

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the General Government Appropriations Committee

BILL: CS/CS/SB 350

INTRODUCER: General Government Appropriations Committee, Agriculture Committee, and Senator Dean

SUBJECT: Tomato Food Safety

DATE: February 5, 2010      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Poole</u>	<u>AG</u>	<u>Fav/CS</u>
2.	<u>Blizzard</u>	<u>DeLoach</u>	<u>GA</u>	<u>Fav/CS</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see Section VIII. for Additional Information:**

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

This bill delineates requirements for a tomato farmer, packer, repacker, or handler to be considered in compliance with state food safety microbial standards and guidelines. The bill authorizes the Department of Agriculture and Consumer Services (department) to inspect tomato farms, tomato greenhouses, tomato packinghouses, repacking locations, or any vehicle being used to transport or hold tomatoes to ensure compliance with food safety standards. The department is also authorized to impose administrative fines or to issue a written notice or warning for violations.

This bill amends the following sections of the Florida Statutes: 500.03, 500.70, 570.07, and 570.48.

**II. Present Situation:**

In 2007, s. 570.07, F.S., was amended to allow the department to use any of its trained personnel to perform inspections and to establish and adopt requirements for enhancing food safety of tomatoes. The definition of “food establishment” was modified to include tomato packing houses

but not repackers. The Division of Fruit and Vegetables was authorized to perform food safety inspections, under the Tomato Good Agricultural Practices inspection program, on tomato farms, in tomato greenhouses, and in tomato packing houses and repackers. The division has worked with the Florida tomato industry to create and implement good agricultural practices guidelines and standards. The division conducts an annual audit and inspection program to ensure compliance.

### III. Effect of Proposed Changes:

**Section 1** amends s. 500.03, F.S., to revise the definition of “food establishment” to include tomato repackers for purposes of the Florida Food Safety Act.

**Section 2** amends s. 500.70, F.S., to define the terms “field packing,” “packing or repacking,” and “producing.”

The bill authorizes the department to adopt by rule comprehensive best management practices for agriculture production and food safety. It requires the rules to be based on federal requirements, available scientific research, generally accepted industry practices, or recommendations of food safety professionals. The rules must apply to all aspects of tomato production, harvesting, packing and repacking of tomatoes for sale for human consumption by a tomato farm, tomato greenhouse, or tomato packinghouse or repacker in the state. It also authorizes training and continuing education of a person who produces, harvests, packs, or repacks tomatoes and the person’s employees who handle tomatoes.

The bill authorizes the department to inspect tomato farms, tomato greenhouses, tomato packinghouses, repacking locations, or any vehicle being used to transport or hold tomatoes to ensure compliance with food safety standards. It also authorizes the department to impose administrative fines, not to exceed \$5,000 per violation, or to issue a written notice or warning for compliance violations.

The bill authorizes the department to adopt rules for tomato good agricultural practices and best management practices. It establishes that, unless the department identifies noncompliance through inspection, a person who documents compliance with the department’s rules, good agricultural practices, and best management practices is presumed to introduce tomatoes into the market that are safe for human consumption. This section provides an exemption for tomatoes sold either by the grower on the premises at which the tomatoes are grown or at a local farmer’s market, if the quantity of tomatoes sold does not exceed two 25-pound boxes per customer, per day.

**Section 3** amends s. 570.07, F.S., to provide clarification and to authorize the department to adopt rules establishing comprehensive best management practices for agricultural production and food safety.

**Section 4** amends s. 570.48, F.S., to revise the duties of the Division of Fruit and Vegetables for performing tomato food safety inspections under s. 500.70, F.S.

**Section 5** provides that this act shall take effect July 1, 2010.

**Other Potential Implications:** None.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Any fiscal impact to the state would be offset by Rule 5K-4.020, F.A.C., effective March 1, 2009, which authorized the assessment of a \$100 food permit fee for tomato packing houses and repackers.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS/CS by General Government Appropriations Committee on February 5, 2010:**

This committee substitute clarifies the venues where tomato growers may sell their tomatoes. It also clarifies the amount of tomatoes that may be sold daily to an individual customer at those venues.

**CS by Agriculture Committee on January 12, 2010:**

Committee Substitute for Senate Bill 350 is different from Senate Bill 350 in that it:

- Provides an exemption for tomatoes sold by the grower on the premises at which the tomatoes are grown or at a local farmer's market, if the quantity of tomatoes sold does not exceed two 25-pound boxes per customer.
- Does not include sections 5 and 6 of SB 350 which would have amended ss. 570.53 and 570.54, F.S., to include the Division of Marketing and Development in the responsibility for tomato inspection. The deletion continues the authority of the Division of Fruits and Vegetables to have sole responsibility for inspections of tomato food safety.

**B. Amendments:**

None.