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1 A bill to be entitled
2 An act relating to the reorganization of the Department of
3 Health; amending s. 20.43, F.S.; revising the mission and
4 responsibilities of the department; providing duties of
5 the State Surgeon General to with respect to management of
6 the department; abolishing specified divisions of the
7 department effective July 1, 2011, unless reviewed and
8 reenacted by the Legislature; authorizing the department
9 to establish multicounty service areas for county health
10 departments; requiring the department to submit a
11 reorganization plan to the Legislature by a specified
12 date; prohibiting the department from establishing new
13 programs or modifying current programs without legislative
14 approval; amending s. 381.0011, F.S.; revising duties and
15 powers of the department; requiring the department to
16 manage emergency preparedness and disaster response
17 functions; authorizing the department to issue health
18 alerts or advisories under certain conditions; revising
19 rulemaking authority of the department; amending s.
20 381.006, F.S.; revising the definition of the term "group
21 care facilities"; amending s. 381.0072, F.S.; revising the
22 definition of the term "food service establishment";
23 authorizing the department to advise and consult with
24 other agencies relating to the provision of food services;
25 revising entities that are exempt from rules relating to
26 standards for food service establishment manager
27 certification; amending s. 381.0101, F.S.; revising the
28 definition of the term "primary environmental health

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 program"; repealing s. 381.001, F.S., relating to
 30 legislative intent with respect to the state's public
 31 health system; repealing s. 381.04015, F.S., relating to
 32 the Women's Health Strategy; repealing s. 401.243, F.S.,
 33 relating to the department's injury prevention program;
 34 repealing s. 411.23, 411.231, and 411.232, F.S., relating
 35 to the Children's Early Investment Act; amending ss.
 36 411.01 and 411.224, F.S.; conforming cross-references;
 37 amending s. 509.013, F.S.; revising the definitions of the
 38 terms "public lodging establishment" and "public food
 39 service establishment"; providing an effective date.
 40

41 Be It Enacted by the Legislature of the State of Florida:
 42

43 Section 1. Section 20.43, Florida Statutes, is amended to
 44 read:

45 20.43 Department of Health.—There is created a Department
 46 of Health.

47 (1) (a) ~~The purpose of the Department of Health is~~
 48 responsible for to promote and protect the health of all
 49 ~~residents and visitors in the state through organized state and~~
 50 ~~community efforts, including cooperative agreements with~~
 51 ~~counties. The department shall:~~

52 1.(a) Identifying, diagnosing, investigating, and
 53 conducting surveillance of communicable diseases in the state
 54 ~~Prevent to the fullest extent possible, the occurrence and~~
 55 ~~progression of communicable and noncommunicable diseases and~~
 56 ~~disabilities.~~

57 2.(b) Implementing interventions that prevent or limit the
 58 impact and spread of disease in the state ~~Maintain a constant~~
 59 ~~surveillance of disease occurrence and accumulate health~~
 60 ~~statistics necessary to establish disease trends and to design~~
 61 ~~health programs.~~

62 3.(e) Maintaining and coordinating preparedness for and
 63 responses to public health emergencies in the state ~~Conduct~~
 64 ~~special studies of the causes of diseases and formulate~~
 65 ~~preventive strategies.~~

66 4.(d) Regulating environmental activities that have a
 67 direct impact on public health in the state ~~Promote the~~
 68 ~~maintenance and improvement of the environment as it affects~~
 69 ~~public health.~~

70 5.(e) Administering and providing health and related
 71 services for targeted populations in the state ~~Promote the~~
 72 ~~maintenance and improvement of health in the residents of the~~
 73 ~~state.~~

74 6.(f) Collecting, managing, and analyzing vital statistics
 75 data in the state ~~Provide leadership, in cooperation with the~~
 76 ~~public and private sectors, in establishing statewide and~~
 77 ~~community public health delivery systems.~~

78 ~~(g) Provide health care and early intervention services to~~
 79 ~~infants, toddlers, children, adolescents, and high risk~~
 80 ~~perinatal patients who are at risk for disabling conditions or~~
 81 ~~have chronic illnesses.~~

82 ~~(h) Provide services to abused and neglected children~~
 83 ~~through child protection teams and sexual abuse treatment~~
 84 ~~programs.~~

85 ~~(i) Develop working associations with all agencies and~~
 86 ~~organizations involved and interested in health and health care~~
 87 ~~delivery.~~

88 ~~(j) Analyze trends in the evolution of health systems, and~~
 89 ~~identify and promote the use of innovative, cost-effective~~
 90 ~~health delivery systems.~~

91 ~~(k) Serve as the statewide repository of all aggregate~~
 92 ~~data accumulated by state agencies related to health care;~~
 93 ~~analyze that data and issue periodic reports and policy~~
 94 ~~statements, as appropriate; require that all aggregated data be~~
 95 ~~kept in a manner that promotes easy utilization by the public,~~
 96 ~~state agencies, and all other interested parties; provide~~
 97 ~~technical assistance as required; and work cooperatively with~~
 98 ~~the state's higher education programs to promote further study~~
 99 ~~and analysis of health care systems and health care outcomes.~~

100 ~~(l) Include in the department's strategic plan developed~~
 101 ~~under s. 186.021 an assessment of current health programs,~~
 102 ~~systems, and costs; projections of future problems and~~
 103 ~~opportunities; and recommended changes that are needed in the~~
 104 ~~health care system to improve the public health.~~

105 7.(m) Regulate ~~Regulating~~ health practitioners, to the
 106 extent authorized by the Legislature, as necessary for the
 107 preservation of the health, safety, and welfare of the public.

