

# KOSHER FOOD ORDINANCE

ORDINANCE 2002-13

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, RELATING TO KOSHER FOOD SALES CONSUMER PROTECTION, AMENDING CHAPTER 20, ARTICLE VII OF THE BROWARD COUNTY CODE OF ORDINANCES; AMENDING SECTION 20-165 BY DELETING THE SAID SECTION AND CREATING A NEW SECTION 20-165; PROVIDING FOR DEFINITIONS; PROVIDING FOR POSTING OF INFORMATION; PROVIDING FOR UNLAWFUL PRACTICE; PROVIDING FOR PRESUMPTIONS; PROVIDING FOR INSPECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Section 20-165, Broward County Code of Ordinances, is repealed in its entirety and replaced with a new Section 20.165. Sec. 20-165. "Kosher Food Sales Consumer Protection."

(a) Definitions, as used in this ordinance:

(1) "Dealer" means any establishment or person that advertises, represents, or holds itself out as selling, preparing, or maintaining food as kosher, either by direct statements, orally, or in writing, or by the display of the word "kosher" or "kosher style" in English or Hebrew letters, or by the display of any sign or mark in simulation of such word, or by the display of any insignia, six-pointed star, or any mark which might reasonably be calculated to lead a reasonable person to believe that a representation is being made that the food sold is kosher. This shall include, but not be limited to, manufacturers, slaughterhouses, wholesalers, stores, restaurants, hotels, catering facilities, butcher shops, camps, bakeries, delicatessens, supermarkets, grocery stores, nursing homes, freezer dealers, and food plan companies.

(2) "Division" means the Consumer Affairs Division.

(3) "Food" means a food, food product, food ingredient, dietary supplement, or beverage.

(b) Posting of Kosher Information.

(1) Any Dealer who prepares, distributes, sells, or exposes for sale any food represented to be Kosher or Kosher for Passover must have a reasonable basis to believe that the food represented to be Kosher or Kosher for Passover is Kosher according to dietary restrictions, and shall disclose the basis upon which that representation is made by posting the information required by the Division, and the Dealer must, in bold one-inch lettering, post a sign in a clear and conspicuous place easily seen upon entrance to the establishment or the place where the food is sold or prepared, the following disclosure: This establishment (is) or (is not) under rabbinical supervision. A detailed disclosure form is available on the premises or by calling Broward County Consumer Affairs Division at (954) 765-5350. The Kosher Food Disclosure Form shall be in a form approved and as amended by the Broward County Consumer Affairs Division. The Dealer shall produce, upon request, the Kosher Food Disclosure Form to the Inspector from the Broward County Consumer Affairs Division ("Division") or to any consumer.

(2) It shall be an unfair and deceptive trade practice for any dealer or person to violate the requirements of subsection (1) of this section.

(c) It shall be an unfair and deceptive trade practice for any Dealer or person to label for sale, advertise, or sell any food represented to be Kosher or Kosher for Passover which in fact is not Kosher or Kosher for Passover because no reasonable basis exist to make such representation.

(d) Compliance with requirements. Any Dealer who prepares, advertises, distributes, sells, or offers for sale any food represented to be Kosher or Kosher for Passover shall comply with all requirements of the Division, including, but not limited to, record keeping, labeling of food items, and filing of the kosher food disclosure.

(e) Inspection. The Division shall provide for inspection of Dealers and it shall be an unfair and deceptive trade practice to advertise, sell, or offer for sale any food, food products, beverages, or merchandise represented to be Kosher or Kosher for Passover unless such dealer shall have procured from the County an Annual Kosher Special Regulatory License. The fee for such license shall be established by resolution representing the reasonable cost of the inspection and regulation required. Any Dealer violating the terms of this section shall be subject to the penalties provided. The Consumer Affairs Division is authorized to enforce this ordinance in accordance with the provisions of the Consumer Protection Code, Article VII, Chapter 20, Division 1, Section 20-159, et seq., Broward County Code of Ordinances and Chapter 8½ of the Broward County Code of Ordinances.

(f) Unfair and deceptive trade practice not committed; proof required. Any Dealer or person subject to the requirements of this ordinance shall not be deemed to have committed an unfair and deceptive trade practice if it can be shown by a preponderance of the evidence that the person reasonably relied in good faith upon the representations of a slaughterhouse, manufacturer, processor, packer, distributor of any food represented to be Kosher or Kosher for Passover, or upon representation of a rabbinical organization.

(g) Presumptive evidence of intent to sell. Possession by a Dealer of any food not in conformance with its disclosure is presumptive evidence that the Dealer is in possession of that food with the intent to sell.

Section 2. SEVERABILITY.

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 3. INCLUSION IN CODE.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made part of the Broward County Code; and that the section of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. EFFECTIVE DATE. ENACTED May 14, 2001

This Ordinance shall become effective upon filing with the Department of State.

FILED WITH DEPARTMENT OF STATE May 20, 2002

EFFECTIVE May 20, 2002

# CIVIL PENALTIES FOR VIOLATIONS OF THE KOSHER FOOD REGULATORY ORDINANCE

ORDINANCE 2002 - AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, RELATING TO CIVIL PENALTIES FOR VIOLATION OF KOSHER FOOD SALES CONSUMER PROTECTION ORDINANCE; AMENDING CHAPTER 8½, ARTICLE II OF THE BROWARD COUNTY CODE OF ORDINANCES; AMENDING SECTION 8½-16 BY CREATING A NEW SUBSECTION 8½-16(h); PROVIDING CIVIL PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Section 8½-16 of the Broward County Code of Ordinances is amended to add new subsection 8½-16(h) of the Broward County Code of Ordinances.

(h) Kosher Food Sales Violations

Violation	Fine	
	First Violation	Repeat Violation
(1) Advertising without a Kosher Special Regulatory License (sec. 20-165(b))	250.00	500.00
(2) Operating without a Kosher Special Regulatory License (sec. 20-165(b))	250.00	500.00
(3) Failure to post a Kosher Food Disclosure sign (sec. 20-165(2)(a))	250.00	500.00
(4) Failure to keep on the premises a Kosher Food Disclosure Form (sec. 20-165(2)(a))	250.00	500.00
(5) Failure to file with the Consumer Affairs Division a Kosher Food Disclosure Form (sec. 20-165(2)(a))	250.00	500.00
(6) Failure to maintain records (sec. 20-165(4))	250.00	500.00
(7) Failure to produce records upon request from the Consumer Affairs Division (sec. 20-165(4))	250.00	500.00
(8) Preparing, distributing, or offering for sale any food represented to be Kosher or Kosher for Passover without having a reasonable basis to believe that the food is Kosher according to dietary restrictions (sec. 20-165(2)(a))	250.00	500.00

Section 2. SEVERABILITY.

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 3. INCLUSION IN CODE.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made part of the Broward County Code; and that the section of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. EFFECTIVE DATE.

This Ordinance shall become effective upon filing with the Department of State.

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