

ENROLLED

CS/HB 295, Engrossed 1

2010 Legislature

1 A bill to be entitled
2 An act relating to food service inspections of domestic
3 violence centers and group care homes; amending s.
4 381.006, F.S.; including the investigation of food service
5 programs for domestic violence centers and group care
6 homes within the Department of Health's environmental
7 health program; amending s. 381.0072, F.S.; revising the
8 definition of the term "food service establishment" to
9 exclude domestic violence centers under certain
10 conditions; providing an effective date.

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

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14 Section 1. Subsection (18) is added to section 381.006,
15 Florida Statutes, to read:

16 381.006 Environmental health.—The department shall conduct
17 an environmental health program as part of fulfilling the
18 state's public health mission. The purpose of this program is to
19 detect and prevent disease caused by natural and manmade factors
20 in the environment. The environmental health program shall
21 include, but not be limited to:

22 (18) A food service inspection function for domestic
23 violence centers that are certified and monitored by the
24 Department of Children and Family Services under part XIII of
25 chapter 39 and group care homes as described in subsection (16),
26 which shall be conducted annually and be limited to the
27 requirements in department rule applicable to community-based
28 residential facilities with five or fewer residents.

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

Section 2. Paragraph (b) of subsection (1) of section 381.0072, Florida Statutes, is amended to read:

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

(1) DEFINITIONS.—As used in this section, the term:

(b) "Food service establishment" means any facility, as described in this paragraph, where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such facility regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term includes detention facilities, child care facilities, schools, institutions, civic or fraternal organizations, bars and lounges and facilities used at temporary food events, mobile food units, and vending machines at any facility regulated under this section. The term does not include private homes where food is prepared or served for individual family consumption; nor does the term include churches,

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57 | synagogues, or other not-for-profit religious organizations as
58 | long as these organizations serve only their members and guests
59 | and do not advertise food or drink for public consumption, or
60 | any facility or establishment permitted or licensed under
61 | chapter 500 or chapter 509; nor does the term include any
62 | theater, if the primary use is as a theater and if patron
63 | service is limited to food items customarily served to the
64 | admittees of theaters; nor does the term include a research and
65 | development test kitchen limited to the use of employees and
66 | which is not open to the general public; nor does the term
67 | include a domestic violence center certified and monitored by
68 | the Department of Children and Family Services under part XIII
69 | of chapter 39 if the center does not prepare and serve food to
70 | its residents and does not advertise food or drink for public
71 | consumption.

72 | Section 3. This act shall take effect July 1, 2010.