

By the Committee on Health Regulation; and Senator Altman

588-01388-10

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1 A bill to be entitled
2 An act relating to food service inspections; amending
3 s. 381.006, F.S.; requiring the Department of Health
4 to conduct annual food service inspections of
5 certified domestic violence centers; providing
6 requirements for such food service inspections;
7 amending s. 381.0072, F.S.; providing that the
8 definition of the term "food service establishment"
9 does not include certified domestic violence centers
10 under certain circumstances; providing an effective
11 date.

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

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15 Section 1. Present subsection (17) of section 381.006,
16 Florida Statutes, is redesignated as subsection (18), and a new
17 subsection (17) is added to that section, to read:

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

24 (17) Annual food service inspections of domestic violence
25 centers that are certified and monitored by the Department of
26 Children and Family Services pursuant to chapter 39. The
27 department shall limit such food service inspections to
28 compliance with the requirements in department rule which apply
29 to community-based residential facilities having five or fewer

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30 residents.

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

34 Section 2. Paragraph (b) of subsection (1) of section
35 381.0072, Florida Statutes, is amended to read:

36 381.0072 Food service protection.—It shall be the duty of
37 the Department of Health to adopt and enforce sanitation rules
38 consistent with law to ensure the protection of the public from
39 food-borne illness. These rules shall provide the standards and
40 requirements for the storage, preparation, serving, or display
41 of food in food service establishments as defined in this
42 section and which are not permitted or licensed under chapter
43 500 or chapter 509.

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

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

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

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