

Bill No. CS for CS for SB 2026

Amendment No. \_\_\_\_ Barcode 533194

CHAMBER ACTION

Senate

House

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Senator Diaz de la Portilla moved the following amendment:

**Senate Amendment (with title amendment)**

On page 23, between lines 18 and 19,

insert:

Section 7. Present subsections (10), (11), and (12) of section 509.013, Florida Statutes, are renumbered subsections (11), (12), and (13), respectively, and a new subsection (10) is added to that section, to read:

509.013 Definitions.--As used in this chapter, the term:

(10) "Third party provider" means, for purposes of s. 509.049, any provider of an approved food safety training program that provides training or such a training program to a public food service establishment that is not under common ownership or control with the provider.

Section 8. Subsections (3), (4), and (5) of section 509.049, Florida Statutes, are amended, present subsection (6) of that section is redesignated as subsection (7), and new subsections (6) and (8) are added to that section, to read:

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1 509.049 Food service employee training.--

2 (3) Any food safety training program established and  
3 administered to food service handler employees utilized at a  
4 licensed public food service establishment prior to July 1,  
5 2000, shall may be submitted by the operator or the third  
6 party provider to the division for its review and approval on  
7 or before September 1, 2004. If the food safety training  
8 program is found to be in substantial compliance with the  
9 division's required criteria and is approved by the division,  
10 nothing in this section shall preclude any other operator of a  
11 food service establishment from also utilizing the approved  
12 program or require the employees of any operator to receive  
13 training from or pay a fee to the division's contracted  
14 provider. Review and approval by the division of a program or  
15 programs under this section shall include, but need not be  
16 limited to, verification that the licensed public food service  
17 establishment utilized the program prior to July 1, 2000, and  
18 the minimum food safety standards adopted by the division in  
19 accordance with this section.

20 (4) Approval of a program is subject to the provider's  
21 continued compliance with the division's minimum program  
22 standards. The division may conduct random audits of any  
23 approved programs to determine compliance and may audit any  
24 program if it has reason to believe a program is not in  
25 compliance with this section. The division may revoke a  
26 program's approval if it finds a program is not in compliance  
27 with this section or the rules adopted under this section.

28 (5) It shall be the duty of each ~~the licensee of the~~  
29 public food service establishment to provide training in  
30 accordance with the described rule to all food service  
31 employees of the public food service establishment ~~under the~~

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1 ~~licensee's supervision or control. The public food service~~  
2 ~~establishment licensee~~ may designate any ~~a~~ certified food  
3 service manager to perform this function ~~as an agent of the~~  
4 ~~licensee~~. Food service employees must receive certification  
5 within 60 days after employment. Certification pursuant to  
6 this section shall remain valid for 3 years. All public food  
7 service establishments must provide the division with proof of  
8 employee training upon request, including, but not limited to,  
9 at the time of any division inspection of the establishment.  
10 Proof of training for each food service employee shall include  
11 the name of the trained employee, the date of birth of the  
12 trained employee, the date the training occurred, and the  
13 approved food safety training program used.

14 (6)(a) Third party providers shall issue to a public  
15 food service establishment an original certificate for each  
16 employee certified by the provider and an original card to be  
17 provided to each certified employee. Such card or certificate  
18 shall be produced by the certified food service employee or by  
19 the public food service establishment, respectively, in its  
20 duly issued original form upon request of the division.

21 (b) Effective January 1, 2005, each third party  
22 provider shall provide the following information on each  
23 employee upon certification and recertification: the name of  
24 the certified food service employee, the employee's date of  
25 birth, the employing food service establishment, the name of  
26 the certified food manager who conducted the training, the  
27 training date, and the certification expiration date. This  
28 information shall be reported electronically to the division,  
29 in a format prescribed by the division, within 30 days of  
30 certification or recertification. The division shall compile  
31 the information into an electronic database that is not

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1 directly or indirectly owned, maintained, or installed by any  
2 nongovernmental provider of food service training. A public  
3 food service establishment that trains its employees using its  
4 own in-house, proprietary food safety training program  
5 approved by the division, and which uses its own employees to  
6 provide this training, shall be exempt from the electronic  
7 reporting requirements of this paragraph, and from the card or  
8 certificate requirement of paragraph (a).

9       ~~(7)(6)~~ The division may adopt rules pursuant to ss.  
10 120.536(1) and 120.54 necessary to administer this section.

11 The rules may require:

12       (a) The use of application forms, which may require,  
13 but need not be limited to, the identification of training  
14 components of the program and an applicant affidavit attesting  
15 to the accuracy of the information provided in the  
16 application;

17       (b) Third party providers to maintain and  
18 electronically submit information concerning establishments  
19 where they provide training or training programs pursuant to  
20 this section;

21       (c) Specific subject matter related to food safety for  
22 use in training program components; and

23       (d) The public food service establishment licensee to  
24 be responsible for providing proof of employee training  
25 pursuant to this section, and the division may request  
26 production of such proof upon inspection of the establishment.

27       (8) The following are violations for which the  
28 division may impose administrative fines of up to \$1,000 on a  
29 public food service establishment, or suspend or revoke the  
30 approval of a particular provider's use of a food safety  
31 training program:

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1       (a) Failure of a public food service establishment to  
2 provide proof of training pursuant to subsection (5) upon  
3 request by the division or an original certificate to the  
4 division when required pursuant to paragraph (6)(a).

5       (b) Failure of a third party provider to submit  
6 required records pursuant to paragraph (6)(b) or to provide  
7 original certificates or cards to a public food service  
8 establishment or employee pursuant to paragraph (6)(a).

9       (c) Participating in falsifying any training record.

10       (d) Failure of the program to maintain the division's  
11 minimum program standards.

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13 (Redesignate subsequent sections.)

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

17 And the title is amended as follows:

18       On page 2, line 24, after the semicolon

19

20 insert:

21       amending s. 509.013, F.S.; defining the term  
22       "third party provider" for purposes of public  
23       lodging and public food service establishments;  
24       amending s. 509.049, F.S.; revising provisions  
25       regarding approval of foods safety training  
26       programs and responsibilities of public food  
27       service establishments, employees, and third  
28       party providers of training; revising  
29       rulemaking authority; providing penalties;;

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