

MEMORANDUM

Agenda Item No. 11(A)(9)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: March 17, 2015

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution supporting SB 1124,
HB 1029, or similar legislation
that would impose regulations on
the use of liquid nitrogen in the
preparation and presentation of
food and alcoholic beverages
Resolution No. R-265-15

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM
(Revised)

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and Members, Board of County Commissioners

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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A) (9)
3-17-15

RESOLUTION NO. R-265-15

RESOLUTION SUPPORTING SB 1124, HB 1029, OR SIMILAR
LEGISLATION THAT WOULD IMPOSE REGULATIONS ON
THE USE OF LIQUID NITROGEN IN THE PREPARATION
AND PRESENTATION OF FOOD AND ALCOHOLIC
BEVERAGES

WHEREAS, an increasing number of restaurants and bars are using liquid nitrogen in the preparation and presentation of food and alcoholic beverages to create a steaming visual effect when such food and drinks are served to consumers; and

WHEREAS, people have suffered serious internal injuries following the consumption of drinks prepared with liquid nitrogen; and

WHEREAS, in 2012, an 18-year-old British woman had a portion of her perforated stomach removed after consuming a cocktail prepared with liquid nitrogen; and

WHEREAS, in 2014, a woman in Miami Beach suffered tears in her esophagus, stomach and lower bowels after drinking a cocktail made with liquid nitrogen; and

WHEREAS, Florida law does not currently regulate the use of liquid nitrogen in the preparation or presentation of food and alcoholic beverages; and

WHEREAS, Florida law preempts local governments from regulating bars and restaurants; and

WHEREAS, on June 17, 2014, this Board passed Resolution No. R-566-14, which urged the Florida Legislature, the Florida Department of Business and Professional Regulation, and the Florida Department of Health to impose reasonable regulations on the use of liquid nitrogen; and

WHEREAS, Senate Bill 1124 (“SB 1124”) has been filed for consideration during the 2015 session of the Florida Legislature by Senator Oscar Braynon (D – Miami Gardens); and

WHEREAS, House Bill 1029 (“HB 1029”) has been filed for consideration during the 2015 session of the Florida Legislature by Representative Alan Williams (D – Tallahassee); and

WHEREAS, SB 1124 and HB 1029 would:

(1) require public food service establishments and establishments licensed under the Beverage Law, Chapter 561 of the Florida Statutes, to provide notice to their guests regarding the danger of liquid nitrogen;

(2) require such establishments to advise and train their employees in the use of liquid nitrogen; and

(3) set minimum standards for liquid nitrogen training; and

WHEREAS, HB 1029 would also require the Florida Department of Business and Professional Regulation and its Division of Hotels and Restaurants to adopt rules on the use of liquid nitrogen; and

WHEREAS, this Board would like to support SB 1124, HB 1029, or similar legislation that would impose regulations on the use of liquid nitrogen in the preparation and presentation of food and alcoholic beverages,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Supports SB 1124, HB 1029, or similar legislation that would impose regulations on the use of liquid nitrogen in the preparation and presentation of food and alcoholic beverages.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senator Oscar Braynon, Representative Alan Williams, the Chair and remaining Members of the Miami-Dade County State Legislative Delegation, the Secretary of the Florida Department of Business and Professional Regulation, and Florida's Surgeon General.

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2015 State Legislative Package to include this item.

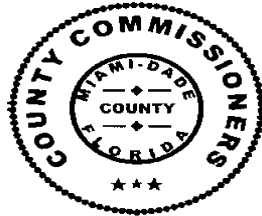
The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	aye
Esteban L. Bovo, Jr., Vice Chairman	aye
Bruno A. Barreiro	aye
Jose "Pepe" Diaz	aye
Sally A. Heyman	aye
Dennis C. Moss	aye
Sen. Javier D. Souto	absent
Juan C. Zapata	aye
Daniella Levine Cava	aye
Audrey M. Edmonson	aye
Barbara J. Jordan	aye
Rebeca Sosa	aye
Xavier L. Suarez	aye

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of March, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK



By: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

APP

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