A bill to be entitled
An act relating to food allergy education; amending s. 509.039, F.S.; requiring the Division of Hotels and Restaurants to develop a course for food managers that addresses issues surrounding food allergies and actions to assist a person experiencing an allergic reaction; amending s. 509.101, F.S.; requiring public food service establishments to post notices in prominent places that address allergic reactions and appropriate actions to assist a person experiencing an allergic reaction; providing specification for such notices; providing an effective date.

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

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

509.039  Food service manager certification.—
(1)  It is the duty of the division to adopt, by rule, food safety protection standards for the training and certification of all food service managers who are responsible for the storage, preparation, display, or serving of foods to the public in establishments regulated under this chapter. The standards adopted by the division shall be consistent with the Standards for Accreditation of Food Protection Manager Certification
Programs adopted by the Conference for Food Protection. These standards are to be adopted by the division to ensure that, upon successfully passing a test, approved by the Conference for Food Protection, a manager of a food service establishment shall have demonstrated a knowledge of basic food protection practices.

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

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

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

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

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

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

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