108 (b) By November 1, 2010, the department shall submit a
 109 proposal to the President of the Senate, the Speaker of the
 110 House of Representatives, and the appropriate substantive
 111 legislative committees for a new department structure based upon
 112 the responsibilities delegated under paragraph (a). The proposal

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113 shall include reductions in the number of departmental bureaus
114 and divisions and limits on the number of executive positions in
115 a manner that enables the department to fulfill the
116 responsibilities delegated under paragraph (a). The department
117 shall identify existing functions and activities that are
118 inconsistent with the responsibilities delegated under paragraph
119 (a) and shall provide a job description for each bureau chief
120 and division director position proposed for retention.

121 (2) ~~(a)~~ The head of the Department of Health is the State
122 Surgeon General and State Health Officer. The State Surgeon
123 General must be a physician licensed under chapter 458 or
124 chapter 459 who has advanced training or extensive experience in
125 public health administration. The State Surgeon General is
126 appointed by the Governor subject to confirmation by the Senate.
127 The State Surgeon General serves at the pleasure of the
128 Governor. The State Surgeon General shall manage the department
129 as it carries out the responsibilities delegated under paragraph
130 (1) (a) serve as the leading voice on wellness and disease
131 prevention efforts, including the promotion of healthful
132 lifestyles, immunization practices, health literacy, and the
133 assessment and promotion of the physician and health care
134 workforce in order to meet the health care needs of the state.
135 ~~The State Surgeon General shall focus on advocating healthy~~
136 ~~lifestyles, developing public health policy, and building~~
137 ~~collaborative partnerships with schools, businesses, health care~~
138 ~~practitioners, community-based organizations, and public and~~
139 ~~private institutions in order to promote health literacy and~~
140 ~~optimum quality of life for all Floridians.~~

141 ~~(b) The Officer of Women's Health Strategy is established~~
 142 ~~within the Department of Health and shall report directly to the~~
 143 ~~State Surgeon General.~~

144 (3) The following divisions of the Department of Health
 145 are established:

146 (a) Division of Administration. This paragraph expires
 147 July 1, 2011, unless reviewed and reenacted by the Legislature
 148 before that date.

149 (b) Division of Environmental Health. This paragraph
 150 expires July 1, 2011, unless reviewed and reenacted by the
 151 Legislature before that date.

152 (c) Division of Disease Control. This paragraph expires
 153 July 1, 2011, unless reviewed and reenacted by the Legislature
 154 before that date.

155 (d) Division of Family Health Services. This paragraph
 156 expires July 1, 2011, unless reviewed and reenacted by the
 157 Legislature before that date.

158 (e) Division of Children's Medical Services Network. This
 159 paragraph expires July 1, 2011, unless reviewed and reenacted by
 160 the Legislature before that date.

161 (f) Division of Emergency Medical Operations. This
 162 paragraph expires July 1, 2011, unless reviewed and reenacted by
 163 the Legislature before that date.

164 (g) Division of Medical Quality Assurance, which is
 165 responsible for the following boards and professions established
 166 within the division:

- 167 1. The Board of Acupuncture, created under chapter 457.
- 168 2. The Board of Medicine, created under chapter 458.

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- 169 3. The Board of Osteopathic Medicine, created under
 170 chapter 459.
- 171 4. The Board of Chiropractic Medicine, created under
 172 chapter 460.
- 173 5. The Board of Podiatric Medicine, created under chapter
 174 461.
- 175 6. Naturopathy, as provided under chapter 462.
- 176 7. The Board of Optometry, created under chapter 463.
- 177 8. The Board of Nursing, created under part I of chapter
 178 464.
- 179 9. Nursing assistants, as provided under part II of
 180 chapter 464.
- 181 10. The Board of Pharmacy, created under chapter 465.
- 182 11. The Board of Dentistry, created under chapter 466.
- 183 12. Midwifery, as provided under chapter 467.
- 184 13. The Board of Speech-Language Pathology and Audiology,
 185 created under part I of chapter 468.
- 186 14. The Board of Nursing Home Administrators, created
 187 under part II of chapter 468.
- 188 15. The Board of Occupational Therapy, created under part
 189 III of chapter 468.
- 190 16. Respiratory therapy, as provided under part V of
 191 chapter 468.
- 192 17. Dietetics and nutrition practice, as provided under
 193 part X of chapter 468.
- 194 18. The Board of Athletic Training, created under part
 195 XIII of chapter 468.
- 196 19. The Board of Orthotists and Prosthetists, created

- 197 under part XIV of chapter 468.
- 198 20. Electrolysis, as provided under chapter 478.
- 199 21. The Board of Massage Therapy, created under chapter
200 480.
- 201 22. The Board of Clinical Laboratory Personnel, created
202 under part III of chapter 483.
- 203 23. Medical physicists, as provided under part IV of
204 chapter 483.
- 205 24. The Board of Opticianry, created under part I of
206 chapter 484.
- 207 25. The Board of Hearing Aid Specialists, created under
208 part II of chapter 484.
- 209 26. The Board of Physical Therapy Practice, created under
210 chapter 486.
- 211 27. The Board of Psychology, created under chapter 490.
- 212 28. School psychologists, as provided under chapter 490.
- 213 29. The Board of Clinical Social Work, Marriage and Family
214 Therapy, and Mental Health Counseling, created under chapter
215 491.

216

217 This paragraph expires July 1, 2011, unless reviewed and
218 reenacted by the Legislature before that date.

219 (h) Division of Children's Medical Services Prevention and
220 Intervention. This paragraph expires July 1, 2011, unless
221 reviewed and reenacted by the Legislature before that date.

222 (i) Division of Information Technology. This paragraph
223 expires July 1, 2011, unless reviewed and reenacted by the
224 Legislature before that date.

225 (j) Division of Health Access and Tobacco. This paragraph
 226 expires July 1, 2011, unless reviewed and reenacted by the
 227 Legislature before that date.

