

By Senator Stargel

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1                   A bill to be entitled  
2           An act relating to public lodging and public food  
3           service establishments; amending s. 509.032, F.S.;  
4           removing an obsolete date; revising the frequency at  
5           which the Division of Hotels and Restaurants of the  
6           Department of Business and Professional Regulation  
7           must reassess the inspection frequency of public food  
8           service establishments; removing the requirement that  
9           the department provide the food-recovery brochure to  
10          each inspected public food service establishment or  
11          temporary food service event sponsor; requiring the  
12          department to notify an inspected establishment or  
13          event sponsor of the food-recovery brochure's  
14          availability; removing the limitation on the period  
15          that a licensed public food service establishment may  
16          operate at a temporary food service event; amending s.  
17          509.091, F.S.; authorizing the division to deliver  
18          lodging inspection reports and food service inspection  
19          reports by electronic means; amending s. 509.101,  
20          F.S.; requiring an operator of a public food service  
21          establishment to make available a copy of the latest  
22          food service inspection report at the time of a  
23          division inspection; amending s. 509.251, F.S.;  
24          revising the assessment of the delinquent fee for the  
25          license renewal of a public lodging establishment and  
26          public food service establishment; providing an  
27          effective date.

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

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Section 1. Paragraphs (a) and (g) of subsection (2) and paragraph (c) of subsection (3) of section 509.032, Florida Statutes, are amended to read:

509.032 Duties.—

(2) INSPECTION OF PREMISES.—

(a) The division has jurisdiction and is responsible for all inspections required by this chapter. The division is responsible for quality assurance. The division shall inspect each licensed public lodging establishment at least biannually, except for transient and nontransient apartments, which shall be inspected at least annually. Each establishment licensed by the division shall be inspected at such other times as the division determines is necessary to ensure the public's health, safety, and welfare. The division shall, ~~by no later than July 1, 2014,~~ adopt by rule a risk-based inspection frequency for each licensed public food service establishment. The rule must require at least one, but not more than four, routine inspections that must be performed annually, and may include guidelines that consider the inspection and compliance history of a public food service establishment, the type of food and food preparation, and the type of service. The division shall ~~annually~~ reassess the inspection frequency of all licensed public food service establishments at least annually. Public lodging units classified as vacation rentals or timeshare projects are not subject to this requirement but shall be made available to the division upon request. If, during the inspection of a public lodging establishment classified for renting to transient or nontransient tenants, an inspector

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59 identifies vulnerable adults who appear to be victims of  
60 neglect, as defined in s. 415.102, or, in the case of a building  
61 that is not equipped with automatic sprinkler systems, tenants  
62 or clients who may be unable to self-preserve in an emergency,  
63 the division shall convene meetings with the following agencies  
64 as appropriate to the individual situation: the Department of  
65 Health, the Department of Elderly Affairs, the area agency on  
66 aging, the local fire marshal, the landlord and affected tenants  
67 and clients, and other relevant organizations, to develop a plan  
68 that improves the prospects for safety of affected residents  
69 and, if necessary, identifies alternative living arrangements  
70 such as facilities licensed under part II of chapter 400 or  
71 under chapter 429.

72 (g) In inspecting public food service establishments, the  
73 department shall notify ~~provide~~ each inspected establishment of  
74 the availability of ~~with~~ the food-recovery brochure developed  
75 under s. 595.420.

76 (3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE  
77 EVENTS.—The division shall:

78 (c) Administer a public notification process for temporary  
79 food service events and distribute educational materials that  
80 address safe food storage, preparation, and service procedures.

81 1. Sponsors of temporary food service events shall notify  
82 the division not less than 3 days before the scheduled event of  
83 the type of food service proposed, the time and location of the  
84 event, a complete list of food service vendors participating in  
85 the event, the number of individual food service facilities each  
86 vendor will operate at the event, and the identification number  
87 of each food service vendor's current license as a public food

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88 service establishment or temporary food service event licensee.  
89 Notification may be completed orally, by telephone, in person,  
90 or in writing. A public food service establishment or food  
91 service vendor may not use this notification process to  
92 circumvent the license requirements of this chapter.

93 2. The division shall keep a record of all notifications  
94 received for proposed temporary food service events and shall  
95 provide appropriate educational materials to the event sponsors  
96 and notify the event sponsors of the availability of, ~~including~~  
97 the food-recovery brochure developed under s. 595.420.

98 3.a. A public food service establishment or other food  
99 service vendor must obtain one of the following classes of  
100 license from the division: an individual license, for a fee of  
101 no more than \$105, for each temporary food service event in  
102 which it participates; or an annual license, for a fee of no  
103 more than \$1,000, that entitles the licensee to participate in  
104 an unlimited number of food service events during the license  
105 period. The division shall establish license fees, by rule, and  
106 may limit the number of food service facilities a licensee may  
107 operate at a particular temporary food service event under a  
108 single license.

109 b. Public food service establishments holding current  
110 licenses from the division may operate under the regulations of  
111 such a license at temporary food service events ~~of 3 days or~~  
112 ~~less in duration.~~

113 Section 2. Section 509.091, Florida Statutes, is amended to  
114 read:

115 509.091 Notices; form and service.—

116 (1) Each notice served by the division pursuant to this

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117 chapter must be in writing and must be delivered personally by  
118 an agent of the division or by registered letter to the operator  
119 of the public lodging establishment or public food service  
120 establishment. If the operator refuses to accept service or  
121 evades service or the agent is otherwise unable to effect  
122 service after due diligence, the division may post such notice  
123 in a conspicuous place at the establishment.

