

By the Committee on Regulated Industries and Senator
Constantine

315-1846-01

1 A bill to be entitled
2 An act relating to public food service
3 establishments and alcoholic beverage licenses;
4 amending s. 509.049, F.S.; revising provisions
5 related to food service employee training
6 programs; providing for audits and revocation
7 of training program approval; providing
8 rulemaking authority; repealing s. 561.32(6),
9 F.S., relating to special transfer restrictions
10 and transfer fees pertaining to alcoholic
11 beverage licenses issued after a specified
12 date; providing an effective date.

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

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

18 509.049 Food service employee training.--

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

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

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

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

29 (4) Approval of a program is subject to the provider's
30 continued compliance with the division's minimum program
31 standards. The division may conduct random audits of approved

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

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

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

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

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

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

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1 (d) The licensee to be responsible for providing proof
2 of employee training, and the division may request production
3 of such proof upon inspection of the establishment.

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

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

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9 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
10 COMMITTEE SUBSTITUTE FOR
11 SB 1902

12 The Committee Substitute for Senate Bill 1902 makes approval
13 of a food safety training program subject to the provider's
14 continued compliance with minimum program standards and allows
15 the Division of Hotels and Restaurants to conduct audits and
16 revoke a program's approval if it finds the program not to be
17 in compliance with the statute or rules. The division is
18 authorized to adopt rules.

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