228 (k) Division of Disability Determinations. This paragraph
 229 expires July 1, 2011, unless reviewed and reenacted by the
 230 Legislature before that date.

231 (4) (a) The members of each board within the department
 232 shall be appointed by the Governor, subject to confirmation by
 233 the Senate. Consumer members on the board shall be appointed
 234 pursuant to paragraph (b). Members shall be appointed for 4-year
 235 terms, and such terms shall expire on October 31. However, a
 236 term of less than 4 years may be used to ensure that:

237 1. No more than two members' terms expire during the same
 238 calendar year for boards consisting of seven or eight members.

239 2. No more than 3 members' terms expire during the same
 240 calendar year for boards consisting of 9 to 12 members.

241 3. No more than 5 members' terms expire during the same
 242 calendar year for boards consisting of 13 or more members.

243
 244 A member whose term has expired shall continue to serve on the
 245 board until such time as a replacement is appointed. A vacancy
 246 on the board shall be filled for the unexpired portion of the
 247 term in the same manner as the original appointment. No member
 248 may serve for more than the remaining portion of a previous
 249 member's unexpired term, plus two consecutive 4-year terms of
 250 the member's own appointment thereafter.

251 (b) Each board with five or more members shall have at
 252 least two consumer members who are not, and have never been,

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253 members or practitioners of the profession regulated by such
 254 board or of any closely related profession. Each board with
 255 fewer than five members shall have at least one consumer member
 256 who is not, and has never been, a member or practitioner of the
 257 profession regulated by such board or of any closely related
 258 profession.

259 (c) Notwithstanding any other provision of law, the
 260 department is authorized to establish uniform application forms
 261 and certificates of licensure for use by the boards within the
 262 department. Nothing in this paragraph authorizes the department
 263 to vary any substantive requirements, duties, or eligibilities
 264 for licensure or certification as provided by law.

265 (5) The department shall ~~plan and~~ administer authorized
 266 ~~its~~ public health programs through its county health departments
 267 and may, for administrative purposes and efficient service
 268 delivery, establish multicounty ~~up to 15~~ service areas ~~to carry~~
 269 ~~out such duties as may be prescribed by the State Surgeon~~
 270 ~~General. The boundaries of the service areas shall be the same~~
 271 ~~as, or combinations of, the service districts of the Department~~
 272 ~~of Children and Family Services established in s. 20.19 and, to~~
 273 ~~the extent practicable, shall take into consideration the~~
 274 ~~boundaries of the jobs and education regional boards.~~

275 (6) The State Surgeon General may ~~and division directors~~
 276 ~~are authorized to~~ appoint ad hoc advisory committees as
 277 necessary to address issues relating to the responsibilities
 278 delegated to the department under paragraph (1) (a). The issue or
 279 problem that the ad hoc committee shall address, and the
 280 timeframe within which the committee is to complete its work,

281 shall be specified at the time the committee is appointed. Ad
 282 hoc advisory committees shall include representatives of groups
 283 or entities affected by the issue or problem that the committee
 284 is asked to examine. Members of ad hoc advisory committees shall
 285 receive no compensation, but may, within existing departmental
 286 resources, receive reimbursement for travel expenses as provided
 287 in s. 112.061.

288 ~~(7) To protect and improve the public health, the~~
 289 ~~department may use state or federal funds to:~~

290 ~~(a) Provide incentives, including, but not limited to, the~~
 291 ~~promotional items listed in paragraph (b), food and including~~
 292 ~~food coupons, and payment for travel expenses, for encouraging~~
 293 ~~healthy lifestyle and disease prevention behaviors and patient~~
 294 ~~compliance with medical treatment, such as tuberculosis therapy~~
 295 ~~and smoking cessation programs. Such incentives shall be~~
 296 ~~intended to cause individuals to take action to improve their~~
 297 ~~health. Any incentive for food, food coupons, or travel expenses~~
 298 ~~may not exceed the limitations in s. 112.061.~~

299 ~~(b) Plan and conduct health education campaigns for the~~
 300 ~~purpose of protecting or improving public health. The department~~
 301 ~~may purchase promotional items, such as, but not limited to, t-~~
 302 ~~shirts, hats, sports items such as water bottles and sweat~~
 303 ~~bands, calendars, nutritional charts, baby bibs, growth charts,~~
 304 ~~and other items printed with health promotion messages, and~~
 305 ~~advertising, such as space on billboards or in publications or~~
 306 ~~radio or television time, for health information and promotional~~
 307 ~~messages that recognize that the following behaviors, among~~
 308 ~~others, are detrimental to public health: unprotected sexual~~

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309 ~~intercourse, other than with one's spouse; cigarette and cigar~~
310 ~~smoking, use of smokeless tobacco products, and exposure to~~
311 ~~environmental tobacco smoke; alcohol consumption or other~~
312 ~~substance abuse during pregnancy; alcohol abuse or other~~
313 ~~substance abuse; lack of exercise and poor diet and nutrition~~
314 ~~habits; and failure to recognize and address a genetic tendency~~
315 ~~to suffer from sickle cell anemia, diabetes, high blood~~
316 ~~pressure, cardiovascular disease, or cancer. For purposes of~~
317 ~~activities under this paragraph, the Department of Health may~~
318 ~~establish requirements for local matching funds or in-kind~~
319 ~~contributions to create and distribute advertisements, in either~~
320 ~~print or electronic format, which are concerned with each of the~~
321 ~~targeted behaviors, establish an independent evaluation and~~
322 ~~feedback system for the public health communication campaign,~~
323 ~~and monitor and evaluate the efforts to determine which of the~~
324 ~~techniques and methodologies are most effective.~~

325 ~~(c) Plan and conduct promotional campaigns to recruit~~
326 ~~health professionals to be employed by the department or to~~
327 ~~recruit participants in departmental programs for health~~
328 ~~practitioners, such as scholarship, loan repayment, or volunteer~~
329 ~~programs. To this effect the department may purchase promotional~~
330 ~~items and advertising.~~

331 ~~(8) The department may hold copyrights, trademarks, and~~
332 ~~service marks and enforce its rights with respect thereto,~~
333 ~~except such authority does not extend to any public records~~
334 ~~relating to the department's responsibilities for health care~~
335 ~~practitioners regulated under part II of chapter 455.~~

336 ~~(7)(9)~~ There is established within the Department of

337 Health the Office of Minority Health.

338 (8) Beginning in fiscal year 2010-2011, the department
 339 shall initiate or commence new programs, including any new
 340 federally funded or grant-supported initiative, or make changes
 341 in current programs only when the Legislature expressly
 342 authorizes the department to do so.

