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1 A bill to be entitled

2 An act relating to public food service establishment
3 inspections; transferring the regulation of public
4 food service establishment inspections under ch. 509,
5 F.S., from the Department of Business and Professional
6 Regulation to the Department of Health; amending s.
7 20.43, F.S.; revising the duties of the Department of
8 Health to include public food service establishment
9 inspections; amending s. 213.0535, F.S.; conforming a
10 cross-reference to changes made by the act; amending
11 s. 381.0072, F.S.; defining and redefining terms;
12 requiring a report for public food service
13 establishment inspections; specifying a grading scale
14 used in the inspection report; authorizing a public
15 food service establishment to request a reinspection
16 under certain circumstances; authorizing the
17 Department of Health to increase inspections and
18 charge a reasonable fee for such inspections for
19 repeat offenses; requiring a public food service
20 establishment to immediately post a letter grade card,
21 maintain a copy of the most recent inspection report,
22 and make such report available to the public upon
23 request; requiring the department to establish a toll-
24 free hotline for complaints; requiring the department
25 to establish a consumer advocate position; authorizing
26 a health inspector to immediately close a public food

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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27 service establishment under certain circumstances;
28 specifying standards for inspectors; requiring the
29 department to provide continuing education for each
30 public food service inspector; revising the licensing
31 requirements, requirements for stop-sale orders, and
32 penalties for misrepresenting food or food products
33 under chapter 381 to include public food service
34 establishments; requiring a public food service
35 establishment to display a license issued by the
36 department; establishing a fee schedule and maximum
37 possible fee for a public food service establishment
38 license; authorizing the department to fine, suspend,
39 or revoke the license of a public food service
40 establishment under certain circumstances; amending
41 ss. 381.0101, 450.061, 509.032, 509.101, 509.241,
42 509.251, 509.261, and 768.136, F.S.; conforming
43 provisions to changes made by the act; repealing s.
44 509.036, F.S., relating to public food service
45 inspector standardization; providing an effective
46 date.

47
48 Be It Enacted by the Legislature of the State of Florida:

49
50 Section 1. All powers, duties, functions, records,
51 personnel, property, pending issues and existing contracts,
52 administrative authority, administrative rules, and unexpended

53 balances of appropriations, allocations, and other funds for the
 54 regulation of the inspection of public food service
 55 establishments under ch. 509, Florida Statutes, are transferred
 56 by a type two transfer, as defined in s. 20.06(2), Florida
 57 Statutes, from the Division of Hotels and Restaurants of the
 58 Department of Business and Professional Regulation to the
 59 Department of Health.

60 Section 2. Paragraph (h) is added to subsection (1) of
 61 section 20.43, Florida Statutes, to read:

62 20.43 Department of Health.—There is created a Department
 63 of Health.

64 (1) The purpose of the Department of Health is to protect
 65 and promote the health of all residents and visitors in the
 66 state through organized state and community efforts, including
 67 cooperative agreements with counties. The department shall:

68 (h) Inspect public food service establishments to
 69 safeguard the public health, safety, and welfare.

70 Section 3. Paragraph (a) of subsection (4) of section
 71 213.0535, Florida Statutes, is amended to read:

72 213.0535 Registration Information Sharing and Exchange
 73 Program.—

74 (4) There are two levels of participation:

75 (a) Each unit of state or local government responsible for
 76 administering one or more of the provisions specified in
 77 subparagraphs 1.-8. is a level-one participant. Level-one
 78 participants shall exchange, monthly or quarterly, as determined

79 jointly by each participant and the department, the data
 80 enumerated in subsection (2) for each new registrant, new filer,
 81 or initial reporter, permittee, or licensee, with respect to the
 82 following taxes, licenses, or permits:

- 83 1. The sales and use tax imposed under chapter 212.
- 84 2. The tourist development tax imposed under s. 125.0104.
- 85 3. The tourist impact tax imposed under s. 125.0108.
- 86 4. Local business taxes imposed under chapter 205.
- 87 5. Convention development taxes imposed under s. 212.0305.
- 88 6. Public lodging licenses issued under chapter 509 and
 89 food service establishment licenses issued under ~~pursuant to~~
 90 chapter 381 509.
- 91 7. Beverage law licenses issued pursuant to chapter 561.
- 92 8. A municipal resort tax as authorized under chapter 67-
 93 930, Laws of Florida.

94 Section 4. Section 381.0072, Florida Statutes, is amended
 95 to read:

96 381.0072 Food service protection.—It shall be the duty of
 97 the Department of Health to adopt and enforce sanitation rules
 98 consistent with law to ensure the protection of the public from
 99 food-borne illness. These rules shall provide the standards and
 100 requirements for the storage, preparation, serving, or display
 101 of food in each institutional food service establishment and
 102 each public food service establishment ~~establishments~~ as defined
 103 in this section and which are not permitted or licensed under
 104 chapter 500 ~~or chapter 509~~.

105 (1) DEFINITIONS.—As used in this section, the term:
106 (a) "Department" means the Department of Health or its
107 representative county health department.
108 (b) "Institutional food service establishment" means
109 detention facilities, public or private schools, migrant labor
110 camps, assisted living facilities, facilities participating in
111 the United States Department of Agriculture Afterschool Meal
112 Program which ~~that~~ are located on ~~at~~ a ~~facility~~ ~~or~~ site that is
113 not inspected by another state agency for compliance with
114 sanitation standards, adult family-care homes, adult day care
115 centers, short-term residential treatment centers, residential
116 treatment facilities, homes for special services, transitional
117 living facilities, crisis stabilization units, hospices,
118 prescribed pediatric extended care centers, intermediate care
119 facilities for persons with developmental disabilities, boarding
120 schools, civic or fraternal organizations, bars and lounges,
121 vending machines that dispense potentially hazardous foods at
122 facilities expressly named in this paragraph, and facilities
123 used as temporary food events or mobile food units at a ~~any~~
124 facility expressly named in this paragraph, where food is
125 prepared and intended for individual portion service, including
126 the site at which individual portions are provided, regardless
127 of whether consumption is on or off the premises and regardless
128 of whether there is a charge for the food. The term does not
129 include an ~~any~~ entity not expressly named in this paragraph or
130 ~~nor does the term include~~ a domestic violence center certified

131 by the Department of Children and Families ~~Family Services~~ and
132 monitored by the Florida Coalition Against Domestic Violence
133 under part XII of chapter 39 if the center does not prepare and
134 serve food to its residents and does not advertise food or drink
135 for public consumption.

