

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Goodlette offered the following:

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3 **Amendment (with title amendment)**

4 Between line(s) 670 and 671, insert:

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

9 509.013 Definitions.--As used in this chapter, the term:

10 (10) "Third party provider" means, for purposes of s.  
11 509.049, any provider of an approved food safety training  
12 program that provides training or such a training program to a  
13 public food service establishment that is not under common  
14 ownership or control with the provider.

15 Section 8. Subsections (3), (4), and (5) of section  
16 509.049, Florida Statutes, are amended, present subsection (6)

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17 of that section is redesignated as subsection (7), and new  
18 subsections (6) and (8) are added to that section, to read:

19 509.049 Food service employee training.--

20 (3) Any food safety training program established and  
21 administered to food service handler employees utilized at a  
22 licensed public food service establishment prior to July 1,  
23 2000, shall ~~may~~ be submitted by the operator or the third party  
24 provider to the division for its review and approval on or  
25 before September 1, 2004. If the food safety training program  
26 is found to be in substantial compliance with the division's  
27 required criteria and is approved by the division, nothing in  
28 this section shall preclude any other operator of a food service  
29 establishment from also utilizing the approved program or  
30 require the employees of any operator to receive training from  
31 or pay a fee to the division's contracted provider. Review and  
32 approval by the division of a program or programs under this  
33 section shall include, but need not be limited to, verification  
34 that the licensed public food service establishment utilized the  
35 program prior to July 1, 2000, and the minimum food safety  
36 standards adopted by the division in accordance with this  
37 section.

38 (4) Approval of a program is subject to the provider's  
39 continued compliance with the division's minimum program  
40 standards. The division may conduct random audits of any  
41 approved programs to determine compliance and may audit any  
42 program if it has reason to believe a program is not in  
43 compliance with this section. The division may revoke a

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44 program's approval if it finds a program is not in compliance  
45 with this section or the rules adopted under this section.

46 (5) It shall be the duty of each ~~the licensee of the~~  
47 public food service establishment to provide training in  
48 accordance with the described rule to all food service employees  
49 of the public food service establishment ~~under the licensee's~~  
50 ~~supervision or control~~. The public food service establishment  
51 licensee may designate any a certified food service manager to  
52 perform this function ~~as an agent of the licensee~~. Food service  
53 employees must receive certification within 60 days after  
54 employment. Certification pursuant to this section shall remain  
55 valid for 3 years. All public food service establishments must  
56 provide the division with proof of employee training upon  
57 request, including, but not limited to, at the time of any  
58 division inspection of the establishment. Proof of training for  
59 each food service employee shall include the name of the trained  
60 employee, the date of birth of the trained employee, the date  
61 the training occurred, and the approved food safety training  
62 program used.

63 (6)(a) Third party providers shall issue to a public food  
64 service establishment an original certificate for each employee  
65 certified by the provider and an original card to be provided to  
66 each certified employee. Such card or certificate shall be  
67 produced by the certified food service employee or by the public  
68 food service establishment, respectively, in its duly issued  
69 original form upon request of the division.

70 (b) Effective January 1, 2005, each third party provider  
71 shall provide the following information on each employee upon

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72 certification and recertification: the name of the certified  
73 food service employee, the employee's date of birth, the  
74 employing food service establishment, the name of the certified  
75 food manager who conducted the training, the training date, and  
76 the certification expiration date. This information shall be  
77 reported electronically to the division, in a format prescribed  
78 by the division, within 30 days of certification or  
79 recertification. The division shall compile the information into  
80 an electronic database that is not directly or indirectly owned,  
81 maintained, or installed by any nongovernmental provider of food  
82 service training. A public food service establishment that  
83 trains its employees using its own in-house, proprietary food  
84 safety training program approved by the division, and which uses  
85 its own employees to provide this training, shall be exempt from  
86 the electronic reporting requirements of this paragraph, and  
87 from the card or certificate requirement of paragraph (a).

88 ~~(7)(6)~~ The division may adopt rules pursuant to ss.  
89 120.536(1) and 120.54 necessary to administer this section. The  
90 rules may require:

91 (a) The use of application forms, which may require, but  
92 need not be limited to, the identification of training  
93 components of the program and an applicant affidavit attesting  
94 to the accuracy of the information provided in the application;

95 (b) Third party providers to maintain and electronically  
96 submit information concerning establishments where they provide  
97 training or training programs pursuant to this section;

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

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

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

108 (a) Failure of a public food service establishment to  
109 provide proof of training pursuant to subsection (5) upon  
110 request by the division or an original certificate to the  
111 division when required pursuant to paragraph (6)(a).

112 (b) Failure of a third party provider to submit required  
113 records pursuant to paragraph (6)(b) or to provide original  
114 certificates or cards to a public food service establishment or  
115 employee pursuant to paragraph (6)(a).

116 (c) Participating in falsifying any training record.

117 (d) Failure of the program to maintain the division's  
118 minimum program standards.

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

121 Remove line(s) 48 and insert:  
122 reference to conform; amending s. 509.013, F.S.; defining  
123 the term "third party provider" for purposes of public  
124 lodging and public food service establishments; amending  
125 s. 509.049, F.S.; revising provisions regarding approval  
126 of foods safety training programs and responsibilities of  
127 public food service establishments, employees, and third

HOUSE AMENDMENT

Bill No. HB 851 CS

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128 | party providers of training; revising rulemaking  
129 | authority; providing penalties; providing an effective  
130 | date.

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