

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Business & Professions
 2 Subcommittee

3 Representative Magar offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove lines 40-208 and insert:

7 and welfare. The division shall, ~~by no later than July 1, 2014,~~
 8 adopt by rule a risk-based inspection frequency for each
 9 licensed public food service establishment. The rule must
 10 require at least one, but not more than four, routine
 11 inspections that must be performed annually, and may include
 12 guidelines that consider the inspection and compliance history
 13 of a public food service establishment, the type of food and
 14 food preparation, and the type of service. The division shall
 15 ~~annually~~ reassess the inspection frequency of all licensed
 16 public food service establishments at least annually. Public
 17 lodging units classified as vacation rentals or timeshare

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18 projects are not subject to this requirement but shall be made
19 available to the division upon request. If, during the
20 inspection of a public lodging establishment classified for
21 renting to transient or nontransient tenants, an inspector
22 identifies vulnerable adults who appear to be victims of
23 neglect, as defined in s. 415.102, or, in the case of a building
24 that is not equipped with automatic sprinkler systems, tenants
25 or clients who may be unable to self-preserve in an emergency,
26 the division shall convene meetings with the following agencies
27 as appropriate to the individual situation: the Department of
28 Health, the Department of Elderly Affairs, the area agency on
29 aging, the local fire marshal, the landlord and affected tenants
30 and clients, and other relevant organizations, to develop a plan
31 that improves the prospects for safety of affected residents
32 and, if necessary, identifies alternative living arrangements
33 such as facilities licensed under part II of chapter 400 or
34 under chapter 429.

35 (g) In inspecting public food service establishments, the
36 department shall notify ~~provide~~ each inspected establishment of
37 the availability of ~~with~~ the food-recovery brochure developed
38 under s. 595.420.

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

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

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44 1. Sponsors of temporary food service events shall notify
45 the division not less than 3 days before the scheduled event of
46 the type of food service proposed, the time and location of the
47 event, a complete list of food service vendors participating in
48 the event, the number of individual food service facilities each
49 vendor will operate at the event, and the identification number
50 of each food service vendor's current license as a public food
51 service establishment or temporary food service event licensee.
52 Notification may be completed orally, by telephone, in person,
53 or in writing. A public food service establishment or food
54 service vendor may not use this notification process to
55 circumvent the license requirements of this chapter.

56 2. The division shall keep a record of all notifications
57 received for proposed temporary food service events and shall
58 provide appropriate educational materials to the event sponsors
59 and notify the event sponsors of the availability of, ~~including~~
60 the food-recovery brochure developed under s. 595.420.

61 3.a. A public food service establishment or other food
62 service vendor must obtain one of the following classes of
63 license from the division: an individual license, for a fee of
64 no more than \$105, for each temporary food service event in
65 which it participates; or an annual license, for a fee of no
66 more than \$1,000, that entitles the licensee to participate in
67 an unlimited number of food service events during the license
68 period. The division shall establish license fees, by rule, and
69 may limit the number of food service facilities a licensee may

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70 operate at a particular temporary food service event under a
71 single license.

72 b. Public food service establishments holding current
73 licenses from the division may operate under the regulations of
74 such a license at temporary food service events ~~of 3 days or~~
75 ~~less in duration.~~

76 Section 2. Section 509.091, Florida Statutes, is amended
77 to read:

78 509.091 Notices; form and service.—

79 (1) Each notice served by the division pursuant to this
80 chapter must be in writing and must be delivered personally by
81 an agent of the division or by registered letter to the operator
82 of the public lodging establishment or public food service
83 establishment. If the operator refuses to accept service or
84 evades service or the agent is otherwise unable to effect
85 service after due diligence, the division may post such notice
86 in a conspicuous place at the establishment.

87 (2) Notwithstanding subsection (1), the division may
88 deliver lodging inspection reports and food service inspection
89 reports to the operator of the public lodging establishment or
90 public food service establishment by electronic means.