343 Section 2. Section 381.0011, Florida Statutes, is amended
 344 to read:

345 381.0011 Duties and powers of the Department of Health.—It
 346 is the duty of the Department of Health to:

347 (1) Assess the public health status and needs of the state
 348 pursuant to the responsibilities delegated to the department
 349 under s. 20.43 through statewide data collection and other
 350 appropriate means, with special attention to future needs that
 351 may result from population growth, technological advancements,
 352 new societal priorities, or other changes.

353 (2) Manage and coordinate emergency preparedness and
 354 disaster response functions to: investigate and control the
 355 spread of disease; coordinate the availability and staffing of
 356 special needs shelters; support patient evacuation; ensure the
 357 safety of food and drugs; provide critical incident stress
 358 debriefing; and provide surveillance and control of
 359 radiological, chemical, biological, and other environmental
 360 hazards ~~Formulate general policies affecting the public health~~
 361 ~~of the state.~~

362 (3) Include in the department's strategic plan developed
 363 under s. 186.021 a summary of all aspects of the public health
 364 related to the responsibilities delegated to the department

365 ~~under s. 20.43(1) mission and health status objectives to direct~~
 366 ~~the use of public health resources with an emphasis on~~
 367 ~~prevention.~~

368 (4) Administer and enforce laws and rules relating to
 369 sanitation, control of communicable diseases, and illnesses and
 370 hazards to health among humans and from animals to humans, ~~and~~
 371 ~~the general health of the people of the state.~~

372 (5) Cooperate with and accept assistance from federal,
 373 state, and local officials for the prevention and suppression of
 374 communicable and other diseases, illnesses, injuries, and
 375 hazards to human health and cooperate with the Federal
 376 Government in enforcing public health laws and regulations.

377 (6) Declare, enforce, modify, and abolish quarantine of
 378 persons, animals, and premises as the circumstances indicate for
 379 controlling communicable diseases or providing protection from
 380 unsafe conditions that pose a threat to public health, except as
 381 provided in ss. 384.28 and 392.545-392.60.

382 (a) The department shall adopt rules to specify the
 383 conditions and procedures for imposing and releasing a
 384 quarantine. The rules must include provisions related to:

385 1. The closure of premises.

386 2. The movement of persons or animals exposed to or
 387 infected with a communicable disease.

388 3. The tests or treatment, including vaccination, for
 389 communicable disease required prior to employment or admission
 390 to the premises or to comply with a quarantine.

391 4. Testing or destruction of animals with or suspected of
 392 having a disease transmissible to humans.

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393 5. Access by the department to quarantined premises.

394 6. The disinfection of quarantined animals, persons, or
395 premises.

396 7. Methods of quarantine.

397 (b) Any health regulation that restricts travel or trade
398 within the state may not be adopted or enforced in this state
399 except by authority of the department.

400 (7) Identify, diagnose, investigate, and conduct
401 surveillance of communicable diseases in the state and promote
402 and implement interventions that prevent or limit the impact and
403 spread of disease in the state ~~Provide for a thorough~~
404 ~~investigation and study of the incidence, causes, modes of~~
405 ~~propagation and transmission, and means of prevention, control,~~
406 ~~and cure of diseases, illnesses, and hazards to human health.~~

407 (8) Issue, as necessary and in its discretion, health
408 alerts or advisories ~~Provide for the dissemination of~~
409 ~~information to the public relative to the prevention, control,~~
410 ~~and cure of diseases, illnesses, and hazards to human health.~~
411 ~~The department shall conduct a workshop before issuing any~~
412 ~~health alert or advisory~~ relating to food-borne illness or
413 communicable disease in public lodging or food service
414 establishments in order to inform persons, trade associations,
415 and businesses of the risk to public health and to seek the
416 input of affected persons, trade associations, and businesses on
417 the best methods of informing and protecting the public. The
418 department shall conduct a workshop before issuing any such
419 alert or advisory, except in an emergency, in which case the
420 workshop must be held within 14 days after the issuance of the

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421 emergency alert or advisory.

422 (9) Act as registrar of vital statistics.

423 ~~(10) Cooperate with and assist federal health officials in~~
 424 ~~enforcing public health laws and regulations.~~

425 ~~(11) Cooperate with other departments, local officials,~~
 426 ~~and private boards and organizations for the improvement and~~
 427 ~~preservation of the public health.~~

428 ~~(12) Maintain a statewide injury prevention program.~~

429 (10)~~(13)~~ Adopt rules pursuant to ss. 120.536(1) and 120.54
 430 to implement the provisions of law conferring duties upon it.
 431 This subsection does not authorize the department to require a
 432 permit or license or to inspect a building or facility, unless
 433 such requirement is specifically provided by law.

434 ~~(11)~~~~(14)~~ Perform any other duties expressly assigned to
 435 the department ~~prescribed~~ by law.

