

Bill No. SB 1462

Barcode 393638

CHAMBER ACTION

Senate

House

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The Committee on Health Regulation (Fasano) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Paragraph (b) of subsection (1) of section 381.0072, Florida Statutes, is amended to read:

381.0072 Food service protection.--It shall be the duty of the Department of Health to adopt and enforce sanitation rules consistent with law to ensure the protection of the public from food-borne illness. These rules shall provide the standards and requirements for the storage, preparation, serving, or display of food in food service establishments as defined in this section and which are not permitted or licensed under chapter 500 or chapter 509.

(1) DEFINITIONS.--As used in this section, the term:

(b) "Food service establishment" means any facility, as described in this paragraph, where food is prepared and intended for individual portion service, and includes the site

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1 at which individual portions are provided. The term includes  
2 any such facility regardless of whether consumption is on or  
3 off the premises and regardless of whether there is a charge  
4 for the food. The term includes detention facilities, child  
5 care facilities, schools, institutions, civic or fraternal  
6 organizations, bars and lounges and facilities used at  
7 temporary food events, mobile food units, and vending machines  
8 at any facility regulated under this section. The term does  
9 not include private homes where food is prepared or served for  
10 individual family consumption; nor does the term include  
11 churches, synagogues, or other not-for-profit religious  
12 organizations as long as these organizations serve only their  
13 members and guests and do not advertise food or drink for  
14 public consumption, or any facility or establishment permitted  
15 or licensed under chapter 500 or chapter 509; nor does the  
16 term include any theater, if the primary use is as a theater  
17 and if patron service is limited to food items customarily  
18 served to the admittees of theaters; nor does the term include  
19 a research and development test kitchen limited to the use of  
20 employees and which is not open to the general public; nor  
21 does the term include restrooms in a public airport as defined  
22 in ss. 330.27(2) and 330.27(6) which are not located within a  
23 food service establishment.

24 Section 2. Paragraph (b) of subsection (5) of section  
25 509.013, Florida Statutes, is amended to read:

26 509.013 Definitions.--As used in this chapter, the  
27 term:

28 (5)

29 (b) The following are excluded from the definition in  
30 paragraph (a):

31 1. Any place maintained and operated by a public or

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1 private school, college, or university:

2 a. For the use of students and faculty; or

3 b. Temporarily to serve such events as fairs,  
4 carnivals, and athletic contests.

5 2. Any eating place maintained and operated by a  
6 church or a religious, nonprofit fraternal, or nonprofit civic  
7 organization:

8 a. For the use of members and associates; or

9 b. Temporarily to serve such events as fairs,  
10 carnivals, or athletic contests.

11 3. Any eating place located on an airplane, train,  
12 bus, or watercraft which is a common carrier.

13 4. Any eating place maintained by a hospital, nursing  
14 home, sanitarium, assisted living facility, adult day care  
15 center, or other similar place that is regulated under s.  
16 381.0072.

17 5. Any place of business issued a permit or inspected  
18 by the Department of Agriculture and Consumer Services under  
19 s. 500.12.

20 6. Any place of business where the food available for  
21 consumption is limited to ice, beverages with or without  
22 garnishment, popcorn, or prepackaged items sold without  
23 additions or preparation.

24 7. Any theater, if the primary use is as a theater and  
25 if patron service is limited to food items customarily served  
26 to the admittees of theaters.

27 8. Any vending machine that dispenses any food or  
28 beverages other than potentially hazardous foods, as defined  
29 by division rule.

30 9. Any vending machine that dispenses potentially  
31 hazardous food and which is located in a facility regulated

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1 under s. 381.0072.

2           10. Any research and development test kitchen limited  
3 to the use of employees and which is not open to the general  
4 public.

5           11. Restrooms in a public airport as defined in ss.  
6 330.27(2) and 330.27(6) which are not located within a food  
7 service establishment.

8           Section 3. The Division of Hotels and Restaurants  
9 within the Department of Business and Professional Regulation  
10 shall inspect each food service establishment and its toilet  
11 facilities as often as necessary to ensure compliance with  
12 applicable laws and rules. The division shall have the right  
13 of entry and access to these food service establishments at  
14 any reasonable time. In inspecting food service establishments  
15 as provided under this section, the division shall provide  
16 each inspected establishment with the food recovery brochure  
17 developed under s. 570.0725, Florida Statutes.

18           (1) A toilet facility in a food service establishment  
19 licensed under chapter 509, Florida Statutes, must meet the  
20 following minimum sanitation standards:

21           (a) Each toilet facility located on the premises of  
22 the food service establishment must be completely enclosed and  
23 provided with a tight-fitting, self-closing door. Such door  
24 may not be left open except during cleaning or maintenance.

25           (b) Toilet facilities that are used by patrons must be  
26 situated so that a patron does not pass through  
27 food-preparation or utensil-washing areas.

28           (c) Toilet fixtures must be cleanable.

29           (d) Toilet facilities, including rooms and fixtures,  
30 must be kept clean and in good repair.

31           (e) The floors must be made of a nonabsorbent material

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1 and cleaned daily. The requirement that floors be made of a  
 2 nonabsorbent material applies only to food service  
 3 establishments that are constructed or substantially remodeled  
 4 after July 1, 2007.

5 (f) Receptacles must be provided for waste material,  
 6 and such receptacles must contain a trash-can liner. These  
 7 receptacles in toilet facilities for women must be covered.  
 8 Receptacles must be emptied as necessary to prevent excessive  
 9 accumulation of waste material.

10 (g) A supply of hand-cleansing, antibacterial soap or  
 11 detergent must be available in each toilet facility, and hot  
 12 and cold running water must be available at each hand-washing  
 13 sink within a toilet facility. A supply of sanitary towels or  
 14 a hand-drying device providing heated air must be located in  
 15 each toilet facility. Applicable to food service  
 16 establishments that are constructed or substantially remodeled  
 17 after July 1, 2007, hand-washing sinks that have an automatic  
 18 shut-off must run for a minimum of 20 seconds. Hand-washing  
 19 sinks, soap dispensers, hand-drying devices, and all related  
 20 fixtures must be kept clean and in good repair.

21 (h) A supply of toilet tissue must be provided in each  
 22 toilet stall at all times.

23 (i) Each toilet facility must be lighted and  
 24 ventilated. This requirement applies only to food service  
 25 establishments that are constructed or substantially remodeled  
 26 after July 1, 2007.

27 (j) A sign or poster that notifies food service  
 28 employees to wash their hands must be provided at each  
 29 hand-washing sink used by food service employees and must be  
 30 clearly visible to food service employees.

31 (2) The division may issue a warning or an

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1 administrative complaint to, or may issue an emergency order  
 2 for the immediate closure of, a food service establishment  
 3 that fails to meet the minimum sanitation standards required  
 4 by subsection (1).

5 Section 4. This act shall take effect July 1, 2007.

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8 ===== T I T L E A M E N D M E N T =====

9 And the title is amended as follows:

10 Delete everything before the enacting clause

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12 and insert:

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A bill to be entitled

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An act relating to food service establishments;

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amending ss. 381.0072 and 509.013, F.S.;

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excluding a restroom in a public airport from

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the definition of a food service establishment;

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requiring the Division of Hotels and

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Restaurants within the Department of Business

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and Professional Regulation to inspect toilet

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facilities of food service establishments;

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providing the minimum sanitation standards for

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toilet facilities in food service

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establishments; providing certain exemptions;

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providing for administrative penalties;

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providing an effective date.

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