

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on State Administration offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

Section 1. Paragraph (a) of subsection (2) and paragraph (c) of subsection (3) of section 509.032, Florida Statutes, are amended to read:

509.032 Duties.--

(2) INSPECTION OF PREMISES.--

(a) The division has responsibility and jurisdiction for all inspections required by this chapter. The division has responsibility for quality assurance. Each licensed establishment shall be inspected at least biannually, except for transient and nontransient apartments, which shall be inspected at least annually, and shall be inspected at such other times as the division determines is necessary to ensure the public's health, safety, and welfare. The division shall establish a system to determine inspection frequency. Public lodging units classified as resort condominiums or resort

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1 dwellings are not subject to this requirement, but shall be
2 made available to the division upon request. If, during the
3 inspection of a public lodging establishment classified for
4 renting to transient or nontransient tenants, an inspector
5 identifies vulnerable adults who appear to be victims of
6 neglect, as defined in s. 415.102, or, in the case of a
7 building that is not equipped with automatic sprinkler
8 systems, tenants or clients who may be unable to self-preserve
9 in an emergency, the division shall convene meetings with the
10 following agencies as appropriate to the individual situation:
11 the Department of Health, the Department of Elderly Affairs,
12 the area agency on aging, the local fire marshal, the landlord
13 and affected tenants and clients, and other relevant
14 organizations, to develop a plan which improves the prospects
15 for safety of affected residents and, if necessary, identifies
16 alternative living arrangements such as facilities licensed
17 under part II or part III of chapter 400.

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

20 (c) Administer a public notification process for
21 temporary food service events and distribute educational
22 materials that address safe food storage, preparation, and
23 service procedures.

24 1. Sponsors of temporary food service events shall
25 notify the division not less than 3 days prior to the
26 scheduled event of the type of food service proposed, the time
27 and location of the event, a complete list of food service
28 vendors ~~vendor owners and operators~~ participating in the each
29 event, the number of individual food service facilities each
30 vendor will operate at the event, and the identification
31 number of each food service vendor's current license as a

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1 ~~numbers of all public food service establishment or temporary~~
2 ~~food service event licensee establishments participating in~~
3 ~~each event.~~ Notification may be completed orally, by
4 telephone, in person, or in writing. A public food service
5 establishment or food service vendor may not use this
6 notification process to circumvent the license requirements of
7 this chapter.

8 2. The division shall keep a record of all
9 notifications received for proposed temporary food service
10 events and shall provide appropriate educational materials to
11 the event sponsors, including the food-recovery brochure
12 developed under s. 570.0725.

13 3.a. A public food service establishment or other food
14 service vendor must obtain one of the following classes of a
15 license from the division: an individual license, for a fee of
16 no more than \$105, for each temporary food service event in
17 which it participates; or an annual license, for a fee of no
18 more than \$1,000, that entitles the licensee to participate in
19 an unlimited number of food service events during the license
20 period. The division shall establish license fees, by rule,
21 and may limit the number of food service facilities a licensee
22 may operate at a particular temporary food service event under
23 a single license.

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 2. Subsection (2) of section 509.072, Florida
29 Statutes, is amended to read:

30 509.072 Hotel and Restaurant Trust Fund; collection
31 and disposition of moneys received.--

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1 (2) Fees collected under s. 509.302(4)(3) and
2 deposited into the trust fund must be used solely for the
3 purpose of funding the Hospitality Education Program, except
4 for any trust fund service charge imposed by s. 215.20, and
5 may not be used to pay for any expense of the division not
6 directly attributable to the Hospitality Education Program.
7 These funds may not be deposited or transferred into any other
8 trust fund administered by the Department of Business and
9 Professional Regulation or any of its divisions. For audit
10 purposes, fees collected under s. 509.302(4)(3) and all
11 charges against those fees must be maintained by the
12 department as a separate ledger.

