

By Senator Stargel

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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 inspect public lodgings
6 annually; requiring the division to adopt rules for a
7 risk-based inspection frequency for licensed public
8 food service establishments; providing criteria;
9 conforming terminology; providing an effective date.

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

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13 Section 1. Paragraph (a) of subsection (2) of section
14 509.032, Florida Statutes, is amended to read:

15 509.032 Duties.—

16 (2) INSPECTION OF PREMISES.—

17 (a) The division has ~~responsibility and jurisdiction and is~~
18 responsible for all inspections required by this chapter. The
19 division is responsible ~~has responsibility~~ for quality
20 assurance. The division shall inspect each licensed public
21 lodging establishment shall be inspected at least biannually,
22 except for transient and nontransient apartments, which shall be
23 inspected at least annually. Each establishment licensed by the
24 division, ~~and~~ shall be inspected at such other times as the
25 division determines is necessary to ensure the public's health,
26 safety, and welfare. The division shall by no later than July 1,
27 2014, adopt by rule a risk-based ~~establish a system to determine~~
28 inspection frequency for each licensed public food service
29 establishment. The rule must require at least one, but not more

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

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