136 (c) "Operator" means the owner, operator, keeper,
137 proprietor, lessee, manager, assistant manager, agent, or
138 employee of an institutional food service establishment or a
139 public food service establishment.

140 (d) "Public food service establishment" means a building,
141 vehicle, place, or structure, or a room or division in a
142 building, vehicle, place, or structure where food is prepared,
143 served, or sold for immediate consumption on or in the vicinity
144 of the premises; called for or taken out by customers; or
145 prepared before being delivered to another location for
146 consumption. The term does not include:

147 1. A place maintained and operated by a public or private
148 school, college, or university for the use of students and
149 faculty or, on a temporary basis, to serve events such as fairs,
150 carnivals, and athletic contests.

151 2. An eating place maintained and operated by a church or
152 a religious, nonprofit fraternal, or nonprofit civic
153 organization for the use of members and associates or, on a
154 temporary basis, to serve events such as fairs, carnivals, or
155 athletic contests.

156 3. An eating place located on an airplane, train, bus, or

157 watercraft that is a common carrier.

158 4. An eating place maintained by a facility certified or
 159 licensed and regulated by the Agency for Health Care
 160 Administration or the Department of Children and Families.

161 5. A place of business issued a permit or inspected by the
 162 Department of Agriculture and Consumer Services under s. 500.12.

163 6. A place of business where the food available for
 164 consumption is limited to ice, beverages with or without
 165 garnishment, popcorn, or prepackaged items sold without
 166 additions or preparation.

167 7. A theater, if the primary use is as a theater and if
 168 patron service is limited to food items customarily served to
 169 the patrons of theaters.

170 8. A vending machine that dispenses a food or beverage
 171 other than potentially hazardous foods, as defined by department
 172 rule.

173 9. A vending machine that dispenses potentially hazardous
 174 food and that is located in a facility referred to in paragraph
 175 (b).

176 10. A research and development test kitchen that is
 177 limited to the use of employees and that is not open to the
 178 general public.

179 (2) DUTIES.—

180 (a) The department may advise and consult with the Agency
 181 for Health Care Administration, ~~the Department of Business and~~
 182 ~~Professional Regulation,~~ the Department of Agriculture and

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183 Consumer Services, and the Department of Children and Families
184 ~~Family Services~~ concerning procedures related to the storage,
185 preparation, serving, or display of food at any building,
186 structure, or facility not expressly included in this section
187 that is inspected, licensed, or regulated by those agencies.

188 (b) The department shall adopt rules, including
189 definitions of terms which are consistent with law, prescribing
190 minimum sanitation standards and manager certification
191 requirements as prescribed in s. 509.039, ~~and~~ which shall be
192 enforced in ~~food-service~~ establishments as defined in this
193 section. The sanitation standards must address the construction,
194 operation, and maintenance of the establishment; lighting,
195 ventilation, laundry rooms, lockers, use and storage of toxic
196 materials and cleaning compounds, and first-aid supplies; plan
197 review; design, construction, installation, location,
198 maintenance, sanitation, and storage of food equipment and
199 utensils; employee training, health, hygiene, and work
200 practices; food supplies, preparation, storage, transportation,
201 and service, including access to the areas where food is stored
202 or prepared; and sanitary facilities and controls, including
203 water supply and sewage disposal; plumbing and toilet
204 facilities; garbage and refuse collection, storage, and
205 disposal; and vermin control. Public and private schools, if the
206 food service is operated by school employees, bars and lounges,
207 civic organizations, and any other facility that is not
208 regulated under this section are exempt from the rules developed

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209 for manager certification. The department shall administer a
210 comprehensive inspection, monitoring, and sampling program to
211 ensure such standards are maintained. With respect to food
212 service establishments permitted or licensed under chapter 500
213 ~~or chapter 509~~, the department shall assist ~~the Division of~~
214 ~~Hotels and Restaurants of the Department of Business and~~
215 ~~Professional Regulation and~~ the Department of Agriculture and
216 Consumer Services with rulemaking by providing technical
217 information.

218 (c) The department shall implement ~~carry out all~~
219 ~~provisions of~~ this chapter and all other applicable laws and
220 rules relating to the inspection or regulation of an
221 institutional food service establishment or a public food
222 service establishment ~~establishments~~ as defined in this section,
223 for the purpose of safeguarding the public ~~public's~~ health,
224 safety, and welfare.

225 (d) The department shall inspect each institutional food
226 service establishment or public food service establishment as
227 often as necessary to ensure compliance with applicable laws and
228 rules. The department has ~~shall have~~ the right of entry and
229 access to these food service establishments at any reasonable
230 time. In inspecting an institutional food service establishment
231 or a public food service establishment ~~establishments~~ as
232 provided in ~~under~~ this section, the department shall provide
233 each inspected establishment with the food recovery brochure
234 developed under s. 570.0725.

235 (e) The department or other appropriate regulatory entity
236 may inspect theaters exempt under ~~exempted in~~ subsection (1) to
237 ensure compliance with applicable laws and rules pertaining to
238 minimum sanitation standards. A fee for inspection shall be
239 prescribed by rule, but the aggregate amount charged per year
240 per theater establishment may ~~shall~~ not exceed \$300, regardless
241 of the entity providing the inspection.

242 (3) PUBLIC FOOD SERVICE ESTABLISHMENT INSPECTION.—

243 (a) Report.—Upon completion of an inspection of a public
244 food service establishment under this section, the inspector
245 shall produce a written report and assign a numerical score
246 based on his or her findings. Critical and noncritical
247 violations will be assigned a point value that will be
248 subtracted from a maximum score of 100 points. The inspector
249 will assign one of the following letter grades to the public
250 food service establishment:

251 1. An "A" grade indicates establishments in good operating
252 condition which receive at least 90 points. The inspector may
253 have observed low-risk health and safety violations but observed
254 not more than one non-critical violation or critical violation.

255 2. A "B" grade indicates establishments in adequate
256 operating condition which receive at least 86 points but not
257 more than 89 points. The inspector observed at least one non-
258 critical violation but not more than one critical violation.

259 3. A "C" grade indicates establishments that need
260 improvement and receive at least 71 points but not more than 85

261 points. The inspector observed more than one non-critical
262 violation and more than one critical violation.

263 4. A "U" grade indicates establishments in poor operating
264 condition that receive 70 or fewer points. The inspector
265 observed three or more non-critical violations and more than
266 three critical violations.

267 (b) Reinspection; hearing; fines.—

268 1. The operator of a public food service establishment
269 that, upon initial inspection, fails to achieve a letter grade
270 of "A" under paragraph (a) may request a reinspection from the
271 department. The department may charge a reasonable fee for
272 reinspection.

