

1979

Session Law 79-240

Florida Senate & House of Representatives

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LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

Sess. Law # 79-240	Sec. #	LOF cite
Prime Bill # SB 284	Comp./Sim. Bills HB 1738	
JLHC Hist. Cites	Senate 85 House 389	Comms. of Ref. Senate Gov Ops House Gov Ops

COMMITTEE RECORDS

H/S	Committee	Year	Record Series: Folder title, etc.	Loc. Cite	✓
H	Gov Ops	1979	Referred bills: HB 1738 ^(PCB and orig - no sub changes)	19/626	
S	Gov Ops	1979	Ref/Ref Review Ch. 509	18/618	X
"	"	"	Bill folders + analysts folders: ^{no lane} SB 284	18/962	X
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Senate/House Journals

Page #	?	Date	Page #	?	Date
HT 758	X	May 24, 1979			

Committee/Floor Tapes

H/S	c/f	Committee/subcommittee name	Date	#	Location Cite

Other Documentation

Record Series Title, folder title, etc.	Location Cite

be called for or taken out by customers, or to be delivered to factories, construction camps, airlines, and other similar locations for consumption at any place. "Public food service establishment" includes any public location with vending machines dispensing prepared meals.

(b) The following are excluded from the definition in paragraph (a):

1. Any place maintained and operated by a public or private school, college, or university, either:

a. Primarily for the use of students and faculty; or

b. On a temporary basis to serve such events as fairs, carnivals, and athletic contests.

2. Any eating place maintained and operated by a church or a religious, fraternal, or nonprofit civic organization, either:

a. Primarily for the use of members and associates; or

b. On a temporary basis to serve such events as fairs, carnivals, or athletic contests.

3. Any eating place located on an airplane, train, bus, or watercraft which is a common carrier.

4. Any eating place maintained by a hospital, nursing home, sanitarium, adult congregate facility, adult day care center, or other similar place.

5. Any theater, if the primary use is as a theater and if patron service is limited to food items customarily served to the admittees of theaters.

6. Any retail grocery store in which food is prepared for consumption off the premises, which food is sold as part of the retail grocery operation. establishments¹ are those establishments defined in s. 509.241(2).

(6) "Director" means the director of the Division of Hotels and Restaurants of the Department of Business Regulation.

(7) "Single complex of buildings" means all buildings or structures which are owned, managed, controlled, and advertised as one public lodging establishment, operated under one business name, having a common street address, and situated on the same tract or plot of land which is not separated by a public street or highway.

~~(8) "Ironed" means either linens conventionally ironed through normal laundry processes, or pre-ironed, or non-iron linens.~~

(8)(9) "Transient occupancy" means occupancy when it is the intention of the parties that the occupancy will be temporary. There is a rebuttable presumption that where the dwelling unit occupied is the sole residence of the guest, the occupancy is nontransient. There is a rebuttable presumption that where the dwelling unit occupied is not the sole residence of the guest, the occupancy is transient.

(9)(10) "Transient" means a guest in transient occupancy in a public lodging establishment.

Section 2. Section 509.032, Florida Statutes, is amended to read:

509.032 Duties.--

(1) GENERAL.--The division shall carry out and execute all of the provisions of this chapter and all other laws now in force or which may hereafter be enacted relating to the inspection or regulation of public lodging establishments and public food service establishments for the purpose of safeguarding the public health, safety, and welfare. The division shall be responsible for ascertaining that no establishment licensed by it engages shall engage in any misleading advertising or unethical practices as defined by this chapter and all other laws now in force or which may hereafter be enacted. The division shall keep accurate account of all expenses arising out of the performance of its duties and shall file monthly itemized statements of such expenses with the Department of Banking and Finance, together with an account of all fees collected under the provisions of this chapter.

(2) INSPECTION OF PREMISES.--

(a) The division shall inspect, or cause to be inspected, at least four times annually, each every public lodging establishment and each at least four times annually every public food service establishment in this state, or shall contract with the Department of Health and Rehabilitative Services to perform such inspections through the facilities of the county health unit on a county-by-county basis, and for that purpose it shall have the right to entry and access to such establishments at any reasonable time.

(b) Primary responsibility and jurisdiction for all inspections required by this chapter is placed in the division. The Department of Health and Rehabilitative Services shall:

1. Prescribe sanitary standards which shall be enforced in public food service establishments, and insure that such standards are maintained;

2. Inspect public food service establishments not more than twice annually to insure the maintenance of sanitary standards concurrently with the inspections performed by the division, and whenever necessary to respond to an emergency or epidemiological condition, except as provided in s. 509.032 (2)(a);

3. Immediately report to the secretary of the Department of Business Regulation any significant failure of the division to enforce sanitary standards; and

4. Send the Governor a written report at the end of each fiscal year, which report shall state, but not be limited to, the total number of inspections conducted to insure the enforcement of sanitary standards, the total number of inspections conducted in response to emergency or epidemiological conditions, the number of violations of each sanitary standard, and any recommendations for improved surveillance procedures.

By The Committee on Governmental Operations; Senators Maxwell and Williamson

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A bill to be entitled
An act relating to public lodging establishments and public food service establishments; reviving, readopting, and amending ss. 509.013, 509.032, 509.072, 509.091, 509.092, 509.101, 509.111, 509.141, 509.142, 509.151, 509.161, 509.162, 509.191, 509.2111, 509.212, 509.221, 509.242, 509.251, 509.271, 509.281, 509.291, 509.292, 509.302, 509.303, 509.401, 509.402, 509.403, 509.404, 509.405, 509.406, 509.407, 509.408, 509.409, 509.410, 509.411, 509.412, 509.413, 509.414, 509.415, 509.416, 509.417, Florida Statutes, and amending ss. 509.201, 509.211, 509.241, 509.261, Florida Statutes, 1978 Supplement, notwithstanding the provisions of the Regulatory Reform Act of 1976, as amended; providing definitions; prescribing duties of the Division of Hotels and Restaurants of the Department of Business Regulation; limiting the inspection authority of the Department of Health and Rehabilitative Services and local health agencies; creating a Hotel and Restaurant Trust Fund; prescribing form and method of service of certain notices; prescribing the rights of public lodging establishments and public food service establishments as private enterprises; providing for the making of rules by the operators of such establishments; requiring maintenance of a guest register; limiting

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1 liability for property of guests; authorizing
 2 refusal of admission or service to, or ejection
 3 of, undesirable persons; prohibiting the
 4 fraudulent obtaining of lodging; providing
 5 penalties; prescribing rules of evidence;
 6 authorizing detention of certain violators;
 7 providing procedures for the disposition of
 8 unclaimed goods; requiring the posting of room
 9 rates; prescribing criteria for certain
 10 advertising; prescribing safety and sanitary
 11 regulations and authorizing inspection for
 12 compliance; providing for the adoption of fees;
 13 providing standards and procedures for the
 14 licensing of public lodging establishments and
 15 public food service establishments; providing
 16 for classification of public lodging
 17 establishments; providing for adoption of
 18 license fees; providing for the suspension or
 19 revocation of licenses; authorizing imposition
 20 of fines; prohibiting a county or municipality
 21 from licensing a public lodging establishment
 22 or public food service establishment which is
 23 not licensed by the division; providing
 24 procedures for the prosecution of violations of
 25 chapter 509, Florida Statutes; providing
 26 penalties; creating and prescribing duties,
 27 membership, and terms of an advisory council;
 28 prohibiting the misrepresentation of food;
 29 providing penalties; prescribing and providing
 30 for the enforcement of fire safety regulations;
 31 providing circumstances for the lockout of a

1 guest; providing for recovery of premises;
 2 providing circumstances and procedures for
 3 issuance and enforcement of an operator's writ
 4 of distress or a prejudgment writ of distress;
 5 providing for repeal of the act; providing a
 6 retroactive effective date.

