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2 An act relating to lodging and food service  
3 establishments; amending s. 509.291, F.S.;  
4 revising membership provisions of the  
5 Department of Business and Professional  
6 Regulation's Division of Hotels and  
7 Restaurants' advisory council; amending s.  
8 509.302, F.S.; revising the Hospitality  
9 Education Program; replacing the director of  
10 education with the division as administrator of  
11 the program; revising provisions relating to  
12 the administration of the program; revising the  
13 training and training-related activities funded  
14 by the program; deleting certain provisions  
15 relating to duties and responsibilities of the  
16 director of education; providing criteria by  
17 which grants may be awarded under the program;  
18 amending s. 509.072, F.S.; conforming  
19 cross-references; amending s. 509.261, F.S.;  
20 providing for the use of administrative fines;  
21 providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25 Section 1. Paragraphs (a) and (b) of subsection (1) of  
26 section 509.291, Florida Statutes, are amended to read:

27 509.291 Advisory council.--

28 (1) There is created a 10-member advisory council.

29 (a) The Secretary of Business and Professional  
30 Regulation shall appoint seven ~~five~~ voting members to the  
31 advisory council. Each member appointed by the secretary must

1 be an operator of an establishment licensed under this chapter  
2 and shall represent the industries regulated by the division,  
3 except that one member appointed by the secretary must be a  
4 layperson representing ~~and shall represent~~ the general public  
5 and one member must be a hospitality education administrator  
6 from an institution of higher education of this state. Such  
7 members of the council shall serve staggered terms of 4 years.

8 (b) The ~~Florida Hotel and Motel Association, the~~  
9 Florida Restaurant and Lodging Association shall designate one  
10 representative to serve as a voting member of the council.

11 The Florida Apartment Association, and the Florida Association  
12 of Realtors shall each designate one representative to serve  
13 as a voting member of the council. ~~In addition, one~~  
14 ~~hospitality administration educator from an institution of~~  
15 ~~higher education affiliated with the Hospitality Education~~  
16 ~~Program pursuant to s. 509.302(2) shall serve for a term of 2~~  
17 ~~years as a voting member of the council. This single~~  
18 ~~representative shall be designated on a rotating basis by the~~  
19 ~~institution or institutions of higher education affiliated~~  
20 ~~with this program pursuant to s. 509.302(2).~~

21 Section 2. Section 509.302, Florida Statutes, is  
22 amended to read:

23 509.302 Hospitality Education Program ~~Director of~~  
24 ~~education; personnel; employment duties; compensation.--~~

25 (1) The division ~~director shall, with the advice of~~  
26 ~~the advisory council, employ a director of education for the~~  
27 ~~lodging and food service industry.~~

28 (2) ~~The director of education shall~~ administer develop  
29 ~~and implement~~ an educational program, designated the  
30 "Hospitality Education Program," offered for the benefit of  
31 the restaurant and lodging industries of this state ~~entire~~

1 | ~~industry~~. This program may affiliate with Florida State  
2 | University, Florida International University, and the  
3 | University of Central Florida. The program may also affiliate  
4 | with any other member of the State University System or  
5 | Florida Community College System, or with any privately funded  
6 | college or university, which offers a program of hospitality  
7 | administration and management. The primary goal of this  
8 | program is to instruct and train all individuals and  
9 | businesses licensed under this chapter, in cooperation with  
10 | recognized associations that represent the licensees, in the  
11 | application of state and federal laws and rules. Such programs  
12 | shall also include:

13 |       (a) ~~Career training.~~

14 |       ~~(b)~~ Management training.

15 |       ~~(b)(c)~~ Inservice continuing education programs.

16 |       ~~(c)(d)~~ Awareness of food-recovery programs, as

17 | promoted in s. 570.0725.

18 |       (d) Enhancement of school-to-career training and  
19 | transition programs for students interested in pursuing  
20 | careers in the food service or lodging industry. Training and  
21 | transition programs shall be provided through the public  
22 | school system using a nationally recognized curriculum  
23 | approved by the division, with the enhancements funded under  
24 | this section provided by grants from nonprofit statewide  
25 | organizations in the hospitality services field, and the  
26 | application process for the grants shall be administered by  
27 | the division.

28 |       (e) Such other programs as may be deemed appropriate  
29 | by the director and ~~of the division~~, the advisory council, ~~and~~  
30 | ~~the director of education.~~

31 |

1       ~~(2)(3)~~ All public lodging establishments and all  
2 public food service establishments licensed under this chapter  
3 shall pay an annual fee of no more than \$10, which shall be  
4 included in the annual license fee and ~~which shall be~~ used for  
5 the sole purpose of funding the Hospitality Education Program.