273 a. Within 14 days after the first inspection, an
274 establishment may request a second inspection. The resulting
275 grade is final unless a hearing is requested.

276 b. Within 7 days after the second inspection, an operator
277 of a public food service establishment may submit a written
278 request for a hearing to contest the assigned letter grade
279 received during the second inspection and request an additional
280 inspection.

281 2. The department may increase the frequency of
282 inspections for a public food service establishment that fails
283 to achieve a letter grade of "B" or higher under paragraph (a)
284 during an initial or subsequent inspection.

285 (c) Notice; hotline; consumer advocate.—

286 1. A public food service establishment shall immediately

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287 post its current letter grade card in a front window; in a
288 display case on an outside wall within 5 feet of the front door;
289 on a drive-through menu board; and on a menu board at a market
290 or deli. Failure to post the letter grade card or an attempt to
291 hide, camouflage, or remove the letter grade card may result in
292 a fine and suspension of an establishment's license. The
293 department shall post the inspection report on the Department of
294 Health website in a form searchable by critical violations, non-
295 critical violations, letter grade, and establishment.

296 2. An operator of a public food service establishment
297 shall maintain a copy of the latest food service inspection
298 report on premises and shall make it available to the public
299 upon request. If an operator has requested a reinspection, he or
300 she may inform the public that the current inspection results
301 are under review and that any results may be obtained from the
302 department.

303 3. The department shall establish a toll-free telephone
304 hotline that allows an operator to file a complaint regarding an
305 inspection, and the number of the hotline shall be included in a
306 pamphlet provided by the department that explains the inspection
307 process.

308 4. The department must appoint a consumer advocate to
309 represent the health and safety of the general public in issues
310 regarding public food service establishments.

311 (d) Closure.—A health inspector may, in his or her
312 discretion, immediately close a public food service

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313 establishment that fails to achieve a letter grade of "C" or
314 higher.

315 (e) Inspector standardization.—

316 1. A person performing required inspections of licensed
317 public food service establishments for the department must:

318 a. Be standardized by a food service evaluation officer
319 certified by the federal Food and Drug Administration;

320 b. Pass a test approved under s. 509.039 on food safety
321 protection standards; and

322 c. Demonstrate knowledge of the laws and rules governing
323 public food service establishments by passing a written
324 examination administered by the department.

325 2. The department shall provide a minimum of 20 hours of
326 continuing education annually to each public food service
327 inspector. This continuing education must include instruction in
328 sanitation, techniques to prevent food-borne illness, and
329 provide a review of relevant laws.

330 3. An inspector may be suspended or dismissed for cause
331 under s. 110.227.

332 (4) ~~(3)~~ LICENSES REQUIRED.—

333 (a) Licenses; annual renewals.—Each institutional food
334 service establishment and each public food service establishment
335 regulated under this section shall obtain a license from the
336 department annually. Such ~~Food service establishment~~ licenses
337 shall expire annually and are not transferable from one place or
338 individual to another. However, ~~those~~ facilities licensed by the

339 department's Office of Licensure and Certification, the Child
340 Care Services Program Office, or the Agency for Persons with
341 Disabilities are exempt from this subsection. It is ~~shall be~~ a
342 misdemeanor of the second degree, punishable as provided in s.
343 381.0061, s. 775.082, or s. 775.083, for such an establishment
344 to operate without this license. The department may refuse a
345 license, or a renewal thereof, to any establishment that is not
346 constructed or maintained in accordance with law and ~~with the~~
347 ~~rules of the department~~ rule. Annual application for renewal is
348 not required.

349 (b) *Application for license.*—Each person who plans to open
350 an institutional food service establishment or a public food
351 service establishment regulated under this section and not
352 regulated under chapter 500 ~~or chapter 509~~ shall apply for and
353 receive a license before ~~prior to~~ the commencement of operation.

354 (c) *Display of public food service establishment license;*
355 registry.—

356 1. A public food service establishment license issued by
357 the department shall be conspicuously displayed in the office or
358 lobby of the licensed establishment. A public food service
359 establishment that offers catering services shall display its
360 license number on all advertising for catering services.

361 2. It is the duty of each operator of a public food
362 service establishment that provides commissary services to
363 maintain a daily registry verifying that each mobile food
364 dispensing vehicle that receives such services is properly

365 licensed by the division. In order that such licensure may be
366 readily verified, each mobile food dispensing vehicle operator
367 shall permanently affix in a prominent place on the side of the
368 vehicle, in figures at least 2 inches high and in contrasting
369 colors from the background, the operator's public food service
370 establishment license number. Prior to providing commissary
371 services, each public food service establishment must verify
372 that the license number displayed on the vehicle matches the
373 number on the vehicle operator's public food service
374 establishment license.

375 (5)(4) LICENSE; INSPECTION; FEES.—

376 (a) Authorization.—The department is authorized to collect
377 fees from establishments licensed under this section and from
378 those facilities exempted from licensure under paragraph (4) (a)
379 ~~(3) (a)~~. It is the intent of the Legislature that the total fees
380 assessed under this section be in an amount sufficient to meet
381 the cost of administering ~~carrying out the provisions of~~ this
382 section.

383 (b) Institutional food service establishment fees.—The fee
384 schedule for an institutional food service establishment
385 ~~establishments~~ licensed under this section shall be prescribed
386 by rule, but the aggregate license fee per establishment may
387 ~~shall~~ not exceed \$300.

388 ~~(c)~~ Licensure ~~The license~~ fees shall be prorated on a
389 quarterly basis. Annual licenses shall be renewed as prescribed
390 by rule.

391 (c) Public food service establishment fees.—The department
392 shall adopt, by rule, a schedule of fees to be paid by each
393 public food service establishment as a prerequisite to issuance
394 or renewal of a license. The fee schedule shall prescribe a
395 basic fee and additional fees based on seating capacity and
396 services offered. The aggregate fee per establishment charged
397 any public food service establishment may not exceed \$400;
398 however, the fees described in subparagraphs 1. and 2. may not
399 be included as part of the aggregate fee subject to this cap.
400 The fee schedule shall require an establishment that applies for
401 an initial license to pay the full license fee if application is
402 made during the annual renewal period or more than 6 months
403 prior to the next such renewal period and one-half of the fee if
404 application is made 6 months or less prior to such period.

