



822308

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2009	.	
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The Committee on Health and Human Services Appropriations  
(Gaetz) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 168 and 169  
insert:

Section 3. Subsection (16) of section 381.006, Florida  
Statutes, is amended to read:

381.006 Environmental health.—The department shall conduct  
an environmental health program as part of fulfilling the  
state's public health mission. The purpose of this program is to  
detect and prevent disease caused by natural and manmade factors  
in the environment. The environmental health program shall



822308

12 include, but not be limited to:

13 (16) A group-care-facilities function, where a group care  
14 facility means any public or private school, housing, building  
15 or buildings, section of a building, or distinct part of a  
16 building or other place, whether operated for profit or not,  
17 which undertakes, through its ownership or management, to  
18 provide one or more personal services, care, protection, and  
19 supervision to persons who require such services and who are not  
20 related to the owner or administrator. The department may adopt  
21 rules necessary to protect the health and safety of residents,  
22 staff, and patrons of group care facilities, such as child care  
23 facilities, family day care homes, assisted living facilities,  
24 adult day care centers, adult family care homes, hospices,  
25 residential treatment facilities, crisis stabilization units,  
26 pediatric extended care centers, intermediate care facilities  
27 for the developmentally disabled, group care homes, and, jointly  
28 with the Department of Education, private and public schools.  
29 These rules may include definitions of terms; provisions  
30 relating to operation and maintenance of facilities, buildings,  
31 grounds, equipment, furnishings, and occupant-space  
32 requirements; lighting; heating, cooling, and ventilation; food  
33 service; water supply and plumbing; sewage; sanitary facilities;  
34 insect and rodent control; garbage; safety; personnel health,  
35 hygiene, and work practices; and other matters the department  
36 finds are appropriate or necessary to protect the safety and  
37 health of the residents, staff, or patrons. The department may  
38 not adopt rules that conflict with rules adopted by the  
39 licensing or certifying agency. The department may enter and  
40 inspect at reasonable hours to determine compliance with



822308

41 applicable statutes or rules. An environmental health program  
42 inspection of a certified domestic violence center shall be  
43 limited to the requirements set forth in the department's rules  
44 applicable to community-based residential facilities with five  
45 or fewer residents. In addition to any sanctions that the  
46 department may impose for violations of rules adopted under this  
47 section, the department shall also report such violations to any  
48 agency responsible for licensing or certifying the group care  
49 facility. The licensing or certifying agency may also impose any  
50 sanction based solely on the findings of the department.

51  
52 The department may adopt rules to carry out the provisions of  
53 this section.

54 Section 4. Paragraph (a) of subsection (2) of section  
55 381.0072, Florida Statutes, is amended to read:

56 381.0072 Food service protection.—It shall be the duty of  
57 the Department of Health to adopt and enforce sanitation rules  
58 consistent with law to ensure the protection of the public from  
59 food-borne illness. These rules shall provide the standards and  
60 requirements for the storage, preparation, serving, or display  
61 of food in food service establishments as defined in this  
62 section and which are not permitted or licensed under chapter  
63 500 or chapter 509.

64 (2) DUTIES.—

65 (a) The department shall adopt rules, including definitions  
66 of terms which are consistent with law prescribing minimum  
67 sanitation standards and manager certification requirements as  
68 prescribed in s. 509.039, and which shall be enforced in food  
69 service establishments as defined in this section. The



822308

70 sanitation standards must address the construction, operation,  
71 and maintenance of the establishment; lighting, ventilation,  
72 laundry rooms, lockers, use and storage of toxic materials and  
73 cleaning compounds, and first-aid supplies; plan review; design,  
74 construction, installation, location, maintenance, sanitation,  
75 and storage of food equipment and utensils; employee training,  
76 health, hygiene, and work practices; food supplies, preparation,  
77 storage, transportation, and service, including access to the  
78 areas where food is stored or prepared; and sanitary facilities  
79 and controls, including water supply and sewage disposal;  
80 plumbing and toilet facilities; garbage and refuse collection,  
81 storage, and disposal; and vermin control. Public and private  
82 schools, if the food service is operated by school employees;  
83 hospitals licensed under chapter 395; nursing homes licensed  
84 under part II of chapter 400; child care facilities as defined  
85 in s. 402.301; residential facilities colocated with a nursing  
86 home or hospital, if all food is prepared in a central kitchen  
87 that complies with nursing or hospital regulations; and bars and  
88 lounges, as defined by department rule, are exempt from the  
89 rules developed for manager certification. The department shall  
90 administer a comprehensive inspection, monitoring, and sampling  
91 program to ensure such standards are maintained. With respect to  
92 food service establishments permitted or licensed under chapter  
93 500 or chapter 509, the department shall assist the Division of  
94 Hotels and Restaurants of the Department of Business and  
95 Professional Regulation and the Department of Agriculture and  
96 Consumer Services with rulemaking by providing technical  
97 information. Food service inspections of a certified domestic  
98 violence center shall be limited to the requirements set forth



822308

99 in the department's rules applicable to community-based  
100 residential facilities with five or fewer residents.

101  
102 ===== T I T L E A M E N D M E N T =====

103 And the title is amended as follows:

104  
105 Delete line 9

106 and insert:

107 Healthy People Act; amending s. 381.006, F.S.;

108 requiring the Department of Health, when conducting an

109 environmental health program inspection of a certified

110 domestic violence center to limit the inspection of

111 the domestic violence center to the requirements set

112 forth in the department's rules applicable to

113 community-based residential facilities with five or

114 fewer residents; amending s. 381.0072, F.S.; requiring

115 the Department of Health, when conducting a food

116 service inspection of a certified domestic violence

117 center to limit the inspection of the domestic

118 violence center to the requirements set forth in the

119 department's rules applicable to community-based

120 residential facilities with five or fewer residents;

121 transferring, renumbering, and