
SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: March 12, 1998 Revised: _____

Subject: Food Recovery

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Schmeling</u>	<u>Austin</u>	<u>CM</u>	<u>Favorable/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This committee substitute encourages the donation, collection and delivery of surplus food to charitable or nonprofit organizations for distribution to persons who are in need of food. The Department of Agriculture and Consumer Affairs is required to submit a report on food recovery as well as develop a public information brochure on food recovery which must be distributed during food establishment inspections performed by the Department of Health and the Department of Business and Professional Regulation. This committee substitute additionally provides for the awareness of food recovery programs as a subject area of the Hospitality Education program.

This committee substitute amends sections 381.0072, 509.032, 509.302 and 570.0725, Florida Statutes.

II. Present Situation:

Section 570.0725, F.S., delineates the statutory framework for the food recovery program under the Department of Agriculture and Consumer Affairs. This policy framework allows the Department of Agriculture and Consumer Affairs to:

- Identify suppliers, volunteers, and nonprofit organizations in the community to ascertain the level of interest in establishing a food recovery program;
- Provide facilities and other resources for initial organizational meetings; and
- Provide direct and indirect support for the fledgling program, upon demonstration of serious interest at the local level.

In addition, the law allows the Department of Agriculture and Consumer Affairs to provide direct and indirect support to food recovery programs that are unable to obtain specific assistance from their communities or other sources by lending equipment, facilities, and staff resources for the collection, packaging, storage, and transportation of donated food, as needed.

Section 381.0072, F.S., requires the Department of Health to inspect those food service establishments not licensed by the Department of Business and Professional Regulation and includes detention facilities, child care facilities, schools, institutions, civic or fraternal organizations, and bars and lounges.

Chapter 509, F.S., authorizes the Division of Hotels and Restaurants, of the Department of Business and Professional Regulation, to regulate public lodging and public food service establishments. Prior to 1992, the division contracted with the Department of Health and Rehabilitative Services to conduct its food service inspections. Consequently, s. 509.032, F.S., not only authorizes the Division of Hotels and Restaurants to inspect public food service establishments, but also authorizes an agent of the division to perform this function. This chapter further requires the division to administer a public notification process for temporary food service events and distribute educational materials that address safe food storage, preparation, and service procedures.

Section 509.302, F.S., creates the Hospitality Education Program (HEP) funded by a fee (up to \$6 allowed by statute) which is added to each public lodging establishment and public food service establishment's annual license fee. HEP's primary goal is to inform all individuals and businesses licensed under ch. 509, F.S., as to training and instruction in the application of state and federal laws and rules. Such programs include: a) vocational training, b) management training, c) inservice continuing education programs and, d) other programs deemed appropriate by the director of the division, the advisory council, and the director of education.

III. Effect of Proposed Changes:

Section 1 of the committee substitute amends s. 570.0725, F.S., encouraging the donation, collection and delivery of surplus food to charitable or nonprofit organizations for distribution to persons who are in need of food. Additionally, the Department of Agriculture and Consumer Affairs is required to develop a public information brochure on food recovery which, among other things, must identify food banks which exist in the state.

Section 2 of the committee substitute requires the Department of Agriculture and Consumer Affairs to submit a report on food recovery efforts in the state and recommend legislative action to enhance such effort.

Section 3 of the committee substitute amends s. 381.0072, F.S., requiring the Department of Health to provide the food recovery brochure established in section 1 of this committee substitute to food service establishments during their inspections of such establishments.

Section 4 of the committee substitute amends s. 509.032, F.S., requiring the Department of Business and Professional Regulation to provide the food recovery brochure established in section 1 of this committee substitute to public food service establishments during their inspections of such establishments. This brochure must also be included in the educational materials provided to temporary food service event sponsors by the department.

Section 5 of the committee substitute provides for the inclusion of food recovery program awareness as a subject area of the Hospitality Education Program.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Agriculture and Consumer Affairs may experience minimum costs related to the development of a food recovery report and public information brochure as required by this committee substitute.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