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

438 381.006 Environmental health.—The department shall conduct
 439 an environmental health program as part of fulfilling the
 440 state's public health mission. The purpose of this program is to
 441 detect and prevent disease caused by natural and manmade factors
 442 in the environment. The environmental health program shall
 443 include, but not be limited to:

444 (16) A group-care-facilities function. The term, where a
 445 "group care facility" means any public or private school,
 446 assisted living facility, adult family-care home, adult day care
 447 center, short-term residential treatment center, residential
 448 treatment facility, home for special services, transitional

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449 living facility, crisis stabilization unit, hospice, prescribed
450 pediatric extended care center, intermediate care facility for
451 persons with developmental disabilities, or boarding school
452 ~~housing, building or buildings, section of a building, or~~
453 ~~distinct part of a building or other place, whether operated for~~
454 ~~profit or not, which undertakes, through its ownership or~~
455 ~~management, to provide one or more personal services, care,~~
456 ~~protection, and supervision to persons who require such services~~
457 ~~and who are not related to the owner or administrator. The~~
458 department may adopt rules necessary to protect the health and
459 safety of residents, staff, and patrons of group care
460 facilities, as defined in this paragraph. Rules related to
461 public and private schools shall be developed by such as child
462 ~~care facilities, family day care homes, assisted living~~
463 ~~facilities, adult day care centers, adult family care homes,~~
464 ~~hospices, residential treatment facilities, crisis stabilization~~
465 ~~units, pediatric extended care centers, intermediate care~~
466 ~~facilities for the developmentally disabled, group care homes,~~
467 ~~and, jointly with the Department of Education in consultation~~
468 with the department, private and public schools. These Rules may
469 include definitions of terms; provisions relating to operation
470 and maintenance of facilities, buildings, grounds, equipment,
471 furnishings, and occupant-space requirements; lighting; heating,
472 cooling, and ventilation; food service; water supply and
473 plumbing; sewage; sanitary facilities; insect and rodent
474 control; garbage; safety; personnel health, hygiene, and work
475 practices; and other matters the department finds are
476 appropriate or necessary to protect the safety and health of the

477 residents, staff, students, faculty, or patrons. The department
 478 may not adopt rules that conflict with rules adopted by the
 479 licensing or certifying agency. The department may enter and
 480 inspect at reasonable hours to determine compliance with
 481 applicable statutes or rules. In addition to any sanctions that
 482 the department may impose for violations of rules adopted under
 483 this section, the department shall also report such violations
 484 to any agency responsible for licensing or certifying the group
 485 care facility. The licensing or certifying agency may also
 486 impose any sanction based solely on the findings of the
 487 department.

488
 489 The department may adopt rules to carry out the provisions of
 490 this section.

491 Section 4. Subsections (1), (2), (3), and (6) of section
 492 381.0072, Florida Statutes, are amended to read:

493 381.0072 Food service protection.—It shall be the duty of
 494 the Department of Health to adopt and enforce sanitation rules
 495 consistent with law to ensure the protection of the public from
 496 food-borne illness. These rules shall provide the standards and
 497 requirements for the storage, preparation, serving, or display
 498 of food in food service establishments as defined in this
 499 section and which are not permitted or licensed under chapter
 500 500 or chapter 509.

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

502 (a) "Department" means the Department of Health or its
 503 representative county health department.

504 (b) "Food service establishment" means detention

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505 facilities, public or private schools, migrant labor camps,
506 assisted living facilities, adult family-care homes, adult day
507 care centers, short-term residential treatment centers,
508 residential treatment facilities, homes for special services,
509 transitional living facilities, crisis stabilization units,
510 hospices, prescribed pediatric extended care centers,
511 intermediate care facilities for persons with developmental
512 disabilities, boarding schools, civic or fraternal
513 organizations, bars and lounges, vending machines that dispense
514 potentially hazardous foods at facilities expressly named in
515 this paragraph, and facilities used as temporary food events or
516 mobile food units at any facility expressly named ~~any facility,~~
517 ~~as described~~ in this paragraph, where food is prepared and
518 intended for individual portion service, including ~~and includes~~
519 the site at which individual portions are provided, ~~. The term~~
520 ~~includes any such facility~~ regardless of whether consumption is
521 on or off the premises and regardless of whether there is a
522 charge for the food. ~~The term includes detention facilities,~~
523 ~~child care facilities, schools, institutions, civic or fraternal~~
524 ~~organizations, bars and lounges and facilities used at temporary~~
525 ~~food events, mobile food units, and vending machines at any~~
526 ~~facility regulated under this section.~~ The term does not include
527 any entity not expressly named in this paragraph ~~private homes~~
528 ~~where food is prepared or served for individual family~~
529 ~~consumption; nor does the term include churches, synagogues, or~~
530 ~~other not-for-profit religious organizations as long as these~~
531 ~~organizations serve only their members and guests and do not~~
532 ~~advertise food or drink for public consumption, or any facility~~

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533 ~~or establishment permitted or licensed under chapter 500 or~~
534 ~~chapter 509; nor does the term include any theater, if the~~
535 ~~primary use is as a theater and if patron service is limited to~~
536 ~~food items customarily served to the admittees of theaters; nor~~
537 ~~does the term include a research and development test kitchen~~
538 ~~limited to the use of employees and which is not open to the~~
539 ~~general public.~~

540 (c) "Operator" means the owner, operator, keeper,
541 proprietor, lessee, manager, assistant manager, agent, or
542 employee of a food service establishment.

543 (2) DUTIES.—

544 (a) The department may advise and consult with the Agency
545 for Health Care Administration, the Department of Business and
546 Professional Regulation, the Department of Agriculture and
547 Consumer Services, and the Department of Children and Family
548 Services concerning procedures related to the storage,
549 preparation, serving, or display of food at any building,
550 structure, or facility not expressly included in this section
551 that is inspected, licensed, or regulated by those agencies.