13 Section 3. Subsection (2) of section 509.251, Florida
14 Statutes, is amended to read:

15 509.251 License fees.--

16 (2) The division shall adopt, by rule, a schedule of
17 fees to be paid by each public food service establishment as a
18 prerequisite to issuance or renewal of a license. The fee
19 schedule shall prescribe a basic fee and additional fees based
20 on seating capacity and services offered. The aggregate fee
21 per establishment charged any public food service
22 establishment may not exceed ~~\$500~~ \$400. The fee schedule
23 shall require an establishment which applies for an initial
24 license to pay the full license fee if application is made
25 during the annual renewal period or more than 6 months prior
26 to the next such renewal period and one-half of the fee if
27 application is made 6 months or less prior to such period.
28 The fee schedule shall include fees collected for the purpose
29 of funding the Hospitality Education Program, pursuant to s.
30 509.302, which are payable in full for each application
31 regardless of when the application is submitted.

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1 (a) Upon making initial application or an application
2 for change of ownership, the applicant shall pay to the
3 division a fee as prescribed by rule, not to exceed \$50, in
4 addition to any other fees required by law, which shall cover
5 all costs associated with initiating regulation of the
6 establishment.

7 (b) A license renewal filed with the division within
8 30 days after the expiration date shall be accompanied by a
9 delinquent fee as prescribed by rule, not to exceed \$50, in
10 addition to the renewal fee and any other fees required by
11 law. A license renewal filed with the division more than 30
12 but not more than 60 days after the expiration date shall be
13 accompanied by a delinquent fee as prescribed by rule, not to
14 exceed \$100, in addition to the renewal fee and any other fees
15 required by law.

16 Section 4. Subsection (2) of section 509.291, Florida
17 Statutes, is amended, and subsections (5) and (6) are added to
18 said section, to read:

19 509.291 Advisory council.--

20 (2) The purpose of the advisory council is to promote
21 better relations, understanding, and cooperation between such
22 industries and the division; to suggest means of better
23 protecting the health, welfare, and safety of persons using
24 the services offered by such industries; to give the division
25 the benefit of its knowledge and experience concerning the
26 industries and individual businesses affected by the laws and
27 rules administered by the division; ~~and~~ to promote and
28 coordinate the development of programs to educate and train
29 personnel for such industries; and to perform such other
30 duties as prescribed by law.

31 (5) The secretary and the division shall periodically

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1 review with the advisory council the division's budget and
2 financial status for the purpose of maintaining the financial
3 stability of the division. The council shall make
4 recommendations, when it deems appropriate, to the secretary
5 and the division to ensure that adequate funding levels from
6 fees, penalties, and other costs assessed by the division and
7 paid by the industries it regulates are maintained.

8 (6) The division shall provide to the advisory council
9 each year an annual internal audit of the financial records of
10 the Hospitality Education Program for the purpose of
11 permitting the advisory council to determine compliance with
12 the provisions of s. 509.072(2).

13 Section 5. Section 509.302, Florida Statutes, is
14 amended to read:

15 (Substantial rewording of section. See
16 s. 509.302, F.S., for present text.)

17 509.302 Hospitality Education Program.--

18 (1) There is hereby created an educational program,
19 designated the "Hospitality Education Program," offered for
20 the benefit of the lodging and food service industries. The
21 primary goal of this program is to instruct and train all
22 individuals and businesses licensed under this chapter, in
23 cooperation with recognized associations that represent the
24 licensees, in the application of state and federal laws and
25 rules. Such instruction and training shall also include:

26 (a) Vocational training.

27 (b) Management training.

28 (c) Inservice continuing education.

29 (d) Awareness of food recovery programs, as promoted
30 in s. 570.0725.

31 (e) Such other instruction and training as may be

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1 deemed appropriate by the director and the advisory council
2 created in s. 509.291.

3 (2) All instruction and training offered through the
4 program shall be provided by private, Florida nonprofit,
5 statewide organizations in the hospitality field under
6 contract with the division. The division shall issue requests
7 for competitive sealed proposals and shall select three
8 providers: one to provide instruction and training to
9 transient and nontransient apartment licensees and their
10 personnel; one to provide instruction and training to all
11 other public lodging establishment licensees and their
12 personnel; and one to provide instruction and training to
13 public food service establishment licensees and temporary food
14 service event licensees, and their personnel. For each of
15 these three groups of licensees, the division's requests for
16 proposals shall state the aggregate fees expected to be
17 collected from each group of licensees pursuant to subsection
18 (4) and shall solicit proposals to provide instruction and
19 training based upon the provider's receipt of the aggregate
20 fees collected for the applicable group, less the sums
21 provided for in subsection (5) and s. 509.072(2). The requests
22 for proposals shall state all terms and conditions applicable
23 to the contracts. The division shall award the contracts to
24 the providers whose respective proposals are determined by the
25 division in writing to be the most advantageous to the state.
26 The division shall contract with the providers on a 4-year
27 basis. In making its selection, the division shall consider
28 the quality of programs and level of service proposed to be
29 provided, the provider's demonstrated ability to deliver the
30 programs and services stated in its proposal, the experience
31 and history of the provider in representing the public lodging

