

Committee Substitute for Senate Bill No. 2484

An act relating to lodging and food service establishments; amending s. 509.291, F.S.; revising membership provisions of the Department of Business and Professional Regulation's Division of Hotels and Restaurants' advisory council; amending s. 509.302, F.S.; revising the Hospitality Education Program; replacing the director of education with the division as administrator of the program; revising provisions relating to the administration of the program; revising the training and training-related activities funded by the program; deleting certain provisions relating to duties and responsibilities of the director of education; providing criteria by which grants may be awarded under the program; amending s. 509.072, F.S.; conforming cross-references; amending s. 509.261, F.S.; providing for the use of administrative fines; providing an effective date.

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

Section 1. Paragraphs (a) and (b) of subsection (1) of section 509.291, Florida Statutes, are amended to read:

509.291 Advisory council.—

(1) There is created a 10-member advisory council.

(a) The Secretary of Business and Professional Regulation shall appoint seven ~~five~~ voting members to the advisory council. Each member appointed by the secretary must be an operator of an establishment licensed under this chapter and shall represent the industries regulated by the division, except that one member appointed by the secretary must be a layperson representing and shall represent the general public and one member must be a hospitality education administrator from an institution of higher education of this state. Such members of the council shall serve staggered terms of 4 years.

(b) ~~The Florida Hotel and Motel Association, the Florida Restaurant and Lodging Association shall designate one representative to serve as a voting member of the council., The Florida Apartment Association, and the Florida Association of Realtors shall each designate one representative to serve as a voting member of the council. In addition, one hospitality administration educator from an institution of higher education affiliated with the Hospitality Education Program pursuant to s. 509.302(2) shall serve for a term of 2 years as a voting member of the council. This single representative shall be designated on a rotating basis by the institution or institutions of higher education affiliated with this program pursuant to s. 509.302(2).~~

Section 2. Section 509.302, Florida Statutes, is amended to read:

509.302 Hospitality Education Program ~~Director of education; personnel; employment duties; compensation.~~—

(1) ~~The division director shall, with the advice of the advisory council, employ a director of education for the lodging and food service industry.~~

~~(2) The director of education shall administer develop and implement an educational program, designated the "Hospitality Education Program," offered for the benefit of the restaurant and lodging industries of this state 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 Florida 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) Career training.~~

~~(b) Management training.~~

~~(b)(e) Inservice continuing education programs.~~

~~(c)(d) Awareness of food-recovery programs, as promoted in s. 570.0725.~~

~~(d) Enhancement of school-to-career training and transition programs for students interested in pursuing careers in the food service or lodging industry. Training and transition programs shall be provided through the public school system using a nationally recognized curriculum approved by the division, with the enhancements funded under this section provided by grants from nonprofit statewide organizations in the hospitality services field, and the application process for the grants shall be administered by the division.~~

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

~~(2)(3) All public lodging establishments and all public food service establishments licensed under this chapter shall pay an annual fee of no more than \$10, which shall be included in the annual license fee and which shall be used for the sole purpose of funding the Hospitality Education Program.~~

~~(3) Notwithstanding any other provision of law to the contrary, grant funding under this section for the services described in paragraph (1)(d) shall include all expenses incident to providing those services, including the cost of staff support; student scholarships; compensation to program instructors for time spent in relevant training; special events or competitive events; and a reasonable stipend for travel, lodging, and meals for instructors and students participating in training or in related special events. All such expenses shall be in accordance with the budget submitted by the applicant in the grant application and approved by the division. The expenditure of all funds distributed under this section shall be subject to audit by the division.~~

(4) The director of education shall formulate an annual budget, programs, and activities to accomplish the purposes of this section, in accordance with and subject to the advice and recommendations of the advisory council.

