

CHAPTER 2010-28

Committee Substitute for House Bill No. 295

An act relating to food service inspections of domestic violence centers and group care homes; amending s. 381.006, F.S.; including the investigation of food service programs for domestic violence centers and group care homes within the Department of Health's environmental health program; amending s. 381.0072, F.S.; revising the definition of the term "food service establishment" to exclude domestic violence centers under certain conditions; providing an effective date.

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

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

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

(18) A food service inspection function for domestic violence centers that are certified and monitored by the Department of Children and Family Services under part XIII of chapter 39 and group care homes as described in subsection (16), which shall be conducted annually and be limited to the requirements in department rule applicable to community-based residential facilities with five or fewer residents.

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

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

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

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

(b) "Food service establishment" means any facility, as described in this paragraph, where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such facility regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The

term includes detention facilities, child care facilities, schools, institutions, civic or fraternal organizations, bars and lounges and facilities used at temporary food events, mobile food units, and vending machines at any facility regulated under this section. The term does not include private homes where food is prepared or served for individual family consumption; nor does the term include churches, synagogues, or other not-for-profit religious organizations as long as these organizations serve only their members and guests and do not advertise food or drink for public consumption, or any facility or establishment permitted or licensed under chapter 500 or chapter 509; nor does the term include any theater, if the primary use is as a theater and if patron service is limited to food items customarily served to the admittees of theaters; nor does the term include a research and development test kitchen limited to the use of employees and which is not open to the general public; nor does the term include a domestic violence center certified and monitored by the Department of Children and Family Services under part XIII of chapter 39 if the center does not prepare and serve food to its residents and does not advertise food or drink for public consumption.

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

Approved by the Governor April 27, 2010.

Filed in Office Secretary of State April 27, 2010.