405 1. Upon making initial application or an application for
406 change of ownership, the applicant shall pay to the department a
407 fee as prescribed by rule, not to exceed \$50, in addition to any
408 other fees required by law, which shall cover all costs
409 associated with initiating regulation of the establishment.

410 2. A license renewal filed with the department within 30
411 days after the expiration date shall be accompanied by a
412 delinquent fee as prescribed by rule, not to exceed \$50, in
413 addition to the renewal fee and any other fees required by law.
414 A license renewal filed with the department more than 30 but not
415 more than 60 days after the expiration date shall be accompanied
416 by a delinquent fee as prescribed by rule, not to exceed \$100,

417 in addition to the renewal fee and any other fees required by
 418 law.

419 (6)~~(5)~~ FINES; SUSPENSION OR REVOCATION OF LICENSES;
 420 PROCEDURE.—

421 (a) The department may impose fines against the
 422 establishment or operator regulated under this section for
 423 violations of sanitary standards, in accordance with s.
 424 381.0061. All amounts collected shall be deposited to the credit
 425 of the County Health Department Trust Fund administered by the
 426 department.

427 (b) The department may suspend or revoke the license of an
 428 institutional food service establishment or a public ~~any~~ food
 429 service establishment licensed under this section that has
 430 operated or is operating in violation of ~~any of the provisions~~
 431 ~~of~~ this section or ~~the~~ rules adopted thereunder ~~under this~~
 432 ~~section~~. Such institutional food service establishment or public
 433 food service establishment must ~~shall~~ remain closed when its
 434 license is suspended or revoked.

435 (c) The department may suspend or revoke the license of an
 436 institutional food service establishment or a public ~~any~~ food
 437 service establishment licensed under this section if ~~when~~ such
 438 establishment has been deemed by the department to be an
 439 imminent danger to the public ~~public's~~ health due to its ~~for~~
 440 failure to meet sanitation ~~standards~~ or other applicable
 441 regulatory standards.

442 (d) The department may require a public food service

443 establishment licensee to pay a fine not to exceed \$1,000 per
444 offense and complete, at personal expense, a remedial
445 educational program administered by a food safety training
446 program provider approved by the department, as provided in s.
447 509.049 for repeat violations during inspections.

448 (e)(d) A ~~Ne~~ license may not ~~shall~~ be suspended under this
449 section for a period of more than 12 months. At the end of such
450 period of suspension, the establishment may apply for
451 reinstatement or renewal of the license. An institutional food
452 service establishment or a public food service establishment
453 that ~~which~~ has had its license revoked may not apply for another
454 license for that location before ~~prior to~~ the date on which the
455 revoked license would have expired. The department shall post a
456 prominent closed-for-operation sign on any public food service
457 establishment whose license has been suspended or revoked. The
458 department shall also post such sign on any establishment
459 judicially or administratively determined to be operating
460 without a license. It is a misdemeanor of the second degree,
461 punishable as provided in s. 775.082 or s. 775.083, for any
462 person to deface or remove such closed-for-operation sign or for
463 a public food service establishment to open for operation
464 without a license or to open for operation while its license is
465 suspended or revoked. The department may impose administrative
466 sanctions for violations of this section.

467 (f) The department may fine, suspend, or revoke the
468 license of any public food service establishment if the operator

469 knowingly lets, leases, or gives space for unlawful gambling
 470 purposes or permits unlawful gambling in such establishment or
 471 in or upon any premises that are used in connection with, and
 472 are under the same charge, control, or management as, such
 473 establishment.

474 (g) The department may fine, suspend, or revoke the
 475 license of any public food service establishment when:

476 1. A person with a direct financial interest in the
 477 licensed establishment, within the preceding 5 years in this or
 478 any other state or the United States, has been adjudicated
 479 guilty of or forfeited a bond when charged with soliciting for
 480 prostitution, pandering, letting premises for prostitution,
 481 keeping a disorderly place, illegally dealing in controlled
 482 substances as defined in chapter 893, or any other crime
 483 reflecting on professional character.

484 2. Such establishment has been deemed an imminent danger
 485 to the public health and safety by the department or local
 486 health authority for failure to meet sanitation standards or the
 487 premises have been determined by the department or local
 488 authority to be unsafe or unfit for human occupancy.

489 (7)(6) IMMINENT DANGERS; STOP-SALE ORDERS.-

490 (a) In the course of epidemiological investigations or in
 491 the regulation of ~~for those establishments licensed regulated by~~
 492 ~~the department~~ under this chapter, the department, to protect
 493 the public from food that is unwholesome or otherwise unfit for
 494 human consumption, may examine, sample, seize, and stop the sale

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495 or use of food to determine its condition. The department may
496 stop the sale and supervise the proper destruction of food when
497 the State Health Officer or his or her designee determines that
498 such food represents a threat to the public health.

499 (b) The department may determine that an institutional
500 food service establishment or a public food service
501 establishment regulated under this section presents ~~is~~ an
502 imminent danger to the public health and require its immediate
503 closure if it ~~when such establishment~~ fails to comply with
504 applicable sanitary and safety standards and, because of such
505 failure, presents an imminent threat to the public ~~public's~~
506 health, safety, and welfare. The department may accept
507 inspection results from state and local building and firesafety
508 officials and other regulatory agencies as justification for
509 such actions. A ~~Any~~ facility ~~so deemed and closed~~ under this
510 paragraph shall remain closed until allowed by the department or
511 ~~by~~ judicial order to reopen.

512 (8)(7) MISREPRESENTING FOOD OR FOOD PRODUCTS.—~~The~~ ~~No~~
513 operator of an institutional food service establishment or a
514 public ~~any~~ food service establishment regulated under this
515 section may not ~~shall~~ knowingly and willfully misrepresent the
516 identity of any food or food product to ~~any of the patrons of~~
517 ~~such establishment~~. Food used by food establishments shall be
518 identified, labeled, and advertised in accordance with ~~the~~
519 ~~provisions of~~ chapter 500.

520 Section 5. Paragraph (a) of subsection (2) of section

521 381.0101, Florida Statutes, is amended to read:

522 381.0101 Environmental health professionals.—

523 (2) CERTIFICATION REQUIRED.—A person may not perform
 524 environmental health or sanitary evaluations in any primary
 525 program area of environmental health without being certified by
 526 the department as competent to perform such evaluations. This
 527 section does not apply to:

528 (a) Persons performing inspections of public food service
 529 establishments licensed under chapter 381 509; or

530 Section 6. Paragraph (j) of subsection (1) of section
 531 450.061, Florida Statutes, is amended to read:

532 450.061 Hazardous occupations prohibited; exemptions.—

533 (1) No minor 15 years of age or younger, whether or not
 534 such person's disabilities of nonage have been removed by
 535 marriage or otherwise, shall be employed or permitted or
 536 suffered to work in any of the following occupations:

537 (j) Work in freezers or meat coolers and all work in
 538 preparation of meats for sale, except wrapping, sealing,
 539 labeling, weighing, pricing, and stocking when performed in
 540 another area. This does ~~shall~~ not prohibit work done in the
 541 normal operations of a food service establishment facility
 542 licensed by chapter 381 509.

