

1 A bill to be entitled
 2 An act relating to the preparation and sale of food
 3 products; amending ss. 381.0072, 509.232, 633.022, and
 4 1013.12, F.S.; exempting certain fundraising
 5 activities that include the preparation and sale of
 6 food products cooked on site which are operated by
 7 high school booster clubs or organized youth sports
 8 programs from certain food sanitation standards, food
 9 service regulations, and firesafety standards;
 10 providing an effective date.

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

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 14 Section 1. Paragraph (b) of subsection (1) of section
 15 381.0072, Florida Statutes, is amended to read:

16 381.0072 Food service protection.—It shall be the duty of
 17 the Department of Health to adopt and enforce sanitation rules
 18 consistent with law to ensure the protection of the public from
 19 food-borne illness. These rules shall provide the standards and
 20 requirements for the storage, preparation, serving, or display
 21 of food in food service establishments as defined in this
 22 section and which are not permitted or licensed under chapter
 23 500 or chapter 509.

24 (1) DEFINITIONS.—As used in this section, the term:

25 (b) "Food service establishment" means detention
 26 facilities, public or private schools, migrant labor camps,
 27 assisted living facilities, facilities participating in the
 28 United States Department of Agriculture Afterschool Meal Program

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29 | that are located at a facility or site that is not inspected by
30 | another state agency for compliance with sanitation standards,
31 | adult family-care homes, adult day care centers, short-term
32 | residential treatment centers, residential treatment facilities,
33 | homes for special services, transitional living facilities,
34 | crisis stabilization units, hospices, prescribed pediatric
35 | extended care centers, intermediate care facilities for persons
36 | with developmental disabilities, boarding schools, civic or
37 | fraternal organizations, bars and lounges, vending machines that
38 | dispense potentially hazardous foods at facilities expressly
39 | named in this paragraph, and facilities used as temporary food
40 | events or mobile food units at any facility expressly named in
41 | this paragraph, where food is prepared and intended for
42 | individual portion service, including the site at which
43 | individual portions are provided, regardless of whether
44 | consumption is on or off the premises and regardless of whether
45 | there is a charge for the food. The term does not include any
46 | entity not expressly named in this paragraph; ~~nor does the term~~
47 | ~~include~~ a domestic violence center certified by the Department
48 | of Children and Family Services and monitored by the Florida
49 | Coalition Against Domestic Violence under part XII of chapter 39
50 | if the center does not prepare and serve food to its residents
51 | and does not advertise food or drink for public consumption; or
52 | a fundraising activity that includes the preparation and sale of
53 | food products cooked on site which is operated in public school
54 | buildings or adjoining grounds by a high school booster club or
55 | operated on city or county property by a city-sanctioned or
56 | county-sanctioned organized youth sports program.

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57 Section 2. Section 509.232, Florida Statutes, is amended
58 to read:

59 509.232 Exemptions ~~School carnivals and fairs; exemption~~
60 ~~from certain food service regulations.—The following schools and~~
61 activities are ~~Any public or nonprofit school which operates a~~
62 ~~carnival, fair, or other celebration, by whatever name known,~~
63 ~~which is in operation for 3 days or less and which includes the~~
64 ~~sale and preparation of food and beverages must notify the local~~
65 ~~county health department of the proposed event and is exempt~~
66 ~~from any temporary food service regulations with respect to the~~
67 ~~requirements for having hot and cold running water; floors which~~
68 ~~are constructed of tight wood, asphalt, concrete, or other~~
69 ~~cleanable material; enclosed walls and ceilings with screening;~~
70 ~~and certain size counter service;~~

71 (1) Any public or nonprofit school which operates a
72 carnival, fair, or other celebration, by whatever name known,
73 which is in operation for 3 days or less and which includes the
74 sale and preparation of food and beverages. A school must notify
75 the local county health department of the proposed event and may
76 not use this notification process to circumvent the license
77 requirements of this chapter.

78 (2) A fundraising activity that includes the preparation
79 and sale of food products cooked on site which is operated in
80 public school buildings or adjoining grounds by a high school
81 booster club or operated on city or county property by a city-
82 sanctioned or county-sanctioned organized youth sports program.

83 Section 3. Subsection (5) is added to section 633.022,
84 Florida Statutes, to read:

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85 633.022 Uniform firesafety standards.—The Legislature
86 hereby determines that to protect the public health, safety, and
87 welfare it is necessary to provide for firesafety standards
88 governing the construction and utilization of certain buildings
89 and structures. The Legislature further determines that certain
90 buildings or structures, due to their specialized use or to the
91 special characteristics of the person utilizing or occupying
92 these buildings or structures, should be subject to firesafety
93 standards reflecting these special needs as may be appropriate.

94 (5) The uniform firesafety standards do not apply to a
95 fundraising activity that includes the preparation and sale of
96 food products cooked on site which is operated in public school
97 buildings or adjoining grounds by a high school booster club or
98 operated on city or county property by a city-sanctioned or
99 county-sanctioned organized youth sports program.

100 Section 4. Subsection (9) is added to section 1013.12,
101 Florida Statutes, to read:

102 1013.12 Casualty, safety, sanitation, and firesafety
103 standards and inspection of property.—

104 (9) EXEMPTION; HIGH SCHOOL BOOSTER CLUB FUNDRAISING
105 ACTIVITIES.—The uniform firesafety standards do not apply to a
106 fundraising activity that includes the preparation and sale of
107 food products cooked on site which is operated in public school
108 buildings or adjoining grounds by a high school booster club.

109 Section 5. This act shall take effect July 1, 2013.