

CHAPTER 98-283

Committee Substitute for House Bill No. 105

An act relating to distribution of surplus food; amending s. 570.0725, F.S.; providing legislative intent; providing application; requiring certain persons and organizations to make reasonable efforts to provide, collect, transport, and distribute certain excess or surplus food; requiring development of a public-information brochure; requiring a food-recovery report; amending s. 381.0072, F.S.; requiring information dissemination; amending s. 509.032, F.S.; requiring information to be disseminated; amending s. 509.302, F.S.; including food-recovery awareness as a subject area of the Hospitality Education Program; providing an effective date.

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

Section 1. Subsections (6) and (7) are added to section 570.0725, Florida Statutes, to read:

570.0725 Food recovery; legislative intent; department functions.—

(6) It is the intent of the Legislature that each potential donor, to the greatest extent possible and practicable, make available to any bona fide charitable or nonprofit organization, to any representative or volunteer acting on behalf of such an organization, to an uncompensated person acting in a philanthropic manner providing services similar to those of such an organization, or to a transporter any surplus or excess canned or perishable food for use by such an organization or person to feed homeless persons or other persons who are in need of food and are otherwise unable to provide food for themselves. In achieving this intent, the following provisions must be followed:

(a) Each donor shall make every reasonable effort to contact bona fide charitable or nonprofit organizations in the community in which the donor operates in order to provide for the collection by such organizations of any surplus or excess canned food or perishable food from the donor.

(b) Each bona fide charitable or nonprofit organization in this state which provides, as a part of the services that the organization provides to the community in which it operates, food for persons who are in need of food or are otherwise unable to provide food for themselves, or which collects and transports such food to such organizations, shall make every reasonable effort to contact any donors within the organization's area of operations for purposes of collecting any surplus or excess canned food or perishable food for use in providing such services.

(7) For public-information purposes, the department shall develop a public-information brochure detailing the need of food-recovery programs, the benefit of food-recovery programs, the manner in which such organizations may become involved in food-recovery programs, the protection afforded to

such programs under s. 768.136, and the food-recovery entities or food banks that exist in the state. This brochure must be updated annually.

Section 2. The Department of Agriculture and Consumer Services shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 1998, a report summarizing state efforts in food recovery and recommending legislative action to enhance such efforts.

Section 3. Paragraph (c) of subsection (2) of section 381.0072, Florida Statutes, is amended to read:

381.0072 Food service protection.—It shall be the duty of the Department of Health to adopt and enforce sanitation rules consistent with law to ensure the protection of the public from food-borne illness. These rules shall provide the standards and requirements for the storage, preparation, serving, or display of food in food service establishments as defined in this section and which are not permitted or licensed under chapter 500 or chapter 509.

(2) DUTIES.—

(c) The department shall inspect each food service establishment as often as necessary to ensure compliance with applicable laws and rules. The department shall have the right of entry and access to these food service establishments at any reasonable time. In inspecting food service establishments as provided under this section, the department shall provide each inspected establishment with the food-recovery brochure developed under s. 570.0725.

Section 4. Paragraph (g) is added to subsection (2) of section 509.032, Florida Statutes, and paragraph (c) of subsection (3) of that section is amended to read:

509.032 Duties.—

(2) INSPECTION OF PREMISES.—

(g) In inspecting public food service establishments, the department shall provide each inspected establishment with the food-recovery brochure developed under s. 570.0725.

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

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

1. Sponsors of temporary food service events shall notify the division not less than 3 days prior to the scheduled event of the type of food service proposed, the time and location of the event, a complete list of food service vendor owners and operators participating in each event, and the current license numbers of all public food service establishments participating in

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

2. The division shall keep a record of all notifications received for proposed temporary food service events and shall provide appropriate educational materials to the event sponsors, including the food-recovery brochure developed under s. 570.0725.

3.a. A public food service establishment or other food vendor must obtain a license from the division for each temporary food service event in which it participates.

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

Section 5. Subsection (2) of section 509.302, Florida Statutes, is amended to read:

509.302 Director of education, personnel, employment duties, compensation.—

(2) The director of education shall develop and implement an educational program, designated the "Hospitality Education Program," offered for the benefit of the entire industry. This program may affiliate with Florida State University, Florida International University, and the University of Central Florida. The program may also affiliate with any other member of the State University System or State Community College System, or with any privately funded college or university, which offers a program of hospitality administration and management. The primary goal of this program is to instruct and train all individuals and businesses licensed under this chapter, in cooperation with recognized associations that represent the licensees, in the application of state and federal laws and rules. Such programs shall also include:

- (a) Vocational training.
- (b) Management training.
- (c) Inservice continuing education programs.
- (d) Awareness of food-recovery programs, as promoted in s. 570.0725.

~~(e)~~(d) Such other programs as may be deemed appropriate by the director of the division, the advisory council, and the director of education.

Section 6. This act shall take effect upon becoming a law.

Approved by the Governor May 28, 1998.

Filed in Office Secretary of State May 28, 1998.