

By the Committee on Regulated Industries; and Senator Stargel

580-02407-13

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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 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 is~~
17 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 1,
26 2014, adopt by rule a risk-based establish a system to determine
27 inspection frequency for each licensed public food service
28 establishment. The rule must require at least one, but not more
29 than four, routine inspections that must be performed annually,

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30 and may include guidelines that consider the inspection and
31 compliance history of a public food service establishment, the
32 type of food and food preparation, and the type of service. The
33 division shall annually reassess the inspection frequency of all
34 licensed public food service establishments. Public lodging
35 units classified as vacation rentals are not subject to this
36 requirement but shall be made available to the division upon
37 request. If, during the inspection of a public lodging
38 establishment classified for renting to transient or
39 nontransient tenants, an inspector identifies vulnerable adults
40 who appear to be victims of neglect, as defined in s. 415.102,
41 or, in the case of a building that is not equipped with
42 automatic sprinkler systems, tenants or clients who may be
43 unable to self-preserve in an emergency, the division shall
44 convene meetings with the following agencies as appropriate to
45 the individual situation: the Department of Health, the
46 Department of Elderly Affairs, the area agency on aging, the
47 local fire marshal, the landlord and affected tenants and
48 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.