

 KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

West's Florida Statutes Annotated
Title XXXIII. Regulation of Trade, Commerce, Investments, and Solicitations (Chapters 494-560)
Chapter 500. Food Products (Refs & Annos)

West's F.S.A. § 500.03

500.03. Definitions; construction; applicability

Effective: May 1, 2024

Currentness

(1) For the purpose of this chapter, the term:

(a) "Advertisement" means any representation disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of food.

(b) "Approved laboratory" or "certified laboratory" means a laboratory of the department, a commercial laboratory certified by the Department of Health, or a competent commercial laboratory certified by an agency of another state or the United States Environmental Protection Agency to perform analyses of drinking water in accordance with the water quality testing procedures adopted by the United States Environmental Protection Agency.

(c) "Approved source" as it relates to water means a source of water, whether it is a spring, artesian well, drilled well, municipal water supply, or any other source, that complies with the Federal Safe Drinking Water Act, Pub. L. No. 93-523, as amended.

(d) "Bottled water" means water intended for human consumption and sealed in a bottle or other container with no added ingredients, except that it may contain safe and suitable antimicrobial agents.

(e) "Bottled water plant" means a food establishment in which bottled water is prepared for sale.

(f) "Color" includes black, white, and intermediate grays.

(g) 1. "Color additive" means a material which:

a. Is a dye pigment, or other substance, made by a process of synthesis or similar artifice, or extracted, isolated, or otherwise derived, with or without intermediate or final change of identity from a vegetable, animal, mineral, or other source, or

b. When added or applied to a food, is capable, alone or through reaction with another substance, of imparting color thereto;

except that such term does not include any material that is exempt under the federal act.

2. Nothing in subparagraph 1. shall be construed to apply to any pesticide chemical, soil or plant nutrient, or other agricultural chemical solely because of its effect in aiding, retarding, or otherwise affecting, directly or indirectly, the growth or other natural physiological process of produce of the soil and thereby affecting its color, whether before or after harvest.

(h) "Contaminated with filth" applies to any food not securely protected from dust, dirt, and, as far as may be necessary by all reasonable means, all foreign or injurious contamination.

(i) "Cottage food operation" means a natural person or an entity that produces or packages cottage food products at the residence of the natural person or at the residence of a natural person who has an ownership interest in the entity and sells such products in accordance with s. 500.80.

(j) "Cottage food product" means food that is not a potentially hazardous food as defined by department rule which is sold by a cottage food operation in accordance with s. 500.80.

(k) "Cultivated meat" means any meat or food product produced from cultured animal cells.

(l) "Department" means the Department of Agriculture and Consumer Services.

(m) "Federal act" means the Federal Food, Drug, and Cosmetic Act, as amended, 21 U.S.C. ss. 301 et seq.; 52 Stat. 1040 et seq.

(n) "Food" includes:

1. Articles used for food or drink for human consumption;

2. Chewing gum;

3. Articles used for components of any such article;

4. Articles for which health claims are made, which claims are approved by the Secretary of the United States Department of Health and Human Services and which claims are made in accordance with s. 343(r) of the federal act, and which are not considered drugs solely because their labels or labeling contain health claims;

5. Dietary supplements as defined in 21 U.S.C. s. 321(ff)(1) and (2); and

6. Hemp extract as defined in s. 581.217.

The term includes any raw, cooked, or processed edible substance; ice; any beverage; or any ingredient used, intended for use, or sold for human consumption.

(o) "Food additive" means any substance, the intended use of which results or may be reasonably expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any food (including any substance intended for use in producing, manufacturing, packing, processing, preparing, treating, transporting, or holding food and including any source of radiation intended for any such use), if such substance is not generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures (or, in the case of a substance used in a food prior to January 1, 1958, through either scientific procedures or experience based on common use in food) to be safe under the conditions of its intended use; except that such term does not include:

1. A pesticide chemical in or on a raw agricultural commodity;
2. A pesticide chemical to the extent that it is intended for use or is used in the production, storage, or transportation of any raw agricultural commodity;
3. A color additive; or
4. Any substance used in accordance with a sanction or approval granted prior to the enactment of the Food Additives Amendment of 1958, pursuant to the federal act; the Poultry Products Inspection Act (21 U.S.C. ss. 451 et seq.); or the Meat Inspection Act of March 4, 1967 (34 Stat. 1260), as amended and extended (21 U.S.C. ss. 71 et seq.).

(p) "Food establishment" means a factory, food outlet, or other facility manufacturing, processing, packing, holding, storing, or preparing food or selling food at wholesale or retail. The term does not include a business or activity regulated under s. 413.051, s. 500.80, chapter 509, or chapter 601. The term includes tomato packinghouses and repackers but does not include any other establishments that pack fruits and vegetables in their raw or natural states, including those fruits or vegetables that are washed, colored, or otherwise treated in their unpeeled, natural form before they are marketed.

(q) "Immediate container" does not include package liners.

(r) "Label" means a display of written, printed, or graphic matter upon the immediate container of any article. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if there is any, of the retail package of such article or is easily legible through the outside container or wrapper.

(s) "Labeling" means all labels and other written, printed, or graphic matters:

1. Upon an article or any of its containers or wrappers; or
2. Accompanying such article.

(t) "Minor food outlet" means any retail establishment that sells groceries and may offer food service to the public, but neither business activity is a major retail function based on allocated space or gross sales.

