

By the Committee on Regulated Industries; and Senator
Wasserman Schultz

315-2297-04

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 exception; providing an
12 effective date.

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

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

22

509.221 Sanitary regulations.--

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

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 each properly
7 designated public bathroom, except that if it is determined by
8 the division that a public food service establishment has
9 public bathrooms that are too small to accommodate a
10 diaper-changing table or that the installation of a
11 diaper-changing table would impede the public food service
12 establishment's compliance with the Americans with
13 Disabilities Act, the establishment need not provide a
14 diaper-changing table. The division shall adopt rules to
15 administer this paragraph.

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

25 (c) The division must establish by rule procedures for
26 inspecting diaper-changing tables and procedures for
27 disinfecting diaper-changing tables and disposing of soiled
28 diapers.

29 (d) This subsection does not apply to a vendor
30 licensed under s. 565.02(1)(b)-(f) or an establishment that
31 prohibits persons under 18 years of age on the premises.

1 ~~(10)(9)~~ Subsections (2), (5), and ~~(7)(6)~~ do not apply
2 to any facility or unit classified as a resort condominium,
3 nontransient apartment, or resort dwelling as described in s.
4 509.242(1)(c), (d), and (g).

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

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7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
8 COMMITTEE SUBSTITUTE FOR
9 Senate Bill 1584

10 The committee substitute requires a diaper-changing table in
11 each properly designated public bathroom. It exempts from the
12 requirement any public bathroom in a public food service
13 establishment that the Division of Hotels and Restaurants
14 (division) determines is too small to accommodate a
15 diaper-changing table or that the installation of the table
16 would impede compliance with the Americans with Disabilities
17 Act. The committee substitute authorizes the division to
18 adopt rules to administer the diaper-changing table
19 requirement.

20 The committee substitute exempts from the diaper-changing
21 table requirement any public food service establishment that
22 is licensed as an alcoholic beverages vendor under s.
23 565.02(1)(b)-(f), F.S., or is an establishment that prohibits
24 persons under 18 years of age on the premises. The committee
25 substitute deletes the exceptions from the public bathroom
26 requirement.
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