

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

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

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 21 Section 1. Subsection (4) of section 509.261, Florida
 22 Statutes, is amended to read:

23 509.261 Revocation or suspension of licenses; fines;
 24 procedure.--

25 (4) All funds received by the division as satisfaction for
 26 administrative fines shall be paid into the State Treasury to
 27 the credit of the Hotel and Restaurant Trust Fund and may not
 28 subsequently be used for payment to any entity performing

29 required inspections under contract with the division.
 30 Administrative fines may be used to support division programs
 31 pursuant to s. 509.302(1).

32 Section 2. Paragraphs (a) and (b) of subsection (1) of
 33 section 509.291, Florida Statutes, are amended to read:

34 509.291 Advisory council.--

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

36 (a) The Secretary of Business and Professional Regulation
 37 shall appoint seven ~~five~~ voting members to the advisory council.
 38 Each member appointed by the secretary must be an operator of an
 39 establishment licensed under this chapter and shall represent
 40 the industries regulated by the division, except that one member
 41 appointed by the secretary must be a layperson representing and
 42 ~~shall represent~~ the general public and one member must be a
 43 hospitality education administrator from an institution of
 44 higher education of this state. Such members of the council
 45 shall serve staggered terms of 4 years.

46 (b) ~~The Florida Hotel and Motel Association, the Florida~~
 47 ~~Restaurant and Lodging Association shall designate one~~
 48 representative to serve as a voting member of the council. ~~The~~
 49 ~~Florida Apartment Association,~~ and the Florida Association of
 50 Realtors shall each designate one representative to serve as a
 51 voting member of the council. ~~In addition, one hospitality~~
 52 ~~administration educator from an institution of higher education~~
 53 ~~affiliated with the Hospitality Education Program pursuant to s.~~
 54 ~~509.302(2) shall serve for a term of 2 years as a voting member~~
 55 ~~of the council. This single representative shall be designated~~
 56 ~~on a rotating basis by the institution or institutions of higher~~

57 ~~education affiliated with this program pursuant to s.~~
 58 ~~509.302(2).~~

59 Section 3. Section 509.302, Florida Statutes, is amended
 60 to read:

61 509.302 Hospitality Education Program ~~Director of~~
 62 ~~education; personnel; employment duties; compensation.--~~

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

66 ~~(2) The director of education shall administer develop and~~
 67 ~~implement~~ an educational program, designated the "Hospitality
 68 Education Program," offered for the benefit of the restaurant
 69 and lodging industries of this state ~~entire industry~~. This
 70 program may affiliate with Florida State University, Florida
 71 International University, and the University of Central Florida.
 72 The program may also affiliate with any other member of the
 73 State University System or Florida Community College System, or
 74 with any privately funded college or university, which offers a
 75 program of hospitality administration and management. The
 76 primary goal of this program is to instruct and train all
 77 individuals and businesses licensed under this chapter, in
 78 cooperation with recognized associations that represent the
 79 licensees, in the application of state and federal laws and
 80 rules. Such programs shall also include:

- 81 (a) ~~Career training.~~
- 82 ~~(b)~~ Management training.
- 83 (b) ~~(c)~~ Inservice continuing education programs.

84 (c)~~(d)~~ Awareness of food-recovery programs, as promoted in
 85 s. 570.0725.

86 (d) Enhancement of school-to-career training and
 87 transition programs for students interested in pursuing careers
 88 in the food service or lodging industry. Training and transition
 89 programs shall be provided through the public school system
 90 utilizing a nationally recognized curriculum approved by the
 91 division, with the enhancements funded under this section
 92 provided by grants from nonprofit statewide organizations in the
 93 hospitality services field, and the application process for the
 94 grants shall be administered by the division.

95 (e) Such other programs as may be deemed appropriate by
 96 the director and ~~of the division,~~ the advisory council, ~~and the~~
 97 ~~director of education.~~

98 (2)~~(3)~~ All public lodging establishments and all public
 99 food service establishments licensed under this chapter shall
 100 pay an annual fee of no more than \$10, which shall be included
 101 in the annual license fee and ~~which shall be used for the sole~~
 102 ~~purpose of funding the Hospitality Education Program.~~

103 (3) Notwithstanding any other provision of law to the
 104 contrary, grant funding under this section for the services
 105 described in paragraph (1)(d) shall include all expenses
 106 incident to providing those services, including the cost of
 107 staff support; student scholarships; compensation to program
 108 instructors for time spent in relevant training; special events
 109 or competitive events; and a reasonable stipend for travel,
 110 lodging, and meals for instructors and students participating in
 111 training or in related special events. All such expenses shall

112 be in accordance with the budget submitted by the applicant in
 113 the grant application and approved by the division. The
 114 expenditure of all funds distributed under this section shall be
 115 subject to audit by the division.