124 (2) Notwithstanding subsection (1), the division may  
125 deliver lodging inspection reports and food service inspection  
126 reports to the operator of the public lodging establishment or  
127 public food service establishment by electronic means.

128 Section 3. Subsection (1) of section 509.101, Florida  
129 Statutes, is amended to read:

130 509.101 Establishment rules; posting of notice; food  
131 service inspection report; maintenance of guest register; mobile  
132 food dispensing vehicle registry.—

133 (1) Any operator of a public lodging establishment or a  
134 public food service establishment may establish reasonable rules  
135 and regulations for the management of the establishment and its  
136 guests and employees; and each guest or employee staying,  
137 sojourning, eating, or employed in the establishment shall  
138 conform to and abide by such rules and regulations so long as  
139 the guest or employee remains in or at the establishment. Such  
140 rules and regulations shall be deemed to be a special contract  
141 between the operator and each guest or employee using the  
142 services or facilities of the operator. Such rules and  
143 regulations shall control the liabilities, responsibilities, and  
144 obligations of all parties. Any rules or regulations established  
145 pursuant to this section shall be printed in the English

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146 language and posted in a prominent place within such public  
147 lodging establishment or public food service establishment. In  
148 addition, any operator of a public food service establishment  
149 shall maintain a copy of the latest food service inspection  
150 ~~report or a duplicate copy on premises~~ and shall make it  
151 available to the division at the time of any division inspection  
152 of the establishment and to the public, upon request.

153 Section 4. Subsections (1) and (2) of section 509.251,  
154 Florida Statutes, are amended to read:

155 509.251 License fees.—

156 (1) The division shall adopt, by rule, a schedule of fees  
157 to be paid by each public lodging establishment as a  
158 prerequisite to issuance or renewal of a license. Such fees  
159 shall be based on the number of rental units in the  
160 establishment. The aggregate fee per establishment charged any  
161 public lodging establishment may ~~shall~~ not exceed \$1,000;  
162 however, the fees described in paragraphs (a) and (b) may not be  
163 included as part of the aggregate fee subject to this cap.  
164 Vacation rental units or timeshare projects within separate  
165 buildings or at separate locations but managed by one licensed  
166 agent may be combined in a single license application, and the  
167 division shall charge a license fee as if all units in the  
168 application are in a single licensed establishment. The fee  
169 schedule shall require an establishment which applies for an  
170 initial license to pay the full license fee if application is  
171 made during the annual renewal period or more than 6 months  
172 before ~~prior to~~ the next such renewal period and one-half of the  
173 fee if application is made 6 months or less before ~~prior to~~ such  
174 period. The fee schedule shall include fees collected for the

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175 purpose of funding the Hospitality Education Program, pursuant  
176 to s. 509.302, which are payable in full for each application  
177 regardless of when the application is submitted.

178 (a) Upon making initial application or an application for  
179 change of ownership, the applicant shall pay to the division a  
180 fee as prescribed by rule, not to exceed \$50, in addition to any  
181 other fees required by law, which shall cover all costs  
182 associated with initiating regulation of the establishment.

183 (b) A license renewal filed with the division ~~within 30~~  
184 ~~days~~ after the expiration date shall be accompanied by a  
185 delinquent fee as prescribed by rule, not to exceed \$50, in  
186 addition to the renewal fee and any other fees required by law.  
187 ~~A license renewal filed with the division more than 30 but not~~  
188 ~~more than 60 days after the expiration date shall be accompanied~~  
189 ~~by a delinquent fee as prescribed by rule, not to exceed \$100,~~  
190 ~~in addition to the renewal fee and any other fees required by~~  
191 ~~law.~~

192 (2) The division shall adopt, by rule, a schedule of fees  
193 to be paid by each public food service establishment as a  
194 prerequisite to issuance or renewal of a license. The fee  
195 schedule shall prescribe a basic fee and additional fees based  
196 on seating capacity and services offered. The aggregate fee per  
197 establishment charged any public food service establishment may  
198 not exceed \$400; however, the fees described in paragraphs (a)  
199 and (b) may not be included as part of the aggregate fee subject  
200 to this cap. The fee schedule shall require an establishment  
201 which applies for an initial license to pay the full license fee  
202 if application is made during the annual renewal period or more  
203 than 6 months before ~~prior to~~ the next such renewal period and

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205 before ~~prior to~~ such period. The fee schedule shall include fees  
206 collected for the purpose of funding the Hospitality Education  
207 Program, pursuant to s. 509.302, which are payable in full for  
208 each application regardless of when the application is  
209 submitted.

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211 change of ownership, the applicant shall pay to the division a  
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213 other fees required by law, which shall cover all costs  
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216 ~~days~~ after the expiration date shall be accompanied by a  
217 delinquent fee as prescribed by rule, not to exceed \$50, in  
218 addition to the renewal fee and any other fees required by law.  
219 ~~A license renewal filed with the division more than 30 but not~~  
220 ~~more than 60 days after the expiration date shall be accompanied~~  
221 ~~by a delinquent fee as prescribed by rule, not to exceed \$100,~~  
222 ~~in addition to the renewal fee and any other fees required by~~  
223 ~~law.~~

224 Section 5. This act shall take effect July 1, 2015.