen that is a public food

51 service establishment, used for the preparation of takeout or
52 delivery-only meals housed in portable structures that are
53 movable from place to place by a tow or are self-propelled or
54 otherwise axle mounted, that include self-contained utilities,
55 including, but not limited to, gas, water, electricity, or
56 liquid waste disposal. Such kitchens are subject to all
57 provisions of this chapter except as may be provided herein. The
58 term does not include a tent.

59 (2) (a) Regulation of mobile food dispensing vehicles, and
60 temporary commercial kitchens, involving licenses,
61 registrations, permits, and fees is preempted to the state. A
62 municipality, county, or other local governmental entity may not
63 require a separate license, registration, or permit other than
64 the license required under s. 509.241, or require the payment of
65 any license, registration, or permit fee other than the fee
66 required under s. 509.251, as a condition for the operation of a
67 mobile food dispensing vehicle or temporary commercial kitchen
68 within the entity's jurisdiction. A municipality, county, or
69 other local governmental entity may not prohibit mobile food
70 dispensing vehicles or temporary commercial kitchens from
71 operating within the entirety of the entity's jurisdiction.

72 (b) Any mobile food dispensing vehicle or temporary
73 commercial kitchen that is operated on the same premises as and
74 by a separately licensed public food service establishment may
75 operate during the same hours of operation as the separately

76 licensed public food service establishment that operates such
77 mobile food dispensing vehicle or temporary commercial kitchen.

78 (3)(a) A temporary commercial kitchen may be used in
79 conjunction with a licensed permanent food service establishment
80 that is licensed under this chapter for the purpose of
81 supplementing the kitchen operations of the licensed permanent
82 food service establishment.

83 1. A temporary commercial kitchen may operate in this
84 capacity on the premises of the licensed permanent food service
85 establishment for 60 consecutive days. The operators of the
86 temporary commercial kitchen may request, and the division may
87 grant, one extension of up to 60 additional consecutive days.

88 2. During a period of renovation, repair, or rebuilding, a
89 temporary commercial kitchen may operate in this capacity on the
90 premises of the licensed permanent food service establishment or
91 off the premises within line of sight not to exceed 1,320 feet
92 from the licensed permanent food service establishment for 120
93 days. The division may exercise discretion to grant an
94 additional extension of time upon a reasonable and reliable
95 demonstration by the licensed permanent food service
96 establishment that additional time is needed to complete the
97 renovation, repair, or rebuild.

98 (b) If a licensed permanent food service establishment
99 licensed under this chapter, or the land upon which that
100 establishment is sited, is rendered uninhabitable due to a

101 natural disaster which is the subject of a declared state of
102 emergency, a temporary commercial kitchen may operate on the
103 premises of, or as near as reasonably practicable to, the
104 location of the licensed permanent food service establishment. A
105 temporary commercial kitchen may only operate in this capacity
106 during the period of repair and rebuilding of the permanent
107 establishment with which it is associated. A temporary
108 commercial kitchen operating in this capacity must notify the
109 division of its location within 7 days after a natural disaster
110 renders the structure or the land upon which the establishment
111 is sited uninhabitable and notify the division of its location
112 every 90 days thereafter.

113 (c) Except as authorized under paragraphs (a) and (b), a
114 temporary commercial kitchen may not operate in one location for
115 longer than 30 consecutive days. The operators of a temporary
116 commercial kitchen must notify the division within 48 hours
117 after commencing operation in a location.

118 (4)-(3) This section may not be construed to affect a
119 municipality, county, or other local governmental entity's
120 authority to regulate the operation of mobile food dispensing
121 vehicles or temporary commercial kitchens other than the
122 regulations described in subsection (2).

123 (5)-(4) This section does not apply to any port authority,
124 aviation authority, airport, or seaport.

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