7
 8 WHEREAS, the Legislature recognizes that the public
 9 health, safety, and welfare would be significantly threatened
 10 by the transmittal of disease, the existence of improperly
 11 designed or poorly constructed or maintained buildings, fire
 12 hazards, and false advertising, misrepresentation, and
 13 unethical business practices in public lodging establishments
 14 and public food service establishments, and

15 WHEREAS, it is necessary in the interest of the public
 16 health, safety, and welfare to regulate public lodging
 17 establishments and public food service establishments in this
 18 state, and

19 WHEREAS, restrictions should be imposed only to the
 20 extent necessary to protect the public from significant and
 21 discernible harm or damage, and not in a manner which would
 22 unreasonably affect the competitive market, and

23 WHEREAS, it is the intent of the Legislature to
 24 eliminate, to the extent practicable, overlapping and
 25 duplicative inspections of public lodging establishments and
 26 public food service establishments, performed by the several
 27 agencies of state and local governments, NOW, THEREFORE,

28
 29 Be It Enacted by the Legislature of the State of Florida:
 30
 31

1 Section 1. Section 509.013, Florida Statutes, is
2 amended to read:

3 509.013 Definitions.--~~As used in The following~~
4 ~~definitions apply in the interpretation and enforcement of~~
5 this chapter:

6 (1) "Division" means the Division of Hotels and
7 Restaurants of the Department of Business Regulation.

8 (2) ~~"Owner" or~~ "Operator" means the owner, operator,
9 keeper, proprietor, lessee, manager, assistant manager, desk
10 clerk, agent, or employee of a public lodging establishment or
11 public food service establishment.

12 (3) "Guest" means any guest, tenant, lodger, boarder,
13 or occupant of a public lodging establishment or public food
14 service establishment.

15 (4) (a) "Public lodging establishment" means any
16 building or structure, or group of buildings or structures
17 within a single complex of buildings, which is kept, used,
18 maintained, or advertised as, or held out to the public to be,
19 a place where sleeping or housekeeping accommodations are
20 supplied for pay to transient or permanent guests or tenants.

21 (b) The following are excluded from the definition in
22 paragraph (a):

23 1. Any individually or collectively owned one, two, or
24 three family dwelling house or dwelling unit, regardless of
25 the number of such dwelling houses or units clustered
26 together, unless they are regularly rented to transients or
27 held out to or advertised to the public as places regularly
28 rented to transients;

29 2. Any dormitory or other living or sleeping facility
30 maintained by a public or private school, college, or

1 university primarily for the use of students, faculty, or
2 visitors;

3 3. Any hospital, nursing home, sanitarium, adult
4 congregate living facility, or other similar place; and

5 4. Any place renting three rental units or less,
6 unless the rental units are advertised or held out to the
7 public to be places that are regularly rented to transients.
8 ~~establishments--are those establishments defined in s-~~
9 ~~509.241(1)-~~

10 (5) (a) "Public food service establishment" means any
11 building, vehicle, place, or structure, or any rooms or
12 divisions in a building, vehicle, place, or structure, that is
13 maintained and operated as a place where food is regularly
14 prepared, served, or sold for immediate consumption on or in
15 the vicinity of the premises or to be called for or taken out
16 by customers, or to be delivered to factories, construction
17 camp, airlines, and other similar locations for consumption
18 at any place. "Public food service establishment" includes
19 any public location with vending machines dispensing prepared
20 meals.

21 (b) The following are excluded from the definition in
22 paragraph (a):

23 1. Any place maintained and operated by a public or
24 private school, college, or university, either:

25 a. Primarily for the use of students and faculty; or
26 b. On a temporary basis to serve such events as fairs,
27 carnivals, and athletic contests.

28 2. Any eating place maintained and operated by a
29 church or a religious, fraternal, or nonprofit civic
30 organization, either:

31 a. Primarily for the use of members and associates; or

1 b. On a temporary basis to serve such events as fairs,
2 carnivals, or athletic contests.

3 3. Any eating place located on an airplane, train,
4 bus, or watercraft which is a common carrier.

5 4. Any eating place maintained by a hospital, nursing
6 home, sanitarium, adult congregate living facility, adult day
7 care center, or other similar place.

8 5. Any theater, if the primary use is as a theater and
9 if patron service is limited to food items customarily served
10 to the admittees of theaters.

11 6. Any retail grocery store in which food is prepared
12 for consumption off the premises, which food is sold as part
13 of the retail grocery operation: establishments¹-are-those
14 establishments-defined-in-sr-509,241(2)-

15 (6) "Director" means the director of the Division of
16 Hotels and Restaurants of the Department of Business
17 Regulation.

18 (7) "Single complex of buildings" means all buildings
19 or structures which are owned, managed, controlled, and
20 ~~advertised-as-one-public-lodging-establishment,~~ operated under
21 one business name, having a common street address, and
22 situated on the same tract or plot of land which is not
23 separated by a public street or highway.

24 ~~(8)--"Ironed" means either linens conventionally ironed~~
25 ~~through-normal-laundry-processes, or preironed, or noniron~~
26 ~~linens.~~

27 ~~(8) (9)~~ "Transient occupancy" means occupancy when it
28 is the intention of the parties that the occupancy will be
29 temporary.

30 ~~(9) (10)~~ "Transient" means a guest in transient
31 occupancy ~~in-a-public-lodging-establishment.~~

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7 inspection or regulation of public lodging establishments and
8 public food service establishments for the purpose of
9 safeguarding the public health, safety, and welfare. The
10 division shall be responsible for ascertaining that no
11 establishment licensed by it engages ~~shall engage~~ in any
12 misleading advertising or unethical practices ~~as-defined-by~~
13 ~~this-chapter-and-all-other-laws-now-in-force-or-which-may~~
14 ~~hereafter-be-enacted.~~ The division shall keep accurate
15 account of all expenses arising out of the performance of its
16 duties and shall file monthly itemized statements of such
17 expenses with the Department of Banking and Finance, together
18 with an account of all fees collected under the provisions of
19 this chapter.

