

By Senator Wasserman Schultz

43-1029-04

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

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

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15 Section 1. Subsections (6), (7), (8), and (9) of
16 section 509.221, Florida Statutes, are redesignated as
17 subsections (7), (8), (9), and (10), respectively, a new
18 subsection (6) is added to that section, and subsection (1)
19 and redesignated subsection (10) of that section are amended,
20 to read:

21 509.221 Sanitary regulations.--

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

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1 sewage shall be properly treated onsite or discharged into an
2 approved sewage collection and treatment system.

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

8 1. A mobile food dispensing vehicle, theme park food
9 cart, vending machine, or public food service establishment or
10 a food vendor participating in a temporary food service event
11 need not provide a public bathroom.

12 2. An arcade, a mall, or a flea market that contains a
13 public food service establishment that does not offer seating
14 within the public food service establishment may provide
15 centrally located bathroom facilities that are accessible to
16 patrons of the establishments in the arcade, mall, or flea
17 market, which bathroom facilities must be within 300 feet of
18 each establishment and must be equipped with a diaper-changing
19 table.

20 3. A public food service establishment that is located
21 within a theme park or an entertainment complex may provide
22 centrally located bathroom facilities that are accessible to
23 patrons of the establishments in the theme park or
24 entertainment complex, which bathroom facilities must be
25 within 300 feet of each establishment and must be equipped
26 with a diaper-changing table.

27 4. A public food service establishment that seats 10
28 persons or fewer shall provide a minimum of one bathroom that
29 is accessible to the public and is equipped with a
30 diaper-changing table.

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1 5. A public food service establishment that is located
2 within a public lodging establishment may provide public
3 bathrooms located within the public lodging establishment if
4 such bathrooms are available for use by the patrons of the
5 public food service establishment during all hours of
6 operation, are within 300 feet of the public food service
7 establishment, are equipped with a diaper-changing table, and
8 are located on the same floor as the public food service
9 establishment.

10 (b) As used in this subsection, the term
11 "diaper-changing table" means a sturdy table or an elevated
12 surface that has a changing surface that is at least 36 inches
13 above floor level and is not used for any purpose other than
14 diaper changing. In addition, the diaper-changing table must
15 be adjacent to or near the bathroom sink, must have a clean,
16 moisture-proof surface, must be sturdy and maintained in good
17 repair, and must be kept free of all objects except those used
18 for diaper changing.

19 (c) The division must establish by rule procedures for
20 inspecting diaper-changing tables and procedures for
21 disinfecting diaper-changing tables and disposing of soiled
22 diapers.

23 ~~(10)(9)~~ Subsections (2), (5), and ~~(7)(6)~~ do not apply
24 to any facility or unit classified as a resort condominium,
25 nontransient apartment, or resort dwelling as described in s.
26 509.242(1)(c), (d), and (g).

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

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SENATE SUMMARY

Requires food service establishments to provide
diaper-changing tables. Provides exceptions. Provides
requirements for diaper-changing tables. Provides for
rulemaking by the Division of Hotels and Restaurants.