

HB 401

2015

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 deleting a requirement that the Division of Hotels and  
5 Restaurants of the Department of Business and  
6 Professional Regulation adopt rules providing the  
7 risk-based inspection frequency for licensed public  
8 food service establishments; revising how often the  
9 division must reassess the inspection frequency of a  
10 licensed public food service establishment; revising  
11 the department's duties with respect to distribution  
12 of a specified food-recovery brochure; deleting a  
13 restriction on the length of time that a licensed  
14 public food service establishment may operate at a  
15 temporary food service event; amending s. 509.091,  
16 F.S.; authorizing the division to deliver lodging  
17 inspection reports and food service inspection reports  
18 electronically; amending s. 509.101, F.S.; requiring  
19 operators of public food service establishments to  
20 maintain copies of food service inspection reports and  
21 make them available to the division; amending s.  
22 509.251, F.S.; revising certain delinquent fees for  
23 license renewal; providing an effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:  
26

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

30 509.032 Duties.—

31 (2) INSPECTION OF PREMISES.—

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

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

68 (g) In inspecting public food service establishments, the  
69 department shall notify ~~provide~~ each inspected establishment of  
70 ~~with~~ the food-recovery brochure developed under s. 595.420.

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

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

76 1. Sponsors of temporary food service events shall notify  
77 the division at least ~~not less than~~ 3 days before the scheduled  
78 event of the type of food service proposed, the time and

79 location of the event, a complete list of food service vendors  
80 participating in the event, the number of individual food  
81 service facilities each vendor will operate at the event, and  
82 the identification number of each food service vendor's current  
83 license as a public food service establishment or temporary food  
84 service event licensee. Notification may be completed orally, by  
85 telephone, in person, or in writing. A public food service  
86 establishment or food service vendor may not use this  
87 notification process to circumvent the license requirements of  
88 this chapter.

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

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

105           b. Public food service establishments holding current  
 106 licenses from the division may operate under the regulations of  
 107 such a license at temporary food service events ~~of 3 days or~~  
 108 ~~less in duration.~~

109           Section 2. Section 509.091, Florida Statutes, is amended  
 110 to read:

111           509.091 Notices; form and service.—Each notice served by  
 112 the division pursuant to this chapter must be in writing and  
 113 must be delivered personally by an agent of the division or by  
 114 registered letter to the operator of the public lodging  
 115 establishment or public food service establishment. If the  
 116 operator refuses to accept service or evades service or the  
 117 agent is otherwise unable to effect service after due diligence,  
 118 the division may post such notice in a conspicuous place at the  
 119 establishment. The division may deliver lodging inspection  
 120 reports and food service inspection reports electronically to  
 121 the operator of a public lodging establishment or public food  
 122 service establishment.

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

125           509.101 Establishment rules; posting of notice; food  
 126 service inspection report; maintenance of guest register; mobile  
 127 food dispensing vehicle registry.—

128           (1) Any operator of a public lodging establishment or a  
 129 public food service establishment may establish reasonable rules  
 130 and regulations for the management of the establishment and its

131 guests and employees; and each guest or employee staying,  
132 sojourning, eating, or employed in the establishment shall  
133 conform to and abide by such rules and regulations so long as  
134 the guest or employee remains in or at the establishment. Such  
135 rules and regulations shall be deemed to be a special contract  
136 between the operator and each guest or employee using the  
137 services or facilities of the operator. Such rules and  
138 regulations shall control the liabilities, responsibilities, and  
139 obligations of all parties. Any rules or regulations established  
140 pursuant to this section shall be printed in the English  
141 language and posted in a prominent place within such public  
142 lodging establishment or public food service establishment. In  
143 addition, any operator of a public food service establishment  
144 shall maintain a copy of the latest food service inspection  
145 report ~~or a duplicate copy on premises~~ and shall make it  
146 available to the division at the time of an inspection of the  
147 establishment and to the public upon request.

148 Section 4. Paragraph (b) of subsection (1) and paragraph  
149 (b) of subsection (2) of section 509.251, Florida Statutes, are  
150 amended to read:

151 509.251 License fees.—

152 (1) The division shall adopt, by rule, a schedule of fees  
153 to be paid by each public lodging establishment as a  
154 prerequisite to issuance or renewal of a license. Such fees  
155 shall be based on the number of rental units in the  
156 establishment. The aggregate fee per establishment charged any

157 public lodging establishment shall not exceed \$1,000; however,  
158 the fees described in paragraphs (a) and (b) may not be included  
159 as part of the aggregate fee subject to this cap. Vacation  
160 rental units or timeshare projects within separate buildings or  
161 at separate locations but managed by one licensed agent may be  
162 combined in a single license application, and the division shall  
163 charge a license fee as if all units in the application are in a  
164 single licensed establishment. The fee schedule shall require an  
165 establishment which applies for an initial license to pay the  
166 full license fee if application is made during the annual  
167 renewal period or more than 6 months prior to the next such  
168 renewal period and one-half of the fee if application is made 6  
169 months or less prior to such period. The fee schedule shall  
170 include fees collected for the purpose of funding the  
171 Hospitality Education Program, pursuant to s. 509.302, which are  
172 payable in full for each application regardless of when the  
173 application is submitted.

174 (b) A license renewal filed with the division ~~within 30~~  
175 ~~days~~ after the expiration date shall be accompanied by a  
176 delinquent fee as prescribed by rule, not to exceed \$50, in  
177 addition to the renewal fee and any other fees required by law.  
178 ~~A license renewal filed with the division more than 30 but not~~  
179 ~~more than 60 days after the expiration date shall be accompanied~~  
180 ~~by a delinquent fee as prescribed by rule, not to exceed \$100,~~  
181 ~~in addition to the renewal fee and any other fees required by~~  
182 ~~law.~~

183 (2) The division shall adopt, by rule, a schedule of fees  
184 to be paid by each public food service establishment as a  
185 prerequisite to issuance or renewal of a license. The fee  
186 schedule shall prescribe a basic fee and additional fees based  
187 on seating capacity and services offered. The aggregate fee per  
188 establishment charged any public food service establishment may  
189 not exceed \$400; however, the fees described in paragraphs (a)  
190 and (b) may not be included as part of the aggregate fee subject  
191 to this cap. The fee schedule shall require an establishment  
192 which applies for an initial license to pay the full license fee  
193 if application is made during the annual renewal period or more  
194 than 6 months prior to the next such renewal period and one-half  
195 of the fee if application is made 6 months or less prior to such  
196 period. The fee schedule shall include fees collected for the  
197 purpose of funding the Hospitality Education Program, pursuant  
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202 delinquent fee as prescribed by rule, not to exceed \$50, in  
203 addition to the renewal fee and any other fees required by law.  
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207 ~~in addition to the renewal fee and any other fees required by~~  
208 ~~law.~~



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