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1 A bill to be entitled

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

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Paragraphs (a) and (b) of subsection (1) of
22 section 509.291, Florida Statutes, are amended to read:

23 509.291 Advisory council.--

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

25 (a) The Secretary of Business and Professional Regulation
26 shall appoint six ~~five~~ voting members to the advisory council.
27 Each member appointed by the secretary must be an operator of an
28 establishment licensed under this chapter and shall represent

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29 the industries regulated by the division, except that one member
 30 appointed by the secretary must be a layperson representing and
 31 ~~shall represent~~ the general public and one member must be a
 32 hospitality education administrator from an institution of
 33 higher education of this state. Such members of the council
 34 shall serve staggered terms of 4 years.

35 (b) The ~~Florida Hotel and Motel Association,~~ the Florida
 36 Restaurant and Lodging Association shall designate one
 37 representative from the lodging industry and one representative
 38 from the food service industry to serve as voting members of the
 39 council. The Florida Apartment Association, and the Florida
 40 Association of Realtors shall each designate one representative
 41 to serve as a voting member of the council. ~~In addition, one~~
 42 ~~hospitality administration educator from an institution of~~
 43 ~~higher education affiliated with the Hospitality Education~~
 44 ~~Program pursuant to s. 509.302(2) shall serve for a term of 2~~
 45 ~~years as a voting member of the council. This single~~
 46 ~~representative shall be designated on a rotating basis by the~~
 47 ~~institution or institutions of higher education affiliated with~~
 48 ~~this program pursuant to s. 509.302(2).~~

49 Section 2. Section 509.302, Florida Statutes, is amended
 50 to read:

51 509.302 Hospitality Education Program Director of
 52 ~~education; personnel; employment duties; compensation.--~~

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

56 ~~(2) The director of education shall~~ administer ~~develop and~~
 57 ~~implement~~ an educational program, designated the "Hospitality
 58 Education Program," offered for the benefit of the food service
 59 and lodging industries of this state ~~entire industry~~. This
 60 ~~program may affiliate with Florida State University, Florida~~
 61 ~~International University, and the University of Central Florida.~~
 62 ~~The program may also affiliate with any other member of the~~
 63 ~~State University System or Florida Community College System, or~~
 64 ~~with any privately funded college or university, which offers a~~
 65 ~~program of hospitality administration and management.~~ The
 66 ~~primary goal of this program~~ shall be administered with the
 67 advice of the advisory council and shall fund through grants the
 68 following types of training and training-related activities ~~is~~
 69 ~~to instruct and train all individuals and businesses licensed~~
 70 ~~under this chapter, in cooperation with recognized associations~~
 71 ~~that represent the licensees, in the application of state and~~
 72 ~~federal laws and rules. Such programs shall also include:~~

73 (a) Training provided by the division to licensees under
 74 this chapter and the licensees' managers and employees in the
 75 application of state and federal laws and rules to the
 76 operations of the licensees and the licensees' managers and
 77 employees.

78 (b) Enhancement of school-to-career training and
 79 transition programs for students interested in pursuing careers
 80 in the food service or lodging industry. Training and transition
 81 programs shall be provided through the public school system
 82 utilizing a nationally recognized curriculum approved by the
 83 division, with the enhancements funded under this section

84 provided by nonprofit statewide organizations in the hospitality
 85 services field. Enhancement activities under this section shall
 86 be funded by grants and the application process for the grants
 87 shall be administered by the division. Such activities may
 88 include providing job experience opportunities for students;
 89 day-to-day support for program instructors; student
 90 scholarships; special events recognizing outstanding students,
 91 instructors, industry mentors, or program sponsors; program-
 92 related competitive events for students; and continuous
 93 inservice training for instructors.

94 ~~(a) Career training.~~

95 ~~(b) Management training.~~

96 ~~(c) Inservice continuing education programs.~~

97 ~~(d) Awareness of food recovery programs, as promoted in s.~~
 98 ~~570.0725.~~

99 ~~(e) Such other programs as may be deemed appropriate by~~
 100 ~~the director of the division, the advisory council, and the~~
 101 ~~director of education.~~

102 (2)(3) All public lodging establishments and all public
 103 food service establishments licensed under this chapter shall
 104 pay an annual fee of no more than \$10, which shall be included
 105 in the annual license fee and which shall be used for the sole
 106 purpose of funding the Hospitality Education Program. The
 107 division may expend up to 35 percent of the funds collected
 108 under this subsection for the sole purpose of providing the
 109 services described in paragraph (1) (a) and of recouping the
 110 division's direct expenses incurred in administering the
 111 Hospitality Education Program. The division shall annually

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112 expend all remaining funds collected under this subsection to
113 fund grants for the services described in paragraph (1)(b). All
114 funds left unexpended in any state fiscal year shall be made
115 available in the following state fiscal year to fund grants for
116 the services described in paragraph (1)(b).

