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

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29 special services, transitional living facilities, crisis
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

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

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85 information.

86 (c) The department shall carry out all provisions of this
87 chapter and all other applicable laws and rules relating to the
88 inspection or regulation of food service establishments as
89 defined in this section, for the purpose of safeguarding the
90 public's health, safety, and welfare.

91 (d) The department shall inspect each food service
92 establishment as often as necessary to ensure compliance with
93 applicable laws and rules. The department shall have the right
94 of entry and access to these food service establishments at any
95 reasonable time. In consultation with the agencies set forth in
96 paragraph (a), the department may not duplicate areas of
97 inspection that are executed by the appropriate regulatory body.
98 In inspecting food service establishments as provided under this
99 section, the department shall provide each inspected
100 establishment with the food recovery brochure developed under s.
101 570.0725.

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

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