552 (b)~~(a)~~ The department shall adopt rules, including
553 definitions of terms which are consistent with law prescribing
554 minimum sanitation standards and manager certification
555 requirements as prescribed in s. 509.039, and which shall be
556 enforced in food service establishments as defined in this
557 section. The sanitation standards must address the construction,
558 operation, and maintenance of the establishment; lighting,
559 ventilation, laundry rooms, lockers, use and storage of toxic
560 materials and cleaning compounds, and first-aid supplies; plan

561 review; design, construction, installation, location,
 562 maintenance, sanitation, and storage of food equipment and
 563 utensils; employee training, health, hygiene, and work
 564 practices; food supplies, preparation, storage, transportation,
 565 and service, including access to the areas where food is stored
 566 or prepared; and sanitary facilities and controls, including
 567 water supply and sewage disposal; plumbing and toilet
 568 facilities; garbage and refuse collection, storage, and
 569 disposal; and vermin control. Public and private schools, if the
 570 food service is operated by school employees, ~~hospitals~~
 571 ~~licensed under chapter 395; nursing homes licensed under part II~~
 572 ~~of chapter 400; child care facilities as defined in s. 402.301;~~
 573 ~~residential facilities colocated with a nursing home or~~
 574 ~~hospital, if all food is prepared in a central kitchen that~~
 575 ~~complies with nursing or hospital regulations; and bars and~~
 576 ~~lounges, civic organizations, and any other facility that is not~~
 577 ~~regulated under this section as defined by department rule, are~~
 578 exempt from the rules developed for manager certification. The
 579 department shall administer a comprehensive inspection,
 580 monitoring, and sampling program to ensure such standards are
 581 maintained. With respect to food service establishments
 582 permitted or licensed under chapter 500 or chapter 509, the
 583 department shall assist the Division of Hotels and Restaurants
 584 of the Department of Business and Professional Regulation and
 585 the Department of Agriculture and Consumer Services with
 586 rulemaking by providing technical information.

587 (c) ~~(b)~~ The department shall carry out all provisions of
 588 this chapter and all other applicable laws and rules relating to

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589 the inspection or regulation of food service establishments as
590 defined in this section, for the purpose of safeguarding the
591 public's health, safety, and welfare.

592 (d)~~(e)~~ The department shall inspect each food service
593 establishment as often as necessary to ensure compliance with
594 applicable laws and rules. The department shall have the right
595 of entry and access to these food service establishments at any
596 reasonable time. In inspecting food service establishments as
597 provided under this section, the department shall provide each
598 inspected establishment with the food recovery brochure
599 developed under s. 570.0725.

600 (e)~~(d)~~ The department or other appropriate regulatory
601 entity may inspect theaters exempted in subsection (1) to ensure
602 compliance with applicable laws and rules pertaining to minimum
603 sanitation standards. A fee for inspection shall be prescribed
604 by rule, but the aggregate amount charged per year per theater
605 establishment shall not exceed \$300, regardless of the entity
606 providing the inspection.

607 (3) LICENSES REQUIRED.—

608 (a) Licenses; annual renewals.—Each food service
609 establishment regulated under this section shall obtain a
610 license from the department annually. Food service establishment
611 licenses shall expire annually and are not transferable from one
612 place or individual to another. However, those facilities
613 licensed by the department's Office of Licensure and
614 Certification, the Child Care Services Program Office, or the
615 Agency for Persons with Disabilities are exempt from this
616 subsection. It shall be a misdemeanor of the second degree,

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617 punishable as provided in s. 381.0061, s. 775.082, or s.
618 775.083, for such an establishment to operate without this
619 license. The department may refuse a license, or a renewal
620 thereof, to any establishment that is not constructed or
621 maintained in accordance with law and with the rules of the
622 department. Annual application for renewal is not required.

623 (b) Application for license.—Each person who plans to open
624 a food service establishment regulated under this section and
625 not regulated under chapter 500 or chapter 509 shall apply for
626 and receive a license prior to the commencement of operation.

627 (6) IMMINENT DANGERS; STOP-SALE ORDERS.—

628 (a) In the course of epidemiological investigations or for
629 those establishments regulated by the department under this
630 chapter, the department, to protect the public from food that is
631 unwholesome or otherwise unfit for human consumption, may
632 examine, sample, seize, and stop the sale or use of food to
633 determine its condition. The department may stop the sale and
634 supervise the proper destruction of food when the State Health
635 Officer or his or her designee determines that such food
636 represents a threat to the public health.

637 (b) The department may determine that a food service
638 establishment regulated under this section is an imminent danger
639 to the public health and require its immediate closure when such
640 establishment fails to comply with applicable sanitary and
641 safety standards and, because of such failure, presents an
642 imminent threat to the public's health, safety, and welfare. The
643 department may accept inspection results from state and local
644 building and firesafety officials and other regulatory agencies

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645 as justification for such actions. Any facility so deemed and
646 closed shall remain closed until allowed by the department or by
647 judicial order to reopen.

648 Section 5. Paragraph (g) of subsection (2) of section
649 381.0101, Florida Statutes, is amended to read:

650 (2) DEFINITIONS.—As used in this section:

651 (g) "Primary environmental health program" means those
652 programs ~~determined by the department~~ is expressly authorized by
653 law to administer ~~to be essential~~ for providing basic
654 environmental and sanitary protection to the public. ~~At a~~
655 ~~minimum,~~ These programs shall include food protection program
656 work at food service establishments as defined in s. 381.0072
657 and onsite sewage treatment and disposal system evaluations.

658 Section 6. Sections 381.001, 381.04015, 401.243, 411.23,
659 411.231, and 411.232, Florida Statutes, are repealed.

660 Section 7. Paragraph (d) of subsection (5) of section
661 411.01, Florida Statutes, is amended to read:

662 411.01 School readiness programs; early learning
663 coalitions.—

664 (5) CREATION OF EARLY LEARNING COALITIONS.—

665 (d) Implementation.—

666 1. An early learning coalition may not implement the
667 school readiness program until the coalition is authorized
668 through approval of the coalition's school readiness plan by the
669 Agency for Workforce Innovation.

