

By the Committee on Commerce and Economic Opportunities and
Senator Crist

310-1739-98

1 A bill to be entitled
2 An act relating to distribution of surplus
3 food; amending s. 570.0725, F.S.; providing
4 legislative intent; providing application;
5 requiring certain persons and organizations to
6 make reasonable efforts to provide, collect,
7 transport, and distribute certain excess or
8 surplus food; requiring development of a
9 public-information brochure; requiring a
10 food-recovery report; amending s. 381.0072,
11 F.S.; requiring information dissemination;
12 amending s. 509.032, F.S.; requiring
13 information to be disseminated; amending s.
14 509.302, F.S.; including food-recovery
15 awareness as a subject area of the Hospitality
16 Education Program; providing an effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Subsections (6) and (7) are added to
21 section 570.0725, Florida Statutes, to read:
22 570.0725 Food recovery; legislative intent; department
23 functions.--

24 (6) It is the intent of the Legislature that each
25 potential donor, to the greatest extent possible and
26 practicable, make available to any bona fide charitable or
27 nonprofit organization, to any representative or volunteer
28 acting on behalf of such an organization, to an uncompensated
29 person acting in a philanthropic manner providing services
30 similar to those of such an organization, or to a transporter
31 any surplus or excess canned or perishable food for use by

1 such an organization or person to feed homeless persons or
2 other persons who are in need of food and are otherwise unable
3 to provide food for themselves. In achieving this intent, the
4 following provisions must be followed:

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

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

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

28 Section 2. The Department of Agriculture and Consumer
29 Services shall submit to the Governor, the President of the
30 Senate, and the Speaker of the House of Representatives by
31 November 1, 1998, a report summarizing state efforts in food

1 recovery and recommending legislative action to enhance such
2 efforts.

3 Section 3. Paragraph (c) of subsection (2) of section
4 381.0072, Florida Statutes, is amended to read:

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

13 (2) DUTIES.--

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

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

25 509.032 Duties.--

26 (2) INSPECTION OF PREMISES.--

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

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

1 (c) Administer a public notification process for
2 temporary food service events and distribute educational
3 materials that address safe food storage, preparation, and
4 service procedures.

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

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

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

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

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

30 509.302 Director of education, personnel, employment
31 duties, compensation.--

1 (2) The director of education shall develop and
2 implement an educational program, designated the "Hospitality
3 Education Program," offered for the benefit of the entire
4 industry. This program may affiliate with Florida State
5 University, Florida International University, and the
6 University of Central Florida. The program may also affiliate
7 with any other member of the State University System or State
8 Community College System, or with any privately funded college
9 or university, which offers a program of hospitality
10 administration and management. The primary goal of this
11 program is to instruct and train all individuals and
12 businesses licensed under this chapter, in cooperation with
13 recognized associations that represent the licensees, in the
14 application of state and federal laws and rules. Such programs
15 shall also include:

16 (a) Vocational training.

17 (b) Management training.

18 (c) Inservice continuing education programs.

19 (d) Awareness of food-recovery programs, as promoted
20 in s. 570.0725.

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

24 Section 6. This act shall take effect upon becoming a
25 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 466

This committee substitute requires the Department of Agriculture and Consumer Affairs to submit a report on food recovery as well as develop a public information brochure on food recovery which must be distributed during food service establishment inspections performed by the Department of Health and the Department of Business and Professional Regulation. This committee substitute additionally provides for the awareness of food recovery programs as a subject area of the Hospitality Education Program.