

By Senator Crist

12-397B-07

1                                   A bill to be entitled  
2           An act relating to food service establishments;  
3           amending s. 381.0072, F.S.; requiring the  
4           Department of Health to inspect toilet  
5           facilities of food service establishments;  
6           providing the minimum sanitation standards for  
7           toilet facilities in food service  
8           establishments; providing certain exemptions;  
9           providing administrative penalties; amending s.  
10          509.221, F.S., relating to public lodging  
11          establishments; conforming provisions to  
12          changes made by the act; providing  
13          applicability; providing an effective date.

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

16  
17           Section 1. Paragraph (c) of subsection (2) of section  
18 381.0072, Florida Statutes, is amended to read:

19           381.0072 Food service protection.--It shall be the  
20 duty of the Department of Health to adopt and enforce  
21 sanitation rules consistent with law to ensure the protection  
22 of the public from food-borne illness. These rules shall  
23 provide the standards and requirements for the storage,  
24 preparation, serving, or display of food in food service  
25 establishments as defined in this section and which are not  
26 permitted or licensed under chapter 500 or chapter 509.

27           (2) DUTIES.--

28           (c) The department shall inspect each food service  
29 establishment, including its toilet facilities, as often as  
30 necessary to ensure compliance with applicable laws and rules.  
31 The department shall have the right of entry and access to

1 these food service establishments at any reasonable time. In  
2 inspecting food service establishments as provided under this  
3 section, the department shall provide each inspected  
4 establishment with the food recovery brochure developed under  
5 s. 570.0725.

6 1. Toilet facilities must meet the following minimum  
7 sanitation standards:

8 a. Each toilet room located on the premises of the  
9 food service establishment must be completely enclosed and  
10 provided with a tight-fitting, self-closing door. Such door  
11 may not be left open except during cleaning or maintenance.

12 b. Toilet facilities that are used by patrons must be  
13 situated so that a patron does not pass through  
14 food-preparation, food-storage, or utensil-washing areas.

15 c. Toilet fixtures must be of sanitary design and  
16 readily cleanable.

17 d. Toilet facilities, including rooms and fixtures,  
18 must be kept clean and in good repair and free of  
19 objectionable odors.

20 e. The floors must be made of a nonabsorbent material  
21 and washed and scoured daily. The requirement that floors be  
22 made of a nonabsorbent material applies only to food service  
23 establishments that are constructed or substantially remodeled  
24 after July 1, 2007.

25 f. Easily cleanable receptacles must be provided for  
26 waste material, and such receptacles in toilet facilities for  
27 women must be covered. Receptacles must be emptied at least  
28 once a day and more frequently when necessary to prevent  
29 excessive accumulation of waste material.

30 g. A supply of hand-cleansing, antibacterial soap or  
31 detergent and hot and cold running water must be available at

1 each hand-washing sink within a toilet facility. A supply of  
2 sanitary towels or a hand-drying device providing heated air  
3 must be conveniently located near each hand-washing sink.  
4 Applicable to food service establishments that are constructed  
5 or substantially remodeled after July 1, 2007, hand-washing  
6 sinks that have an automatic shut-off must run for a minimum  
7 of 20 seconds. Hand-washing sinks, soap dispensers,  
8 hand-drying devices, and all related fixtures must be kept  
9 clean and in good repair.

10 h. A supply of toilet tissue must be provided at each  
11 toilet at all times.

12 i. Each toilet facility must be well-lighted and  
13 well-ventilated.

14 j. A sign or poster that notifies food service  
15 employees to wash their hands must be provided at each  
16 hand-washing sink used by food service employees and must be  
17 clearly visible to food service employees.

18 2. The department may issue a warning or an  
19 administrative complaint to, or may issue an emergency order  
20 for the immediate closure of, a food service establishment  
21 that fails to meet the minimum sanitation standards required  
22 by subparagraph 1.

23 Section 2. Subsection (5) of section 509.221, Florida  
24 Statutes, is amended to read:

25 509.221 Sanitary regulations.--

26 (5) Each transient establishment ~~and each public food~~  
27 ~~service establishment~~ shall provide in the main public  
28 bathroom soap and clean towels or other approved hand-drying  
29 devices and each public lodging establishment shall furnish  
30 each guest with two clean individual towels so that two guests  
31 will not be required to use the same towel unless it has first

