

Amendment No. 1 (for drafter's use only)

|   | <u>Senate</u> | CHAMBER ACTION | <u>House</u>         |
|---|---------------|----------------|----------------------|
| 1 |               | .              |                      |
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| 3 |               | .              |                      |
| 4 |               | .              |                      |
| 5 |               |                | ORIGINAL STAMP BELOW |
| 6 |               |                |                      |
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11 The Committee on Business Regulation offered the following:

13 **Amendment (with title amendment)**

14 Remove from the bill: Everything after the enacting clause  
15  
16 and insert in lieu thereof:

17 Section 1. Section 509.049, Florida Statutes, is  
18 amended to read:

19 509.049 Food service employee training.--

20 (1) The division shall adopt, by rule, minimum food  
21 safety protection standards for the training of all food  
22 service employees who are responsible for the storage,  
23 preparation, display, or serving of foods to the public in  
24 establishments regulated under this chapter. These standards  
25 shall not include an examination, but shall provide for a food  
26 safety training certificate program for food service employees  
27 to be administered by a private nonprofit provider chosen by  
28 the division.

29 (2) The division shall issue a request for competitive  
30 sealed proposals which includes a statement of the contractual  
31 services sought and all terms and conditions applicable to the

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1 contract. The division shall award the contract to the  
2 provider whose proposal is determined in writing to be the  
3 most advantageous to the state, taking into consideration the  
4 price and the other criteria set forth in the request for  
5 proposals. The division shall contract with a provider on a  
6 4-year basis and is authorized to promulgate by rule a per  
7 employee fee to cover the contracted price for the program  
8 administered by the provider. In making its selection, the  
9 division shall consider factors including, but not limited to,  
10 the experience and history of the provider in representing the  
11 food service industry, the provider's demonstrated commitment  
12 to food safety, and its ability to provide a statewide program  
13 with industry support and participation.

14 (3) Any food safety training program established and  
15 administered to food handler employees utilized at a public  
16 food service establishment prior to July 1, 2000, may ~~the~~  
17 ~~effective date of this act shall~~ be submitted by the operator  
18 or the provider to the division for its review and approval.  
19 If the food safety training program is found to be in  
20 substantial compliance with the division's required criteria  
21 and is approved by the division, nothing in this section shall  
22 preclude any other operator of a food service establishment  
23 from also utilizing the approved program or require the  
24 employees of any operator to receive training from or pay a  
25 fee to the division's contracted provider. Review and  
26 approval by the division of a program or programs under this  
27 section shall include, but need not be limited to, the minimum  
28 food safety standards adopted by the division in accordance  
29 with this section.

30 (4) Approval of a program is subject to the provider's  
31 continued compliance with the division's minimum program

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1 standards. The division may conduct random audits of approved  
2 programs to determine compliance and may audit any program if  
3 it has reason to believe a program is not in compliance with  
4 this section. The division may revoke a program's approval if  
5 it finds a program to be in noncompliance with this section or  
6 the rules adopted under this section.

7 (5) It shall be the duty of the licensee of the public  
8 food service establishment to provide training in accordance  
9 with the described rule to all employees under the licensee's  
10 supervision or control. The licensee may designate a  
11 certified food service manager to perform this function as an  
12 agent of the licensee. ~~Food service employees must receive~~  
13 ~~certification pursuant to this section by January 1, 2001.~~  
14 Food service employees hired after November 1, 2000, must  
15 receive certification within 60 days after employment.  
16 Certification pursuant to this section shall remain valid for  
17 3 years.

18 (6) The division may adopt rules pursuant to ss.  
19 120.536(1) and 120.54 necessary to administer this section.  
20 The rules may require:

21 (a) The use of application forms, which may require,  
22 but need not be limited to, the identification of training  
23 components of the program and an applicant affidavit attesting  
24 to the accuracy of the information provided in the  
25 application;

26 (b) Providers to maintain information concerning  
27 establishments where they provide training pursuant to this  
28 section;

29 (c) Specific food-safety-related-subject-matter  
30 training program components;

31 (d) The licensee to be responsible for providing proof

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1 of employee training, and the division may request production  
2 of such proof upon inspection of the establishment.

3 Section 2. Subsection (6) of section 561.32, Florida  
4 Statutes, is repealed.

5 Section 3. This act shall take effect upon becoming a  
6 law.

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

10 And the title is amended as follows:

11 On page 1, lines 2-15,  
12 remove from the title of the bill:

13

14 and insert in lieu thereof:

15 An act relating to public food service  
16 establishments and alcoholic beverage licenses;  
17 amending s. 509.049, F.S.; revising provisions  
18 related to food service employee training  
19 programs; providing for audits and revocation  
20 of training program approval; providing  
21 rulemaking authority; repealing s. 561.32(6),  
22 F.S., relating to special transfer restrictions  
23 and transfer fees pertaining to alcoholic  
24 beverage licenses issued after a specified  
25 date; providing an effective date.

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