

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL: SB 842

INTRODUCER: Senator Stargel

SUBJECT: Premises Inspections

DATE: March 12, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kraemer	Imhof	RI	Pre-meeting
2.	_____	_____	AGG	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 842 amends s. 509.032, F.S., relating to Premises Inspections. The bill authorizes the Division of Hotels and Restaurants of the Department of Business and Professional Regulation (division) to inspect all licensed public lodging establishments and public food service establishments at least biannually (two times per year), except for certain apartments that may be inspected only once per year. The bill requires that the division adopt a risk-based inspection frequency by rule for each licensed public food service establishment (food service establishment) to require at least one but not more than four routine inspections during a year.

The bill states that the rule may include guidelines that consider a food service establishment's inspection and compliance history, the type of food and food preparation methods, and the type of service being provided. The bill requires that the division annually reassess the inspection frequency of all food service establishments.

The bill provides a July 1, 2014 effective date.

This bill amends section 509.032, Florida Statutes.

II. Present Situation:

Section 509.032(2), F.S., requires the Division of Hotels and Restaurants (division) of the Department of Business and Professional Regulation (department) to inspect all licensed public lodging establishments and all licensed public food service establishments at least biannually (twice per year), except for certain apartments that may be inspected only once per year. The division must also inspect any licensed establishment as the division determines is necessary to

protect the health, safety, and welfare of the public, and establish a system to determine inspection frequency.¹

A public food service establishment is defined as any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption.² According to the department, there are more than 37,000 public lodging establishments and more than 47,000 public food service establishments in the state.³

The division amended Rule 61C-1.002 (8)(d), Florida Administrative Code effective January 1, 2013 (inspection rule) regarding its system to determine inspection frequency for licensed establishments.⁴ The inspection rule currently requires that public lodging establishments and public food service establishments be inspected a minimum of three times annually, with fewer mandatory inspections required for rooming houses, apartments, vending machines and vendors at temporary food service events.⁵

According to the department, 98% of food service establishments received the minimum required two routine inspections during fiscal year 2011-2012, while 27% (nearly 13,000) received more than two inspections related to investigations of complaints or callback inspections to confirm correction of violations.⁶ All of the division's inspectors are cross-trained to perform inspections for public lodging establishments and food service establishments.⁷

III. Effect of Proposed Changes:

The bill creates a distinction between inspections of licensed public lodging establishments and licensed public food service establishments. The bill maintains the current requirement that the division inspect each public lodging establishment at least biannually (twice per year), except for certain apartments that may be inspected only once per year. The bill changes the inspection frequency by rule for food service establishments, by requiring that the division adopt a risk-based inspection frequency for each licensed public food service establishment (food service establishment) to require at least one but not more than four routine inspections during a year for each food service establishment.

The bill states that guidelines may be established that consider a food service establishment's inspection and compliance history, the type of food and food preparation methods, and the type of service being provided. The bill requires that the division annually reassess the inspection frequency of all food service establishments.

¹Section 509.032(2), F.S.

²Section 509.013(5)(a), F.S.

³See *2013 Legislative Analysis for SB 842*, Office of Legislative Affairs, Florida Department of Business and Professional Regulation, February 20, 2013.

⁴See Rule 61C-1.002(8)(d), F.A.C.

⁵*Id.*

⁶*Supra* at n.3, at p. 2.

⁷*Id.*

The bill provides a July 1, 2014 effective date.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may increase the inspection burden on a food service establishment operating with a high risk to the public's health, safety, and welfare, based on its inspection and compliance history, the type of food and food preparation methods, and the type of service being provided. Conversely, the bill may reduce the inspection frequency for a food service establishment with a lower risk to the public's health, safety, and welfare, based on those same factors.

C. Government Sector Impact:

The inspection resources of the division will be sufficient to accomplish the revision in inspection frequency, as the division will be able to realign its workload to better use its existing resources.⁸

VI. Technical Deficiencies:

The title of the bill must be corrected to conform with the body of the bill. A title amendment has been drafted to correct this issue.

VII. Related Issues:

None.

⁸*Supra* at n. 3, at p. 3.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
