

Bill No. CS/HB 105, 1st Eng.

Amendment No. \_\_\_\_

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Crist moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 Delete everything after the enacting clause

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16 and insert:

17 Section 1. Subsections (6) and (7) are added to  
18 section 570.0725, Florida Statutes, to read:

19 570.0725 Food recovery; legislative intent; department  
20 functions.--

21 (6) It is the intent of the Legislature that each  
22 potential donor, to the greatest extent possible and  
23 practicable, make available to any bona fide charitable or  
24 nonprofit organization, to any representative or volunteer  
25 acting on behalf of such an organization, to an uncompensated  
26 person acting in a philanthropic manner providing services  
27 similar to those of such an organization, or to a transporter  
28 any surplus or excess canned or perishable food for use by  
29 such an organization or person to feed homeless persons or  
30 other persons who are in need of food and are otherwise unable  
31 to provide food for themselves. In achieving this intent, the

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1 following provisions must be followed:

2 (a) Each donor shall make every reasonable effort to  
3 contact bona fide charitable or nonprofit organizations in the  
4 community in which the donor operates in order to provide for  
5 the collection by such organizations of any surplus or excess  
6 canned food or perishable food from the donor.

7 (b) Each bona fide charitable or nonprofit  
8 organization in this state which provides, as a part of the  
9 services that the organization provides to the community in  
10 which it operates, food for persons who are in need of food or  
11 are otherwise unable to provide food for themselves, or which  
12 collects and transports such food to such organizations, shall  
13 make every reasonable effort to contact any donors within the  
14 organization's area of operations for purposes of collecting  
15 any surplus or excess canned food or perishable food for use  
16 in providing such services.

17 (7) For public-information purposes, the department  
18 shall develop a public-information brochure detailing the need  
19 of food-recovery programs, the benefit of food-recovery  
20 programs, the manner in which such organizations may become  
21 involved in food-recovery programs, the protection afforded to  
22 such programs under s. 768.136, and the food-recovery entities  
23 or food banks that exist in the state. This brochure must be  
24 updated annually.

25 Section 2. The Department of Agriculture and Consumer  
26 Services shall submit to the Governor, the President of the  
27 Senate, and the Speaker of the House of Representatives by  
28 November 1, 1998, a report summarizing state efforts in food  
29 recovery and recommending legislative action to enhance such  
30 efforts.

31 Section 3. Paragraph (c) of subsection (2) of section

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1 381.0072, Florida Statutes, is amended to read:

2 381.0072 Food service protection.--It shall be the  
3 duty of the Department of Health to adopt and enforce  
4 sanitation rules consistent with law to ensure the protection  
5 of the public from food-borne illness. These rules shall  
6 provide the standards and requirements for the storage,  
7 preparation, serving, or display of food in food service  
8 establishments as defined in this section and which are not  
9 permitted or licensed under chapter 500 or chapter 509.

10 (2) DUTIES.--

11 (c) The department shall inspect each food service  
12 establishment as often as necessary to ensure compliance with  
13 applicable laws and rules. The department shall have the right  
14 of entry and access to these food service establishments at  
15 any reasonable time. In inspecting food service establishments  
16 as provided under this section, the department shall provide  
17 each inspected establishment with the food-recovery brochure  
18 developed under s. 570.0725.

19 Section 4. Paragraph (g) is added to subsection (2) of  
20 section 509.032, Florida Statutes, and paragraph (c) of  
21 subsection (3) of that section is amended to read:

22 509.032 Duties.--

23 (2) INSPECTION OF PREMISES.--

24 (g) In inspecting public food service establishments,  
25 the department shall provide each inspected establishment with  
26 the food-recovery brochure developed under s. 570.0725.

27 (3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD  
28 SERVICE EVENTS.--The division shall:

29 (c) Administer a public notification process for  
30 temporary food service events and distribute educational  
31 materials that address safe food storage, preparation, and

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1 service procedures.

2 1. Sponsors of temporary food service events shall  
3 notify the division not less than 3 days prior to the  
4 scheduled event of the type of food service proposed, the time  
5 and location of the event, a complete list of food service  
6 vendor owners and operators participating in each event, and  
7 the current license numbers of all public food service  
8 establishments participating in each event. Notification may  
9 be completed orally, by telephone, in person, or in writing.  
10 A public food service establishment or food service vendor may  
11 not use this notification process to circumvent the license  
12 requirements of this chapter.

13 2. The division shall keep a record of all  
14 notifications received for proposed temporary food service  
15 events and shall provide appropriate educational materials to  
16 the event sponsors, including the food-recovery brochure  
17 developed under s. 570.0725.

18 3.a. A public food service establishment or other food  
19 vendor must obtain a license from the division for each  
20 temporary food service event in which it participates.

21 b. Public food service establishments holding current  
22 licenses from the division may operate under the regulations  
23 of such a license at temporary food service events of 3 days  
24 or less in duration.

25 Section 5. Subsection (2) of section 509.302, Florida  
26 Statutes, is amended to read:

27 509.302 Director of education, personnel, employment  
28 duties, compensation.--

29 (2) The director of education shall develop and  
30 implement an educational program, designated the "Hospitality  
31 Education Program," offered for the benefit of the entire

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1 industry. This program may affiliate with Florida State  
 2 University, Florida International University, and the  
 3 University of Central Florida. The program may also affiliate  
 4 with any other member of the State University System or State  
 5 Community College System, or with any privately funded college  
 6 or university, which offers a program of hospitality  
 7 administration and management. The primary goal of this  
 8 program is to instruct and train all individuals and  
 9 businesses licensed under this chapter, in cooperation with  
 10 recognized associations that represent the licensees, in the  
 11 application of state and federal laws and rules. Such programs  
 12 shall also include:

- 13 (a) Vocational training.
- 14 (b) Management training.
- 15 (c) Inservice continuing education programs.
- 16 (d) Awareness of food-recovery programs, as promoted  
 17 in s. 570.0725.

18 ~~(e)(d)~~ Such other programs as may be deemed  
 19 appropriate by the director of the division, the advisory  
 20 council, and the director of education.

21 Section 6. This act shall take effect upon becoming a  
 22 law.

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 25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 Delete everything before the enacting clause

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 29 and insert:

30 An act relating to distribution of surplus  
 31 food; amending s. 570.0725, F.S.; providing

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1 legislative intent; providing application;  
2 requiring certain persons and organizations to  
3 make reasonable efforts to provide, collect,  
4 transport, and distribute certain excess or  
5 surplus food; requiring development of a  
6 public-information brochure; requiring a  
7 food-recovery report; amending s. 381.0072,  
8 F.S.; requiring information dissemination;  
9 amending s. 509.032, F.S.; requiring  
10 information to be disseminated; amending s.  
11 509.302, F.S.; including food-recovery  
12 awareness as a subject area of the Hospitality  
13 Education Program; providing an effective date.

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