



Fitzroy Beckford – Extension Agent

<http://lee.ifas.ufl.edu>

Requirements when selling fruits and vegetable produce or starting a food business in Lee County – what do you need?

Question: *Does a farmer require a business license?*

Answer: Under the provisions of the Florida Statute, Section 205.064, **no local occupational license shall be required of any natural person for the privilege of selling such products grown or produced in Florida.** Based on the provisions of the Statute, even if the farmer takes that 'product' and process it (into Jams, jellies, pastries, meat rubs, sauces etc), a business tax is still NOT required. The Florida Cottage Food Law came into effect in 2012 and provides the legal means for many of the produce noted above to be processed in the home environment. See: <http://www.freshfromflorida.com/fs/CottageFoodAdvisoryMay%202012withFormNumber.pdf>

Question: *Who actually needs an occupational license?*

Answer: Anyone providing merchandise or services to the public within the jurisdiction of Lee County, even a single-person company or home based occupation, must obtain a Lee County business tax account to operate unless specifically exempted.

Question: *Where does a potential vendor apply for an occupational license in the County?*

Answer: A local business tax receipt (**previously called an occupational license**) is issued by the Tax Collector on behalf of the Board of County Commissioners for the privilege of operating a business in Lee County. Contact the Tax Collector at:

Local Business Tax

Lee County Tax Collector

PO Box 1549

Fort Myers, Florida 33902-1549

Phone: (239) 533-6000

Question: *How does someone acquire a food handler's license in Lee County?*

Answer: The IFAS Lee County Extension, through its Food Safety and Quality Program, offers food handler training. Upon successful completion, participants receive a Certificate of Attendance from the University of Florida. Once the attendee passes the **Servsafe** Manager's Exam, he/she receives a National Certification valid for five years. Certification is required in Florida for food managers of all establishments licensed by the Dept. of Business and Professional Regulation (DBPR), the Department of Agriculture and Consumer Services and selected licenses of the Department of Health. Arrangements for training should be made with the IFAS Lee County Extension by calling 533-IFAS or (239)-533-4327. E-mail: abbottpm@leegov.com

Question: *I've a possible vendor who makes and wants to sell doggie treats. Does she require an occupational license?*

Answer: The production and sale of doggie treats is considered a business venture. Such a person shall be required to have a business license in order to operate in Lee County.

Question: *Since the treats are not for human consumption, my understanding is, she does not need any other type of permit or license. Is that correct?*

Answer: This is NOT correct. The pet food industry is almost as regulated as the human food industry, and certain legal standards are required. All animal feeds, including pet foods, are regulated through the (a) inspection of production and distribution establishments and (b) laboratory analysis of samples. Registrants are required to submit samples of their products to Florida Department of Agriculture certified laboratories for testing. For registration and other legal requirements, contact:

Bureau of Feed, Seed and Fertilizer, **Patricia Lucas**, Bureau Chief

(850) 921-0641 (Office)

(850) 921-1249 (Fax)

lucasp@doacs.state.fl.us

The Bureau of Food and Meat Inspection

<http://www.doacs.state.fl.us/onestop/fs/foodsafef.html>

The Bureau administers and directs food inspection and related regulatory actions associated with food safety and sanitation, consumer protection and certain food grading programs for the Department.

The Food Grades and Standards Section has the responsibility for a wide variety of food safety and consumer protection programs. Foremost is an inspection and testing program for food processing plants, food storage and distribution points, and all stores and other locations in Florida where food is sold to the public. Such facilities must first demonstrate compliance with sanitation requirements before a food establishment permit is issued. The facilities are then inspected on a regular basis to ensure continuing compliance with sanitation standards during all phases of food handling and storage. A number of other consumer protection issues are also a part of each inspection. Packaged foods are test-weighed to verify net contents labeling, ground beef is tested for fat content and extenders, labels are reviewed to preclude misrepresentation to the public, and eggs and other food products are inspected to ensure the accuracy of grade and quality labels. Inspectors also check price scanners in supermarkets to ensure that posted and advertised prices match prices charged to the public.

Implementing a food manager certification program is another function of this section. A certified food manager is a person responsible for all aspects of the food establishment operation at a food establishment regulated by the Department. Food establishments permitted under Chapter 500, F.S., must have one or more certified food managers. Food establishments with four or more employees present on the same shift must have a food manager present. Food establishments with fewer than four employees must also have a designated food manager, but that person is not required to be on the premises at all times.

This Section also monitors the processing and labeling of bottled water sold in Florida, and the purity of drinking water sold through water vending machines. Contracts with the Food and Drug Administration (FDA) for specific food store sanitation inspections and the USDA for inspecting and grading poultry, eggs and egg products further involve this Section in consumer protection programs.

Frequently Asked Questions

Question: Which agencies regulate food businesses in Florida?

Answer: The Florida Department of Agriculture and Consumer Services, Division of Food Safety, regulates food outlets, including grocery stores, convenience stores, bakeries, delicatessens, meat and seafood markets, seafood processors, food warehouses, food processing and manufacturing plants, mobile vendors that sell only pre-packaged foods and food service facilities which are a part of a food establishment already regulated by the Department, etc. The [Department of Business and Professional Regulation](#) regulates food service establishments such as restaurants, other food service facilities, including temporary events, and mobile vendors that prepare and serve food. The [Department of Health](#) regulates bars, lounges, and establishments serving food in facilities such as child care, schools, institutions, etc.

Question: What must one acquire prior to opening a Food Establishment regulated by the Department of Agriculture and Consumer Services?

Answer: An Opening Inspection is required before operation as a Food Establishment to determine compliance with the requirements of the Florida Food Safety Act (Chapter 500, F.S.), the Florida Administrative Rules (Section 5K-4, F.A.C.), and the [FDA Food Code 2001](#). For additional information on criteria that apply to the construction, renovation or conversion of a structure for a Food Establishment, please refer to the [Minimum Construction Standards and Specification Checklist](#).

Question: If one sells prepackaged food only, is there a requirement to possess a food permit?

Answer: Even if an establishment only sells prepackaged food, a food permit issued by either the Florida Department of Agriculture and Consumer Services or the Florida Department of Business and Professional Regulation is needed.

Question: Can one cook or prepare food at home to sell to the public?

Answer: Preparation of food for sale to the public must be in a facility in which there is complete separation of living quarters from food preparation facilities. The food preparation facility must be adequately equipped and fully satisfy all food facility requirements of Chapter 500, F.S., and section 5K-4, F.A.C.

Question: What kind of a sink must one have at a food establishment?

Answer: A three compartment sink with two drainboards is necessary in most food

establishments to enable the operator to properly wash, rinse, and sanitize soiled food equipment and utensils. A warewashing or hand washing sink may not be used for dumping mop water. Refer to the guidelines provided in the document entitled, Minimum Construction Standards and Specifications Checklist.

Question: How many restrooms are required in a food establishment?

Answer: Depending on type and size of business, one or more restrooms with hand wash lavatories equipped with hot and cold water are required.

Contact

If you have any questions regarding food permits, please contact:

Dr. John T. Fruin

Bureau Chief

E-mail foodinsp@doacs.state.fl.us

3125 Conner Boulevard

Tallahassee, Florida 32399-1650

Phone: (850) 245-5520

Fax: (850) 245-5553

[Map to the Office](#)

If you have any questions regarding water or ice permits, please contact:

Richard Stephens

E-mail foodinsp@doacs.state.fl.us

3125 Conner Boulevard

Tallahassee, Florida 32399-1650

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