

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:

29

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

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

90 509.101 Establishment rules; posting of notice of rules  
 91 and regulations; food service inspection report; posting of  
 92 notice 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 ~~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  
116 during restaurant inspection.

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

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  
 175 on 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  
185 must 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.