117 (3) Notwithstanding any other provision of law to the
118 contrary, grant funding under this section for the services
119 described in paragraph (1)(b) shall include all expenses
120 incident to providing those services, including the cost of
121 staff support; student scholarships; compensation to program
122 instructors for time spent in relevant training; special events
123 or competitive events; and a reasonable stipend for travel,
124 lodging, and meals for instructors and students participating in
125 training or in related special events. All such expenses shall
126 be in accordance with the budget submitted by the applicant in
127 the grant application and approved by the division. The
128 expenditure of all funds distributed under this section shall be
129 subject to audit by the division.

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

134 (a) The annual budget of the Hospitality Education Program
135 must show that the total fees ~~or charges~~ estimated to be
136 collected during the next fiscal year under this section will be
137 dedicated solely to the estimated cost of funding the
138 Hospitality Education Program, less any trust fund service
139 charge imposed by s. 215.20. If the estimated cost of funding

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140 the Hospitality Education Program in any fiscal year is less
141 than the total fees ~~or charges~~ estimated to be collected during
142 that year, the director ~~of education~~ shall submit a report to
143 the advisory council ~~division director~~ demonstrating why the
144 amount of such fee ~~or charge~~ should not be immediately reduced
145 to eliminate the projected surplus. The ~~division~~ director shall
146 also submit forward this report to the Secretary of Business and
147 Professional Regulation as part of the division's annual budget
148 request.

149 (b) Both the secretary's legislative budget requests
150 submitted pursuant to ss. 216.023 and 216.031 and the Governor's
151 recommended budget submitted pursuant to s. 216.163 must also
152 show that the total fees ~~or charges~~ estimated to be collected
153 during the next fiscal year under this section will be dedicated
154 solely to funding the Hospitality Education Program, less any
155 trust fund service charge imposed by s. 215.20. If the estimated
156 cost of funding the Hospitality Education Program in any fiscal
157 year is less than the total fees ~~or charges~~ estimated to be
158 collected during that year, the secretary shall submit a report
159 demonstrating why the amount of such fee ~~or charge~~ should not be
160 immediately reduced to eliminate the projected surplus.

161 ~~(5) The director of education, with the approval of the~~
162 ~~director and with the advice of the advisory council, may employ~~
163 ~~such personnel as necessary to carry out the purposes of this~~
164 ~~section.~~

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

168 ~~(7) The director of education, with the approval of the~~
169 ~~director and with the consent of the advisory council, may~~
170 ~~designate funds, not to exceed \$150,000 annually, to support~~
171 ~~school-to-career transition programs available through statewide~~
172 ~~organizations in the hospitality services field. Such programs~~
173 ~~shall be designed to prepare students for progressive careers in~~
174 ~~the hospitality industry. The director of education, with the~~
175 ~~approval of the director and with the consent of the advisory~~
176 ~~council, may also designate funds, not to exceed \$50,000~~
177 ~~annually, to support food safety training programs available~~
178 ~~through statewide organizations in the hospitality services~~
179 ~~field, and not to exceed \$50,000 annually, to support~~
180 ~~nontransient public lodging training programs available through~~
181 ~~statewide organizations in the public lodging services field.~~

182 (5)(a) The director of education shall have supervision
183 over the administration of the programs set forth in this
184 subsection and shall report the status of the programs at all
185 meetings of the advisory council and at such other times as are
186 prescribed by the advisory council.

187 (6)(b) The division shall adopt rules providing the
188 criteria for grant program approval and the procedures for
189 processing grant program applications. The criteria and
190 procedures shall be approved by the advisory council. The
191 criteria shall include the experience and history of the
192 applicant in representing the food service or lodging industry,
193 the applicant's prior commitment to school-to-career transition
194 programs in the food service or lodging industry, and the
195 applicant's ability to provide services statewide with industry

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196 support and participation. Grants awarded under this section
 197 shall be for a term of 4 years, with funding provided on an
 198 annual basis.

199 Section 3. Subsection (2) of section 509.072, Florida
 200 Statutes, is amended to read:

201 509.072 Hotel and Restaurant Trust Fund; collection and
 202 disposition of moneys received.--

203 (2) Fees collected under s. 509.302 (2) ~~(3)~~ and deposited
 204 into the trust fund must be used solely for the purpose of
 205 funding the Hospitality Education Program, except for any trust
 206 fund service charge imposed by s. 215.20, and may not be used to
 207 pay for any expense of the division not directly attributable to
 208 the Hospitality Education Program. These funds may not be
 209 deposited or transferred into any other trust fund administered
 210 by the Department of Business and Professional Regulation or any
 211 of its divisions. For audit purposes, fees collected under s.
 212 509.302 (2) ~~(3)~~ and all charges against those fees must be
 213 maintained by the department as a separate ledger.

214 Section 4. This act shall take effect July 1, 2007.