(a) The annual budget of the Hospitality Education Program must show that the total fees ~~or charges~~ estimated to be collected during the next fiscal year under this section will be dedicated solely to the estimated cost of funding the Hospitality Education Program, less any trust fund service charge imposed by s. 215.20. If the estimated cost of funding the Hospitality Education Program in any fiscal year is less than the total fees ~~or charges~~ estimated to be collected during that year, the director of education shall submit a report to the advisory council ~~division director~~ demonstrating why the amount of such fee ~~or charge~~ should not be immediately reduced to eliminate the projected surplus. The ~~division~~ director shall also submit forward this report to the Secretary of Business and Professional Regulation as part of the division's annual budget request.

(b) Both the secretary's legislative budget requests submitted pursuant to ss. 216.023 and 216.031 and the Governor's recommended budget submitted pursuant to s. 216.163 must also show that the total fees ~~or charges~~ estimated to be collected during the next fiscal year under this section will be dedicated solely to funding the Hospitality Education Program, less any trust fund service charge imposed by s. 215.20. If the estimated cost of funding the Hospitality Education Program in any fiscal year is less than the total fees ~~or charges~~ estimated to be collected during that year, the secretary shall submit a report demonstrating why the amount of such fee ~~or charge~~ should not be immediately reduced to eliminate the projected surplus.

~~(5) The director of education, with the approval of the director and with the advice of the advisory council, may employ such personnel as necessary to carry out the purposes of this section.~~

~~(6) The director of education and any staff shall receive such compensation as may be approved by the director acting with the advice of the advisory council.~~

~~(5)(7) The director of education, with the approval of The director, and with the consent of the advisory council, may designate funds, not to exceed \$250,000 \$150,000 annually, to support school-to-career transition programs available through statewide organizations in the hospitality services field. Such programs shall be designed to prepare students for progressive careers in the hospitality industry. The director of education, with the approval of The director, and with the consent of the advisory council, may also designate funds, not to exceed \$50,000 annually, to support food safety training programs available through statewide organizations in the hospitality services field, and not to exceed \$50,000 annually, to support nontransient public lodging training programs available through statewide organizations in the public lodging services field.~~

~~(6)(a) The director of education shall have supervision over the administration of the programs set forth in this subsection and shall report the~~

status of the programs at all meetings of the advisory council and at such other times as are prescribed by the advisory council.

(7)(b) The division shall adopt rules providing the criteria for ~~grant program~~ approval and the procedures for processing ~~grant program~~ applications. The criteria and procedures shall be approved by the advisory council. The criteria shall give primary consideration to the experience and history of the applicant in representing the food service or lodging industry, the applicant's prior commitment to school-to-career transition programs in the food service or lodging industry, and the applicant's demonstrated ability to provide services statewide with industry support and participation. Grants awarded under this section shall be for a term of 4 years, with funding provided on an annual basis.

Section 3. Subsection (2) of section 509.072, Florida Statutes, is amended to read:

509.072 Hotel and Restaurant Trust Fund; collection and disposition of moneys received.—

(2) Fees collected under s. 509.302(2)(3) and deposited into the trust fund must be used solely for the purpose of funding the Hospitality Education Program, except for any trust fund service charge imposed by s. 215.20, and may not be used to pay for any expense of the division not directly attributable to the Hospitality Education Program. These funds may not be deposited or transferred into any other trust fund administered by the Department of Business and Professional Regulation or any of its divisions. For audit purposes, fees collected under s. 509.302(2)(3) and all charges against those fees must be maintained by the department as a separate ledger.

Section 4. Subsection (4) of section 509.261, Florida Statutes, is amended to read:

509.261 Revocation or suspension of licenses; fines; procedure.—

(4) All funds received by the division as satisfaction for administrative fines shall be paid into the State Treasury to the credit of the Hotel and Restaurant Trust Fund and may not subsequently be used for payment to any entity performing required inspections under contract with the division. Administrative fines may be used to support division programs pursuant to s. 509.302(1).

Section 5. This act shall take effect July 1, 2007.

Approved by the Governor June 27, 2007.

Filed in Office Secretary of State June 27, 2007.