

By Senator Thurston

33-01069-21

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1 A bill to be entitled
2 An act relating to public food service establishment
3 inspection scores; amending s. 509.032, F.S.;
4 requiring the Division of Hotels and Restaurants of
5 the Department of Business and Professional Regulation
6 to assign a numerical score for certain required
7 inspections; requiring the division to create a rating
8 system that assigns a numerical score to public food
9 service establishments based on findings of routine
10 inspections; requiring such score and a list of
11 violations, if applicable, to be publicly posted at
12 the entrance of such establishment; preempting to the
13 state the assignment of such scores; amending s.
14 509.091, F.S.; authorizing the division to deliver the
15 assigned numerical score to the operator of a public
16 food service establishment by electronic means;
17 providing an effective date.

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

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21 Section 1. Paragraph (a) of subsection (2) and paragraph
22 (a) of subsection (7) of section 509.032, Florida Statutes, are
23 amended to read:

24 509.032 Duties.—

25 (2) INSPECTION OF PREMISES.—

26 (a) The division has jurisdiction and is responsible for
27 all inspections and assigning a numerical score based on
28 inspections required by this chapter. The division is
29 responsible for quality assurance. The division shall inspect

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30 each licensed public lodging establishment at least biannually,
31 except for transient and nontransient apartments, which shall be
32 inspected at least annually. Each establishment licensed by the
33 division shall be inspected at such other times as the division
34 determines is necessary to ensure the public's health, safety,
35 and welfare. The division shall adopt by rule a risk-based
36 inspection frequency for each licensed public food service
37 establishment. The rule must require at least one, but not more
38 than four, routine inspections that must be performed annually,
39 and may include guidelines that consider the inspection and
40 compliance history of a public food service establishment, the
41 type of food and food preparation, and the type of service. The
42 division shall reassess the inspection frequency of all licensed
43 public food service establishments at least annually. The
44 division shall create a rating system that assigns a numerical
45 score of 1 to 100, with 100 being a perfect score, to rate a
46 public food service establishment based on the findings of such
47 inspections. The numerical score and a list of violations, if
48 applicable, must be posted in a prominent place, visible to
49 customers, at the entrance of a public food service
50 establishment. Public lodging units classified as vacation
51 rentals or timeshare projects are not subject to this
52 requirement but shall be made available to the division upon
53 request. If, during the inspection of a public lodging
54 establishment classified for renting to transient or
55 nontransient tenants, an inspector identifies vulnerable adults
56 who appear to be victims of neglect, as defined in s. 415.102,
57 or, in the case of a building that is not equipped with
58 automatic sprinkler systems, tenants or clients who may be

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59 unable to self-preserve in an emergency, the division shall
60 convene meetings with the following agencies as appropriate to
61 the individual situation: the Department of Health, the
62 Department of Elderly Affairs, the area agency on aging, the
63 local fire marshal, the landlord and affected tenants and
64 clients, and other relevant organizations, to develop a plan
65 that improves the prospects for safety of affected residents
66 and, if necessary, identifies alternative living arrangements
67 such as facilities licensed under part II of chapter 400 or
68 under chapter 429.

69 (7) PREEMPTION AUTHORITY.—

70 (a) The regulation of public lodging establishments and
71 public food service establishments, including, but not limited
72 to, sanitation standards, inspections and the assigned numerical
73 scores based on the findings of such inspections, training and
74 testing of personnel, and matters related to the nutritional
75 content and marketing of foods offered in such establishments,
76 is preempted to the state. This paragraph does not preempt the
77 authority of a local government or local enforcement district to
78 conduct inspections of public lodging and public food service
79 establishments for compliance with the Florida Building Code and
80 the Florida Fire Prevention Code, pursuant to ss. 553.80 and
81 633.206.

82 Section 2. Subsection (2) of section 509.091, Florida
83 Statutes, is amended to read:

84 509.091 Notices; form and service.—

85 (2) Notwithstanding subsection (1), the division may
86 deliver lodging inspection reports and food service inspection
87 reports, including the assigned numerical scores based on the

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88 findings of such inspections, to the operator of the public
89 lodging establishment or public food service establishment by
90 electronic means.

91 Section 3. This act shall take effect July 1, 2021.