MEMORANDUM

Agenda Item No. 11(A)(4)

TO:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners	**DATE:**	September 15, 2009
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT**	Resolution urging the Florida Legislature to require public food service establishments to post a copy of their most current food inspection reports near their entrances

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: September 15, 2009

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 11(A)(4)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(4)
9-15-09

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO REQUIRE PUBLIC FOOD SERVICE ESTABLISHMENTS TO POST A COPY OF THEIR MOST CURRENT FOOD INSPECTION REPORTS NEAR THEIR ENTRANCES IN ORDER TO ALLOW POTENTIAL PATRONS TO MAKE AN INFORMED DINING DECISION

WHEREAS, public food service establishments are an important source of food for Miami-Dade County residents; and

WHEREAS, it is important to ensure that our residents are informed of the health conditions and safety of the County's public food service establishments; and

WHEREAS, consumers need easily accessible information to make informed choices when choosing a public food service establishment; and

WHEREAS, posting the most current food inspection report near the entrance of a public food service establishment would enable consumers to make more informed, healthier choices and create more of an incentive for public food service establishments to make food safety a priority; and

WHEREAS, currently Section 509.101 of the Florida Statutes requires operators of a public food service establishment to maintain the most current food service inspection report or a duplicate copy on premises and make it available to the public upon request; and

WHEREAS, it would better serve the public to have the most current food service inspection report prominently displayed near the entrance of the establishment at a height and location conspicuous to persons entering the establishment, thereby allowing potential patrons to make an informed choice as to whether to patronize a particular establishment; and

WHEREAS, cities and counties in Florida are preempted from passing legislation requiring public food service establishments to display the most current food inspection reports near their entrances because the State of Florida currently has exclusive jurisdiction to regulate restaurants pursuant to Chapter 509, Florida Statutes; and

WHEREAS, the Florida Legislature could require that public food service establishments display the most current food inspection reports near the entrance of the establishments,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to require public food service establishments that are inspected pursuant to Chapter 509 of the Florida Statutes to post the most current copy of their food inspection reports near the entrance of their establishments.

Section 2. Urges the Florida Department of Business and Professional Regulation, which has regulatory oversight over restaurants in Florida, to undertake meaningful regulatory and educational measures that keep the public informed as to the public food service establishments' compliance with safety and health measures.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade County State Legislative Delegation, the Secretary of the Florida Department of Business and Professional Regulation and the Secretary of the Florida Department of Health.

Section 4. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above and the adoption of the initiatives set forth in Section 2

above, and directs the Office of Intergovernmental Affairs to include this item in the 2010 State Legislative Package.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairman thereupon declared the resolution duly passed and adopted this 15th day of September, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. MD

Mandana M. Dashtaki