

By Senator Rouson

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20231722__

1 A bill to be entitled
2 An act relating to public food service establishments;
3 amending s. 509.039, F.S.; revising requirements for
4 certification and training; requiring managers and
5 employees to know protocols to avoid cross-
6 contamination; amending s. 509.049, F.S.; revising
7 provisions regarding approval of foods safety training
8 programs and responsibilities of public food service
9 establishments to include all employees; amending s.
10 509.101, F.S.; requiring operators of public food
11 service establishments to display a menu listing
12 common allergens in food and drinks; requiring
13 operators of public food service establishments to
14 include a notice to customers of the customers'
15 obligation to inform a server about any food allergy;
16 requiring the Division of Hotels and Restaurants
17 within the Department of Business and Professional
18 Regulation to establish the notice; requiring the
19 division to develop a program for public food service
20 establishments to be designated as food allergy
21 friendly; providing that participation in the program
22 is mandatory; requiring the division to adopt rules;
23 amending s. 509.261, F.S.; authorizing the division to
24 fine, suspend, or revoke the license of a public food
25 service establishment under certain circumstances;
26 providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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16-01745A-23

20231722__

30 Section 1. Section 509.039, Florida Statutes, is amended to
31 read:

32 509.039 Food service manager certification. ~~It is the duty~~
33 ~~of~~ The division shall ~~to~~ adopt, by rule, food safety protection
34 standards for the training and certification of all ~~food service~~
35 managers who are responsible for the storage, preparation,
36 display, or serving of foods to the public in establishments
37 regulated under this chapter. The standards adopted by the
38 division must ~~shall~~ be consistent with the Standards for
39 Accreditation of Food Protection Manager Certification Programs
40 adopted by the Conference for Food Protection. The division
41 shall adopt these standards ~~are to be adopted by the division~~ to
42 ensure that, upon successfully passing a test that is, approved
43 by the Conference for Food Protection and upon viewing a video
44 regarding food allergies which is approved by the division in
45 consultation with Food Allergy Research and Education, Inc., and
46 the Florida Restaurant and Lodging Association, Inc., a manager
47 of a food service establishment shall have demonstrated a
48 knowledge of basic food protection practices. The division may
49 contract with an organization offering a training and
50 certification program that complies with division standards and
51 results in a certification recognized by the Conference for Food
52 Protection to conduct an approved test and certify all test
53 results to the division. Other organizations offering programs
54 that meet the same requirements may also conduct approved tests,
55 provide viewing of approved videos, and certify all test results
56 to the division. The division may charge the organization it
57 contracts with a fee of up to ~~not more than~~ \$5 per certified
58 test to cover the administrative costs of the division for the

16-01745A-23

20231722__

59 ~~food service~~ manager training and certification program. A
60 manager ~~All managers~~ employed by a food service establishment
61 must pass ~~have passed~~ an approved test and view a video
62 regarding food allergies that is approved by the division in
63 consultation with Food Allergy Research and Education, Inc., and
64 the Florida Restaurant and Lodging Association, Inc. The
65 division shall issue ~~and received~~ a certificate attesting to the
66 passing of the test and viewing of the video ~~thereto~~. Managers
67 have a period of 30 days after employment to pass the required
68 test and view the approved video. Each ~~All~~ public food service
69 establishment shall ~~establishments must~~ provide the division
70 with proof of food service manager certification upon request,
71 including, but not limited to, at the time of any division
72 inspection of the establishment. ~~The ranking of food service~~
73 ~~establishments is also preempted to the state; provided,~~
74 ~~however, that any local ordinances establishing a ranking system~~
75 ~~in existence prior to October 1, 1988, may remain in effect.~~

76 Section 2. Subsection (1) of section 509.049, Florida
77 Statutes, is amended to read:

78 509.049 Food service employee training.—

79 (1) The division shall adopt, by rule, minimum food safety
80 protection standards for the training of all ~~food service~~
81 employees who are responsible for the storage, preparation,
82 display, or serving of foods to the public in establishments
83 regulated under this chapter. These standards shall not include
84 an examination, but shall provide for a food safety training
85 certificate program for food service employees to be
86 administered by a private nonprofit provider chosen by the
87 division.

