

By Senator Campbell

33-1004-02

1                                   A bill to be entitled  
2           An act providing for separate accounting of  
3           funds collected for elevator inspections;  
4           amending s. 509.072, F.S.; requiring the  
5           Department of Business and Professional  
6           Regulation to separately account for the funds  
7           collected for the inspection of elevators in  
8           the Hotel and Restaurant Trust Fund; providing  
9           an effective date.

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

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13           Section 1. Section 509.072, Florida Statutes, is  
14 amended to read:

15           509.072 Hotel and Restaurant Trust Fund; collection  
16 and disposition of moneys received.--

17           (1) There is created a Hotel and Restaurant Trust Fund  
18 to be used for the administration and operation of the  
19 division and the carrying out of all laws and rules under the  
20 jurisdiction of the division pertaining to the construction,  
21 maintenance, and operation of public lodging establishments  
22 and public food service establishments, including the  
23 inspection of elevators as required under chapter 399. All  
24 funds collected by the division and the amounts paid for  
25 licenses and fees shall be deposited in the State Treasury  
26 into the Hotel and Restaurant Trust Fund.

27           (2) The department shall maintain a separate account  
28 in the Hotel and Restaurant Trust Fund for funds collected for  
29 the inspection of elevators as required under chapter 399. To  
30 the maximum extent possible, the department shall directly  
31 charge all expenses to the account for elevator inspections.

1 For the purpose of this subsection, direct charge expenses  
2 include, but are not limited to, costs for investigations,  
3 examinations, or legal services. For expenses that cannot be  
4 charged directly, the department shall provide for the  
5 proportionate allocation among the accounts of expenses  
6 incurred by the department in the performance of its duties.  
7 The department may not expend funds from the account of the  
8 elevator inspections to pay for the expenses incurred on  
9 behalf of hotel or restaurant regulation, nor may the funds be  
10 deposited or transferred into any other trust fund  
11 administered by the department or any of its divisions. The  
12 department shall maintain adequate records to support its  
13 allocation of the department's expenses.

14 (3)(2) Fees collected under s. 509.302(3) and  
15 deposited into the trust fund must be used solely for the  
16 purpose of funding the Hospitality Education Program, except  
17 for any trust fund service charge imposed by s. 215.20, and  
18 may not be used to pay for any expense of the division not  
19 directly attributable to the Hospitality Education Program.  
20 These funds may not be deposited or transferred into any other  
21 trust fund administered by the Department of Business and  
22 Professional Regulation or any of its divisions. For audit  
23 purposes, fees collected under s. 509.302(3) and all charges  
24 against those fees must be maintained by the department as a  
25 separate ledger.

26 Section 2. This act shall take effect upon becoming a  
27 law.

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SENATE SUMMARY

Requires the Department of Business and Professional Regulation to separately account for funds collected for the inspection of elevators.