543 Section 7. Section 509.032, Florida Statutes, is amended
 544 to read:

545 509.032 Duties.—

546 (1) GENERAL.—The division shall perform its duties under

547 ~~carry out all of the provisions of this chapter and all other~~
548 applicable laws and rules adopted relating to the inspection or
549 regulation of public lodging establishments ~~and public food~~
550 ~~service establishments~~ for the purpose of safeguarding the
551 public health, safety, and welfare. The division shall be
552 responsible for ascertaining that an operator licensed under
553 this chapter does not engage in ~~any~~ misleading advertising or
554 unethical practices.

555 (2) INSPECTION OF PREMISES.—

556 (a) The division has responsibility and jurisdiction for
557 ~~all~~ inspections conducted under ~~required by~~ this chapter. The
558 division has responsibility for quality assurance. Each licensed
559 establishment shall be inspected at least biannually, except for
560 transient and nontransient apartments, which shall be inspected
561 at least annually, and shall be inspected at such other times as
562 the division determines is necessary to ensure the public
563 ~~public's~~ health, safety, and welfare. The division shall
564 establish a system to determine inspection frequency. Public
565 lodging units classified as vacation rentals are exempt from ~~not~~
566 ~~subject to~~ this requirement but shall be made available to the
567 division upon request. If, during the inspection of a public
568 lodging establishment ~~classified for renting to transient or~~
569 ~~nontransient tenants~~, an inspector identifies vulnerable adults
570 who appear to be victims of neglect, as defined in s. 415.102,
571 or, in the case of a building that is not equipped with
572 automatic sprinkler systems, tenants or clients who may be

573 unable to self-preserve in an emergency, the division shall
574 convene meetings to develop a plan that improves the prospects
575 for safety of affected residents and, if necessary, identifies
576 alternative living arrangements, such as facilities licensed
577 under part II of chapter 400 or under chapter 429. The meetings
578 shall involve ~~with~~ the following agencies as appropriate to the
579 individual situation: the Department of Health, the Department
580 of Elderly Affairs, the area agency on aging, the local fire
581 marshal, the landlord and affected tenants and clients, and
582 other relevant organizations, ~~to develop a plan which improves~~
583 ~~the prospects for safety of affected residents and, if~~
584 ~~necessary, identifies alternative living arrangements such as~~
585 ~~facilities licensed under part II of chapter 400 or under~~
586 ~~chapter 429.~~

587 (b) For purposes of performing required inspections and
588 the enforcement of this chapter, the division has the right of
589 entry and access to public lodging establishments ~~and public~~
590 ~~food service establishments~~ at any reasonable time.

591 ~~(c) Public food service establishment inspections shall be~~
592 ~~conducted to enforce provisions of this part and to educate,~~
593 ~~inform, and promote cooperation between the division and the~~
594 ~~establishment.~~

595 ~~(c) (d) The division shall adopt and enforce sanitation~~
596 ~~rules consistent with law to ensure the protection of the public~~
597 ~~from food-borne illness in those establishments licensed under~~
598 ~~this chapter. These rules shall provide the standards and~~

599 ~~requirements for obtaining, storing, preparing, processing,~~
600 ~~servicing, or displaying food in public food service~~
601 ~~establishments, approving public food service establishment~~
602 ~~facility plans, conducting necessary public food service~~
603 ~~establishment inspections for compliance with sanitation~~
604 ~~regulations, cooperating and coordinating with the Department of~~
605 ~~Health in epidemiological investigations, and initiating~~
606 ~~enforcement actions, and for other such responsibilities deemed~~
607 ~~necessary by the division.~~ The division may not establish by
608 rule any regulation governing the design, construction,
609 erection, alteration, modification, repair, or demolition of any
610 public lodging ~~or public food service establishment~~. It is the
611 intent of the Legislature to preempt that function to the
612 Florida Building Commission and the State Fire Marshal through
613 adoption and maintenance of the Florida Building Code and the
614 Florida Fire Prevention Code. The division shall provide
615 technical assistance to the commission in updating the
616 construction standards of the Florida Building Code which govern
617 public lodging ~~and public food service establishments~~. Further,
618 the division shall enforce the provisions of the Florida
619 Building Code which apply to public lodging ~~and public food~~
620 ~~service establishments~~ in conducting any inspections authorized
621 under ~~by~~ this part. The division, or its agent, shall notify the
622 local firesafety authority or the State Fire Marshal of any
623 readily observable violation of a rule adopted under chapter 633
624 which relates to public lodging establishments ~~or public food~~

625 establishments, and the identification of such violation does
626 not require ~~any~~ firesafety inspection certification.

627 (d)~~(e)~~1. Relating to facility plan approvals, the division
628 may establish, by rule, fees for conducting plan reviews and may
629 grant variances from construction standards in hardship cases,
630 which are ~~variances may be~~ less restrictive than those ~~the~~
631 ~~provisions~~ specified in this section or the rules adopted
632 thereunder ~~under this section~~. A variance may not be granted
633 pursuant to this section until the division is satisfied that:

634 a. The variance will ~~shall~~ not adversely affect the health
635 of the public.

636 b. No reasonable alternative to the required construction
637 exists.

638 c. The hardship was not caused intentionally by the action
639 of the applicant.

640 2. The division's advisory council shall review
641 applications for variances and recommend agency action. The
642 division shall ~~make arrangements to~~ expedite emergency requests
643 for variances, to ensure that such requests are acted upon
644 within 30 days of receipt.

645 3. The division shall establish, by rule, a fee for the
646 cost of the variance process. Such fee may ~~shall~~ not exceed \$150
647 for routine variance requests and \$300 for emergency variance
648 requests.

649 (e)~~(f)~~ In conducting inspections of establishments
650 licensed under this chapter, the division shall determine

651 whether ~~if~~ each coin-operated amusement machine that is operated
 652 on the premises of a licensed establishment is properly
 653 registered with the Department of Revenue. Each month the
 654 division shall report to the Department of Revenue the sales tax
 655 registration number of the operator of any licensed
 656 establishment that has on location a coin-operated amusement
 657 machine and that does not have an identifying certificate
 658 conspicuously displayed as required by s. 212.05(1)(h).

