

ENROLLED
CS/HB 795

2013 Legislature

1
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.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
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~~
17 is 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
26 1, 2014, adopt by rule a risk-based ~~establish a system to~~
27 ~~determine~~ inspection frequency for each licensed public food
28 service establishment. The rule must require at least one, but

ENROLLED
CS/HB 795

2013 Legislature

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