

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 to develop a course for food managers that
 5 addresses issues surrounding food allergies and
 6 actions to assist a person experiencing an allergic
 7 reaction; amending s. 509.101, F.S.; requiring public
 8 food service establishments to post notices in
 9 prominent places that address allergic reactions and
 10 appropriate actions to assist a person experiencing an
 11 allergic reaction; providing specification for such
 12 notices; providing an effective date.

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

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 16 Section 1. Section 509.039, Florida Statutes, is amended
 17 to read:

18 509.039 Food service manager certification.—

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

26 Programs adopted by the Conference for Food Protection. These
27 standards are to be adopted by the division to ensure that, upon
28 successfully passing a test, approved by the Conference for Food
29 Protection, a manager of a food service establishment shall have
30 demonstrated a knowledge of basic food protection practices.

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

42 (3) All managers employed by a food service establishment
43 must have passed an approved test and received a certificate
44 attesting thereto. Managers have a period of 30 days after
45 employment to pass the required test. All public food service
46 establishments must provide the division with proof of food
47 service manager certification upon request, including, but not
48 limited to, at the time of any division inspection of the
49 establishment. The ranking of food service establishments is
50 also preempted to the state; provided, however, that any local

51 ordinances establishing a ranking system in existence prior to
52 October 1, 1988, may remain in effect.

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

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

61 509.101 Establishment rules; posting of notice; food
62 service inspection report; maintenance of guest register; mobile
63 food dispensing vehicle registry.—

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

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