670 2. Each early learning coalition shall develop a plan for
671 implementing the school readiness program to meet the
672 requirements of this section and the performance standards and

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673 outcome measures adopted by the Agency for Workforce Innovation.
674 The plan must demonstrate how the program will ensure that each
675 3-year-old and 4-year-old child in a publicly funded school
676 readiness program receives scheduled activities and instruction
677 designed to enhance the age-appropriate progress of the children
678 in attaining the performance standards adopted by the Agency for
679 Workforce Innovation under subparagraph (4)(d)8. Before
680 implementing the school readiness program, the early learning
681 coalition must submit the plan to the Agency for Workforce
682 Innovation for approval. The Agency for Workforce Innovation may
683 approve the plan, reject the plan, or approve the plan with
684 conditions. The Agency for Workforce Innovation shall review
685 school readiness plans at least annually.

686 3. If the Agency for Workforce Innovation determines
687 during the annual review of school readiness plans, or through
688 monitoring and performance evaluations conducted under paragraph
689 (4)(1), that an early learning coalition has not substantially
690 implemented its plan, has not substantially met the performance
691 standards and outcome measures adopted by the agency, or has not
692 effectively administered the school readiness program or
693 Voluntary Prekindergarten Education Program, the Agency for
694 Workforce Innovation may dissolve the coalition and temporarily
695 contract with a qualified entity to continue school readiness
696 and prekindergarten services in the coalition's county or
697 multicounty region until the coalition is reestablished through
698 resubmission of a school readiness plan and approval by the
699 agency.

700 4. The Agency for Workforce Innovation shall adopt

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701 criteria for the approval of school readiness plans. The
702 criteria must be consistent with the performance standards and
703 outcome measures adopted by the agency and must require each
704 approved plan to include the following minimum standards and
705 provisions:

706 a. A sliding fee scale establishing a copayment for
707 parents based upon their ability to pay, which is the same for
708 all program providers, to be implemented and reflected in each
709 program's budget.

710 b. A choice of settings and locations in licensed,
711 registered, religious-exempt, or school-based programs to be
712 provided to parents.

713 c. Instructional staff who have completed the training
714 course as required in s. 402.305(2)(d)1., as well as staff who
715 have additional training or credentials as required by the
716 Agency for Workforce Innovation. The plan must provide a method
717 for assuring the qualifications of all personnel in all program
718 settings.

719 d. Specific eligibility priorities for children within the
720 early learning coalition's county or multicounty region in
721 accordance with subsection (6).

722 e. Performance standards and outcome measures adopted by
723 the Agency for Workforce Innovation.

724 f. Payment rates adopted by the early learning coalition
725 and approved by the Agency for Workforce Innovation. Payment
726 rates may not have the effect of limiting parental choice or
727 creating standards or levels of services that have not been
728 authorized by the Legislature.

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729 g. Systems support services, including a central agency,
730 child care resource and referral, eligibility determinations,
731 training of providers, and parent support and involvement.

732 h. Direct enhancement services to families and children.
733 System support and direct enhancement services shall be in
734 addition to payments for the placement of children in school
735 readiness programs.

736 i. The business organization of the early learning
737 coalition, which must include the coalition's articles of
738 incorporation and bylaws if the coalition is organized as a
739 corporation. If the coalition is not organized as a corporation
740 or other business entity, the plan must include the contract
741 with a fiscal agent. An early learning coalition may contract
742 with other coalitions to achieve efficiency in multicounty
743 services, and these contracts may be part of the coalition's
744 school readiness plan.

745 j. Strategies to meet the needs of unique populations,
746 such as migrant workers.

747

748 As part of the school readiness plan, the early learning
749 coalition may request the Governor to apply for a waiver to
750 allow the coalition to administer the Head Start Program to
751 accomplish the purposes of the school readiness program. If a
752 school readiness plan demonstrates that specific statutory goals
753 can be achieved more effectively by using procedures that
754 require modification of existing rules, policies, or procedures,
755 a request for a waiver to the Agency for Workforce Innovation
756 may be submitted as part of the plan. Upon review, the Agency

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757 for Workforce Innovation may grant the proposed modification.

758 5. Persons with an early childhood teaching certificate
759 may provide support and supervision to other staff in the school
760 readiness program.

761 6. An early learning coalition may not implement its
762 school readiness plan until it submits the plan to and receives
763 approval from the Agency for Workforce Innovation. Once the plan
764 is approved, the plan and the services provided under the plan
765 shall be controlled by the early learning coalition. The plan
766 shall be reviewed and revised as necessary, but at least
767 biennially. An early learning coalition may not implement the
768 revisions until the coalition submits the revised plan to and
769 receives approval from the Agency for Workforce Innovation. If
770 the Agency for Workforce Innovation rejects a revised plan, the
771 coalition must continue to operate under its prior approved
772 plan.

773 7. Sections 125.901(2)(a)3. and, 411.221, ~~and 411.232~~ do
774 not apply to an early learning coalition with an approved school
775 readiness plan. To facilitate innovative practices and to allow
776 the regional establishment of school readiness programs, an
777 early learning coalition may apply to the Governor and Cabinet
778 for a waiver of, and the Governor and Cabinet may waive, any of
779 the provisions of ss. 411.223, ~~411.232~~, and 1003.54, if the
780 waiver is necessary for implementation of the coalition's school
781 readiness plan.

782 8. Two or more counties may join for purposes of planning
783 and implementing a school readiness program.

