

By Senator Jones

13-00442-11

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1                   A bill to be entitled  
2           An act relating to the Department of Health; amending  
3           s. 381.0072, F.S.; redefining the term "food service  
4           establishment" to include child care facilities;  
5           placing the regulation of such facilities under the  
6           jurisdiction of the department; requiring that the  
7           department consult with specified agencies and not  
8           duplicate areas of inspection executed by such  
9           agencies; providing an effective date.

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

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13           Section 1. Paragraph (b) of subsection (1) and subsection  
14           (2) of section 381.0072, Florida Statutes, are amended to read:

15           381.0072 Food service protection.—It shall be the duty of  
16           the Department of Health to adopt and enforce sanitation rules  
17           consistent with law to ensure the protection of the public from  
18           food-borne illness. These rules shall provide the standards and  
19           requirements for the storage, preparation, serving, or display  
20           of food in food service establishments as defined in this  
21           section and which are not permitted or licensed under chapter  
22           500 or chapter 509.

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

24           (b) "Food service establishment" means detention  
25           facilities, public or private schools, migrant labor camps,  
26           assisted living facilities, adult family-care homes, adult day  
27           care centers, child care facilities, short-term residential  
28           treatment centers, residential treatment facilities, homes for  
29           special services, transitional living facilities, crisis

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30 stabilization units, hospices, prescribed pediatric extended  
31 care centers, intermediate care facilities for persons with  
32 developmental disabilities, boarding schools, civic or fraternal  
33 organizations, bars and lounges, vending machines that dispense  
34 potentially hazardous foods at facilities expressly named in  
35 this paragraph, and facilities used as temporary food events or  
36 mobile food units at any facility expressly named in this  
37 paragraph, where food is prepared and intended for individual  
38 portion service, including the site at which individual portions  
39 are provided, regardless of whether consumption is on or off the  
40 premises and regardless of whether there is a charge for the  
41 food. The term does not include any entity not expressly named  
42 in this paragraph; nor does the term include a domestic violence  
43 center certified and monitored by the Department of Children and  
44 Family Services under part XIII of chapter 39 if the center does  
45 not prepare and serve food to its residents and does not  
46 advertise food or drink for public consumption.

47 (2) DUTIES.—

48 (a) The department may advise and consult with the Agency  
49 for Health Care Administration, the Department of Business and  
50 Professional Regulation, the Department of Agriculture and  
51 Consumer Services, and the Department of Children and Family  
52 Services concerning procedures related to the storage,  
53 preparation, serving, or display of food at any building,  
54 structure, or facility not expressly included in this section  
55 that is inspected, licensed, or regulated by those agencies.

56 (b) The department shall adopt rules, including definitions  
57 of terms which are consistent with law prescribing minimum  
58 sanitation standards and manager certification requirements as

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59 prescribed in s. 509.039, and which shall be enforced in food  
60 service establishments as defined in this section. The  
61 sanitation standards must address the construction, operation,  
62 and maintenance of the establishment; lighting, ventilation,  
63 laundry rooms, lockers, use and storage of toxic materials and  
64 cleaning compounds, and first-aid supplies; plan review; design,  
65 construction, installation, location, maintenance, sanitation,  
66 and storage of food equipment and utensils; employee training,  
67 health, hygiene, and work practices; food supplies, preparation,  
68 storage, transportation, and service, including access to the  
69 areas where food is stored or prepared; and sanitary facilities  
70 and controls, including water supply and sewage disposal;  
71 plumbing and toilet facilities; garbage and refuse collection,  
72 storage, and disposal; and vermin control. Public and private  
73 schools, if the food service is operated by school employees,  
74 bars and lounges, civic organizations, and any other facility  
75 that is not regulated under this section are exempt from the  
76 rules developed for manager certification. The department shall  
77 administer a comprehensive inspection, monitoring, and sampling  
78 program to ensure such standards are maintained. With respect to  
79 food service establishments permitted or licensed under chapter  
80 500 or chapter 509, the department shall assist the Division of  
81 Hotels and Restaurants of the Department of Business and  
82 Professional Regulation and the Department of Agriculture and  
83 Consumer Services with rulemaking by providing technical  
84 information.

85 (c) The department shall carry out all provisions of this  
86 chapter and all other applicable laws and rules relating to the  
87 inspection or regulation of food service establishments as

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88 defined in this section, for the purpose of safeguarding the  
89 public's health, safety, and welfare.

90 (d) The department shall inspect each food service  
91 establishment as often as necessary to ensure compliance with  
92 applicable laws and rules. The department shall have the right  
93 of entry and access to these food service establishments at any  
94 reasonable time. In consultation with the agencies set forth in  
95 paragraph (a), the department may not duplicate areas of  
96 inspection that are executed by the appropriate regulatory body.  
97 In inspecting food service establishments as provided under this  
98 section, the department shall provide each inspected  
99 establishment with the food recovery brochure developed under s.  
100 570.0725.

101 (e) The department or other appropriate regulatory entity  
102 may inspect theaters exempted in subsection (1) to ensure  
103 compliance with applicable laws and rules pertaining to minimum  
104 sanitation standards. A fee for inspection shall be prescribed  
105 by rule, but the aggregate amount charged per year per theater  
106 establishment shall not exceed \$300, regardless of the entity  
107 providing the inspection.

108 Section 2. This act shall take effect July 1, 2011.