

HB 1581

2004

1 A bill to be entitled
 2 An act relating to sanitary regulations; amending s.
 3 509.221, F.S.; requiring food service establishments
 4 issued a license on or after a specified date to provide
 5 diaper-changing tables; providing exceptions; defining
 6 terms; providing requirements for diaper-changing tables;
 7 requiring the Division of Hotels and Restaurants of the
 8 Department of Business and Professional Regulation to
 9 adopt rules; providing an effective date.

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

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13 Section 1. Subsection (1) of section 509.221, Florida
 14 Statutes, is amended, subsection (9) is renumbered as subsection
 15 (10) and amended, subsections (6), (7), and (8) of said section
 16 are renumbered as subsections (7), (8), and (9), respectively,
 17 and a new subsection (6) is added to said section, to read:

18 509.221 Sanitary regulations.--

19 (1) Each public lodging establishment and each public food
 20 service establishment shall be supplied with potable water and
 21 shall provide adequate sanitary facilities for the accommodation
 22 of its employees and guests. Such facilities may include, but
 23 are not limited to, showers, handwash basins, diaper-changing
 24 tables, toilets, and bidets. Such sanitary facilities shall be
 25 connected to approved plumbing. Such plumbing shall be sized,
 26 installed, and maintained in accordance with the Florida
 27 Building Code. Wastewater or sewage shall be properly treated
 28 onsite or discharged into an approved sewage collection and
 29 treatment system.

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30 (6)(a) Each public food service establishment licensed on
31 or after January 1, 2005, and each public food service
32 establishment issued a renewal license on or after that date
33 shall provide a diaper-changing table in a properly designated
34 public bathroom, except that:

35 1. A mobile food dispensing vehicle, theme park food cart,
36 vending machine, or public food service establishment or a food
37 vendor participating in a temporary food service event need not
38 provide a public bathroom.

39 2. An arcade, a mall, or a flea market that contains a
40 public food service establishment that does not offer seating
41 within the public food service establishment may provide
42 centrally located bathroom facilities that are accessible to
43 patrons of the establishments in the arcade, mall, or flea
44 market, which bathroom facilities must be within 300 feet of
45 each establishment and must be equipped with a diaper-changing
46 table.

47 3. A public food service establishment that is located
48 within a theme park or an entertainment complex may provide
49 centrally located bathroom facilities that are accessible to
50 patrons of the establishments in the theme park or entertainment
51 complex, which bathroom facilities must be within 300 feet of
52 each establishment and must be equipped with a diaper-changing
53 table.

54 4. A public food service establishment that seats 10
55 persons or fewer shall provide a minimum of one bathroom that is
56 accessible to the public and is equipped with a diaper-changing
57 table.

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58 5. A public food service establishment that is located
 59 within a public lodging establishment may provide public
 60 bathrooms located within the public lodging establishment if
 61 such bathrooms are available for use by the patrons of the
 62 public food service establishment during all hours of operation,
 63 are within 300 feet of the public food service establishment,
 64 are equipped with a diaper-changing table, and are located on
 65 the same floor as the public food service establishment.

66 (b) As used in this subsection, the term "diaper-changing
 67 table" means a sturdy table or an elevated surface that has a
 68 changing surface that is at least 36 inches above floor level
 69 and is not used for any purpose other than diaper changing. In
 70 addition, the diaper-changing table must be adjacent to or near
 71 the bathroom sink, must have a clean, moisture-proof surface,
 72 must be sturdy and maintained in good repair, and must be kept
 73 free of all objects except those used for diaper changing.

74 (c) The division must establish by rule procedures for
 75 inspecting diaper-changing tables and procedures for
 76 disinfecting diaper-changing tables and disposing of soiled
 77 diapers.

78 ~~(10)(9)~~ Subsections (2), (5), and ~~(7)~~ ~~(6)~~ do not apply to
 79 any facility or unit classified as a resort condominium,
 80 nontransient apartment, or resort dwelling as described in s.
 81 509.242(1)(c), (d), and (g).

82 Section 2. This act shall take effect July 1, 2004.