



FLORIDA RESTAURANT & LODGING ASSOCIATION

230 South Adams Street, Ste. 200
Tallahassee, Florida 32301
850-224-2250
www.FRLA.org

Gainesville City Commission
P.O. Box 490
Station 19
Gainesville, Florida 32627-0490

January 3, 2022

Dear Mayor and City Commissioners,

On behalf of the Florida Restaurant and Lodging Association, we applaud the city's efforts to engage its corporate and individual citizens on the issue of sustainability and waste reduction. We wish to share with you our concerns regarding the draft proposals that have been put forth.

Many of the requirements and obligations advanced under these proposals appear to violate the state preemption regarding regulation of public food service establishments.¹ For example, enacting additional requirements for public food service establishments regarding food waste collection, storage, and disposal would contravene the statutory preemption. We respectfully request the city review its proposals to ensure compliance with the preemption.

Further, while there is nothing that appears to explicitly contravene food safety regulations, the operational realities imposed for the collection, storage, and disposal of food waste under these proposals raise significant sanitation and safety concerns for public food service establishments. These proposals significantly complicate operations and create additional expense in order to comply in a manner that is consistent with all existing food code requirements.

Additionally, we encourage the city to consider allowing both plastic straws and plastic utensils to be made available by request only. Plastic straws are an assistive medical device for guests with disabilities. Businesses are unable to inquire as to those disabilities and making the straws available upon request to anyone who might need them is the most efficient, courteous, and lawful way to provide these devices to the public.

¹ Chapter 509.032(7), Florida Statutes:
PREEMPTION AUTHORITY.—

(a) The regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, inspections, training and testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state. This paragraph does not preempt the authority of a local government or local enforcement district to conduct inspections of public lodging and public food service establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. [553.80](#) and [633.206](#).

We respectfully encourage the city to actively engage in voluntary partnership with local businesses to achieve its goals in a manner that is consistent with the statutory preemption and the city's existing infrastructure capabilities. Thank you for the opportunity to share our concerns.

Sincerely,

A handwritten signature in black ink that reads "Samantha H. Padgett". The signature is written in a cursive style with a large initial 'S' and 'P'.

Samantha H. Padgett
Vice President of Government Relations and General Counsel
Florida Restaurant and Lodging Association