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UF/IFAS PEER REVIEWED FSHN22-2
doi.org/10.32473/EDIS-FS435-2022

Food Safety Regulatory Agencies and Steps to Opening a Food Business in Florida[1]

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This publication is part of the *Florida Food Entrepreneur* series, which provides information and resources to help new and established food entrepreneurs start, operate, and grow food-based businesses in Florida.

Background

Opening a food business in Florida requires compliance with food safety regulations and licensing requirements. Three state agencies regulate food businesses in Florida: the Florida Department of Business and Professional Regulation (DBPR), the Florida Department of Agriculture and Consumer Services (FDACS), and the Florida Department of Health (DOH). Because each agency oversees a different segment of the food industry, entrepreneurs may find it confusing to know which agency regulates their business and what requirements apply.

This publication provides an overview of the agencies that regulate food businesses in Florida and outlines the basic steps involved in opening and licensing a Florida food business.

Florida Agencies That Regulate Food Businesses

Florida Department of Business and Professional Regulation (DBPR)

DBPR regulates food service establishments that prepare and serve food directly to the consumers. Examples include restaurants, caterers, most mobile food vendors, hot dog carts, and temporary food service events such as fairs and festivals. New establishments must successfully pass a safety and sanitation inspection before opening. After licensure, establishments are inspected as often as necessary to protect public health, safety, and welfare.

Florida Department of Agriculture and Consumer Services (FDACS)

FDACS regulates food establishments that manufacture, process, pack, hold, distribute, or sell food. Examples include grocery stores, convenience stores, food processing facilities, warehouses, and nonalcoholic beverage operations such as coffee shops or bottling facilities. FDACS also regulates establishments that sell only prepackaged foods and certain non-potentially hazardous foods as well as hemp, CBD, and kratom extracts. Licensed establishments are routinely inspected to ensure compliance with food safety regulations.

Florida Department of Health (DOH)

DOH regulates institutional food service establishments, including schools, assisted-living facilities, hospice facilities, detention facilities, and other institutions serving specific populations. DOH also regulates certain civic and fraternal organizations, bars and lounges that do not prepare food, and theaters with limited food service such as popcorn and soda. DOH's inspection frequency is determined by public health risk factors, including the type of food served, population served, preparation methods, and production volume. High-risk facilities may be inspected quarterly, while low-risk facilities are generally inspected annually.

Other Food Regulatory Agencies

In addition to the DBPR, FDACS, and DOH, several state agencies oversee food service operations within facilities they license:

- Florida Department of Children and Families (DCF): Food service operations in childcare facilities and agencies that care for children.
- Florida Department of Elder Affairs (DOEA): Congregate meal programs and home-delivered meal services.
- Agency for Persons with Disabilities (APD): Food service operations in group homes serving individuals with disabilities.
- Agency for Health Care Administration (AHCA): Food service operations in hospitals and nursing homes.

Steps to Opening a Food Business in Florida

1. Register the Business

Food entrepreneurs must register their business with the Florida Department of State, Division of Corporations. Information on business formation and registration can be found on the Florida Department of State, Division of Corporations website.

2. Register for Taxes

Most businesses must obtain an Employer Identification Number (EIN) from the Internal Revenue Service (IRS). Information on how to register with the IRS and obtain an EIN can be found on the IRS website. Additionally, businesses need to register with the Florida Department of Revenue to obtain a Florida Tax ID. Information on how to register can be found on the Florida Department of Revenue's website.

Additionally, entrepreneurs should check with their county or municipal government to determine whether local business tax requirements apply.

3. Understand Food Safety Regulatory Requirements

Food businesses must comply with applicable federal, state, and local regulations. Specific requirements depend on the type of operation and regulatory authority. For example, all DBPR- and DOH-regulated businesses and some FDACS-regulated establishments must comply with the FDA Food Code. In addition, food manufacturing operations regulated by FDACS are generally required to register with the FDA. Information on how to register with the FDA as a food facility is available on the FDA website.

