



307314

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/07/2023	.	
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The Committee on Regulated Industries (Calatayud) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(3) It is the duty of each operator of a public food



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11 service establishment that provides commissary services to
12 maintain a daily registry verifying that each mobile food
13 dispensing vehicle or temporary commercial kitchen that receives
14 such services is properly licensed by the division. In order
15 that such licensure may be readily verified, each mobile food
16 dispensing vehicle operator or temporary commercial kitchen
17 operator shall permanently affix in a prominent place on the
18 side of the vehicle or kitchen, in figures at least 2 inches
19 high and in contrasting colors from the background, the
20 operator's public food service establishment license number.
21 Prior to providing commissary services, each public food service
22 establishment must verify that the license number displayed on
23 the vehicle or kitchen matches the number on the vehicle or
24 kitchen operator's public food service establishment license.

25 Section 2. Subsections (1), (2), and (3) of section
26 509.102, Florida Statutes, are amended to read:

27 509.102 Mobile food dispensing vehicles; temporary
28 commercial kitchens; preemption.-

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

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



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

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

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

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



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

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71 ===== T I T L E A M E N D M E N T =====

72 And the title is amended as follows:

73 Delete everything before the enacting clause
74 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 numbers; amending
82 s. 509.102, F.S.; defining the term "temporary
83 commercial kitchen"; preempting regulation of
84 temporary commercial kitchens to the state;
85 authorizing mobile food dispensing vehicles and
86 temporary commercial kitchens in specified locations
87 to operate during certain hours; providing
88 construction; providing an effective date.