

By the Committees on Commerce and Tourism; and Regulated Industries; and Senator Calatayud

577-03503-23

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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; authorizing temporary
14 commercial kitchens to be used in conjunction with
15 licensed permanent food service establishments for
16 specified purposes; authorizing such operation for
17 specified timeframes; authorizing the Division of
18 Hotels and Restaurants of the Department of Business
19 and Professional Regulation to grant extensions;
20 requiring a temporary commercial kitchen to notify the
21 division within a specified timeframe of commencing
22 operation; providing construction; providing an
23 effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

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

29 509.101 Establishment rules; posting of notice; food

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30 service inspection report; maintenance of guest register; mobile
31 food dispensing vehicle registry.-

32 (3) It is the duty of each operator of a public food
33 service establishment that provides commissary services to
34 maintain a daily registry verifying that each mobile food
35 dispensing vehicle or temporary commercial kitchen that receives
36 such services is properly licensed by the division. In order
37 that such licensure may be readily verified, each mobile food
38 dispensing vehicle operator or temporary commercial kitchen
39 operator shall permanently affix in a prominent place on the
40 side of the vehicle or kitchen, in figures at least 2 inches
41 high and in contrasting colors from the background, the
42 operator's public food service establishment license number.
43 Prior to providing commissary services, each public food service
44 establishment must verify that the license number displayed on
45 the vehicle or kitchen matches the number on the vehicle or
46 kitchen operator's public food service establishment license.

47 Section 2. Present subsections (3) and (4) of section
48 509.102, Florida Statutes, are redesignated as subsections (4)
49 and (5), a new subsection (3) is added to that section, and
50 subsections (1) and (2) and present subsection (3) of that
51 section are amended, to read:

52 509.102 Mobile food dispensing vehicles; temporary
53 commercial kitchens; preemption.-

54 (1) (a) As used in this section, the term "mobile food
55 dispensing vehicle" means any vehicle that is a public food
56 service establishment and that is self-propelled or otherwise
57 movable from place to place and includes self-contained
58 utilities, including, but not limited to, gas, water,

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59 electricity, or liquid waste disposal.

60 (b) As used in this section, the term "temporary commercial
61 kitchen" means any kitchen that is a public food service
62 establishment, used for the preparation of takeout or delivery-
63 only meals housed in portable structures that are movable from
64 place to place by a tow or are self-propelled or otherwise axle-
65 mounted, that include self-contained utilities, including, but
66 not limited to, gas, water, electricity, or liquid waste
67 disposal. Such kitchens are subject to all provisions of this
68 chapter except as may be provided herein. The term does not
69 include a tent.

70 (2)(a) Regulation of mobile food dispensing vehicles, and
71 temporary commercial kitchens, involving licenses,
72 registrations, permits, and fees is preempted to the state. A
73 municipality, county, or other local governmental entity may not
74 require a separate license, registration, or permit other than
75 the license required under s. 509.241, or require the payment of
76 any license, registration, or permit fee other than the fee
77 required under s. 509.251, as a condition for the operation of a
78 mobile food dispensing vehicle or temporary commercial kitchen
79 within the entity's jurisdiction. A municipality, county, or
80 other local governmental entity may not prohibit mobile food
81 dispensing vehicles or temporary commercial kitchens from
82 operating within the entirety of the entity's jurisdiction.

83 (b) Any mobile food dispensing vehicle or temporary
84 commercial kitchen that is operated on the same premises as and
85 by a separately licensed public food service establishment may
86 operate during the same hours of operation as the separately
87 licensed public food service establishment that operates such

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88 mobile food dispensing vehicle or temporary commercial kitchen.

89 (3) (a) A temporary commercial kitchen may be used in
90 conjunction with a permanent food service establishment licensed
91 under this chapter for the purpose of supplementing the kitchen
92 operations of the licensed permanent food service establishment.
93 A temporary commercial kitchen may operate in this capacity as
94 follows:

95 1. On the premises of the licensed permanent food service
96 establishment for 60 consecutive days. Upon request of the
97 operator of a temporary commercial kitchen, the division may
98 grant one extension of up to 60 additional consecutive days.

99 2. During a period of renovation, repair, or rebuilding, on
100 the premises of the licensed permanent food service
101 establishment or off the premises within the line of sight of,
102 and not to exceed 1,320 feet from, the licensed permanent food
103 service establishment for 120 consecutive days. The division may
104 exercise discretion to grant an additional extension of time
105 upon a reasonable and reliable demonstration by the licensed
106 permanent food service establishment that additional time is
107 needed to complete the renovation, repair, or rebuilding.

108 (b) If a permanent food service establishment licensed
109 under this chapter, or the land upon which that establishment is
110 sited, is rendered uninhabitable due to a natural disaster that
111 is the subject of a declared state of emergency, a temporary
112 commercial kitchen may operate on the premises of, or as near as
113 reasonably practicable to, the location of the licensed
114 permanent food service establishment. A temporary commercial
115 kitchen may operate in this capacity only during the period of
116 repair and rebuilding of the permanent establishment with which

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117 it is associated. The operators of a temporary commercial
118 kitchen operating in this capacity must notify the division of
119 the kitchen's location and renew the notification every 90 days
120 for the duration of its operation.

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

126 (4)-(3) This section may not be construed to affect a
127 municipality, county, or other local governmental entity's
128 authority to regulate the operation of mobile food dispensing
129 vehicles or temporary commercial kitchens other than the
130 regulations described in subsection (2).

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