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

93 509.101 Establishment rules; posting of notice; food
94 service inspection report; maintenance of guest register; mobile
95 food dispensing vehicle registry.—

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96 (1) Any operator of a public lodging establishment or a
97 public food service establishment may establish reasonable rules
98 and regulations for the management of the establishment and its
99 guests and employees; and each guest or employee staying,
100 sojourning, eating, or employed in the establishment shall
101 conform to and abide by such rules and regulations so long as
102 the guest or employee remains in or at the establishment. Such
103 rules and regulations shall be deemed to be a special contract
104 between the operator and each guest or employee using the
105 services or facilities of the operator. Such rules and
106 regulations shall control the liabilities, responsibilities, and
107 obligations of all parties. Any rules or regulations established
108 pursuant to this section shall be printed in the English
109 language and posted in a prominent place within such public
110 lodging establishment or public food service establishment. In
111 addition, any operator of a public food service establishment
112 shall maintain a copy of the latest food service inspection
113 report ~~or a duplicate copy on premises~~ and shall make it
114 available to the division at the time of any division inspection
115 of the establishment and to the public, upon request.

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

118 509.251 License fees.—

119 (1) The division shall adopt, by rule, a schedule of fees
120 to be paid by each public lodging establishment as a
121 prerequisite to issuance or renewal of a license. Such fees

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122 shall be based on the number of rental units in the
123 establishment. The aggregate fee per establishment charged any
124 public lodging establishment may ~~shall~~ not exceed \$1,000;
125 however, the fees described in paragraphs (a) and (b) may not be
126 included as part of the aggregate fee subject to this cap.
127 Vacation rental units or timeshare projects within separate
128 buildings or at separate locations but managed by one licensed
129 agent may be combined in a single license application, and the
130 division shall charge a license fee as if all units in the
131 application are in a single licensed establishment. The fee
132 schedule shall require an establishment which applies for an
133 initial license to pay the full license fee if application is
134 made during the annual renewal period or more than 6 months
135 before ~~prior to~~ the next such renewal period and one-half of the
136 fee if application is made 6 months or less before ~~prior to~~ such
137 period. The fee schedule shall include fees collected for the
138 purpose of funding the Hospitality Education Program, pursuant
139 to s. 509.302, which are payable in full for each application
140 regardless of when the application is submitted.

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

146 (b) A license renewal filed with the division ~~within 30~~
147 ~~days~~ after the expiration date shall be accompanied by a

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148 delinquent fee as prescribed by rule, not to exceed \$50, in
149 addition to the renewal fee and any other fees required by law.
150 ~~A license renewal filed with the division more than 30 but not~~
151 ~~more than 60 days after the expiration date shall be accompanied~~
152 ~~by a delinquent fee as prescribed by rule, not to exceed \$100,~~
153 ~~in addition to the renewal fee and any other fees required by~~
154 ~~law.~~

155 (2) The division shall adopt, by rule, a schedule of fees
156 to be paid by each public food service establishment as a
157 prerequisite to issuance or renewal of a license. The fee
158 schedule shall prescribe a basic fee and additional fees based
159 on seating capacity and services offered. The aggregate fee per
160 establishment charged any public food service establishment may
161 not exceed \$400; however, the fees described in paragraphs (a)
162 and (b) may not be included as part of the aggregate fee subject
163 to this cap. The fee schedule shall require an establishment
164 which applies for an initial license to pay the full license fee
165 if application is made during the annual renewal period or more
166 than 6 months before ~~prior to~~ the next such renewal period and
167 one-half of the fee if application is made 6 months or less
168 before ~~prior to~~ such period. The fee schedule shall include fees
169 collected for the purpose of funding the Hospitality Education
170 Program, pursuant to s. 509.302, which are payable in full for
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177 associated with initiating regulation of the establishment.

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

187
188 -----
189 **T I T L E A M E N D M E N T**

190 Remove lines 4-10 and insert:

191 revising the frequency at which the Division of Hotels
192 and Restaurants of the Department of Business and
193 Professional Regulation must reassess the inspection
194 frequency of public food service establishments;
195 revising