16-01745A-23

20231722__

88 Section 3. Section 509.101, Florida Statutes, is amended to
89 read:

90 509.101 Establishment rules; posting of notice of rules and
91 regulations; food service inspection report; posting of notice
92 for food allergies; food allergy friendly designation
93 ~~maintenance of guest register; mobile food dispensing vehicle~~
94 ~~registry.~~-

95 (1) An ~~Any~~ operator of a public lodging establishment or a
96 public food service establishment may establish reasonable rules
97 and regulations for the management of the establishment and its
98 guests and employees, + and each guest or employee staying,
99 sojourning, eating, or employed in the establishment shall
100 conform to and abide by such rules and regulations so long as
101 the guest or employee remains in or at the establishment. Such
102 rules and regulations shall be deemed to be a special contract
103 between the operator and each guest or employee using the
104 services or facilities of the operator. Such rules and
105 regulations ~~shall~~ control the liabilities, responsibilities, and
106 obligations of all parties. Any rules or regulations established
107 pursuant to this section shall be printed in the English
108 language and posted in a prominent place within the ~~such~~ public
109 lodging establishment or public food service establishment. In
110 addition, an ~~any~~ operator of a public food service establishment
111 shall maintain a copy of the latest food service inspection
112 report and shall make it available to the division at the time
113 of any division inspection of the establishment and to the
114 public, upon request.

115 (2) Food allergy protocols are verified and enforced during
116 restaurant inspection.

16-01745A-23

20231722__

117 (3) A mobile food dispensing vehicle must list major
118 allergens included on the menu.

119 (4) Each operator of a public food service establishment
120 must:

121 (a) Display in a prominent place in the public food service
122 establishment a list of the major food allergen ingredients for
123 each food item. The list must include, but need not be limited
124 to, information regarding the risk of an allergic reaction and
125 major allergen ingredients for each item.

126 (b) Include on all menus a notice to customers of the
127 customer's obligation to inform the server about any food
128 allergy. The division, in consultation with the Food Allergy
129 Research and Education, Inc. and the Florida Restaurant and
130 Lodging Association, Inc., shall establish the notice.

131 (5) The division shall develop a program for public food
132 service establishments to be designated as "food-allergy
133 friendly." Participation of a public food service establishment
134 in the program is mandatory. The division shall adopt rules for
135 the designation, which must include, but need not limited to,
136 maintaining on the premises and making available to the public a
137 master list of all the ingredients used in the preparation of
138 each food item that is available for consumption at the public
139 food service establishment.

140 ~~(2) It is the duty of each operator of a transient~~
141 ~~establishment to maintain at all times a register, signed by or~~
142 ~~for guests who occupy rental units within the establishment,~~
143 ~~showing the dates upon which the rental units were occupied by~~
144 ~~such guests and the rates charged for their occupancy. This~~
145 ~~register shall be maintained in chronological order and~~

16-01745A-23

20231722__

146 ~~available for inspection by the division at any time. Operators~~
147 ~~need not make available registers which are more than 2 years~~
148 ~~old.~~

149 ~~(3) It is the duty of each operator of a public food~~
150 ~~service establishment that provides commissary services to~~
151 ~~maintain a daily registry verifying that each mobile food~~
152 ~~dispensing vehicle that receives such services is properly~~
153 ~~licensed by the division. In order that such licensure may be~~
154 ~~readily verified, each mobile food dispensing vehicle operator~~
155 ~~shall permanently affix in a prominent place on the side of the~~
156 ~~vehicle, in figures at least 2 inches high and in contrasting~~
157 ~~colors from the background, the operator's public food service~~
158 ~~establishment license number. Prior to providing commissary~~
159 ~~services, each public food service establishment must verify~~
160 ~~that the license number displayed on the vehicle matches the~~
161 ~~number on the vehicle operator's public food service~~
162 ~~establishment license.~~

163 Section 4. Subsection (10) is added to section 509.261,
164 Florida Statutes, to read:

165 509.261 Revocation or suspension of licenses; fines;
166 procedure.—

167 (10) The division may fine, suspend, or revoke the license
168 of any public food service establishment if the establishment is
169 not in compliance with:

170 (a) Section 509.101(4); or

171 (b) Any of the following:

172 1. Allergen information must be visible for each food item
173 separately if the food is bought and sold on a buffet.

174 2. If the food is bought and sold through an application on

16-01745A-23

20231722__

175 a mobile device, allergen information must be listed at some
176 point between order placement and receiving the food.

177 3. Accurate and consistent allergen information must be
178 legibly written on a menu in dine-in establishments.

179 4. Allergen information on written product specification
180 sheets, ingredients labels, verbal statements to customers when
181 asked, quick response codes on tables and menus to allow
182 customers to access allergen information online, or a sign
183 informing customers how to access allergen information.

184 5. If cross-contamination cannot be avoided, customers must
185 be informed that an allergen-free dish is not available.

186 6. Restaurants, take out services, mobile food dispensing
187 vehicles, and buffets must display in each menu a list of major
188 allergens.

189 7. Managers and staff must show proof of food allergy
190 safety protocols upon inspection.

191 8. Staff must be trained on cross-contamination protocols
192 upon hiring.

193 9. Managers must be certified in food allergy training
194 guidelines.

195 Section 5. This act shall take effect July 1, 2023.