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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 homes;
4 amending s. 381.006, F.S.; including the investigation
5 of food service programs for domestic violence centers
6 and group care homes within the Department of Health's
7 environmental health program; amending s. 381.0072,
8 F.S.; revising the definition of the term "food
9 service establishment" to exclude domestic violence
10 centers under certain conditions; providing an
11 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 homes as described in subsection (16)
27 which shall be conducted annually and be limited to the
28 requirements in department rule applicable to community-based
29 residential facilities having five or fewer residents.

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

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

35 381.0072 Food service protection.—It shall be the duty of
36 the Department of Health to adopt and enforce sanitation rules
37 consistent with law to ensure the protection of the public from
38 food-borne illness. These rules shall provide the standards and
39 requirements for the storage, preparation, serving, or display
40 of food in food service establishments as defined in this
41 section and which are not permitted or licensed under chapter
42 500 or chapter 509.

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

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

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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.