(u) "Natural water" means bottled spring water, artesian well water, or well water that has not been altered with water from another source or that has not been modified by mineral addition or deletion, except for alteration that is necessary to treat the water through ozonation or an equivalent disinfection and filtration process.

(v) "Packaged ice" means ice that is enclosed in a container and is offered for sale for human consumption or for other use by the consumer. The term does not include ice that is manufactured by any business licensed under chapter 381 or chapter 509.

(w) "Packaged ice plant" means a food establishment in which packaged ice is manufactured or processed.

(x) "Pesticide chemical" means any substance which, alone, in chemical combination, or in formulation with one or more other substances is a "pesticide" within the meaning of the Florida Pesticide Law, part I of chapter 487, and which is used in the production, storage, or transportation of raw agricultural commodities.

(y) "Raw agricultural commodity" means any food in its raw or natural state, including all fruits that are washed, colored, or otherwise treated in their unpeeled natural form prior to marketing.

(z) "Vehicle" means a mode of transportation or mobile carrier used to transport food from one location to another, including, but not limited to, carts, cycles, vans, trucks, cars, trains and railway transport, and aircraft and watercraft transport.

(2) For the purpose of this chapter:

(a) If an article is alleged to be misbranded because the labeling is misleading, or if an advertisement is alleged to be false because it is misleading, then, in determining whether the labeling or advertisement is misleading, there shall be taken into account, among other things, not only representations made or suggested by statement, word, design, device, or sound, or in any combination thereof, but also the extent to which the labeling or advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling or advertisement relates under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual.

(b) If an article is a food, and it is alleged to be misbranded because the labeling is misleading, or if an advertisement is alleged to be false because it is misleading, there shall be taken into account, among other things, not only representations made or suggested by statement, word, design, device, or sound, or in any combination thereof, but also the extent to which the labeling or advertisement fails to prominently and conspicuously reveal facts relative to the proportions or absence of certain ingredients or other facts concerning ingredients in the food, which facts are of material interest to consumers.

(3) For the purpose of this chapter, the selling of food includes the manufacture, production, processing, packing, exposure, offer, possession, and holding of any article of food for sale; the sale, dispensing, and giving of any article of food; and the supplying to or applying of food in the conduct of any food establishment.

(4) For the purposes of this chapter, hemp extract is considered a food that requires time and temperature control for the safety and integrity of the product.

Credits

Added by Laws 1939, c. 19656, § 2; Comp.Gen.Laws Supp.1940, § 4151(666); Laws 1945, c. 22858, § 7; Laws 1959, c. 59-302, § 1; Laws 1963, c. 63-259, § 1; Laws 1967, c. 67-345, § 1; Laws 1969, c. 69-106, §§ 14, 19, 35; Laws 1971, c. 71-261, § 1; Laws 1971, c. 71-377, § 186; Laws 1973, c. 73-333, § 134; Laws 1977, c. 77-147, § 415; Laws 1982, c. 82-225, § 4; Laws 1983, c. 83-218, § 119; Laws 1987, c. 87-388, § 3; Laws 1992, c. 92-180, § 8; Laws 1994, c. 94-180, § 3; Laws 1995, c. 95-314, § 2. Amended by Laws 1997, c. 97-220, § 16, eff. May 30, 1997; Laws 2000, c. 2000-364, § 20, eff. July 1, 2000; Laws 2004, c. 2004-64, § 54, eff. July 1, 2004; Laws 2007, c. 2007-67, § 2, eff. July 1, 2007; Laws 2010, c. 2010-25, § 1, eff. July 1, 2010; Laws 2011, c. 2011-205, § 19, eff. July 1, 2011; Laws 2014, c. 2014-150, § 32, eff. July 1, 2014; Laws 2016, c. 2016-61, § 4, eff. July 1, 2016; Laws 2021, c. 2021-211, § 2, eff. July 1, 2021; Laws 2023, c. 2023-154, § 5, eff. July 1, 2023; Laws 2023, c. 2023-299, § 1, eff. July 1, 2023; Laws 2024, c. 2024-137, § 24, eff. May 1, 2024.

West's F. S. A. § 500.03, FL ST § 500.03

Current with laws, joint and concurrent resolutions and memorials through July, 1 2024, in effect from the 2024 first regular session. Some statute sections may be more current, see credits for details. The statutes are subject to change as determined by the Florida Revisor of Statutes. (These changes will be incorporated later this year.)

West's Florida Statutes Annotated
Title XXXIII. Regulation of Trade, Commerce, Investments, and Solicitations (Chapters 494-560)
Chapter 500. Food Products (Refs & Annos)

West's F.S.A. § 500.452

500.452. Cultivated meat; prohibition; penalties

Effective: May 1, 2024

Currentness

- (1) It is unlawful for any person to manufacture for sale, sell, hold or offer for sale, or distribute cultivated meat in this state.
- (2) A person who knowingly violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.
- (3) A food establishment that manufactures, distributes, or sells cultivated meat in violation of this section is subject to disciplinary action pursuant to s. 500.121.
- (4) In addition to the penalties provided in this section, the license of any restaurant, store, or other business may be suspended as provided in the applicable licensing law upon the conviction of an owner or employee of that business for a violation of this section in connection with that business.
- (5) A product found to be in violation of this section is subject to s. 500.172 and an immediate stop-sale order.
- (6) The department may adopt rules to implement this section.

Credits

Added by Laws 2024, c. 2024-137, § 24, eff. May 1, 2024.

West's F. S. A. § 500.452, FL ST § 500.452

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