659 ~~(g) In inspecting public food service establishments, the~~
 660 ~~department shall provide each inspected establishment with the~~
 661 ~~food recovery brochure developed under s. 570.0725.~~

662 (3) SANITARY STANDARDS; EMERGENCIES; ~~TEMPORARY FOOD~~
 663 ~~SERVICE EVENTS.~~—The division shall:

664 ~~(a) Prescribe sanitary standards which shall be enforced~~
 665 ~~in public food service establishments.~~

666 ~~(b) inspect public lodging establishments and public food~~
 667 ~~service establishments~~ whenever necessary to respond to an
 668 emergency or epidemiological condition.

669 ~~(c) Administer a public notification process for temporary~~
 670 ~~food service events and distribute educational materials that~~
 671 ~~address safe food storage, preparation, and service procedures.~~

672 ~~1. Sponsors of temporary food service events shall notify~~
 673 ~~the division not less than 3 days prior to the scheduled event~~
 674 ~~of the type of food service proposed, the time and location of~~
 675 ~~the event, a complete list of food service vendors participating~~
 676 ~~in the event, the number of individual food service facilities~~

677 ~~each vendor will operate at the event, and the identification~~
678 ~~number of each food service vendor's current license as a public~~
679 ~~food service establishment or temporary food service event~~
680 ~~licensee. Notification may be completed orally, by telephone, in~~
681 ~~person, or in writing. A public food service establishment or~~
682 ~~food service vendor may not use this notification process to~~
683 ~~circumvent the license requirements of this chapter.~~

684 ~~2. The division shall keep a record of all notifications~~
685 ~~received for proposed temporary food service events and shall~~
686 ~~provide appropriate educational materials to the event sponsors,~~
687 ~~including the food recovery brochure developed under s.~~
688 ~~570.0725.~~

689 ~~3.a. A public food service establishment or other food~~
690 ~~service vendor must obtain one of the following classes of~~
691 ~~license from the division: an individual license, for a fee of~~
692 ~~no more than \$105, for each temporary food service event in~~
693 ~~which it participates; or an annual license, for a fee of no~~
694 ~~more than \$1,000, that entitles the licensee to participate in~~
695 ~~an unlimited number of food service events during the license~~
696 ~~period. The division shall establish license fees, by rule, and~~
697 ~~may limit the number of food service facilities a licensee may~~
698 ~~operate at a particular temporary food service event under a~~
699 ~~single license.~~

700 ~~b. Public food service establishments holding current~~
701 ~~licenses from the division may operate under the regulations of~~
702 ~~such a license at temporary food service events of 3 days or~~

703 ~~less in duration.~~

704 ~~(4) STOP SALE ORDERS. The division may stop the sale, and~~
705 ~~supervise the proper destruction, of any food or food product~~
706 ~~when the director or the director's designee determines that~~
707 ~~such food or food product represents a threat to the public~~
708 ~~safety or welfare. If the operator of a public food service~~
709 ~~establishment licensed under this chapter has received official~~
710 ~~notification from a health authority that a food or food product~~
711 ~~from that establishment has potentially contributed to any~~
712 ~~instance or outbreak of food borne illness, the food or food~~
713 ~~product must be maintained in safe storage in the establishment~~
714 ~~until the responsible health authority has examined, sampled,~~
715 ~~seized, or requested destruction of the food or food product.~~

716 ~~(4)~~ (5) REPORTS REQUIRED.—The division shall submit
717 annually to the Governor, the President of the Senate, the
718 Speaker of the House of Representatives, and the chairs of the
719 legislative appropriations committees a report, which must
720 include ~~shall state, but need not be limited to,~~ the total
721 number of active public lodging ~~and public food service~~ licenses
722 in the state, the total number of inspections of such ~~these~~
723 establishments conducted by the division to ensure the
724 enforcement of sanitary standards, the total number of
725 inspections conducted in response to emergency or
726 epidemiological conditions, the number of violations of each
727 sanitary standard, the total number of inspections conducted to
728 meet the statutorily required number of inspections, and any

729 recommendations for improved inspection procedures. The division
730 shall also keep accurate account of all expenses arising out of
731 the performance of its duties and ~~all~~ fees collected under this
732 chapter. The report shall be submitted by September 30 following
733 the end of the fiscal year.

734 (5)~~(6)~~ RULEMAKING AUTHORITY.—The division shall adopt such
735 rules as are necessary to administer ~~carry out the provisions of~~
736 this chapter.

737 (6)~~(7)~~ PREEMPTION AUTHORITY.—

738 (a) The regulation of public lodging establishments ~~and~~
739 ~~public food service establishments~~, including, but not limited
740 to, sanitation standards, inspections, and training and testing
741 of personnel, ~~and matters related to the nutritional content and~~
742 ~~marketing of foods offered in such establishments~~, is preempted
743 to the state. This paragraph does not preempt the authority of a
744 local government or local enforcement district to conduct
745 inspections of public lodging ~~and public food service~~
746 ~~establishments~~ for compliance with the Florida Building Code and
747 the Florida Fire Prevention Code under, ~~pursuant to~~ ss. 553.80
748 and 633.206.

749 (b) A local law, ordinance, or regulation may not restrict
750 the use of vacation rentals, prohibit vacation rentals, or
751 regulate vacation rentals based solely on their classification,
752 use, or occupancy. This paragraph does not apply to any local
753 law, ordinance, or regulation adopted on or before June 1, 2011.

754 (c) Paragraph (b) does not apply to any local law,

755 ordinance, or regulation exclusively relating to property
 756 valuation as a criterion for vacation rental if the local law,
 757 ordinance, or regulation is required to be approved by the state
 758 land planning agency pursuant to an area of critical state
 759 concern designation.

