By the Committees on Regulated Industries; Health Regulation; and Senator Crist

580-2459-07

1	A bill to be entitled
2	An act relating to public food service
3	establishments; creating s. 509.054, F.S.;
4	requiring the Division of Hotels and
5	Restaurants within the Department of Business
6	and Professional Regulation to inspect toilet
7	facilities of public food service
8	establishments; providing the minimum
9	sanitation standards for toilet facilities in
10	food service establishments; providing certain
11	exemptions; providing for administrative
12	penalties; providing an exemption for a
13	restroom in a public airport; providing an
14	effective date.
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16	Be It Enacted by the Legislature of the State of Florida:
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18	Section 1. Section 509.054, Florida Statutes, is
19	created to read:
20	509.054 Restroom inspections
21	(1) The division shall inspect each public food
22	service establishment and its toilet facilities pursuant to s.
23	509.032 as often as necessary to ensure compliance with
24	applicable laws and rules. A toilet facility in a public food
25	service establishment must meet the following minimum
26	sanitation standards:
27	(a) Each toilet facility located on the premises of
28	the public food service establishment must be completely
29	enclosed and provided with a tight-fitting, self-closing door
30	or have entrances and exits constructed in such a manner as to
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1	ensure the privacy of occupants. Such door may not be left
2	open except during cleaning or maintenance.
3	(b) Toilet facilities that are used by patrons must be
4	situated so that a patron does not pass through
5	food-preparation or utensil-washing areas.
6	(c) Toilet fixtures must be cleanable.
7	(d) Toilet facilities, including rooms and fixtures,
8	must be kept clean and in good repair.
9	(e) The floors must be made of a nonabsorbent material
10	and cleaned daily. The requirement that floors be made of a
11	nonabsorbent material applies only to public food service
12	establishments that are constructed or substantially remodeled
13	after July 1, 2007.
14	(f) Receptacles must be provided for waste material
15	and such receptacles must contain a trash-can liner. These
16	receptacles in toilet facilities for women must be covered.
17	Receptacles must be emptied as necessary to prevent excessive
18	accumulation of waste material.
19	(q) A supply of hand-cleansing, antibacterial soap or
20	detergent must be available in each toilet facility, and
21	running water must be available at each hand-washing sink
22	within a toilet facility. A supply of sanitary towels or a
23	hand-drying device providing heated air must be located in
24	each toilet facility. Applicable to public food service
25	establishments that are constructed or substantially remodeled
26	after July 1, 2007, hot and cold running water must be
27	available at each hand-washing sink within a toilet facility,
28	and hand-washing sinks that have an automatic shut-off must
29	run for a minimum of 20 seconds. Hand-washing sinks, soap
30	dispensers, hand-drying devices, and all related fixtures must
31	be kept clean and in good repair.

1	(h) A supply of toilet tissue must be provided in each
2	toilet stall at all times.
3	(i) Each toilet facility must be lighted and
4	ventilated. This requirement applies only to public food
5	service establishments that are constructed or substantially
6	remodeled after July 1, 2007.
7	(j) A sign or poster that notifies food service
8	employees to wash their hands must be provided at each
9	hand-washing sink used by public food service employees and
10	must be clearly visible to the food service employees.
11	(2) This section does not apply to restrooms in a
12	public airport as defined in ss. 320.27(2) and 330.27(6) which
13	are not located within a public food service establishment.
14	(3) If the director determines that a violation of the
15	minimum sanitation standards in this section represents a
16	severe and immediate threat to the public health or safety or
17	welfare, the division shall, upon a proper finding,
18	immediately issue an emergency order to close an establishment
19	licensed under this chapter pursuant to the procedures for
20	emergency orders in s. 509.035.
21	Section 2. This act shall take effect July 1, 2007.
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1	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
2	CS for Senate Bill 1462
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4	The committee substitute (CS) does not amend s. 381.0072, F.S. It also does not amend s. 509.013, F.S.
5	The CS creates s. 509.054, F.S., instead of creating an
6	unnumbered section of the Florida Statutes to provide minimum sanitary requirements for toilet facilities. The CS replaces
•	7 the term "food service establishment" with the term "public food service establishment."
8	The CS cross-references s. 509.032, F.S., to require that the
9	division inspect each food service establishment and its toilet facilities as often as necessary to ensure compliance
10	with applicable laws and rules. It does not provide that the division must be permitted reasonable access and right of
11	entry to food service establishments. It does not provide that the division must furnish each inspected establishment with the food recovery brochure developed under s. 570.0725,
13	F.S.
14	The bill exempts restrooms in a public airport as defined in ss. 330.27(2) and 330.27(6), F.S., and which are not located
15	within a food service establishment.
16	The bill provides for emergency orders to close the public food service establishment using the procedures for emergency
17	orders of suspension in s. 509.035, F.S.
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