20 (2) INSPECTION OF PREMISES.--

21 (a) The division shall inspect, or cause to be
22 inspected, at least (four) times annually, each ~~every~~ public
23 lodging establishment and each ~~at-least-four-times-annually~~
24 ~~every~~ public food service establishment in this state, and for
25 that purpose it shall have the right to entry and access to
26 such establishments at any reasonable time.

27 (b) Primary responsibility and jurisdiction for all
28 inspections required by this chapter is placed in the
29 division. The Department of Health and Rehabilitative
30 Services shall:

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509.406, 509.407, 509.408, 509.409, 509.410,
509.411, 509.412, 509.413, 509.414, 509.415,
509.416, 509.417, Florida Statutes, and
amending ss. 509.201, 509.211, 509.241,
509.261, Florida Statutes, 1978 Supplement,
notwithstanding the provisions of the
Regulatory Reform Act of 1976, as amended;
creating s. 509.034, Florida Statutes;
providing that certain sections apply to
transients only; providing definitions;
prescribing duties of the Division of Hotels
and Restaurants of the Department of Business
Regulation; limiting the inspection authority
of the Department of Health and Rehabilitative
Services and local health agencies; creating a
Hotel and Restaurant Trust Fund; prescribing
form and method of service of certain notices;
prescribing the rights of public lodging
establishments and public food service
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1 operators of such establishments; requiring
2 maintenance of a guest register; limiting
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6 fraudulent obtaining of lodging; providing
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29 membership, and terms of an advisory council;
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11 health, safety, and welfare would be significantly threatened
12 by the transmittal of disease, the existence of improperly
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14 hazards, and false advertising, misrepresentation, and
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16 and public food service establishments, and

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18 health, safety, and welfare to regulate public lodging
19 establishments and public food service establishments in this
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22 extent necessary to protect the public from significant and
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16 building or structure, or group of buildings or structures
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12 public food service establishments for the purpose of
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14 division shall be responsible for ascertaining that no
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19 account of all expenses arising out of the performance of its
20 duties and shall file monthly itemized statements of such
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22 with an account of all fees collected under the provisions of
23 this chapter.

24 (2) INSPECTION OF PREMISES.--

25 (a) The division shall inspect, ~~or cause to be~~
26 ~~inspected,~~ at least four times annually, each ~~every~~ public
27 lodging establishment and each ~~at least four times annually~~
28 ~~every~~ public food service establishment in this state, or
29 shall contract with the Department of Health and
30 Rehabilitative Services to perform such inspections through
31 the facilities of the county health unit, and for that purpose

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR SENATE BILL CS/SB 284

1. Provides further definition of "transient occupancy," restricts several sections to apply to transients only, and sets forth that the purpose of the act is not to circumvent the Florida Residential Landlord and Tenant act.
2. Provides that the physically disabled shall not be discriminated against with respect to the various provisions of the act.
3. Provides that if the division does not desire to inspect public lodging and food service establishments themselves, they shall contract with the Department of Health and Rehabilitative Services to perform such inspections through the county health units.
4. Increases the size of the advisory council to eleven members.
5. Provides that in case of a lockout, a guest may remove personal property essential to his health.
6. Provides that the prejudgement writ of distress shall include a notice of the defendant's right to immediate hearing.
7. Repeals s. 509.212, F.S., regarding construction inspectors and their duties.
8. Provides that a registered architect or engineer's notarized statement shall be accepted by the division in lieu of approval of the supervising architect or engineer of the division.
9. Provides for sunset of the act on July 1, 1981.

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Committee on Ways and Means

Hubert E. Helton
Chairman of Staff Director
Hubert E. Helton

C14(4-74) (File 2 copies with Committee Substitutes)

DATE: May 23, 1979

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Becia</u>	<u>Overstreet</u>	1. <u>G.O.</u>	<u>Fav/3 Amd.</u>
2. <u>Barrett</u>	<u>Helton</u>	2. <u>W&M</u>	<u>Fav/as CS</u>
3. _____	_____	3. _____	_____

SUBJECT: Chapter 509, F.S.
Hotels and Restaurants, --
Sunset Legislation

BILL No. AND SPONSOR:
CS/SB 284 by Ways and Means

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I. SUMMARY:

A. Present Situation:

Chapter 509, F.S., is repealed July 1, 1979, pursuant to the Regulatory Reform Act of 1976, unless reenacted by the Legislature. The Governmental Operation's staff review concluded that a threat to the public health, safety, and welfare would exist absent regulation of the hotel and restaurant industry. Staff recommended reenactment and revision of the law.

The Division of Hotels and Restaurants licenses and inspects public lodging and public food service establishments. The division has 66 inspectors and does not conduct four annual inspections for each establishment as required. The inspection rate is 2.21 for hotels and 2.70 for restaurants. Restaurants are also inspected by the Department of Health and Rehabilitative Services (DHRS) at a rate of 5.61 inspections annually.

In addition to requiring licenses, prescribing fees, and setting safety and sanitation standards, chapter 509, F.S., limits liability for hotel owners, prohibits false representation concerning hotels, creates two advisory councils, and establishes a Hospitality Education Program (HEP).

B. Effect of Proposed Changes:

Reenacts and revises chapter 509, F.S. The division would set fees by rule. Maximum fees would be \$1,000 for hotels and \$200 for restaurants. Would exempt restaurants in food outlets from the provisions of chapter 509, F.S. The liability of hotels for the property of guests would increase. Sections prohibiting false representation of hotels would be repealed. Habitual offender penalties would be included for certain offenses. One advisory council would be abolished and its duties would be given to the remaining, restructured council.

Provides that if the division does not desire to inspect public lodging and food service facilities, they shall contract with the DHRS to perform such inspections through the county health units. The bill also provides a further definition of "transient occupancy" and restricts several sections to apply to transients only. Construction inspections by the division would no longer be required and also, a registered architect or engineer's notarized statement is to be accepted by the division regarding building plans and specifications. The bill provides for the physically disabled and in the case of a lockout, allows a person to remove essential personal property. Finally, it is provided that the act shall have a sunset date of July 1, 1981.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The impact on the public is to decrease the negative effects of

the duplication of inspection between the division and the DHRS. Further, the duplication of construction permitting and review is eliminated and thus, the public should gain through reduced fees in this area. Owners of restaurants in food outlets would no longer have to pay a \$17.50 license fee.

Hotel owners should not face increased insurance rates as a result of the increase in the liability limit because, according to the division direction, \$1,000 is the minimum amount of liability insurance a hotel can purchase. Patrons whose goods are lost may recover up to \$1,000.

