



212134

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2011	.	
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The Committee on Regulated Industries (Norman) recommended the following:

1 **Senate Amendment to Amendment (501282) (with title**
2 **amendment)**

3
4 Delete lines 36 - 54
5 and insert:

6 (7) PREEMPTION AUTHORITY.—

7 (a) The regulation of public lodging establishments and
8 public food service establishments, including, but not limited
9 to, ~~the inspection of public lodging establishments and public~~
10 ~~food service establishments for compliance with the sanitation~~
11 ~~standards, inspections, adopted under this section, and the~~
12 ~~regulation of food safety protection standards for required~~



212134

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

22 (b) Notwithstanding any local law, ordinance, or
23 regulation, a vacation rental, as described in s. 509.242(1)(c),
24 is deemed residential property and may not be prohibited or
25 treated differently than other residential property based solely
26 on its classification, use, or occupancy.

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29 Between lines 171 and 172
30 insert:

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

33 509.261 Revocation or suspension of licenses; fines;
34 procedure.—

35 (1) Any public lodging establishment or public food service
36 establishment that has operated or is operating in violation of
37 this chapter or the rules of the division, operating without a
38 license, or operating with a suspended or revoked license may be
39 subject by the division to:

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

41 (b) Mandatory completion ~~attendance~~, at personal expense,



212134

42 of a remedial at an educational program administered sponsored
43 by a food safety training program provider whose program has
44 been approved by the division, as provided in s. 509.049 the
45 Hospitality Education Program; and

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

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

51 And the title is amended as follows:

52 Delete line 243

53 and insert:

54 changes made by the act; amending s. 509.261, F.S.;

55 revising mandatory education requirements for certain

56 violations; amending s. 509.291, F.S.;