760 Section 8. Section 509.101, Florida Statutes, is amended
 761 to read:

762 509.101 Establishment rules; posting of notice; ~~food~~
 763 ~~service inspection report~~; maintenance of guest register; ~~mobile~~
 764 ~~food dispensing vehicle registry.~~

765 (1) Any operator of a public lodging establishment ~~or a~~
 766 ~~public food service establishment~~ may establish reasonable rules
 767 ~~and regulations~~ for the management of the establishment and its
 768 guests and employees; and each guest or employee staying,
 769 sojourning, eating, or employed in the establishment must ~~shall~~
 770 conform to and abide by such rules and regulations ~~so long as~~
 771 ~~the guest or employee remains in or at the establishment~~. Such
 772 rules ~~and regulations~~ shall be deemed ~~to be~~ a special contract
 773 between the operator and each guest or employee using the
 774 services or facilities of the operator. ~~Such rules and~~
 775 ~~regulations~~ shall control the liabilities, responsibilities, and
 776 obligations of all parties. Any rules ~~or regulations~~ established
 777 pursuant to this section must ~~shall~~ be ~~printed~~ in the English
 778 language and posted in a prominent place within the ~~such public~~
 779 ~~lodging establishment or public food service establishment~~. In
 780 addition, ~~any operator of a public food service establishment~~

781 ~~shall maintain the latest food service inspection report or a~~
782 ~~duplicate copy on premises and shall make it available to the~~
783 ~~public upon request.~~

784 (2) It is the duty of each operator of a transient
785 establishment to maintain ~~at all times~~ a register, signed by or
786 for guests who occupy rental units within the establishment,
787 showing the dates upon which the rental units were occupied by
788 such guests and the rates charged for their occupancy. This
789 register shall be ~~maintained~~ in chronological order and
790 available for inspection by the division at any time. Operators
791 need not make available registers that ~~which~~ are more than 2
792 years old.

793 ~~(3) It is the duty of each operator of a public food~~
794 ~~service establishment that provides commissary services to~~
795 ~~maintain a daily registry verifying that each mobile food~~
796 ~~dispensing vehicle that receives such services is properly~~
797 ~~licensed by the division. In order that such licensure may be~~
798 ~~readily verified, each mobile food dispensing vehicle operator~~
799 ~~shall permanently affix in a prominent place on the side of the~~
800 ~~vehicle, in figures at least 2 inches high and in contrasting~~
801 ~~colors from the background, the operator's public food service~~
802 ~~establishment license number. Prior to providing commissary~~
803 ~~services, each public food service establishment must verify~~
804 ~~that the license number displayed on the vehicle matches the~~
805 ~~number on the vehicle operator's public food service~~
806 ~~establishment license.~~

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807 Section 9. Section 509.241, Florida Statutes, is amended
808 to read:

809 509.241 Licenses required; exceptions.—

810 (1) LICENSES; ANNUAL RENEWALS.—Each public lodging
811 establishment ~~and public food service establishment~~ shall obtain
812 a license from the division. Such license may not be transferred
813 from one place or individual to another. It shall be a
814 misdemeanor of the second degree, punishable as provided in s.
815 775.082 or s. 775.083, for such an establishment to operate
816 without a license. Local law enforcement shall provide immediate
817 assistance in pursuing an illegally operating establishment. The
818 division may refuse a license, or a renewal thereof, to any
819 establishment that is not constructed and maintained in
820 accordance with law and with the rules of the division. The
821 division may refuse to issue a license to, or renew a license
822 of, an a renewal thereof, to any establishment, the an operator
823 of which, within the preceding 5 years, has been adjudicated
824 guilty of, or has forfeited a bond when charged with, any crime
825 reflecting on professional character, including soliciting for
826 prostitution, pandering, letting premises for prostitution,
827 keeping a disorderly place, or illegally dealing in controlled
828 substances as defined in chapter 893, whether in this state or
829 in any other jurisdiction within the United States, or has had a
830 license denied, revoked, or suspended pursuant to s. 429.14.
831 Licenses shall be renewed annually on a staggered schedule
832 adopted by agency rule, ~~and the division shall adopt a rule~~

833 ~~establishing a staggered schedule for license renewals.~~ If any
834 license expires while administrative charges are pending against
835 the license, the proceedings against the license shall continue
836 to conclusion as if the license were still in effect.

837 (2) APPLICATION FOR LICENSE.—Each person who plans to open
838 a public lodging establishment ~~or a public food service~~
839 ~~establishment~~ shall apply for and receive a license from the
840 division before ~~prior to~~ the commencement of operation. A
841 condominium association, as defined in s. 718.103, which does
842 not own any units classified as vacation rentals under s.
843 509.242(1)(c) is not required to apply for or receive a public
844 lodging establishment license.

845 (3) DISPLAY OF LICENSE.—A ~~Any~~ license issued by the
846 division shall be conspicuously displayed in the office or lobby
847 of the licensed establishment. ~~Public food service~~
848 ~~establishments which offer catering services shall display their~~
849 ~~license number on all advertising for catering services.~~

850 Section 10. Subsections (2) and (4) of section 509.251,
851 Florida Statutes, are amended to read:

852 509.251 License fees.—

853 ~~(2) The division shall adopt, by rule, a schedule of fees~~
854 ~~to be paid by each public food service establishment as a~~
855 ~~prerequisite to issuance or renewal of a license. The fee~~
856 ~~schedule shall prescribe a basic fee and additional fees based~~
857 ~~on seating capacity and services offered. The aggregate fee per~~
858 ~~establishment charged any public food service establishment may~~

859 ~~not exceed \$400; however, the fees described in paragraphs (a)~~
860 ~~and (b) may not be included as part of the aggregate fee subject~~
861 ~~to this cap. The fee schedule shall require an establishment~~
862 ~~which applies for an initial license to pay the full license fee~~
863 ~~if application is made during the annual renewal period or more~~
864 ~~than 6 months prior to the next such renewal period and one-half~~
865 ~~of the fee if application is made 6 months or less prior to such~~
866 ~~period. The fee schedule shall include fees collected for the~~
867 ~~purpose of funding the Hospitality Education Program, pursuant~~
868 ~~to s. 509.302, which are payable in full for each application~~
869 ~~regardless of when the application is submitted.~~

870 ~~(a) Upon making initial application or an application for~~
871 ~~change of ownership, the applicant shall pay to the division a~~
872 ~~fee as prescribed by rule, not to exceed \$50, in addition to any~~
873 ~~other fees required by law, which shall cover all costs~~
874 ~~associated with initiating regulation of the establishment.~~

875 ~~(b) A license renewal filed with the division within 30~~
876 ~~days after the expiration date shall be accompanied by a~~
877 ~~delinquent fee as prescribed by rule, not to exceed \$50, in~~
878 ~~addition to the renewal fee and any other fees required by law.~~
879 ~~A license renewal filed with the division more than 30 but not~~
880 ~~more than 60 days after the expiration date shall be accompanied~~
881 ~~by a delinquent fee as prescribed by rule, not to exceed \$100,~~
882 ~~in addition to the renewal fee and any other fees required by~~
883 ~~law.~~

