

By Senator Hays

11-00079-16

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1 A bill to be entitled
2 An act relating to public food service establishments;
3 amending s. 509.013, F.S.; revising the definition of
4 the term "public food service establishment" to
5 exclude certain events; amending s. 509.032, F.S.;
6 clarifying that a food service license is not required
7 to be obtained if an event is excluded under the
8 definition of the term "public food service
9 establishment"; providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Subsection (5) of section 509.013, Florida
14 Statutes, is amended to read:

15 509.013 Definitions.—As used in this chapter, the term:

16 (5) (a) "Public food service establishment" means any
17 building, vehicle, place, or structure, or any room or division
18 in a building, vehicle, place, or structure where food is
19 prepared, served, or sold for immediate consumption on or in the
20 vicinity of the premises; called for or taken out by customers;
21 or prepared prior to being delivered to another location for
22 consumption.

23 (b) The following are excluded from the definition in
24 paragraph (a):

25 1. Any place maintained and operated by a public or private
26 school, college, or university:

27 a. For the use of students and faculty; or

28 b. Temporarily to serve such events as fairs, carnivals,
29 food contests, cook-offs, and athletic contests.

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30 2. Any eating place maintained and operated by a church or
31 a religious, nonprofit fraternal, or nonprofit civic
32 organization:

33 a. For the use of members and associates; or

34 b. Temporarily to serve such events as fairs, carnivals,
35 food contests, cook-offs, or athletic contests.

36
37 Upon request by the division, a church or a religious, nonprofit
38 fraternal, or nonprofit civic organization claiming an exclusion
39 under this subparagraph must provide the division documentation
40 of its status as a church or a religious, nonprofit fraternal,
41 or nonprofit civic organization.

42 3. Any eating place maintained and operated by an
43 individual or entity at a food contest, cook-off, or a temporary
44 event lasting from 1 to 3 days which is hosted by a church or a
45 religious, nonprofit fraternal, or nonprofit civic organization.
46 Upon request by the division, the event host must provide the
47 division documentation of its status as a church or a religious,
48 nonprofit fraternal, or nonprofit civic organization.

49 ~~4.3.~~ Any eating place located on an airplane, train, bus,
50 or watercraft which is a common carrier.

51 ~~5.4.~~ Any eating place maintained by a facility certified or
52 licensed and regulated by the Agency for Health Care
53 Administration or the Department of Children and Families or
54 other similar place that is regulated under s. 381.0072.

55 ~~6.5.~~ Any place of business issued a permit or inspected by
56 the Department of Agriculture and Consumer Services under s.
57 500.12.

58 ~~7.6.~~ Any place of business where the food available for

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59 consumption is limited to ice, beverages with or without
60 garnishment, popcorn, or prepackaged items sold without
61 additions or preparation.

62 ~~8.7.~~ Any theater, if the primary use is as a theater and if
63 patron service is limited to food items customarily served to
64 the admittees of theaters.

65 ~~9.8.~~ Any vending machine that dispenses any food or
66 beverages other than potentially hazardous foods, as defined by
67 division rule.

68 ~~10.9.~~ Any vending machine that dispenses potentially
69 hazardous food and which is located in a facility regulated
70 under s. 381.0072.

71 ~~11.10.~~ Any research and development test kitchen limited to
72 the use of employees and which is not open to the general
73 public.

74 Section 2. Paragraph (c) of subsection (3) of section
75 509.032, Florida Statutes, is amended to read:

76 509.032 Duties.—

77 (3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE
78 EVENTS.—The division shall:

79 (c) Administer a public notification process for temporary
80 food service events and distribute educational materials that
81 address safe food storage, preparation, and service procedures.

82 1. Sponsors of temporary food service events shall notify
83 the division not less than 3 days before the scheduled event of
84 the type of food service proposed, the time and location of the
85 event, a complete list of food service vendors participating in
86 the event, the number of individual food service facilities each
87 vendor will operate at the event, and the identification number

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88 of each food service vendor's current license as a public food
89 service establishment or temporary food service event licensee.
90 Notification may be completed orally, by telephone, in person,
91 or in writing. A public food service establishment or food
92 service vendor may not use this notification process to
93 circumvent the license requirements of this chapter.

94 2. The division shall keep a record of all notifications
95 received for proposed temporary food service events and shall
96 provide appropriate educational materials to the event sponsors
97 and notify the event sponsors of the availability of the food-
98 recovery brochure developed under s. 595.420.

99 3.a. Unless excluded under s. 509.013(5)(b), a public food
100 service establishment or other food service vendor must obtain
101 one of the following classes of license from the division: an
102 individual license, for a fee of no more than \$105, for each
103 temporary food service event in which it participates; or an
104 annual license, for a fee of no more than \$1,000, that entitles
105 the licensee to participate in an unlimited number of food
106 service events during the license period. The division shall
107 establish license fees, by rule, and may limit the number of
108 food service facilities a licensee may operate at a particular
109 temporary food service event under a single license.

110 b. Public food service establishments holding current
111 licenses from the division may operate under the regulations of
112 such a license at temporary food service events.

113 Section 3. This act shall take effect July 1, 2016.