



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           1. Any place maintained and operated by a public or  
2 private school, college, or university:
- 3           a. For the use of students and faculty; or  
4           b. Temporarily to serve such events as fairs,  
5 carnivals, and athletic contests.
- 6           2. Any eating place maintained and operated by a  
7 church or a religious, nonprofit fraternal, or nonprofit civic  
8 organization:
- 9           a. For the use of members and associates; or  
10          b. Temporarily to serve such events as fairs,  
11 carnivals, or athletic contests.
- 12          3. Any eating place located on an airplane, train,  
13 bus, or watercraft which is a common carrier.
- 14          4. Any eating place maintained by a hospital, nursing  
15 home, sanitarium, assisted living facility, adult day care  
16 center, or other similar place that is regulated under s.  
17 381.0072.
- 18          5. Any place of business issued a permit or inspected  
19 by the Department of Agriculture and Consumer Services under  
20 s. 500.12.
- 21          6. Any place of business where the food available for  
22 consumption is limited to ice, beverages with or without  
23 garnishment, popcorn, or prepackaged items sold without  
24 additions or preparation.
- 25          7. Any theater, if the primary use is as a theater and  
26 if patron service is limited to food items customarily served  
27 to the admittees of theaters.
- 28          8. Any vending machine that dispenses any food or  
29 beverages other than potentially hazardous foods, as defined  
30 by division rule.  
31

1           9. Any vending machine that dispenses potentially  
2 hazardous food and which is located in a facility regulated  
3 under s. 381.0072.

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

7           11. Restrooms in a public airport as defined in ss.  
8 330.27(2) and 330.27(6) which are not located within a food  
9 service establishment.

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

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

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

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

30           (c) Toilet fixtures must be cleanable.  
31

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

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

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

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

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

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

30           (j) A sign or poster that notifies food service  
31 employees to wash their hands must be provided at each

1 hand-washing sink used by food service employees and must be  
2 clearly visible to food service employees.

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

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

9  
10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
11 COMMITTEE SUBSTITUTE FOR  
12 Senate Bill 1462

13 The committee substitute amends the definition of "food  
14 service establishment" to exclude restrooms in a public  
15 airport. The committee substitute requires the Division of  
16 Hotels and Restaurants (division) within the Department of  
17 Business and Professional Regulation (DBPR) to inspect the  
18 toilet facilities of food service establishments regulated by  
19 the DBPR. The division will provide each establishment a food  
20 recovery brochure. The division may issue administrative  
21 penalties. The committee substitute no longer addresses food  
22 service establishments inspected by the Department of Health.  
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