B. Government:

1. Health and Safety inspections of food and lodging facilities:

The bill requires 4 inspections annually of each lodging and food service facility by the division. It also permits them to contract the inspections in whole or in part to the local county health units. The DHRS is permitted to inspect food service facilities not more than twice annually. The impact on the government will depend on the degree of contracting between the division and the county health units. Three different levels of contracting are considered:

- a. No contract with local health units. The division will perform four inspections annually of all lodging and food service facilities. The division is currently not doing four inspections annually and to do so would require 49 additional inspectors at \$14,000 each for a total of \$700,000. The DHRS function would be reduced from 5.61 inspections of food facilities to 2 annually. DHRS states this would require 70 less employees for a savings of \$938,000, 285,000 of which is general revenue.
 - b. The division contracts with local county health units for 100% of both food service and lodging inspections. The division would eliminate its entire staff of 81 inspector and support positions (\$1,192,729). The DHRS, in order to perform the four inspections annually would require an additional 46 employees for \$860,000, to be provided from the Hotel and Restaurant Trust Fund.
 - c. The division contracts with local county health units for 100% food service inspections only and performs four inspections of lodging themselves. The division would require only 3 additional positions at a cost of \$42,000. The DHRS could reduce its staff by 31 positions in order to make only four inspections of food service facilities at a cost savings of \$420,000, of which approximately \$130,000 is general revenue.
2. The construction inspections by the division to ensure that construction is in compliance with building codes is eliminated and the responsibility goes to the local governments. The savings to the state will be a reduction of nine positions at \$160,000, all trust funds.
 3. The review and approval of construction plans for lodging and food service facilities is amended. The impact appears to be to eliminate the duplication of issuance of public building permits by both the state and local government unit. The impact would be to eliminate state permitting fees of \$235,000 annually and architect and engineer services of \$58,000, for a net loss to the state of \$177,000 in trust funds.

III. COMMENTS:

The bill as drafted does not provide a clear understanding of the amended process of the issuance of building permits for construction of lodging and food service facilities. The intent appears to be to eliminate the divisions involvement in the permitting and construction inspection of building erections and improvements. The language, however, continues to call for division construction plans examination and approval. Also, there is some question as to if the division can contract with DHRS for food service inspections. This contract provision is permitted in section 509.032 (2) (a), F.S.; however section 509.032(2) (b) 2. prohibits DHRS from performing more than two food service inspections annually.

This act shall take effect July 1, 1979, and if it becomes a law after that date, it shall operate retroactively to July 1, 1979.

IV. AMENDMENTS:

None.

DATE: May 18, 1979

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Becia	Overstreet	1. G.O.	Fav/3 amend.
2. Barrett	Helton <i>HB</i>	2. W&M	
3. _____		3. _____	

SUBJECT: Chapter 509, F.S.
Hotels and Restaurants, --
Sunset Legislation

BILL No. AND SPONSOR:
SB 284 by G.O. and
Senators Maxwell and
Williamson

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I. SUMMARY:

A. Present Situation:

Chapter 509, F.S., is repealed July 1, 1979, pursuant to the Regulatory Reform Act of 1976, unless reenacted by the Legislature. The Governmental Operation's staff review concluded that a threat to the public health, safety, and welfare would exist absent regulation of the hotel and restaurant industry. Staff recommended reenactment and revision of the law.

The Division of Hotels and Restaurants licenses and inspects public lodging and public food service establishments. The division has 66 inspectors and does not conduct four annual inspections for each establishment as required. The inspection rate is 2.21 for hotels and 2.70 for restaurants. Restaurants are also inspected by the Department of Health and Rehabilitative Services (DHRS) at a rate of 5.61 inspections annually.

In addition to requiring licenses, prescribing fees, and setting safety and sanitation standards, chapter 509, F.S., limits liability for hotel owners, prohibits false representation concerning hotels, creates two advisory councils, and establishes a Hospitality Education Program (HEP).

B. Effect of Proposed Changes:

Reenacts and revises chapter 509, F.S. The division would set fees by rule. Maximum fees would be \$1,000 for hotels and \$200 for restaurants. Would exempt restaurants in food outlets from the provisions of chapter 509, F.S. The liability of hotels for the property of guests would increase. Sections prohibiting false representation of hotels would be repealed. Habitual offender penalties would be included for certain offenses. One advisory council would be abolished and its duties would be given to the remaining, restructured council.

DHRS would set sanitary standards in restaurants, insure the maintenance of standards by inspecting not more than twice yearly, inspect when necessary to respond to emergency or epidemiological conditions, and report its findings to the Governor and the Secretary of Business Regulation.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Fee increases would be necessary to provide for the employment of 49 additional inspectors. The average hotel fee would increase by \$13 in FY 79-80 and the average restaurant increase would be \$5. Increased fees would probably be passed on as routine business expenses, but would be spread widely among the consumers and would be minimal. Owners of restaurants in food outlets would no longer have to pay a \$17.50 license fee.

Hotel owners should not face increased insurance rates as a result of the increase in the liability limit because, according to the division direction, \$1,000 is the minimum amount of liability insurance a hotel can purchase. Patrons whose goods are lost may recover up to \$1,000.

B. Government:

In order to make four inspections per establishment per year, the division estimates a need for 49 more inspectors, at \$14,000 per position. The additional annual cost would approach \$700,000, and would be funded from increased fees.

The Department of Health and Rehabilitative Services carries out the function of inspection of public food service establishments in the local health units. They have prepared a fiscal note showing that implementation of this legislation would result in savings of \$937,879 and the potential reduction of 70 positions. They have broken this savings down into \$285,117 in general revenue funds and \$652,764 in trust funds.

III. COMMENTS:

This act shall take effect July 1, 1979 and if it becomes a law after that date, it shall operate retroactively to July 1, 1979.

IV. AMENDMENTS:

#1 by Governmental Operations:

Requires DHRS to inspect public food service establishments concurrently with the division.

#2 by Governmental Operations:

Provides for repeal of chapter 509, F.S., on July 1, 1985, pursuant to the Regulatory Reform Act of 1976.

#3 by Governmental Operations:

Title amendment.

BILL ACTION REPORT

COMMITTEE ON APPROPRIATIONS

MEETING DATE: _____
TIME: _____

FINAL ACTION:

Favorably with 15 amendments

Favorably with Committee Substitute

Unfavorably

OTHER: _____ Temporarily Passed (TP)

_____ MOTION TO RECONSIDER

_____ VOTE TO RECONSIDER--PASSED _____

FAILED _____

Other Committees Referenced: # of Amendments

(1) NO 3

(2) _____

(3) _____

(4) _____

THE VOTE ON _____ WAS: _____ NO ACTION

FINAL BILL VOTE	SENATORS		by: <u>MacKay</u>		by: <u>Myers</u>		by: <u>Myers</u>		by: <u>MacKay</u>		by: <u>Myers</u>	
	Amendment Nos. # Motions		by: <u>MacKay</u>		by: <u>Myers</u>		by: <u>Myers</u>		by: <u>MacKay</u>		by: <u>Myers</u>	
	YE	NAY	AYE	NAY	AYE	NAY	AYE	NAY	AYE	NAY	AYE	NAY
<u>ascs</u>		SENATOR CHAMBERLIN	✓		✓				✓			
		SENATOR DON CHILDERS	✓		✓				✓			
		SENATOR W D CHILDERS	✓		✓				✓			
		SENATOR DUNN			✓							
		SENATOR GORMAN			✓							
		SENATOR HAIR			✓							
		SENATOR HOLLOWAY			✓							
		SENATOR MacKAY	✓		✓				✓			
		SENATOR MAXWELL			✓							
		SENATOR McClAIN			✓							
		SENATOR MYERS	✓		✓				✓			
		SENATOR PETERSON	✓		✓				✓			
		SENATOR SCARBOROUGH	✓		✓				✓			
		SENATOR SCOTT			✓							
		SENATOR SKINNER	✓		✓				✓			
		SENATOR SPICOLA			✓							
		SENATOR STUART			✓							
		SENATOR THOMAS			✓							
	SENATOR TOBIASSEN			✓								
	SENATOR TRASK			✓								
	SENATOR VOGT			✓								
	SENATOR JOHNSTON			✓								
	MR. CHAIRMAN			✓								
YE	NAY			AYE	NAY	AYE	NAY	AYE	NAY	AYE	NAY	
TOTAL				11	10	9	12			11	11	

