

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 Agriculture Committee

BILL: PCS 350

INTRODUCER: Agriculture Committee

SUBJECT: Tomato Food Safety Standards

DATE: January 11, 2010

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhavein	Poole	AG	Pre-meeting
2.			GA	
3.				
4.				
5.				
6.				

I. Summary:

This proposed committee substitute delineates requirements for a tomato farmer, packer, repacker, or handler to be considered in compliance with state food safety microbial standards and guidelines. It 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. It also authorizes the department to impose administrative fines or to issue a written notice or warning for violations.

This proposed committee substitute amends sections 500.03, 500.70, 570.07, and 570.48 of the Florida Statutes.

II. Present Situation:

The 2007 Legislature amended s. 570.07, F.S., 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. It changed the definition of “food establishment” to include tomato packinghouses but repackers were not included. It also authorized the Division of Fruit and Vegetables 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 in creating and implementing good agricultural practices guidelines and standards and 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 proposed committee substitute authorizes the Department of Agriculture and Consumer Services (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 proposed committee substitute 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 proposed committee substitute 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 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.

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 authorizes 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.)

None.

B. Amendments:

None.