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

120 (a) The annual budget of the Hospitality Education Program
 121 must show that the total fees ~~or charges~~ estimated to be
 122 collected during the next fiscal year under this section will be
 123 dedicated solely to the estimated cost of funding the
 124 Hospitality Education Program, less any trust fund service
 125 charge imposed by s. 215.20. If the estimated cost of funding
 126 the Hospitality Education Program in any fiscal year is less
 127 than the total fees ~~or charges~~ estimated to be collected during
 128 that year, the director ~~of education~~ shall submit a report to
 129 the advisory council ~~division director~~ demonstrating why the
 130 amount of such fee ~~or charge~~ should not be immediately reduced
 131 to eliminate the projected surplus. The ~~division~~ director shall
 132 also submit forward this report to the Secretary of Business and
 133 Professional Regulation as part of the division's annual budget
 134 request.

135 (b) Both the secretary's legislative budget requests
 136 submitted pursuant to ss. 216.023 and 216.031 and the Governor's
 137 recommended budget submitted pursuant to s. 216.163 must also
 138 show that the total fees ~~or charges~~ estimated to be collected
 139 during the next fiscal year under this section will be dedicated

140 solely to funding the Hospitality Education Program, less any
141 trust fund service charge imposed by s. 215.20. If the estimated
142 cost of funding the Hospitality Education Program in any fiscal
143 year is less than the total fees ~~or charges~~ estimated to be
144 collected during that year, the secretary shall submit a report
145 demonstrating why the amount of such fee ~~or charge~~ should not be
146 immediately reduced to eliminate the projected surplus.

147 ~~(5) The director of education, with the approval of the~~
148 ~~director and with the advice of the advisory council, may employ~~
149 ~~such personnel as necessary to carry out the purposes of this~~
150 ~~section.~~

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

154 ~~(5)(7) The director of education, with the approval of The~~
155 ~~director, and with the consent of the advisory council, may~~
156 ~~designate funds, not to exceed \$250,000 ~~\$150,000~~ annually, to~~
157 ~~support school-to-career transition programs available through~~
158 ~~statewide organizations in the hospitality services field. Such~~
159 ~~programs shall be designed to prepare students for progressive~~
160 ~~careers in the hospitality industry. ~~The director of education,~~~~
161 ~~with the approval of The director, and with the consent of the~~
162 ~~advisory council, may also designate funds, not to exceed~~
163 ~~\$50,000 annually, to support food safety training programs~~
164 ~~available through statewide organizations in the hospitality~~
165 ~~services field, and not to exceed \$50,000 annually, to support~~
166 ~~nontransient public lodging training programs available through~~
167 ~~statewide organizations in the public lodging services field.~~

168 (a) The director ~~of education~~ shall have supervision over
169 the administration of the programs set forth in this subsection
170 and shall report the status of the programs at all meetings of
171 the advisory council and at such other times as are prescribed
172 by the advisory council.

173 (b) The division shall adopt rules providing the criteria
174 for grant ~~program~~ approval and the procedures for processing
175 grant ~~program~~ applications. The criteria and procedures shall be
176 approved by the advisory council. The criteria shall give
177 primary consideration to the experience and history of the
178 applicant in representing the food service or lodging industry,
179 the applicant's prior commitment to school-to-career transition
180 programs in the food service or lodging industry, and the
181 applicant's demonstrated ability to provide services statewide
182 with industry support and participation. Grants awarded under
183 this section shall be for a term of 4 years, with funding
184 provided on an annual basis.

185 Section 4. Subsection (2) of section 509.072, Florida
186 Statutes, is amended to read:

187 509.072 Hotel and Restaurant Trust Fund; collection and
188 disposition of moneys received.--

189 (2) Fees collected under s. 509.302 (2) ~~(3)~~ and deposited
190 into the trust fund must be used solely for the purpose of
191 funding the Hospitality Education Program, except for any trust
192 fund service charge imposed by s. 215.20, and may not be used to
193 pay for any expense of the division not directly attributable to
194 the Hospitality Education Program. These funds may not be
195 deposited or transferred into any other trust fund administered

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196 | by the Department of Business and Professional Regulation or any
197 | of its divisions. For audit purposes, fees collected under s.
198 | 509.302(2) ~~(3)~~ and all charges against those fees must be
199 | maintained by the department as a separate ledger.
200 | Section 5. This act shall take effect July 1, 2007.