SPONSOR/AIDE: _____

OTHER SPEAKERS: _____

*See Record pg

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DO NOT USE FELT TIP PEN TYPEWRITE IF POSSIBLE

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SB 284.....

HB

Senator Dunn.....moved the following

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.....amendment.....which was adopted: which failed

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Amendment

On page 6....., line 29....., ~~insert~~

- a
- b
- c
- d
- e
- f
- g
- 1
- 2
- 3
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- 6
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~~and insert~~, after the period:

There is a rebuttable presumption that
 where the dwelling unit occupied is the
 sole residence of the guest, the occupancy
 is non-transient. There is a rebuttable
 presumption that where the dwelling unit
 occupied is not the sole residence of
 the guest, the occupancy is transient.

(If amendment is text of another bill, insert: Bill No. _____ or Draft No. _____)

DO NOT USE FELT TIP PEN TYPEWRITE IF POSSIBLE
Line numbers on amendment blank have no relation to line numbers on bills.

SB ..284.....

HB

Senator.....moved the following **C**
.....amendment.....which was adopted: which failed:

Amendment

On page s. 1. r. 53....., ~~line~~....., strike

- aeverything after the enacting clause.....
- b
- c
- d
- e
- f
- g

and insert:

1 Section 1. Section 509.013, Florida Statutes, is
2 amended to read:

3 509.013 Definitions.--As used in the following
4 ~~definitions apply in the interpretation and enforcement of~~
5 this chapter:

6 (1) "Division" means the Division of Hotels and
7 ~~Restaurants~~ of the Department of Business Regulation.

8 (2) "~~Owner~~" or "Operator" means the owner, operator,
9 keeper, proprietor, lessee, manager, assistant manager, desk
10 clerk, agent, or employee of a public lodging ~~or food service~~
11 establishment.

12 (3) "Guest" means any guest, tenant, lodger, boarder,
13 or occupant of a public lodging ~~or food service~~ establishment.

14 (4) (a) "Public lodging establishment" means any
15 building or structure, or group of buildings or structures
16 within a single complex of buildings, which is kept, used,
17 maintained, or advertised as, or held out to the public to be,
18 a place where sleeping or housekeeping accommodations are
19 supplied for pay to transient or permanent guests or tenants.
20

(If amendment is text of another bill, insert: Bill No. _____ or Draft No. _____)

Stored: SB 284-1

1 (b) The following are excluded from the definition in
 2 paragraph (a):

3 1. Any individually or collectively owned one, two, or
 4 three family dwelling house or dwelling unit, regardless of
 5 the number of such dwelling houses or units clustered
 6 together, unless they are regularly rented to transients or
 7 held out to or advertised to the public as places regularly
 8 rented to transients;

9 2. Any dormitory or other living or sleeping facility
 10 maintained by a public or private school, college, or
 11 university primarily for the use of students, faculty, or
 12 visitors;

13 3. Any hospital, nursing home, sanitarium, adult
 14 congregate living facility, or other similar place; and

15 4. Any place renting three rental units or less,
 16 unless the rental units are advertised or held out to the
 17 public to be places that are regularly rented to transients.

18 ~~establishments"-are-those-establishments-defined-in-s-~~
 19 ~~509.241(1)-~~

20 ~~(5)--"Public-food-service-establishments"-are-those~~
 21 ~~establishments-defined-in-s.-509.241(2)-~~

22 (5)(6) "Director" means the director of the Division
 23 of Hotels and-Restaurants of the Department of Business
 24 Regulation.

25 (6)(7) "Single complex of buildings" means all
 26 buildings or structures which are owned, managed, controlled,
 27 and ~~advertised-as-one-public-lodging-establishment,~~ operated
 28 under one business name, having a common street address, and
 29 situated on the same tract or plot of land which is not
 30 separated by a public street or highway.

1 ~~(8)--"Ironed" means either linens conventionally ironed~~
2 ~~through normal laundry processes, or preironed, or noniron~~
3 ~~linens.~~

4 (7)~~(9)~~ "Transient occupancy" means occupancy when it
5 is the intention of the parties that the occupancy will be
6 temporary.

7 (8)~~(10)~~ "Transient" means a guest in transient
8 occupancy ~~in a public lodging establishment.~~

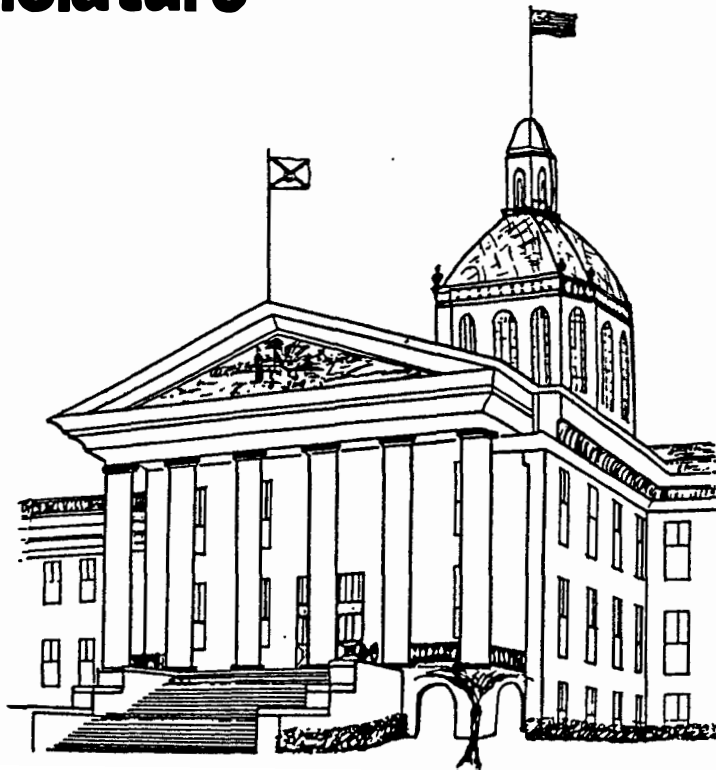
9 Section 2. Section 509.032, Florida Statutes, is
10 amended to read:

11 509.032 Duties.--

12 (1) GENERAL.--The division shall carry out ~~and execute~~
13 all of the provisions of this chapter and all other laws ~~now~~
14 ~~in force or which may hereafter be enacted~~ relating to the
15 inspection or regulation of public lodging ~~and public food~~
16 ~~service~~ establishments for the purpose of safeguarding the
17 public health, safety, and welfare. The division shall be
18 responsible for ascertaining that no establishment licensed by
19 it engages ~~shall engage~~ in any misleading advertising or
20 unethical practices ~~as defined by this chapter and all other~~
21 ~~laws now in force or which may hereafter be enacted.~~ The
22 division shall keep accurate account of all expenses arising
23 out of the performance of its duties and shall file monthly
24 itemized statements of such expenses with the Department of
25 Banking and Finance, together with an account of all fees
26 collected under the provisions of this chapter.

