

1 A bill to be entitled

2 An act relating to food allergies; amending s.
3 509.039, F.S.; revising requirements for certification
4 as a food service manager to include the viewing of a
5 video about food allergies; amending s. 509.101, F.S.;
6 requiring operators of public food service
7 establishments to display a poster with information
8 regarding food allergy awareness; providing criteria
9 for the poster; requiring operators of public food
10 service establishments to include a notice to
11 customers of the customers' obligation to inform a
12 server about any food allergy; requiring the Division
13 of Hotels and Restaurants within the Department of
14 Business and Professional Regulation to establish the
15 notice; requiring the division to develop a program
16 for public food service establishments to be
17 designated as "Food Allergy Friendly" and maintain a
18 listing of such establishments on its website;
19 providing that participation in the program is
20 voluntary; requiring the division to adopt rules;
21 amending s. 509.261, F.S.; authorizing the division to
22 fine, suspend, or revoke the license of a public food
23 service establishment under certain circumstances;
24 providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
 28 Section 1. Section 509.039, Florida Statutes, is amended
 29 to read:
 30 509.039 Food service manager certification. ~~It is~~ The ~~duty~~
 31 ~~of the~~ division shall ~~to~~ adopt, by rule, food safety protection
 32 standards for the training and certification of ~~all~~ food service
 33 managers who are responsible for the storage, preparation,
 34 display, or serving of foods to the public in establishments
 35 regulated under this chapter. The standards adopted by the
 36 division must ~~shall~~ be consistent with the Standards for
 37 Accreditation of Food Protection Manager Certification Programs
 38 adopted by the Conference for Food Protection. The division
 39 shall adopt these standards ~~are to be adopted by the division~~ to
 40 ensure that, upon successfully passing a test that is, approved
 41 by the Conference for Food Protection and upon viewing a video
 42 regarding food allergies that is approved by the division in
 43 consultation with Food Allergy Research & Education, Inc., and
 44 the Florida Restaurant and Lodging Association, Inc., a manager
 45 of a food service establishment shall have demonstrated a
 46 knowledge of basic food protection practices. The division may
 47 contract with an organization offering a training and
 48 certification program that complies with division standards and
 49 results in a certification recognized by the Conference for Food
 50 Protection to conduct an approved test, provide viewing of an
 51 approved video, and certify all test results to the division.
 52 Other organizations offering programs that meet the same

53 requirements may also conduct approved tests, provide viewing of
 54 approved videos, and certify all test results to the division.
 55 The division may charge the organization it contracts with a fee
 56 of up to ~~not more than~~ \$5 per certified test to cover the
 57 administrative costs of the division for the food service
 58 manager training and certification program. A manager ~~All~~
 59 ~~managers~~ employed by a food service establishment must pass ~~have~~
 60 ~~passed~~ an approved test and view a video regarding food
 61 allergies that is approved by the division in consultation with
 62 Food Allergy Research & Education, Inc., and the Florida
 63 Restaurant and Lodging Association, Inc. The division shall
 64 issue and received a certificate attesting to the passing of the
 65 test and viewing of the video ~~thereto~~. A manager hired after
 66 July 1, 2014, has ~~Managers have a period of~~ 30 days after
 67 employment to pass the required test and view an approved video.
 68 Each ~~All~~ public food service establishment shall ~~establishments~~
 69 ~~must~~ provide the division with proof of food service manager
 70 certification upon request, including, but not limited to, at
 71 the time of any division inspection of the establishment. The
 72 ranking of food service establishments is also preempted to the
 73 state; ~~provided,~~ however, ~~that~~ any local ordinance ~~ordinances~~
 74 establishing a ranking system in existence before ~~prior to~~
 75 October 1, 1988, may remain in effect.