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1 industry or food service industry in Florida, the provider's
2 demonstrated experience in providing instruction and training
3 to public lodging and food service licensees and their
4 personnel throughout Florida, and the provider's demonstrated
5 ability to provide instruction and training at locations
6 throughout the state and to generate statewide industry
7 support and participation. The providers may affiliate with
8 national nonprofit organizations representing the public
9 lodging industry or food service industry, or with any member
10 of the State University System or Florida Community College
11 System, or with any privately funded Florida college or
12 university, which offers a program of hospitality
13 administration and management.

14 (3) The content of all instruction and training
15 offered through the program must be approved by the advisory
16 council as provided for in s. 509.291 and by the division. The
17 division shall conduct an annual internal audit of all
18 provider contracts to ensure that they are being effectively
19 administered and to ensure that the instruction and training
20 provided are reasonable in relation to the funds received.

21 (4) All public lodging establishments, all public food
22 service establishments, and all temporary food service event
23 licensees governed by this chapter shall pay an annual fee of
24 \$10, effective July 1, 2002. This annual fee shall be paid as
25 an addition to the annual license fee and shall be used for
26 the sole purpose of funding the Hospitality Education Program.
27 Effective January 1, 2005, the division may increase the
28 annual fee, by rule, with the approval of the advisory
29 council, as necessary to fund the Hospitality Education
30 Program, but in no event may this fee exceed \$20.

31 (5) Notwithstanding any other provision of law to the

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1 contrary, as part of the Hospitality Education Program, the
2 director, with the consent of the advisory council, may
3 designate funds, not to exceed \$150,000 annually, to support
4 school-to-career transition programs available throughout
5 private, Florida nonprofit, statewide organizations in the
6 hospitality field. These programs shall be designed to prepare
7 students for progressive careers in the hospitality industry.

8 (a) The director shall supervise the administration of
9 the programs set forth in this subsection and shall report the
10 status of the programs at all meetings of the advisory council
11 and at such other times as are prescribed by the advisory
12 council.

13 (b) The division shall adopt rules providing the
14 criteria for program approval and the procedures for
15 processing program applications. The criteria and procedures
16 shall be approved by the advisory council.

17 Section 6. To ensure that license fees are sufficient
18 to fund the costs incurred by the Division of Hotels and
19 Restaurants in regulating public lodging and public food
20 service establishments, the division shall increase by \$45,
21 effective July 1, 2002, the basic license fees for all such
22 establishments presently adopted by division rule pursuant to
23 s. 509.251, Florida Statutes; however, the basic license fees
24 for transient and nontransient apartments shall increase by
25 only \$40, effective July 1, 2002. The increase provided for in
26 this section shall not apply to the basic license fee for
27 vending machines or to licenses for temporary food service
28 events.

29 Section 7. This act shall take effect upon becoming a
30 law.

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

2 And the title is amended as follows:

3 remove: the entire title

4

5 and insert:

6 A bill to be entitled

7 An act relating to public lodging and public

8 food service establishments; amending s.

9 509.032, F.S.; providing for annual rather than

10 biannual inspections of transient and

11 nontransient apartments; revising notice and

12 license requirements for temporary food service

13 events; amending s. 509.072, F.S.; conforming a

14 cross reference; amending s. 509.251, F.S.;

15 increasing the maximum aggregate license fee

16 for public food service establishments;

17 amending s. 509.291, F.S.; providing for

18 increased coordination and consultation among

19 the Secretary of Business and Professional

20 Regulation, the Division of Hotels and

21 Restaurants, and the advisory council; amending

22 s. 509.302, F.S.; eliminating a requirement for

23 the division to employ a director of education;

24 revising provisions regarding the

25 administration, fees, and funding of the

26 Hospitality Education Program; providing an

27 increase in the basic license fees for public

28 lodging and public food service establishments;

29 providing exemptions from such increase;

30 providing an effective date.

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