

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

11

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

13

14           Section 1. Paragraph (c) of subsection (2) of section  
 15           381.0072, Florida Statutes, is amended to read:

16           381.0072 Food service protection.--It shall be the duty of  
 17           the Department of Health to adopt and enforce sanitation rules  
 18           consistent with law to ensure the protection of the public from  
 19           food-borne illness. These rules shall provide the standards and  
 20           requirements for the storage, preparation, serving, or display  
 21           of food in food service establishments as defined in this  
 22           section and which are not permitted or licensed under chapter  
 23           500 or chapter 509.

24           (2) DUTIES.--

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

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29 food service establishments at any reasonable time. In  
30 inspecting food service establishments as provided under this  
31 section, the department shall provide each inspected  
32 establishment with the food recovery brochure developed under s.  
33 570.0725.

34 1. Toilet facilities must meet the following minimum  
35 sanitation standards:

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

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

43 c. Toilet fixtures must be of sanitary design and readily  
44 cleanable.

45 d. Toilet facilities, including rooms and fixtures, must  
46 be kept clean and in good repair and free of objectionable  
47 odors.

48 e. The floors must be made of a nonabsorbent material and  
49 washed and scoured daily.

50 f. Easily cleanable receptacles must be provided for waste  
51 material, and such receptacles in toilet facilities for women  
52 must be covered. Receptacles must be emptied at least once a day  
53 and more frequently when necessary to prevent excessive  
54 accumulation of waste material.

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

57 each hand-washing sink within a toilet facility. A supply of  
 58 sanitary towels or a hand-drying device providing heated air  
 59 must be conveniently located near each hand-washing sink. Hand-  
 60 washing sinks that have an automatic shut-off must run for a  
 61 minimum of 20 seconds. Hand-washing sinks, soap dispensers,  
 62 hand-drying devices, and all related fixtures must be kept clean  
 63 and in good repair.

64 h. A supply of toilet tissue must be provided at each  
 65 toilet at all times.

66 i. Each toilet facility must be well-lighted and well-  
 67 ventilated.

68 j. A sign or poster that notifies food employees to wash  
 69 their hands must be provided at each hand-washing sink used by  
 70 food employees and must be clearly visible to food employees.

71 2. The department may issue a warning or an administrative  
 72 complaint to, or may issue an emergency order for the immediate  
 73 closure of, a food service establishment that fails to meet the  
 74 minimum sanitation standards required by subparagraph 1.

75 3. Subparagraphs 1. and 2. shall apply only to food  
 76 service establishments that are constructed or substantially  
 77 remodeled after July 1, 2007.

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

80 509.221 Sanitary regulations.--

81 (5) Each transient establishment ~~and each public food~~  
 82 ~~service establishment~~ shall provide in the main public bathroom  
 83 soap and clean towels or other approved hand-drying devices and  
 84 each public lodging establishment shall furnish each guest with

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85 | two clean individual towels so that two guests will not be  
86 | required to use the same towel unless it has first been  
87 | laundered. Each public food service establishment shall meet the  
88 | minimum sanitation standards set forth in s. 381.0072 for its  
89 | toilet facilities.

90 |       Section 3. This act shall take effect July 1, 2007.