



**Informal Interpretation Report  
Number 8419**



**Date** June 02, 2020

**Edition** 2017

**Section** 456.4.1.4

**Question:**

Is the intent of 456.4.1.4 to establish the toilet/seating ration for the DEFINED "public food service establishments", which would be those licensed by DBPR - Hotel Restaurant?

**Answer**

In this particular case, the Chapter 4 FBC-Building requirements should take precedent over the plumbing code. Aside from being (slightly) more stringent, Chapter 4 is also more specific since it explicitly addresses public food service establishments, whereas the plumbing code merely refers to "structures or tenant spaces." The Dept. of Agriculture regulates food establishments (i.e. food processing, packing, preparing, etc.) and DBPR regulates public food service establishments where food is actually served to the public. Please see the attached commentary to understand how this conclusion is reached.

**Commentary:**

Public food service establishments are governed by Chapter 509 F.S. Although there are no specific bathroom facility requirements indicated in Chapter 509, Section 509.221 does require that sanitary facilities and bathroom facilities be sized, installed, and maintained IAW the Florida Building Code.

So, moving on to the Building Code, Section 456.4.1 FBC-Building requires a "minimum of one public bathroom per sex . . .", and Section 456.4.1.4 provides an exception for public food service establishments which seat 10 persons or less, in which case a minimum of one bathroom is permitted. Applying this to the 12-seat ice cream shop would mean that separate bathroom facilities for men and women would be required.

But Section 456.3.2.1 FBC-Building references the Plumbing Code for specific requirements. And Section 403.2 FBC-Plumbing permits a single bathroom in structures or tenant spaces with 15 or fewer employees and customers. So that is the question I believe is being asked: In the case of public food service establishments, do we apply the Building Code (10 seats or less), or the Plumbing Code (15 or fewer employees and customers.)

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**Notice:**

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Department of Business & Professional Regulation, ICC, and industry and professional experts offer this interpretation of the Florida Building Code in the interest of consistency in their application statewide. This interpretation is informal, non-binding and subject to acceptance and approval by the local building official.