76 Section 2. Section 509.101, Florida Statutes, is amended
 77 to read:

78 509.101 Establishment rules; posting of notice of rules

79 and regulations; food service inspection report; maintenance of
 80 guest register; mobile food dispensing vehicle registry; posting
 81 of notice for food allergies; food allergy friendly
 82 designation.—

83 (1) An ~~Any~~ operator of a public lodging establishment or a
 84 public food service establishment may establish reasonable rules
 85 and regulations for the management of the establishment and its
 86 guests and employees, + and each guest or employee staying,
 87 sojourning, eating, or employed in the establishment shall
 88 conform to and abide by these ~~such~~ rules and regulations so long
 89 as the guest or employee remains in or at the establishment.
 90 These ~~Such~~ rules and regulations shall be deemed to be a special
 91 contract between the operator and each guest or employee using
 92 the services or facilities of the operator. These ~~Such~~ rules and
 93 regulations ~~shall~~ control the liabilities, responsibilities, and
 94 obligations of all parties. Any rules or regulations established
 95 pursuant to this section shall be printed in the English
 96 language and posted in a prominent place within the ~~such~~ public
 97 lodging establishment or public food service establishment. In
 98 addition, an ~~any~~ operator of a public food service establishment
 99 shall maintain the latest food service inspection report or a
 100 duplicate copy on premises and shall make it available to the
 101 public upon request.

102 (2) ~~It is the duty of~~ Each operator of a transient
 103 establishment shall ~~to~~ maintain at all times a register, signed
 104 by or for guests who occupy rental units within the

105 establishment, showing the dates upon which the rental units
106 were occupied by such guests and the rates charged for their
107 occupancy. The operator shall maintain the ~~This register shall~~
108 ~~be maintained~~ in chronological order and make it available for
109 inspection by the division at any time. An operator ~~Operators~~
110 need not make available a register that is ~~registers which are~~
111 more than 2 years old.

112 (3) ~~It is the duty of~~ Each operator of a public food
113 service establishment that provides commissary services shall ~~to~~
114 maintain a daily registry verifying that each mobile food
115 dispensing vehicle that receives such services is properly
116 licensed by the division. In order that such licensure may be
117 readily verified, each mobile food dispensing vehicle operator
118 shall permanently affix in a prominent place on the side of the
119 vehicle, in figures at least 2 inches high and in colors
120 contrasting with ~~colors from~~ the background, the operator's
121 public food service establishment license number. Before ~~Prior~~
122 ~~to~~ providing commissary services, each public food service
123 establishment must verify that the license number displayed on
124 the vehicle matches the number on the vehicle operator's public
125 food service establishment license.

126 (4) Each operator of a public food service establishment
127 shall:

128 (a) Display in a prominent place in the public food
129 service establishment a poster with information regarding food
130 allergy awareness that is developed by the division in

131 consultation with Food Allergy Research & Education, Inc., and
 132 the Florida Restaurant and Lodging Association, Inc. The poster
 133 must include, but need not be limited to, information regarding
 134 the risk of an allergic reaction.

135 (b) Include on all menus a notice to customers of the
 136 customer's obligation to inform the server about any food
 137 allergy. The division, in consultation with the Food Allergy
 138 Research & Education, Inc., and the Florida Restaurant and
 139 Lodging Association, Inc., shall establish the notice.

140 (5) The division shall develop a program for public food
 141 service establishments to be designated as "Food Allergy
 142 Friendly" and shall maintain a listing of public food service
 143 establishments receiving that designation on its website.
 144 Participation of a public food service establishment in the
 145 program is voluntary. The division shall adopt rules for the
 146 designation, which must include, but need not be limited to,
 147 maintaining on the premises and making available to the public a
 148 master list of all the ingredients used in preparation of each
 149 food item that is available for consumption at the public food
 150 service establishment.

151 Section 3. Subsection (10) is added to section 509.261,
 152 Florida Statutes, to read:

153 509.261 Revocation or suspension of licenses; fines;
 154 procedure.—

155 (10) The division may fine, suspend, or revoke the license
 156 of any public food service establishment if the establishment is

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157 | not in compliance with s. 509.101(4).

158 | Section 4. This act shall take effect July 1, 2014.