Food manufacturing operations must comply with Current Good Manufacturing Practices (cGMPs) found in 21 CFR Part 117 and may be subject to additional regulations for products such as juice, seafood, or acidified foods (e.g., salsa). To learn more, visit the FDACS Wholesale/Manufactured Food Program website. Furthermore, food manufacturers with gross annual sales above $1,000,000 are subject to the Preventive Control for Human Food Rule.

Some food establishments involved in a high food safety risk process must submit a Hazard Analysis and Critical Control Point (HACCP) food safety plan and obtain an FDACS Approved Process Alternative from FDACS. To learn more, visit the FDACS Special Processes at Retail website.

Additionally, food manufacturers may be subject to federal food labeling requirements administered by the FDA. Food labeling guidance documents can be found in the FDA Guidance for Industry: Food Labeling Guide.

4. Complete Required Training

Florida law requires at least one certified food protection manager to be present in a food facility. To obtain the certification, a food manager must complete training and pass an exam through an accredited program. There are several accredited programs available nationally, including the ServSafe, SafeStaff, and Always Food Safe. The certification is valid for 5 years. More information is available on the DOH Food Manager Certification website.

Additional training or certifications may be required depending on the type of food business and applicable regulations. Operators should consult their regulatory authority for specific requirements.

5. Obtain Required Licenses and Permits

Businesses must obtain all required licenses and permits before beginning operations. Licensing requirements vary depending on the type of food business and the regulatory agency with jurisdiction.

Steps to Obtaining a Food Establishment License

1. Submit a Plan Review (If Required)

DBPR, FDACS, and DOH offer plan review services to evaluate facility designs before construction, remodeling, or opening to ensure the establishment meets the minimum standards. A plan review may be required for newly constructed facilities, major renovations, conversions, or facilities reopening after an extended closure (one year or more).

A plan review may not be required if a facility is already licensed and no changes are made to the layout. Even when not required, a plan review can help identify compliance issues before opening and may prevent costly modifications later. Food entrepreneurs should confirm the need for a plan review with the appropriate agency before submitting.

2. Complete the License Application

To apply for a license, each regulatory authority requires operators of food establishments to submit a completed application and any required supporting documentation. Licensing information and application forms can be obtained from the appropriate regulatory agency. The links to Florida agencies are found in the "Resources" section.

3. Submit Application Materials and Fees

The completed application with supporting documentation and fees must be submitted to the appropriate regulatory authority. Both DBPR and FDACS accept applications online and by mail, while DOH applications are generally submitted through the local county health department office.

4. Pass the Pre-Operational Inspection

Before opening, food establishments must pass a sanitation and safety inspection. After the application and required documentation have been reviewed, an inspector will typically contact the applicant to schedule the inspection. If no contact is received within approximately two weeks, applicants should follow up with the regulatory authority.

5. Renew the License Annually

Food establishment licenses must be renewed each year. Businesses that fail to renew before the expiration date may be considered to be operating without a valid license and may be subject to penalties, fines, or other enforcement actions. Furthermore, each regulatory authority may assess a late fee if the license is renewed after the expiration date.

Resources

For more information or to apply for a food license, see the resources below:

- DBPR: Licensing Portal - DBPR Online Applications
- FDACS: Food Establishments
- DOH: Food Safety and Sanitation - Florida Department of Health

Plan Review application links:

- DBPR: Hotels and Restaurants - Forms and Publications - Plan Review Forms
- FDACS: FDACS Plan Review Application
- DOH: Food Establishment Plan Review Guide - Florida Department of Health

[1] This publication is FSHN22-2, one of a series of the UF/IFAS Department of Food Science and Human Nutrition. Original publication date February 2022. Revised August 2026. Visit the Ask IFAS website at https://ask.ifas.ufl.edu for the currently supported version of this publication. © 2026 UF/IFAS. This publication is licensed under CC BY-NC-ND 4.0

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