COMMISSIONER OF AGRICULTURE
EMERGENCY ORDER
2021-005

WHEREAS, on March 9, 2020, through Executive Order 20-52, the Governor of the State of Florida declared that Novel Coronavirus Disease 2019 (COVID-19) poses a risk to the entire State of Florida, and that because of this danger, a state of emergency exists in the State of Florida; and

WHEREAS, the Governor has extended Executive Order 20-52 through Executive Orders 20-114, 20-166, 20-213, 20-276, and 20-316; and

WHEREAS, the United States Centers for Disease Control and Prevention and the Florida Department of Health recommends social distancing measures to control the spread of the COVID-19 outbreak; and

WHEREAS, the Governor of the State of Florida, pursuant to Executive Order 20-52, Section 4, Subparagraph B, authorized State agencies to suspend the effect of any regulatory statute, rule, or order that would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, pursuant to Section 570.50, Florida Statutes, the Department of Agriculture and Consumer Services (Department) shall conduct those general inspection activities relating to food and food products being processed, held, or offered for sale in this state and enforcing those provisions of Chapters 500, 501, 502, 531, 583, 585, 586, 597, and 601, Florida Statutes, relating to foods as authorized by the Department; and

WHEREAS, pursuant to Section 500.12(1)(f), Florida Statutes, the Department may by rule establish conditions for the manufacturing, processing, packing, holding, or preparing of food; the selling of food at wholesale or retail; or the transporting of food to protect the public health and promote public welfare by protecting the purchasing public from injury by merchandising deceit; and

WHEREAS, pursuant to Section 500.032, Florida Statutes, the Department shall enforce the provisions of Chapter 500, the Florida Food Safety Act, and specifically, Section 500.80, Florida Statutes, related to cottage food operations; and

WHEREAS, pursuant to Section 500.80(2), Florida Statutes, a cottage food operation may not sell, offer for sale, or deliver cottage food products by mail order or at wholesale.

WHEREAS, the impact of COVID-19 has caused financial hardships for many individuals in the State of Florida who are licensed and regulated by the Department; and

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NOW THEREFORE, with the powers and authorities conferred by Article IV, Section 4, Florida Constitution, and Executive Order 20-52, as extended, and any future extensions thereof, I hereby declare the following:

1. Emergency Order 2020-015 is hereby extended for an additional sixty (60) days following the execution of this order.

2. Unless specifically suspended in this Order or any other Emergency Order issued pursuant to the authority conferred by Article IV, Section 4, Florida Constitution, and Executive Order 20-52, as extended, and any future extensions thereof, all other portions of Chapter 500, Florida Statutes, and any rules promulgated thereunder remain in effect following the execution of this order.

THIS ORDER shall expire sixty (60) days from the date of this Order unless extended or rescinded by the Commissioner of Agriculture or upon the expiration or rescission of Executive Order 20-52, as extended, and any future extensions thereof, whichever occurs first.

EXECUTED FEBRUARY 22, 2021.

Nicole Fried

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COMMISSIONER OF AGRICULTURE