

1                                   A bill to be entitled  
 2           An act relating to premises inspections; amending s.  
 3           509.032, F.S.; requiring the Division of Hotels and  
 4           Restaurants of the Department of Business and  
 5           Professional Regulation to adopt rules for a risk-  
 6           based inspection frequency for licensed public food  
 7           service establishments; providing criteria; conforming  
 8           terminology; providing an effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12           Section 1. Paragraph (a) of subsection (2) of section  
 13           509.032, Florida Statutes, is amended to read:

14           509.032 Duties.—

15           (2) INSPECTION OF PREMISES.—

16           (a) The division has ~~responsibility and jurisdiction and~~  
 17           is responsible for all inspections required by this chapter. The  
 18           division is responsible ~~has responsibility~~ for quality  
 19           assurance. The division shall inspect each licensed public  
 20           lodging establishment ~~shall be inspected~~ at least biannually,  
 21           except for transient and nontransient apartments, which shall be  
 22           inspected at least annually. Each establishment licensed by the  
 23           division, ~~and~~ shall be inspected at such other times as the  
 24           division determines is necessary to ensure the public's health,  
 25           safety, and welfare. The division shall, by no later than July  
 26           1, 2014, adopt by rule a risk-based ~~establish a system to~~  
 27           determine inspection frequency for each licensed public food  
 28           service establishment. The rule must require at least one, but

29 | not more than four, routine inspections that must be performed  
30 | annually, and may include guidelines that consider the  
31 | inspection and compliance history of a public food service  
32 | establishment, the type of food and food preparation, and the  
33 | type of service. The division shall annually reassess the  
34 | inspection frequency of all licensed public food service  
35 | establishments. Public lodging units classified as vacation  
36 | rentals are not subject to this requirement but shall be made  
37 | available to the division upon request. If, during the  
38 | inspection of a public lodging establishment classified for  
39 | renting to transient or nontransient tenants, an inspector  
40 | identifies vulnerable adults who appear to be victims of  
41 | neglect, as defined in s. 415.102, or, in the case of a building  
42 | that is not equipped with automatic sprinkler systems, tenants  
43 | or clients who may be unable to self-preserve in an emergency,  
44 | the division shall convene meetings with the following agencies  
45 | as appropriate to the individual situation: the Department of  
46 | Health, the Department of Elderly Affairs, the area agency on  
47 | aging, the local fire marshal, the landlord and affected tenants  
48 | and clients, and other relevant organizations, to develop a plan  
49 | that ~~which~~ improves the prospects for safety of affected  
50 | residents and, if necessary, identifies alternative living  
51 | arrangements such as facilities licensed under part II of  
52 | chapter 400 or under chapter 429.

53 | Section 2. This act shall take effect July 1, 2014.