

Committee on Regulated Industries

CS/CS/SB 752 — Temporary Commercial Kitchens

by Commerce and Tourism Committee; Regulated Industries Committee; and Senator Calatayud

The bill regulates temporary commercial kitchens in the same manner as mobile food delivery vehicles (MFDVs or food trucks). The bill defines the term “temporary commercial kitchen” to mean “any kitchen that is a public food service establishment, used for the preparation of takeout or delivery-only meals housed in portable structures that are movable from place to place by a tow or are self-propelled or otherwise axle-mounted, that include self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal.” The term does not include a tent.

Temporary kitchens are typically used when fixed kitchens are unavailable, e.g., when damaged by a fire, or during remodeling, when extra kitchen space is needed, and for catering at events. Temporary kitchens may also be used after a natural disaster, such as a hurricane. Temporary kitchens are contained in a variety of modular structures, such as portable cabin structures, modular buildings, towed trailers, or standard freight containers.

The bill:

- Requires operators of public food service establishments who provide commissary services to temporary commercial kitchens to maintain a registry to verify that each temporary commercial kitchen that receives such services is properly licensed;
- Requires operators of temporary commercial kitchens to properly display their public food service establishment license number to assist the public food service establishment to verify the licensure of the temporary commercial kitchens;
- Preempts regulation of licenses, registrations, permits, and fees for temporary commercial kitchens to the state; and
- Authorizes MFDVs and temporary commercial kitchens that are operated on the same premises of a separately licensed public food service establishment to operate during the same hours of operation as the separately licensed public food service establishment.

Under the bill, a licensed permanent food service establishment may operate a temporary commercial kitchen:

- On site for the purpose of supplementing the kitchen operations for 60 consecutive days, with one potential 60 day extension; and
- On site or nearby during a period of renovation, repair, or rebuilding, for 120 days, with possible extension.

The bill also allows a licensed permanent food service establishment to operate a temporary commercial kitchen on site or reasonably nearby if the establishment or land is rendered uninhabitable due to natural disaster, with notification to DBPR every 90 days.

Except as authorized by the bill, temporary commercial kitchens may not operate in one location for longer than 30 consecutive days.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 39-0; House 113-0