

CHAPTER 2013-147

Committee Substitute for House Bill No. 795

An act relating to premises inspections; amending s. 509.032, F.S.; requiring the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to adopt rules for a risk-based inspection frequency for licensed public food service establishments; providing criteria; conforming terminology; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section 509.032, Florida Statutes, is amended to read:

509.032 Duties.—

(2) INSPECTION OF PREMISES.—

(a) The division has ~~responsibility and jurisdiction and is responsible~~ for all inspections required by this chapter. The division is responsible has ~~responsibility~~ for quality assurance. The division shall inspect each licensed public lodging establishment ~~shall be inspected~~ at least biannually, except for transient and nontransient apartments, which shall be inspected at least annually. Each establishment licensed by the division, and shall be inspected at such other times as the division determines is necessary to ensure the public's health, safety, and welfare. The division shall, by no later than July 1, 2014, adopt by rule a risk-based establish a system to determine inspection frequency for each licensed public food service establishment. The rule must require at least one, but not more than four, routine inspections that must be performed annually, and may include guidelines that consider the inspection and compliance history of a public food service establishment, the type of food and food preparation, and the type of service. The division shall annually reassess the inspection frequency of all licensed public food service establishments. Public lodging units classified as vacation rentals are not subject to this requirement but shall be made available to the division upon request. If, during the inspection of a public lodging establishment classified for renting to transient or nontransient tenants, an inspector identifies vulnerable adults who appear to be victims of neglect, as defined in s. 415.102, or, in the case of a building that is not equipped with automatic sprinkler systems, tenants or clients who may be unable to self-preserve in an emergency, the division shall convene meetings with the following agencies as appropriate to the individual situation: the Department of Health, the Department of Elderly Affairs, the area agency on aging, the local fire marshal, the landlord and affected tenants and clients, and other relevant organizations, to develop a plan that ~~which~~ improves the prospects for safety of affected residents and, if necessary, identifies alternative living arrangements such as facilities licensed under part II of chapter 400 or under chapter 429.

Section 2. This act shall take effect July 1, 2014.

Approved by the Governor June 7, 2013.

Filed in Office Secretary of State June 7, 2013.