



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 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 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 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.)

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Committee Substitute for Senate Bill 350 is different from Senate Bill 350 in that it:

- 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.
- Does not include sections 5 and 6 of SB 350 which would have amended ss. 570.53 and 570.54, F.S., to include the Division of Marketing and Development in the responsibility for tomato inspection. The deletion continues the authority of the Division of Fruits and Vegetables to have sole responsibility for inspections of tomato food safety.

**B. Amendments:**

None.