

ORDINANCE NO. : 614

AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA, AMENDING ORDINANCE 597 TO ADD MOBILE FOOD DISPENSING VEHICLES THAT ARE LICENSED/PERMITTED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (FDACS) TO THOSE VEHICLES THAT ARE ALLOWED TO OPERATED IN PORT ST. JOE PURSUANT TO ORDINANCE 597 AND AS LATER AMENDED BY ORDINANCE 598; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Governor of the State of Florida signed into law the Occupational Freedom and Opportunity Act (SB474/HB1171) (“Act”), which became effective on July 1, 2020; and

WHEREAS, the Act created Florida Statutes Section 509.102-Mobile Food Dispensing Vehicle (“MFDV”) preemption in which a municipality, county or other local government entity may not require a separate license, registration, permit or fee from MFDV’s and may not prohibit MFDV’s from operating within the entirety of the jurisdiction; and

WHEREAS, the City, in response to Section 509.102 Florida Statutes and two public workshops wherein they elicited input from the public, enacted City of Port St. Joe Ordinance 597; and

WHEREAS, after the enactment of Ordinance 597 the City amended Ordinance 597 via Ordinance 598 to exclude MFDV’s from Reid Avenue; and

WHEREAS, after the enactment of Ordinance 597 and 598 the City has determined that it is in the best interests of the health, safety, and welfare of the residents of and visitors to Port St. Joe to amend Ordinance 597 again with this Ordinance as set forth below; and

NOW THEREFORE, be it enacted by the City Commission of the City of Port St. Joe, Florida, that:

1. Port St. Joe Ordinance 597 shall be amended as follows:

Section 2 shall add the following paragraph to the current definition of Mobile Food Dispensing Vehicles:

Mobile Food Service Establishments that are regulated by the Florida Department of Agriculture and Consumer Services (FDACS) which require a “Annual Food Permit” issued by FDACS shall be considered a Mobile Food Dispensing Vehicle under this Ordinance.

Section 3(A)(1)(a) shall now state as follows:

- a. The Department of Business and Professional Regulation (DPBR) “Mobile Food Dispensing License” or Department of Agriculture and Consumer Services “Annual Food Permit”.
2. All other provisions of Port St. Joe Ordinance 597 not amended herein shall remain in full force and effect as written in said Ordinance.
3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
4. If a court of competent jurisdiction hold any of the provisions of this Ordinance invalid the remaining provisions shall remain in full force and effect.
5. This Ordinance shall take effect immediately upon its final adoption by the City Commission of Port St. Joe, Florida.

PASSED AND ADOPTED BY THE CITY COMMISSION OF PORT ST. JOE, FLORIDA THIS 5<sup>TH</sup> DAY OF November 2024.

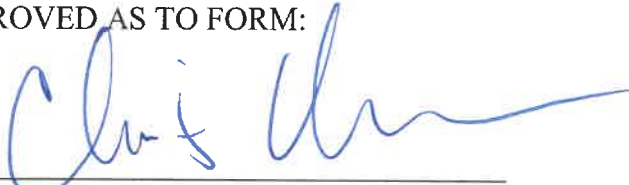
**BOARD OF CITY COMMISSIONERS**  
**PORT ST. JOE, FLORIDA**

  
\_\_\_\_\_  
REX BUZZETT  
MAYOR-COMMISSSIONER

ATTEST:

  
\_\_\_\_\_  
CHARLOTTE PIERCE, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CLINTON T. McCAHILL, CITY ATTORNEY