27 (2) INSPECTION OF PREMISES.--The division shall
28 inspect, or cause to be inspected, at least four times
29 annually, each every public lodging establishment ~~and at least~~
30 ~~four times annually every public food service establishment~~ in
31 this state, and for that purpose it shall have the right to

History of Legislation 1979 Regular Session Florida Legislature



prepared by:

**Legislative Information Division
Joint Legislative Management Committee
Capitol Building, Room 826 — 488-4371**

FLORIDA LEGISLATURE - AUTOMATED BILL STATUS SYSTEM

07/19/79 18:56

HISTORY OF SENATE BILLS

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- 04/03/79 SENATE INTRODUCED, REFERRED TO JUDICIARY-CRIMINAL, AGRICULTURE -SJ 00037
- 04/09/79 SENATE COMM. REPORT: C/S BY JUDICIARY-CRIMINAL -SJ 00110
- 04/11/79 SENATE NOW IN AGRICULTURE -SJ 00110
- 04/17/79 SENATE COMM. REPORT: FAVORABLE WITH AMEND., PLACED ON CALENDAR BY AGRICULTURE -SJ 00139
- 05/15/79 SENATE PLACED ON SPECIAL ORDER CALENDAR; C/S READ FIRST TIME; C/S PASSED AS AMENDED; YEAS 26 NAYS 10 -SJ 00434
- 05/17/79 HOUSE RECEIVED, REFERRED TO CRIMINAL JUSTICE -HJ 00589
- 06/06/79 HOUSE DIED IN COMMITTEE ON CRIMINAL JUSTICE
- S 0281 JCINT RESOLUTION BY GRIZZLE (IDENTICAL H 0086)
 HOMESTEADS/FORCED SALE, LIENS; CONSTITUTIONAL AMENDMENT TO PROVIDE THAT THE EXEMPTION OF HOMESTEAD & PERSONAL PROPERTY TO VALUE OF \$1,000 FROM FORCED SALE & CERTAIN LIENS SHALL EXTEND TO ANY NATURAL PERSON, NOT JUST HEAD OF FAMILY. AMENDS S. 4, ART. X.
 02/19/79 SENATE PREFILED
 02/20/79 SENATE REFERRED TO RULES AND CALENDAR
 04/03/79 SENATE INTRODUCED, REFERRED TO RULES AND CALENDAR -SJ 00037
 04/13/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE RULES AND CALENDAR
 04/27/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE RULES AND CALENDAR
 05/25/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE RULES AND CALENDAR
 06/06/79 SENATE DIED IN COMMITTEE ON RULES AND CALENDAR
- S 0282 GENERAL BILL BY GRIZZLE
 DOGRACING; AUTHORIZES AN ADDITIONAL CHARITY DAY AT DERBY LANE, PROCEEDS OF WHICH ARE TO BE PAID TO PINELLAS COUNTY ARTS COUNCIL. AMENDS 550.03.
 EFFECTIVE DATE: UPON BECOMING LAW.
 02/19/79 SENATE PREFILED
 02/20/79 SENATE REFERRED TO COMMERCE, WAYS AND MEANS
 04/03/79 SENATE INTRODUCED, REFERRED TO COMMERCE, WAYS AND MEANS -SJ 00037
 04/17/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE COMMERCE
 05/03/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE COMMERCE
 05/16/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE COMMERCE
 06/06/79 SENATE DIED IN COMMITTEE ON COMMERCE
- S 0283 GENERAL BILL/CS BY JUDICIARY-CIVIL, ANDERSON, HOLLOWAY (COMPARE H 0336, S 0471)
 SCHOOL BOARDS; PROVIDES FOR NONPARTISAN ELECTION OF DISTRICT SCHOOL BOARD MEMBERS IN CERTAIN SCHOOL DISTRICTS; REQUIRES QUESTION OF SUCH NONPARTISAN ELECTIONS BE SUBMITTED TO ELECTORS; RATIFIES PRIOR ELECTIONS HELD RE NONPARTISAN ELECTION OF SCHOOL BOARD MEMBERS, ETC. AMENDS 230.08. EFFECTIVE DATE: 07/01/79.
 02/19/79 SENATE PREFILED
 02/20/79 SENATE REFERRED TO JUDICIARY-CIVIL
 04/03/79 SENATE INTRODUCED, REFERRED TO JUDICIARY-CIVIL -SJ 00037
 04/16/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE JUDICIARY-CIVIL
 04/27/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE JUDICIARY-CIVIL
 05/10/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE JUDICIARY-CIVIL
 05/11/79 SENATE C/S COMBINES THIS BILL AND S 471; COMM. REPORT: C/S PLACED ON CALENDAR BY JUDICIARY-CIVIL -SJ 00427
 05/30/79 SENATE PLACED ON SPECIAL ORDER CALENDAR; RETAINED ON REGULAR CALENDAR
 06/01/79 SENATE WITHDRAWN FROM CALENDAR, REREFERRED TO RULES AND CALENDAR -SJ 00920
 06/06/79 SENATE DIED IN COMMITTEE ON RULES AND CALENDAR
- S 0284 GENERAL BILL/CS BY WAYS AND MEANS, GOVERNMENTAL OPERATIONS AND OTHERS (COMPARE ENG/H 1738)
 PUBLIC LODGING & FOOD SERVICE; REVIVES, READOPTS & AMENDS CH. 509, NOTWITHSTANDING PROVISIONS OF REGULATORY REFORM ACT OF 1976; PRESCRIBES DUTIES OF HOTELS & RESTAURANT DIV. OF BUSINESS REG. DEPT.; LIMITS INSPECTION AUTHORITY OF H.R.S. & LOCAL HEALTH AGENCIES, ETC. AMENDS CH. 509. EFFECTIVE DATE: 07/01/79.
 02/19/79 SENATE PREFILED
 02/20/79 SENATE REFERRED TO GOVERNMENTAL OPERATIONS, WAYS AND MEANS
 03/07/79 SENATE COMM. REPORT: FAVORABLE WITH AMEND. BY GOVERNMENTAL OPERATIONS; NOW IN WAYS AND MEANS