784 9. An early learning coalition may, subject to approval by

785 the Agency for Workforce Innovation as part of the coalition's
 786 school readiness plan, receive subsidized child care funds for
 787 all children eligible for any federal subsidized child care
 788 program.

789 10. An early learning coalition may enter into multiparty
 790 contracts with multicounty service providers in order to meet
 791 the needs of unique populations such as migrant workers.

792 Section 8. Paragraphs (f) and (g) of subsection (2) of
 793 section 411.224, Florida Statutes, are redesignated as
 794 paragraphs (e) and (f), respectively, and present paragraph (e)
 795 of that subsection is amended to read:

796 411.224 Family support planning process.—The Legislature
 797 establishes a family support planning process to be used by the
 798 Department of Children and Family Services as the service
 799 planning process for targeted individuals, children, and
 800 families under its purview.

801 (2) To the extent possible within existing resources, the
 802 following populations must be included in the family support
 803 planning process:

804 ~~(e) Participants who are served by the Children's Early~~
 805 ~~Investment Program established in s. 411.232.~~

806 Section 9. Subsections (4) and (5) of section 509.013,
 807 Florida Statutes, are amended to read:

808 509.013 Definitions.—As used in this chapter, the term:

809 (4) (a) "Public lodging establishment" includes a transient
 810 public lodging establishment as defined in subparagraph 1. and a
 811 nontransient public lodging establishment as defined in
 812 subparagraph 2.

813 1. "Transient public lodging establishment" means any
 814 unit, group of units, dwelling, building, or group of buildings
 815 within a single complex of buildings which is rented to guests
 816 more than three times in a calendar year for periods of less
 817 than 30 days or 1 calendar month, whichever is less, or which is
 818 advertised or held out to the public as a place regularly rented
 819 to guests.

820 2. "Nontransient public lodging establishment" means any
 821 unit, group of units, dwelling, building, or group of buildings
 822 within a single complex of buildings which is rented to guests
 823 for periods of at least 30 days or 1 calendar month, whichever
 824 is less, or which is advertised or held out to the public as a
 825 place regularly rented to guests for periods of at least 30 days
 826 or 1 calendar month.

827
 828 License classifications of public lodging establishments, and
 829 the definitions therefor, are set out in s. 509.242. For the
 830 purpose of licensure, the term does not include condominium
 831 common elements as defined in s. 718.103.

832 (b) The following are excluded from the definitions in
 833 paragraph (a):

834 1. Any dormitory or other living or sleeping facility
 835 maintained by a public or private school, college, or university
 836 for the use of students, faculty, or visitors;

837 2. Any facility certified or licensed and regulated by the
 838 Agency for Health Care Administration or the Department of
 839 Children and Family Services ~~hospital, nursing home, sanitarium,~~
 840 ~~assisted living facility,~~ or other similar place regulated under

841 s. 381.0072;

842 3. Any place renting four rental units or less, unless the
843 rental units are advertised or held out to the public to be
844 places that are regularly rented to transients;

845 4. Any unit or group of units in a condominium,
846 cooperative, or timeshare plan and any individually or
847 collectively owned one-family, two-family, three-family, or
848 four-family dwelling house or dwelling unit that is rented for
849 periods of at least 30 days or 1 calendar month, whichever is
850 less, and that is not advertised or held out to the public as a
851 place regularly rented for periods of less than 1 calendar
852 month, provided that no more than four rental units within a
853 single complex of buildings are available for rent;

854 5. Any migrant labor camp or residential migrant housing
855 permitted by the Department of Health; under ss. 381.008-
856 381.00895; and

857 6. Any establishment inspected by the Department of Health
858 and regulated by chapter 513.

859 (5) (a) "Public food service establishment" means any
860 building, vehicle, place, or structure, or any room or division
861 in a building, vehicle, place, or structure where food is
862 prepared, served, or sold for immediate consumption on or in the
863 vicinity of the premises; called for or taken out by customers;
864 or prepared prior to being delivered to another location for
865 consumption.

866 (b) The following are excluded from the definition in
867 paragraph (a):

868 1. Any place maintained and operated by a public or

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- 869 private school, college, or university:
- 870 a. For the use of students and faculty; or
- 871 b. Temporarily to serve such events as fairs, carnivals,
- 872 and athletic contests.
- 873 2. Any eating place maintained and operated by a church or
- 874 a religious, nonprofit fraternal, or nonprofit civic
- 875 organization:
- 876 a. For the use of members and associates; or
- 877 b. Temporarily to serve such events as fairs, carnivals,
- 878 or athletic contests.
- 879 3. Any eating place located on an airplane, train, bus, or
- 880 watercraft which is a common carrier.
- 881 4. Any eating place maintained by a facility certified or
- 882 licensed and regulated by the Agency for Health Care
- 883 Administration or the Department of Children and Family Services
- 884 ~~hospital, nursing home, sanitarium, assisted living facility,~~
- 885 ~~adult day care center,~~ or other similar place that is regulated
- 886 under s. 381.0072.
- 887 5. Any place of business issued a permit or inspected by
- 888 the Department of Agriculture and Consumer Services under s.
- 889 500.12.
- 890 6. Any place of business where the food available for
- 891 consumption is limited to ice, beverages with or without
- 892 garnishment, popcorn, or prepackaged items sold without
- 893 additions or preparation.
- 894 7. Any theater, if the primary use is as a theater and if
- 895 patron service is limited to food items customarily served to
- 896 the admittees of theaters.

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897 8. Any vending machine that dispenses any food or
898 beverages other than potentially hazardous foods, as defined by
899 division rule.

900 9. Any vending machine that dispenses potentially
901 hazardous food and which is located in a facility regulated
902 under s. 381.0072.

903 10. Any research and development test kitchen limited to
904 the use of employees and which is not open to the general
905 public.

906 Section 10. This act shall take effect July 1, 2010.