

61C-3.001 Sanitation and Safety Requirements.

The following requirements and standards shall be met by all public lodging establishments.

(1) Glassware, tableware, and utensils.

(a) The handling, cleaning, and sanitizing of glassware, tableware, and utensils in public lodging establishments shall be subject to the provisions of Chapter 4, Food Code, as adopted by reference in Rule 61C-1.001, F.A.C. As referenced in this chapter of the Food Code, the term “food establishment” shall apply to all public lodging establishments as defined in Chapter 509, F.S.

(b) Any public lodging establishment which cannot comply with this provision shall post in a conspicuous place in each guest room where dishware, glassware, kitchenware or utensils are provided, a placard or sign which contains the following statement, or its equivalent:

“NOTICE TO GUESTS: Dishware, glassware, kitchenware and/or utensils have been provided in this room as a guest convenience. These items have been cleaned within this room or unit using ordinary household dishwashing facilities and agents. They have not been sanitized according to Federal and State standards for public food service establishments.”

(2) Kitchen and kitchen equipment –

(a) Kitchen appliances and refrigeration equipment shall be kept clean, free from odors and in good repair. Refrigerators shall be properly drained. Kitchens shall be ventilated to minimize the occurrence of excessive heat, steam, condensation, vapors, objectionable odors, smoke, and fumes. Kitchens must also have at least 10 foot candles of light, sufficient and suitable cooking utensils, and adequate garbage receptacles.

(b) A kitchen sink with hot and cold running water under pressure is required.

(3) Ice.

(a) Ice making machines shall utilize water from an approved source pursuant to Chapters 62-550 and 62-555, F.A.C., and shall be constructed, located, installed, operated, and maintained so as to prevent contamination of the ice. Ice obtained from outside the establishment shall be from a source approved under Chapter 500, F.S. Ice storage bins shall be drained through an air gap according to the provisions of the local building authority having jurisdiction.

(b) Canvas containers shall not be used unless provided with a sanitary single-service liner so as to completely protect the ice from contamination. Ice buckets and other ice containers shall be made of a smooth, nonabsorbent, impervious material; shall be designed to facilitate cleaning; shall be kept clean; and shall be stored and handled in a sanitary manner. Ice buckets and other ice containers must be cleaned and sanitized between each guest or be provided with a sanitary single-service liner which is changed at least daily. Between uses, ice containers used to transfer ice from ice making machines to ice storage bins shall be stored in a way that protects the ice containers and ice-dispensing utensils from contamination.

(c) Ice for consumer use shall be dispensed only with scoops, tongs or other ice-dispensing utensils or through automatic self-service, ice-dispensing equipment. Ice-dispensing utensils shall be made of a smooth, nonabsorbent, impervious material; shall be designed to facilitate cleaning; and shall be kept clean. Ice-dispensing utensils shall be stored on a clean surface, attached to a nonoxidizing chain or tether, and stored inside the ice bin or in the ice with the utensil’s handle extended out of the ice.

(4) Locks – An approved locking device for the purposes of Section 509.211, F.S., is a locking device that meets the requirements of chapter 10, section 1008.1.8 of the 2007 Florida Building Code: Building. Public lodging establishments as defined in paragraph 61C-1.002(4)(a), F.A.C., shall have at least one approved locking device which cannot be opened by a non-master guest room key on all outside and connecting doors. An approved locking device does not include a “sliding chain” or “hook and eye” type device.

(5) Balcony Inspection.

(a) As provided in Section 509.2112, F.S., every public lodging establishment which is 3 or more stories in height must submit to the division a certificate stating that any and all balconies, platforms, stairways, and railways have been inspected by a person who, through education and experience, is competent to inspect multi-story buildings and found by such person to be safe, secure, and free of defects. The term “balcony” is defined as a landing or porch that is accessible to or used by the public and shall include those portions of a building which are unenclosed, except by a railing, guardrail system, balustrade, or parapet. It shall also include those portions of a building which are enclosed by screening or other non-permanent building material.

(b) It is the responsibility of the operator to verify the facts and credentials establishing the competency of the multi-story balcony inspector. Such verification shall be clearly stated on the applicable form.

(c) Certification of inspection shall be submitted on DBPR HR-7020, CERTIFICATE OF BALCONY INSPECTION (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06411>), incorporated herein by reference and effective 2015 November 10.

Copies of this form are available from the Division of Hotels and Restaurants Internet website www.MyFloridaLicense.com/dbpr/hr; by e-mail request submitted at www.myfloridalicense.com/contactus; by phone request to the department at (850)487-1395; or upon written request to the Department of Business and Professional Regulation, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

(d) The Certificate of Balcony Inspection shall be valid for three years from the date the inspection was completed. Public lodging establishments must file a new certificate with the division and the applicable local government agency every third year. The division must receive the new Certificate of Balcony Inspection on or before the date the previous certificate expires.

(e) The operator shall keep a copy of the Certificate of Balcony Inspection, stamped with the date it was received by the district, available for inspection upon request.

(f) Upon change of ownership, the operator must:

1. Have a new balcony inspection completed and file a new Certificate of Balcony Inspection; or
2. In lieu of completing a new balcony inspection, file a copy of the previous operator's valid Certificate of Balcony Inspection along with a Certificate of Balcony Inspection containing the current operator's information and signature. Choosing this option does not extend the original three years for which the previous operator's Certificate of Balcony Inspection was valid.

(6) Exemptions – Vacation rentals, timeshare projects and nontransient apartments are exempt from subsection (1) of this rule. Establishments opting to provide any of the services listed in subsection (1) of this rule shall comply with the requirements described herein. Nontransient apartments are exempt from paragraph (2)(a) of this rule.

Rulemaking Authority 509.032, 509.2112 FS. Law Implemented 509.032, 509.211, 509.2112, 509.221 FS. History—Amended 1-20-63, Revised 2-4-71, Amended 9-19-84, Formerly 7C-3.01, Amended 12-31-90, Formerly 7C-3.001, Amended 3-31-94, 9-25-96, 1-18-98, 8-12-08, 3-24-10, 8-10-11, 4-1-13, 11-20-14, 3-6-16.