

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1902

SPONSOR: Regulated Industries Committee and Senator Constantine

SUBJECT: Food Service Employee Training

DATE: April 11, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Caldwell	RI	Favorable/CS
2.	_____	_____	AGG	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill makes approval of a food safety training program subject to the provider’s continued compliance with minimum program standards. The Department of Business and Professional Regulation’s Division of Hotels and Restaurants (division) may conduct random audits and may audit any program which it has reason to believe is not in compliance with the statute. The division may revoke a program’s approval if it finds it not to be in compliance with the statute or rules. The bill authorizes the division to adopt rules.

The bill also repeals s. 561.32(6), F.S., which requires a fee equal to 50 times the annual license fee to be assessed on the transfer of any alcoholic beverage quota license issued after October 1, 2000.

The bill substantially amends section 509.049 of the Florida Statutes. The bill also repeals section 561.32(6) of the Florida Statutes.

II. Present Situation:

Section 509.049, F.S., requires the division to adopt, by rule, minimum food safety protection standards for the training of all food service employees who are responsible for the storage, preparation, display, or serving of food to the public.

Last year, the section was amended to require that the division enter into a contract for a food safety training certificate program to be administered by a private nonprofit provider chosen by the division. The division was authorized to promulgate by rule a per employee fee to cover the contracted price for the program administered by the provider.

As an alternative to this contract program, the operator of a food safety training program established and administered to food handler employees at a public food service establishment prior to July 1, 2000, could submit that program to the division for its review and approval. The review was to include compliance with the minimum food safety standards. If the division approved the program, any other operator of a food service establishment could also utilize the approved program instead of the contract certification program. Food service employees were required to receive certification by January 1, 2001, with certification to remain valid for three years.

Subsection 561.12(4), F.S., prohibits transfer of a quota license for a period of 3 years from the date of original issuance except upon payment to the Division of Alcoholic Beverages and Tobacco of a transfer fee in an amount equal to 15 times the annual license fee specified in s. 565.02(1)(b)-(f), F.S., in the county in which the license is valid. However, if the county is only authorized for the issuance of liquor licenses for package sales only, the transfer fee shall be in an amount equal to 15 times the annual license fee specified in s. 565.02(1)(a), F.S. The funds are deposited in the Alcoholic Beverages and Tobacco Trust Fund and used to defray the costs of operation.

Subsection 561.12(6), F.S., prohibits the transfer of a quota license issued after October 1, 2000, except upon payment of a transfer fee in an amount equal to 50 times the annual license fee specified in s. 565.02(1)(b)-(f), F.S., in the county in which the license is valid. However, if the county is only authorized for the issuance of a liquor license for package sales only, the transfer fee shall be an amount equal to 50 times the annual license fee specified in s. 565.02(1)(a), F.S.

Section 565.02(1), F.S., provides an annual license fee on vendors as follows:

- (a) A vendor operating a place of business where beverages are sold only in sealed containers for consumption off the premises where sold shall pay an amount equal to 75 percent of the amount of the license tax for vendors in the same county as provided in paragraphs (b), (c), (d), (e), and (f).
- (b) A vendor operating a place of business where consumption on the premises is permitted in a county having a population of over 100,000 shall pay \$1,820.
- (c) A vendor operating a place of business where consumption on the premises is permitted in a county having a population over 75,000 and not over 100,000 shall pay \$1,560.
- (d) A vendor operating a place of business where consumption on the premises is permitted in a county having a population of over 50,000 and not over 75,000 shall pay \$1,300.
- (e) A vendor operating a place of business where consumption on the premises is permitted in a county having a population of over 25,000 and not over 50,000 shall pay \$858.
- (f) A vendor operating a place of business where consumption on the premises is permitted in a county having a population of 25,000 or less shall pay \$624.

III. Effect of Proposed Changes:

Currently, s. 509.049, F.S., provides that the operator of a food safety training program established and administered to food handler employees at a public food service establishment prior to July 1, 2000, can submit that program to the division for its review and approval. The bill allows a provider who is not an operator to submit a program for approval as well.

The bill makes approval of a program subject to the provider's continued compliance with minimum program standards. The division may conduct random audits and may audit any program which it has reason to believe is not in compliance with the statute. The division may revoke a program's approval if it finds it not to be in compliance with the statute or rules.

The division may adopt rules that may require:

- Application forms which identify program training components and require an applicant affidavit attesting to the accuracy of the information provided in the application;
- A provider to maintain information relating to establishments where it provides training;
- Specific food safety related subject matter training program components;
- Licensee responsibility for providing proof of employee training, with the division authorized to request such information during an inspection of the establishment.

The bill also repeals s. 561.32(6), F.S., which requires a fee equal to 50 times the annual license fee to be assessed on the transfer of any alcoholic beverage quota license issued after October 1, 2000.

The bill takes effect July 1, 2001.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

As the subject of the bill is "public food service establishments and alcoholic beverage licenses," it is subject to challenge under the constitutional requirement that "every law shall embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title." s. 6, Art. III, Fla. Const.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Owners of alcoholic beverage quota licenses issued after October 1, 2000, will be able to sell those licenses without paying a transfer fee of 50 times the annual license fee, subject to the limitation of paying a fee of 15 times the annual license fee if the license is sold within three years of original issue.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
