

By the Committees on Children, Families, and Elder Affairs; and Health Regulation; and Senator Altman

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

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

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

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

23 (18) A food service inspection function for domestic
24 violence centers that are certified and monitored by the
25 Department of Children and Family Services under part XIII of
26 chapter 39 and group care facilities that are licensed and
27 monitored by the Department of Children and Family Services
28 under s. 409.175(2)(j), which shall be conducted annually and be
29 limited to the requirements in department rule applicable to

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30 community-based residential facilities having five or fewer
31 residents.

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

35 Section 2. Paragraph (b) of subsection (1) of section
36 381.0072, Florida Statutes, is amended to read:

37 381.0072 Food service protection.—It shall be the duty of
38 the Department of Health to adopt and enforce sanitation rules
39 consistent with law to ensure the protection of the public from
40 food-borne illness. These rules shall provide the standards and
41 requirements for the storage, preparation, serving, or display
42 of food in food service establishments as defined in this
43 section and which are not permitted or licensed under chapter
44 500 or chapter 509.

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

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

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

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