

By Senator Torres

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1 A bill to be entitled
2 An act relating to food allergy education; amending s.
3 509.039, F.S.; requiring the Division of Hotels and
4 Restaurants of the Department of Business and
5 Professional Regulation to develop a course for food
6 service managers that addresses issues surrounding
7 food allergies and actions to assist a person
8 experiencing an allergic reaction; amending s.
9 509.101, F.S.; requiring public food service
10 establishments to post notices in prominent places
11 that address allergic reactions and appropriate
12 actions to assist a person experiencing an allergic
13 reaction; providing specifications for such notices;
14 providing an 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 509.039, Florida Statutes, is amended to
19 read:

20 509.039 Food service manager certification.—

21 (1) It is the duty of the division to adopt, by rule, food
22 safety protection standards for the training and certification
23 of all food service managers who are responsible for the
24 storage, preparation, display, or serving of foods to the public
25 in establishments regulated under this chapter. The standards
26 adopted by the division shall be consistent with the Standards
27 for Accreditation of Food Protection Manager Certification
28 Programs adopted by the Conference for Food Protection. These
29 standards are to be adopted by the division to ensure that, upon

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30 successfully passing a test, approved by the Conference for Food
31 Protection, a manager of a food service establishment shall have
32 demonstrated a knowledge of basic food protection practices.

33 (2) The division may contract with an organization offering
34 a training and certification program that complies with division
35 standards and results in a certification recognized by the
36 Conference for Food Protection to conduct an approved test and
37 certify all test results to the division. Other organizations
38 offering programs that meet the same requirements may also
39 conduct approved tests and certify all test results to the
40 division. The division may charge the organization it contracts
41 with a fee of not more than \$5 per certified test to cover the
42 administrative costs of the division for the food service
43 manager training and certification program.

44 (3) All managers employed by a food service establishment
45 must have passed an approved test and received a certificate
46 attesting thereto. Managers have a period of 30 days after
47 employment to pass the required test. All public food service
48 establishments must provide the division with proof of food
49 service manager certification upon request, including, but not
50 limited to, at the time of any division inspection of the
51 establishment. The ranking of food service establishments is
52 also preempted to the state; provided, however, that any local
53 ordinances establishing a ranking system in existence prior to
54 October 1, 1988, may remain in effect.

55 (4) The division shall develop and incorporate a course
56 within its training and certification program for food service
57 managers which addresses common food allergies and the
58 appropriate actions to be taken in the event a person at a

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59 public food service establishment experiences an allergic
60 reaction.

61 Section 2. Subsection (4) is added to section 509.101,
62 Florida Statutes, to read:

63 509.101 Establishment rules; posting of notice; food
64 service inspection report; maintenance of guest register; mobile
65 food dispensing vehicle registry.—

66 (4) Each public food service establishment as defined in s.
67 509.013(5) must post, in a sufficient number of prominent places
68 within the eating establishment, a notice developed by the
69 division which details common food allergies and the appropriate
70 actions to be taken in the event a person experiences an
71 allergic reaction. The posted notice must be at least 11 inches
72 by 15 inches, printed in an easily legible font and in at least
73 32-point type.

74 Section 3. This act shall take effect July 1, 2024.