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HISTORY OF SENATE BILLS

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- 04/27/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE WAYS AND MEANS
- 05/09/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE WAYS AND MEANS
- 05/18/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE WAYS AND MEANS
- 05/21/79 SENATE COMM. REPORT: C/S PLACED ON CALENDAR BY WAYS AND MEANS -SJ 00505
- 05/24/79 SENATE PLACED ON SPECIAL ORDER CALENDAR; C/S READ FIRST TIME; C/S PASSED AS AMENDED; YEAS 33 NAYS 0 -SJ 00565
- 05/30/79 HOUSE RECEIVED, PLACED ON CALENDAR; READ SECOND TIME; READ THIRD TIME; PASSED; YEAS 80 NAYS 6 -HJ 00883
- 06/18/79 SENATE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR
- 06/28/79 APPROVED BY GOVERNOR CHAPTER NO. 79-240
- S 0285 GENERAL BILL BY FECHTEL (IDENTICAL H 0018, COMPARE H 0430, H 1444, ENG/S 0066)
SCHOOL FINANCE & TAXATION; REDUCES OVER A PERIOD OF YEARS MAXIMUM MILLAGE RATE THAT MAY BE LEVIED BY SCHOOL BOARDS PARTICIPATING IN STATE ALLOCATION OF FUNDS FOR CURRENT OPERATION. AMENDS 236.25.
EFFECTIVE DATE: 07/01/79.
02/20/79 SENATE PREFILED
- 03/02/79 SENATE REFERRED TO EDUCATION, WAYS AND MEANS
- 04/03/79 SENATE INTRODUCED, REFERRED TO EDUCATION, WAYS AND MEANS -SJ 00037
- 04/17/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE EDUCATION
- 05/01/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE EDUCATION
- 05/15/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE EDUCATION
- 05/16/79 SENATE WITHDRAWN FROM EDUCATION, WAYS AND MEANS; INDEFINITELY POSTPONED -SJ 00470
- S 0286 GENERAL BILL BY FRANK (IDENTICAL H 1235)
LEGISLATURE; REQUIRES THE LEGISLATURE, PRIOR TO ENACTMENT OF LAW WHICH REQUIRES TAX REDUCTION, TO PREPARE A STATEMENT DESCRIBING SERVICES TO BE REDUCED OR ELIMINATED AS A RESULT THEREOF. EFFECTIVE DATE: 10/01/79.
02/22/79 SENATE PREFILED
- 03/02/79 SENATE REFERRED TO GOVERNMENTAL OPERATIONS, WAYS AND MEANS, RULES AND CALENDAR
- 04/03/79 SENATE INTRODUCED, REFERRED TO GOVERNMENTAL OPERATIONS, WAYS AND MEANS, RULES AND CALENDAR -SJ 00037
- 04/13/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE GOVERNMENTAL OPERATIONS
- 04/17/79 SENATE COMM. REPORT: UNFAVORABLE, LAID ON TABLE UNDER RULE BY GOVERNMENTAL OPERATIONS -SJ 00139
- S 0287 JOINT RESOLUTION BY FRANK AND OTHERS (IDENTICAL H 0241)
JUDICIAL NOMINATING COMMISSIONS; CONSTITUTIONAL AMENDMENT TO PROVIDE THAT ALL PROCEEDINGS & RECORDS OF JUDICIAL NOMINATING COMMISSIONS SHALL BE OPEN & ACCESSIBLE TO PUBLIC. AMENDS S. 11, ART V.
02/22/79 SENATE PREFILED
- 03/02/79 SENATE REFERRED TO JUDICIARY-CIVIL, RULES AND CALENDAR
- 04/03/79 SENATE INTRODUCED, REFERRED TO JUDICIARY-CIVIL, RULES AND CALENDAR -SJ 00037
- 04/16/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE JUDICIARY-CIVIL
- 04/27/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE JUDICIARY-CIVIL
- 05/10/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE JUDICIARY-CIVIL
- 05/23/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE JUDICIARY-CIVIL
- 06/06/79 SENATE DIED IN COMMITTEE ON JUDICIARY-CIVIL
- S 0288 GENERAL BILL BY SCARBOROUGH (IDENTICAL H 0010)
MOTION PICTURE DISTRIBUTORS; CREATES MOTION PICTURE FAIR COMPETITION ACT; PROHIBITS BLIND BIDDING FOR MOTION PICTURES; ESTABLISHES BIDDING PROCEDURES; PROHIBITS GUARANTEES, ADVANCES & CERTAIN SOLICITATION OF BIDS; PROVIDES PENALTIES. CREATES 468.09-.098; AMENDS 468.08.
EFFECTIVE DATE: UPON BECOMING LAW.
02/22/79 SENATE PREFILED
- 03/02/79 SENATE REFERRED TO COMMERCE, JUDICIARY-CRIMINAL
- 04/03/79 SENATE INTRODUCED, REFERRED TO COMMERCE, JUDICIARY-CRIMINAL
- CONTINUED ON NEXT PAGE

PUBLIC OFFICERS & EMPLOYEES; AUTHORIZES CERTAIN UNITS OF GOVERNMENT TO PROVIDE CERTAIN GROUP INSURANCE FOR PUBLIC OFFICERS & EMPLOYEES; AMENDS & REENACTS CERTAIN PROVISIONS TO CONFORM TO ACT & TO INCORPORATE AMENDMENT IN REFERENCE THERETO. AMENDS 112.08, 145.131; REENACTS 373.605(1). EFFECTIVE DATE: 10/01/79.
 05/15/79 HOUSE INTRODUCED, REFERRED TO COMMUNITY AFFAIRS -HJ 00556
 06/06/79 HOUSE DIED IN COMMITTEE ON COMMUNITY AFFAIRS

H 1734 GENERAL BILL BY TRANSPORTATION (SIMILAR H 0276, COMPARE H 0168, S 0042) MOTOR VEHICLE SAFETY INSPECTION; AUTHORIZES COUNTIES TO CONDUCT COUNTYWIDE PERIODIC M.V. INSPECTION PROGRAMS; PROVIDES FOR UNIFORM RULES & PROCEDURES; REPEALS PROVISIONS RE SAFETY EQUIPMENT INSPECTION & ABOLISHES SAFETY EQUIP. INSPECTION SYS., ETC. AMENDS CHS. 316, 318, 319, 320, 324, 325, 450. EFFECTIVE DATE: 10/01/79.
 05/15/79 HOUSE INTRODUCED, PLACED ON CALENDAR -HJ 00556
 05/22/79 HOUSE PLACED ON SPECIAL ORDER CALENDAR; WITHDRAWN FROM CALENDAR, REFERRED TO APPROPRIATIONS -HJ 00655
 05/24/79 HOUSE COMM. REPORT: FAVORABLE, PLACED ON CALENDAR BY APPROPRIATIONS -HJ 00763
 05/29/79 HOUSE PLACED ON SPECIAL ORDER CALENDAR
 06/06/79 HOUSE DIED ON CALENDAR