6       (3) Notwithstanding any other provision of law to the  
7 contrary, grant funding under this section for the services  
8 described in paragraph (1)(d) shall include all expenses  
9 incident to providing those services, including the cost of  
10 staff support; student scholarships; compensation to program  
11 instructors for time spent in relevant training; special  
12 events or competitive events; and a reasonable stipend for  
13 travel, lodging, and meals for instructors and students  
14 participating in training or in related special events. All  
15 such expenses shall be in accordance with the budget submitted  
16 by the applicant in the grant application and approved by the  
17 division. The expenditure of all funds distributed under this  
18 section shall be subject to audit by the division.

19       (4) The director ~~of education~~ shall formulate an  
20 annual budget, programs, and activities to accomplish the  
21 purposes of this section, in accordance with and subject to  
22 the advice and recommendations of the advisory council.

23       (a) The annual budget of the Hospitality Education  
24 Program must show that the total fees ~~or charges~~ estimated to  
25 be collected during the next fiscal year under this section  
26 will be dedicated solely to the estimated cost of funding the  
27 Hospitality Education Program, less any trust fund service  
28 charge imposed by s. 215.20. If the estimated cost of funding  
29 the Hospitality Education Program in any fiscal year is less  
30 than the total fees ~~or charges~~ estimated to be collected  
31 during that year, the director ~~of education~~ shall submit a

1 report to the advisory council ~~division director~~ demonstrating  
2 why the amount of such fee ~~or charge~~ should not be immediately  
3 reduced to eliminate the projected surplus. The ~~division~~  
4 director shall also submit forward this report to the  
5 Secretary of Business and Professional Regulation as part of  
6 the division's annual budget request.

7 (b) Both the secretary's legislative budget requests  
8 submitted pursuant to ss. 216.023 and 216.031 and the  
9 Governor's recommended budget submitted pursuant to s. 216.163  
10 must also show that the total fees ~~or charges~~ estimated to be  
11 collected during the next fiscal year under this section will  
12 be dedicated solely to funding the Hospitality Education  
13 Program, less any trust fund service charge imposed by s.  
14 215.20. If the estimated cost of funding the Hospitality  
15 Education Program in any fiscal year is less than the total  
16 fees ~~or charges~~ estimated to be collected during that year,  
17 the secretary shall submit a report demonstrating why the  
18 amount of such fee ~~or charge~~ should not be immediately reduced  
19 to eliminate the projected surplus.

20 ~~(5) The director of education, with the approval of~~  
21 ~~the director and with the advice of the advisory council, may~~  
22 ~~employ such personnel as necessary to carry out the purposes~~  
23 ~~of this section.~~

24 ~~(6) The director of education and any staff shall~~  
25 ~~receive such compensation as may be approved by the director~~  
26 ~~acting with the advice of the advisory council.~~

27 ~~(5)(7) The director of education, with the approval of~~  
28 The director, ~~and~~ and with the consent of the advisory council,  
29 may designate funds, not to exceed ~~\$250,000~~ \$150,000 annually,  
30 to support school-to-career transition programs available  
31 through statewide organizations in the hospitality services

1 field. Such programs shall be designed to prepare students for  
2 progressive careers in the hospitality industry. ~~The director~~  
3 ~~of education, with the approval of~~ The director, ~~and~~ with the  
4 consent of the advisory council, may also designate funds, not  
5 to exceed \$50,000 annually, to support food safety training  
6 programs available through statewide organizations in the  
7 hospitality services field, and not to exceed \$50,000  
8 annually, to support nontransient public lodging training  
9 programs available through statewide organizations in the  
10 public lodging services field.

11 ~~(6)(a)~~ The director ~~of education~~ shall have  
12 supervision over the administration of the programs set forth  
13 in this subsection and shall report the status of the programs  
14 at all meetings of the advisory council and at such other  
15 times as are prescribed by the advisory council.

16 ~~(7)(b)~~ The division shall adopt rules providing the  
17 criteria for grant program approval and the procedures for  
18 processing grant program applications. The criteria and  
19 procedures shall be approved by the advisory council. The  
20 criteria shall give primary consideration to the experience  
21 and history of the applicant in representing the food service  
22 or lodging industry, the applicant's prior commitment to  
23 school-to-career transition programs in the food service or  
24 lodging industry, and the applicant's demonstrated ability to  
25 provide services statewide with industry support and  
26 participation. Grants awarded under this section shall be for  
27 a term of 4 years, with funding provided on an annual basis.

28 Section 3. 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.--

1           (2) Fees collected under s. 509.302~~(2)(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~~(2)(3)~~ and all  
11 charges against those fees must be maintained by the  
12 department as a separate ledger.

13           Section 4. Subsection (4) of section 509.261, Florida  
14 Statutes, is amended to read:

15           509.261 Revocation or suspension of licenses; fines;  
16 procedure.--

17           (4) All funds received by the division as satisfaction  
18 for administrative fines shall be paid into the State Treasury  
19 to the credit of the Hotel and Restaurant Trust Fund and may  
20 not subsequently be used for payment to any entity performing  
21 required inspections under contract with the division.  
22 Administrative fines may be used to support division programs  
23 pursuant to s. 509.302(1).

24           Section 5. This act shall take effect July 1, 2007.  
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