

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 2094
 SPONSOR: Senator Geller
 SUBJECT: Misbranded Food Products
 DATE: February 22, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhavein	Poole	AG	Favorable
2.	_____	_____	AGG	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill requires the Department of Agriculture and Consumer Services (department) to take certain actions when it determines that there have been repeated violations of the food labeling law. If a product is found to be in violation of Chapter 500, F.S., the Florida Food Safety Act, the department shall retest or reexamine the product after giving the manufacturer or vendor sufficient notice to correct the violation. If the product is found in violation again, the department shall test or examine the product for the third time after sufficient notice has been given. If the product is found in violation for the third time, the department shall issue a stop-sale or stop-use order, and impose additional sanctions. If a third test or examination is needed, the manufacturer must reimburse the department for the cost of the test or examination.

This bill amends section 500.121, Florida Statutes.

II. Present Situation:

The Department of Agriculture and Consumer Services (department) is authorized to impose a fine not exceeding \$5,000 against any retail food store or food establishment that has violated the Florida Food Safety Act. When it has been determined that a violation of the food labeling law has occurred, the department has several sanctions set forth under current law which may be imposed. However, this authority is permissive rather than mandatory.

The department's Food & Residue Laboratories test products to determine if the nutritional claims on the labels are accurate. False claims could cause a consumer, such as a person with diabetes, to suffer serious health problems or to pay premium prices for what they think are specialty diet products designed to help them lose weight.

III. Effect of Proposed Changes:

Section 1. Amends s. 500.121, F.S., to establish testing procedures when a violation has been identified concerning nutrient claims on product labels. Provides for sanctions and recovery of department costs for tests or examinations.

Section 2. Provides that this act shall take effect July 1, 2002.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Manufacturers of products found for a third time to be in violation of labeling laws would be required to reimburse the Department of Agriculture and Consumer Services for the cost of the test or examination.

C. Government Sector Impact:

Indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