H 1735 GENERAL BILL BY ETHICS & ELECTIONS (SIMILAR CS/S 0935) PUBLIC OFFICERS & EMPLOYEES; PROVIDES STANDARDS OF CONDUCT FOR SAID OFFICERS/EMPLOYEES & CERTAIN INDEPENDENT CONTRACTORS DOING BUSINESS WITH GOVERNMENTAL AGENCY; PROHIBITS USE OF OFFICIAL POSITION/AUTHORITY TO EXTORT MONEY; PROHIBITS SOLICITATION/ACCEPTANCE OF GIFTS, ETC. AMENDS CH. 112, 116, 839. EFFECTIVE DATE: 10/01/79.
 05/15/79 HOUSE INTRODUCED, PLACED ON CALENDAR -HJ 00556
 06/06/79 HOUSE DIED ON CALENDAR

H 1736 GENERAL BILL BY GOVERNMENTAL OPERATIONS AND OTHERS (SIMILAR H 1292, COMPARE CS/H 1020) PUBLIC COUNSEL; EXPANDS DUTIES OF PUBLIC COUNSEL TO INCLUDE REPRESENTATION OF PUBLIC BEFORE INSURANCE DEPT.; CONFORMS PROVISIONS SPECIFYING POWERS/DUTIES OF PUBLIC COUNSEL & PROVISIONS RE LOCATION OF PUBLIC COUNSEL, RE PUBLIC COUNSEL EMPLOYEES & RECEIPT OF PLEADINGS, ETC. CREATES 11.402-.406. EFFECTIVE DATE: 10/01/79.
 05/15/79 HOUSE INTRODUCED, PLACED ON CALENDAR -HJ 00556
 06/06/79 HOUSE DIED ON CALENDAR

H 1737 GENERAL BILL BY GOVERNMENTAL OPERATIONS (SIMILAR S 1176) CIRCUIT COURT CLERK; RE SERVICE CHARGES; PROVIDES THAT IN THOSE COUNTIES WHERE CLERK'S OFFICE OPERATES AS FISCAL UNIT OF COUNTY, THE CLERK SHALL NOT CHARGE COUNTY FOR SERVICES. AMENDS 28.24. EFFECTIVE DATE: 07/01/79.
 05/15/79 HOUSE INTRODUCED, PLACED ON CALENDAR -HJ 00556
 06/01/79 HOUSE IDFN./SIM. SENATE BILL SUBSTITUTED; LAID ON TABLE UNDER RULE, IDEN./SIM./COMPARE BILL PASSED, REFER TO SB 1176 (CH. 79-266) -HJ 01133

H 1738 GENERAL BILL BY GOVERNMENTAL OPERATIONS (COMPARE CS/S 0284) PUBLIC LODGING & FOOD SERVICE; PROVIDES THAT NOTARIZED STATEMENT FROM REGISTERED ARCHITECT OR ENGINEER MUST ACCOMPANY PLANS FOR ERECTION/REMODELING OF BLOGS. USED AS PUBLIC LODGING/FOOD SERVICE ESTABLISHMENTS; AMENDS PROVISIONS RE SAFETY REGULATIONS FOR CERTAIN BLOGS., ETC. AMENDS CH. 509. EFFECTIVE DATE: UPON BECOMING LAW.
 05/15/79 HOUSE INTRODUCED, PLACED ON CALENDAR -HJ 00556
 05/22/79 HOUSE PLACED ON SPECIAL ORDER CALENDAR
 05/23/79 HOUSE READ SECOND TIME -HJ 00722
 05/24/79 HOUSE READ THIRD TIME; PASSED; YEAS 107 NAYS 3;
 RECONSIDERED; AMENDMENT ADOPTED; PASSED AS AMENDED;
 YEAS 75 NAYS 7 -HJ 00758
 05/29/79 SENATE RECEIVED, REFERRED TO GOVERNMENTAL OPERATIONS
 -SJ 00613
 06/06/79 SENATE DIED IN COMMITTEE, IDEN./SIM./COMPARE BILL PASSED,
 REFER TO SB 284 (CH. 79-240)

H 1739 JOINT RESOLUTION BY GOVERNMENTAL OPERATIONS
 COVERTURE & PROP./RETIREMENT/CONST.; CONSTITUTIONAL AMENDMENT TO REVISE
 CONTINUED ON NEXT PAGE

FLO R I D A L E G I S L A T U R E

1979
S U M M A R Y
O F G E N E R A L
L E G I S L A T I O N

Regular Session April 3-June 6
Special Session June 6

Estate; increasing Board membership from three to seven members comprised of five brokers and two lay persons; deleting the residence requirement of Board members; defining exemptions from the real estate license law; rewording and revamping the definition section; requiring disciplinary information exchanges between the Board and the Division of Florida Land Sales and Condominiums of the Department of Business Regulation; adding a \$1,000 fine as a possible disciplinary action for each separate offense; deleting specified license fees and adding provisions for fee establishment by rule; and deleting certain areas of registration and regulation which have previously been required. The act provides for repeal of Chapter 475, F.S., on July 1, 1985, and its review by the Legislature pursuant to the provisions of the Regulatory Reform Act of 1976.

Hotel and Restaurant Regulation

→ The COMMITTEE SUBSTITUTE FOR SENATE BILL 284 (CHAPTER 79-240) re-enacts and revises Chapter 509, F.S., dealing with regulation of the hotel and restaurant industry, and provides for the Division of Hotels and Restaurants of the Department of Business Regulation to license and inspect public lodging and public food service establishments. The Division shall adopt by rule a schedule of fees to be paid based on the number of rental units for public lodging establishments with a maximum fee of \$1,000, and based on the seating capacity for public food service establishments with a maximum fee of \$200. This

act also provides for repeal of Chapter 509, F.S., on July 1, 1981, unless re-enacted by the Legislature pursuant to the 1976 Regulatory Reform Act.

Under SENATE BILL 259 (CHAPTER 79-342) elevator permit fees and annual license fees will no longer be applied and credited to hotel and restaurant fees which are required by another section of the statutes. Annual license fees for elevators and other conveyances in hotels and restaurants will have to be paid by the owner. The Division of Hotels and Restaurants of the Department of Business Regulation will set fees by rule, not to exceed \$50.

Pari-mutuel Wagering

HOUSE BILL 1707 (CHAPTER 79-300) extends the temporary self-expiring thoroughbred relief provisions of Chapter 550, F.S., for one year. These provisions will now expire on July 1, 1980, instead of July 1, 1979, as previously provided. Among other provisions, the extension would continue to allow 17.60% take-out from the pari-mutuel pools of the horseracing, dogracing and jai-alai activities. Special purse allowances and the distribution of the taxing revenues would continue as temporarily authorized. Twenty-four additional racing days would continue to be allowed for the winter thoroughbred tracks.

Alcoholic Beverages

COMMITTEE SUBSTITUTE FOR HOUSE BILL 118 (CHAPTER 79-70) allows public food service establishments which are regulated