884 ~~(4) The actual costs associated with each epidemiological~~

885 ~~investigation conducted by the Department of Health in public~~
 886 ~~food service establishments licensed pursuant to this chapter~~
 887 ~~shall be accounted for and submitted to the division annually.~~
 888 ~~The division shall journal transfer the total of all such~~
 889 ~~amounts from the Hotel and Restaurant Trust Fund to the~~
 890 ~~Department of Health annually; however, the total amount of such~~
 891 ~~transfer may not exceed an amount equal to 5 percent of the~~
 892 ~~annual public food service establishment licensure fees received~~
 893 ~~by the division.~~

894 Section 11. Section 509.261, Florida Statutes, is amended
 895 to read:

896 509.261 Revocation or suspension of licenses; fines;
 897 procedure.—

898 (1) The department may suspend or revoke the license of or
 899 refuse to issue a license pursuant to this chapter to a Any
 900 public lodging establishment ~~or public food service~~
 901 ~~establishment~~ that has operated or is operating in violation of
 902 this chapter or division rule or that is ~~the rules of the~~
 903 ~~division,~~ operating without a license, ~~or operating~~ with a
 904 suspended or revoked license. Such licensee may be required
 905 subject by the division to:

- 906 (a) Pay fines not to exceed \$1,000 per offense; and
- 907 (b) Complete ~~Mandatory completion,~~ at personal expense, ~~of~~
 908 a remedial educational program administered by a food safety
 909 training program provider approved by the division, as provided
 910 in s. 509.049; ~~and~~

911 ~~(c) The suspension, revocation, or refusal of a license~~
 912 ~~issued pursuant to this chapter.~~

913 (2) For the purposes of this section, the division may
 914 regard as a separate offense each day or portion of a day on
 915 which an establishment is operated in violation of a "critical
 916 law or rule," as that term is defined by rule.

917 (3) The division shall post a prominent closed-for-
 918 operation sign on any public lodging establishment ~~or public~~
 919 ~~food service establishment~~, the license of which has been
 920 suspended or revoked. The division shall also post such sign on
 921 any establishment judicially or administratively determined to
 922 be operating without a license. It is a misdemeanor of the
 923 second degree, punishable as provided in s. 775.082 or s.
 924 775.083, for any person to deface or remove such closed-for-
 925 operation sign or for any public lodging establishment ~~or public~~
 926 ~~food service establishment~~ to open for operation without a
 927 license or ~~to open for operation~~ while its license is suspended
 928 or revoked. The division may impose administrative sanctions for
 929 violations of this section.

930 (4) All funds received by the division as satisfaction for
 931 administrative fines shall be paid into the State Treasury to
 932 the credit of the Hotel and Restaurant Trust Fund and may not
 933 ~~subsequently~~ be paid out of the trust fund ~~used~~ for payment to
 934 an ~~any~~ entity performing required inspections under contract
 935 with the division. Administrative fines may be used to support
 936 division programs pursuant to s. 509.302(1).

937 (5) (a) A license may not be suspended under this section
 938 for a period of more than 12 months. When the suspension expires
 939 ~~At the end of such period of suspension,~~ the establishment may
 940 apply for reinstatement or renewal of the license. A public
 941 lodging establishment ~~or public food service establishment,~~ the
 942 license of which is revoked, may not apply for another license
 943 for that location before ~~prior to~~ the date on which the revoked
 944 license would have expired.

945 (b) The division may fine, suspend, or revoke the license
 946 of any public lodging establishment ~~or public food service~~
 947 ~~establishment~~ if the operator knowingly lets, leases, or gives
 948 space for unlawful gambling purposes or permits unlawful
 949 gambling in such establishment or in or upon any premises that
 950 ~~which~~ are used in connection with, and are under the same
 951 charge, control, or management as, such establishment.

952 (6) The division may fine, suspend, or revoke the license
 953 of any public lodging establishment if ~~or public food service~~
 954 ~~establishment when:~~

955 (a) A ~~Any~~ person with a direct financial interest in the
 956 licensed establishment, within the preceding 5 years in this or
 957 any other state, ~~any other state, or the United States,~~ has been
 958 adjudicated guilty of or forfeited a bond when charged with
 959 soliciting for prostitution, pandering, letting premises for
 960 prostitution, keeping a disorderly place, illegally dealing in
 961 controlled substances as defined in chapter 893, or any other
 962 crime reflecting on professional character.

963 (b) Such establishment has been deemed an imminent danger
964 to the public health and safety by the division or local health
965 authority for failure to meet sanitation standards or the
966 premises have been determined by the division or local authority
967 to be unsafe or unfit for human occupancy.

968 (7) Except at the discretion of the division director, a
969 person may not be issued ~~is not entitled to the issuance of a~~
970 license to operate a ~~for any~~ public lodging establishment if ~~or~~
971 ~~public food service establishment except in the discretion of~~
972 ~~the director when~~ the division has notified the current
973 licenseholder ~~for such premises~~ that administrative proceedings
974 have been or will be brought against the ~~such~~ current licensee
975 for a violation of ~~any provision of~~ this chapter or division
976 rule ~~of the division~~.

977 (8) The division may fine, suspend, or revoke the license
978 of any public lodging establishment if ~~or public food service~~
979 ~~establishment when~~ the establishment is not in compliance with
980 the requirements of a final order or other administrative action
981 issued against the licensee by the division.

982 (9) The division may refuse to issue or renew the license
983 of any public lodging establishment ~~or public food service~~
984 ~~establishment~~ until all outstanding fines are paid in full to
985 the division as required by ~~all~~ final orders or other
986 administrative action issued against the licensee by the
987 division.

988 Section 12. Paragraph (d) of subsection (1) of section

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989 768.136, Florida Statutes, is amended to read:

990 768.136 Liability for canned or perishable food
991 distributed free of charge.—

992 (1) As used in this section:

993 (d) "Perishable food" means ~~any~~ food that may spoil or
994 otherwise become unfit for human consumption because of its
995 nature, type, or physical condition. The term "Perishable food"
996 includes, but is not limited to, fresh or processed meats,
997 poultry, seafood, dairy products, bakery products, eggs in the
998 shell, fresh fruits or vegetables, and foods that have been
999 noncommercially packaged, that have been frozen or otherwise
1000 require refrigeration to remain nonperishable for a reasonable
1001 length of time, or that have been prepared at a public food
1002 service establishment licensed under chapter 381 ~~509~~.

1003 Section 13. Section 509.036, Florida Statutes, is
1004 repealed.

1005 Section 14. This act shall take effect July 1, 2014.