



359084

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2009	.	
	.	
	.	
	.	

The Committee on Health Regulation (Bennett) recommended the following:

Senate Amendment to Amendment (600066) (with title amendment)

Delete lines 5 - 54
and insert:

Section 1. Subsection (16) of section 381.006, Florida Statutes, is amended 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



359084

12 in the environment. The environmental health program shall
13 include, but not be limited to:

14 (16) A group-care-facilities function, where a group care
15 facility means any public or private school, housing, building
16 or buildings, section of a building, or distinct part of a
17 building or other place, whether operated for profit or not,
18 which undertakes, through its ownership or management, to
19 provide one or more personal services, care, protection, and
20 supervision to persons who require such services and who are not
21 related to the owner or administrator. The department may adopt
22 rules necessary to protect the health and safety of residents,
23 staff, and patrons of group care facilities, such as child care
24 facilities, family day care homes, assisted living facilities,
25 adult day care centers, adult family care homes, hospices,
26 residential treatment facilities, crisis stabilization units,
27 pediatric extended care centers, intermediate care facilities
28 for the developmentally disabled, group care homes, and, jointly
29 with the Department of Education, private and public schools.
30 These rules may include definitions of terms; provisions
31 relating to operation and maintenance of facilities, buildings,
32 grounds, equipment, furnishings, and occupant-space
33 requirements; lighting; heating, cooling, and ventilation; food
34 service; water supply and plumbing; sewage; sanitary facilities;
35 insect and rodent control; garbage; safety; personnel health,
36 hygiene, and work practices; and other matters the department
37 finds are appropriate or necessary to protect the safety and
38 health of the residents, staff, or patrons. The department may
39 not adopt rules that conflict with rules adopted by the
40 licensing or certifying agency. The department may enter and



359084

41 inspect at reasonable hours to determine compliance with
42 applicable statutes or rules. However, nursing homes that are
43 licensed under part II of chapter 400 and inspected by the
44 Agency for Health Care Administration pursuant to the state
45 licensing requirements or federal certification requirements are
46 exempt from routine inspection by the department, as required
47 under this part, and are exempt from the fee imposed pursuant to
48 this section. Domestic violence centers that are certified and
49 monitored by the Department of Children and Family Services
50 pursuant to chapter 39 are exempt from inspection by the
51 department, except as provided in administrative rules adopted
52 pursuant to chapter 39 which govern domestic violence centers.
53 In addition to any sanctions that the department may impose for
54 violations of rules adopted under this section, the department
55 shall also report such violations to any agency responsible for
56 licensing or certifying the group care facility. The licensing
57 or certifying agency may also impose any sanction based solely
58 on the findings of the department. The department may adopt
59 rules to carry out the provisions of this section.

60 Section 2. Paragraph (a) of subsection (2) of section
61 381.0072, Florida Statutes, is amended to read:

62 381.0072 Food service protection.—It shall be the duty of
63 the Department of Health to adopt and enforce sanitation rules
64 consistent with law to ensure the protection of the public from
65 food-borne illness. These rules shall provide the standards and
66 requirements for the storage, preparation, serving, or display
67 of food in food service establishments as defined in this
68 section and which are not permitted or licensed under chapter
69 500 or chapter 509.



359084

70 (2) DUTIES.—

71 (a) The department shall adopt rules, including definitions
72 of terms which are consistent with law prescribing minimum
73 sanitation standards and manager certification requirements as
74 prescribed in s. 509.039, and which shall be enforced in food
75 service establishments as defined in this section. The
76 sanitation standards must address the construction, operation,
77 and maintenance of the establishment; lighting, ventilation,
78 laundry rooms, lockers, use and storage of toxic materials and
79 cleaning compounds, and first-aid supplies; plan review; design,
80 construction, installation, location, maintenance, sanitation,
81 and storage of food equipment and utensils; employee training,
82 health, hygiene, and work practices; food supplies, preparation,
83 storage, transportation, and service, including access to the
84 areas where food is stored or prepared; and sanitary facilities
85 and controls, including water supply and sewage disposal;
86 plumbing and toilet facilities; garbage and refuse collection,
87 storage, and disposal; and vermin control. Public and private
88 schools, if the food service is operated by school employees;
89 hospitals licensed under chapter 395; nursing homes licensed
90 under part II of chapter 400; child care facilities as defined
91 in s. 402.301; residential facilities colocated with a nursing
92 home or hospital, if all food is prepared in a central kitchen
93 that complies with nursing or hospital regulations; and bars and
94 lounges, as defined by department rule, are exempt from the
95 rules developed for manager certification. The department shall
96 administer a comprehensive inspection, monitoring, and sampling
97 program to ensure such standards are maintained; however,
98 nursing homes that are licensed under part II of chapter 400 and



359084

99 inspected by the Agency for Health Care Administration pursuant
100 to the state licensing requirements or federal certification
101 requirements are exempt from routine inspection by the
102 department, as required under this part, and are exempt from the
103 fee imposed pursuant to this section. Domestic violence centers
104 that are certified and monitored by the Department of Children
105 and Family Services pursuant to chapter 39 are not food service
106 establishments and are exempt from inspection by the department.

107 With respect to food service establishments permitted or
108 licensed under chapter 500 or chapter 509, the department shall
109 assist the Division of Hotels and Restaurants of the Department
110 of Business and Professional Regulation and the Department of
111 Agriculture and Consumer Services with rulemaking by providing
112 technical information.

113
114 ===== T I T L E A M E N D M E N T =====

115 And the title is amended as follows:

116 Delete lines 670 - 674

117 and insert:

118 An act relating to the inspection of domestic violence
119 centers and nursing homes; amending ss. 381.006,
120 381.0072, and 381.0098, F.S.; providing that nursing
121 homes that are inspected by the Agency for Health Care
122 Administration are exempt from inspection by the
123 Department of Health; providing that certain domestic
124 violence centers that are certified and monitored by
125 the Department of Children and Family Services are
126 exempt from inspection by the Department of Health
127 under certain circumstances; repealing s.