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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/09/2011	.	
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The Committee on Commerce and Tourism (Flores) recommended the following:

Senate Amendment (with title amendment)

Between lines 184 and 185
insert:

Section 5. Subsection (7) of section 509.032, Florida Statutes, is amended to read:

509.032 Duties.—

(7) PREEMPTION AUTHORITY.—The regulation of public lodging establishments and public food service establishments, including, but not limited to, ~~the inspection of public lodging establishments and public food service establishments for compliance with the~~ sanitation standards, inspections, adopted



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13 ~~under this section, and the regulation of food safety protection~~
14 ~~standards for required~~ training and testing of ~~food service~~
15 ~~establishment personnel,~~ and matters related to the nutritional
16 content and marketing of foods offered in such establishments,
17 are preempted to the state. This subsection does not preempt the
18 authority of a local government or local enforcement district to
19 conduct inspections of public lodging and public food service
20 establishments for compliance with the Florida Building Code and
21 the Florida Fire Prevention Code, pursuant to ss. 553.80 and
22 633.022.

23 Section 6. Subsection (1) of section 509.261, Florida
24 Statutes, is amended to read:

25 509.261 Revocation or suspension of licenses; fines;
26 procedure.—

27 (1) Any public lodging establishment or public food service
28 establishment that has operated or is operating in violation of
29 this chapter or the rules of the division, operating without a
30 license, or operating with a suspended or revoked license may be
31 subject by the division to:

32 (a) Fines not to exceed \$1,000 per offense;

33 (b) Mandatory completion attendance, at personal expense,
34 of a remedial at-an educational program administered sponsored
35 by a food safety training program provider whose program has
36 been approved by the division, as provided in s. 509.049 the
37 ~~Hospitality Education Program~~; and

38 (c) The suspension, revocation, or refusal of a license
39 issued pursuant to this chapter.

40
41 ===== T I T L E A M E N D M E N T =====



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42 And the title is amended as follows:

43 Delete lines 2 - 17

44 and insert:

45 An act relating to public lodging and public food
46 service establishments; providing a short title;
47 amending s. 509.144, F.S.; revising definitions;
48 providing additional penalties for the offense of
49 unlawfully distributing handbills in a public lodging
50 establishment; specifying that certain items used in
51 committing such offense are subject to seizure and
52 forfeiture under the Florida Contraband Forfeiture
53 Act; amending s. 901.15, F.S.; authorizing a law
54 enforcement officer to arrest a person without a
55 warrant when there is probable cause to believe the
56 person violated s. 509.144, F.S., and where the owner
57 or manager of the public lodging establishment signs
58 an affidavit containing information supporting the
59 determination of probable cause; amending s. 932.701,
60 F.S.; revising the definition of the term
61 "contraband"; amending s. 509.032, F.S.; clarifying
62 provisions relating to the preemption to the state of
63 the regulation of public lodging and public food
64 service establishments; amending s. 509.261, F.S.;
65 providing for remedial training in response to a
66 violation of laws or rules governing public lodging
67 and public food service establishments; providing that
68 the terms and provisions