

By the Committee on Regulated Industries; and Senator Calatayud

580-02343-23

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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
14 construction; providing an effective date.

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

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

20 509.101 Establishment rules; posting of notice; food
21 service inspection report; maintenance of guest register; mobile
22 food dispensing vehicle registry.—

23 (3) It is the duty of each operator of a public food
24 service establishment that provides commissary services to
25 maintain a daily registry verifying that each mobile food
26 dispensing vehicle or temporary commercial kitchen that receives
27 such services is properly licensed by the division. In order
28 that such licensure may be readily verified, each mobile food
29 dispensing vehicle operator or temporary commercial kitchen

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30 operator shall permanently affix in a prominent place on the
31 side of the vehicle or kitchen, in figures at least 2 inches
32 high and in contrasting colors from the background, the
33 operator's public food service establishment license number.
34 Prior to providing commissary services, each public food service
35 establishment must verify that the license number displayed on
36 the vehicle or kitchen matches the number on the vehicle or
37 kitchen operator's public food service establishment license.

38 Section 2. Subsections (1), (2), and (3) of section
39 509.102, Florida Statutes, are amended to read:

40 509.102 Mobile food dispensing vehicles; temporary
41 commercial kitchens; preemption.—

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

48 (b) As used in this section, the term "temporary commercial
49 kitchen" means any kitchen that is a public food service
50 establishment, used for the preparation of takeout or delivery-
51 only meals housed in portable structures that are movable from
52 place to place by a tow or are self-propelled or otherwise axle-
53 mounted, that include self-contained utilities, including, but
54 not limited to, gas, water, electricity, or liquid waste
55 disposal. Such kitchens are subject to all provisions of this
56 chapter except as may be provided herein. The term does not
57 include a tent.

58 (2) (a) Regulation of mobile food dispensing vehicles, and

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

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

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

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