

## **INTERAGENCY AGREEMENT BETWEEN THE DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION AND THE DEPARTMENT OF HEALTH**

### **Purpose**

This agreement clarifies the duties and responsibilities of the Department of Health, Division of Environmental Health (DOH hereafter) and the Department of Business and Professional Regulation, Division of Hotels & Restaurants (DBPR hereafter) regarding DOH epidemiological activity related to public food service establishments licensed by DBPR.

### **Background**

Chapters 381, 500 and 509 of the Florida Statutes, delineate food safety duties among Florida state agencies. Pursuant to these statutes, DBPR licenses and inspects certain public food service establishments, and DOH provides epidemiological services for investigation of foodborne illness suspected to be related to DBPR establishments.

### **DOH Duties and Responsibilities**

1. DOH will provide environmental epidemiological services including investigative activity and reporting and identification of possible contributing factors to illness related to foodborne disease outbreaks in DBPR licensed establishments. DOH will conduct epidemiological investigations and complete tasks it determines are appropriate to protect the public health. DOH investigation procedures and information gathering will be similar to those published in the current edition of *International Association for Food Protection Procedures to Investigate A Foodborne Illness*.
2. DOH will determine when a foodborne disease outbreak occurs and an epidemiological investigation is warranted. The DOH definition of a foodborne disease outbreak is "an incident in which two or more persons have the same disease, have similar symptoms, or excrete the same pathogens; and there is a time, place or person association between these persons." A single case of suspected botulism, mushroom poisoning, ciguatera or paralytic shellfish poisoning or a case of a disease that can be definitely related to ingestion of a food, may be considered an incident of foodborne illness that warrants further investigation.
3. DOH may, in the course of epidemiological investigations, examine, sample, seize, and stop the sale or use of food to determine its condition and protect the public from food that is unwholesome or unfit for human consumption. DOH may stop the sale and supervise the proper destruction of food when the State Surgeon General or designee determines that such food is a threat to the public health. DOH will provide laboratory support services for foodborne illness investigation activity, such as food sampling and testing, and traceback or surveillance activities.
4. DOH will refer sanitation and safety complaints about DBPR licensed public food service establishments to the DBPR Customer Contact Center at (850) 487-1395 and to the customer contact center e-mail. Additionally, DOH will immediately notify the appropriate DBPR district office contact person by the next business day when DOH suspects possible foodborne illness related to a DBPR licensed public food service establishment and/or that an epidemiological investigation is warranted.
5. DOH will provide a report to DBPR division headquarters within 30 days of completion of each investigation, to include Form CDC 52.13 (revised 10/2000) and

a narrative of the background, investigation summary, results, conclusions, recommendations, and pertinent supporting documentation such as lab results, survey summaries, questionnaires, etc.


6. DOH will provide to DBPR an annual synopsis of foodborne disease outbreak investigations that reflects the primary purpose of foodborne illness investigations set forth in the *U.S. FDA Recommended National Retail Food Regulatory Program Standard 5*. This purpose is to identify trends and possible contributing factors that are most likely to cause illness. The annual synopsis will focus on, but be not limited to:
  - a. Multiple complaints on the same establishment type;
  - b. Multiple complaints implicating the same food;
  - c. Multiple complaints associated with similar food preparation processes;
  - d. Number of laboratory-confirmed, food-related outbreaks;
  - e. Number of non-laboratory-confirmed but epidemiologically linked, food-related outbreaks;
  - f. Contributing factors most often identified.
7. DOH will provide DBPR a list of contact persons and phone numbers for DOH county and state epidemiology staff, including after-hours, and notify DBPR as changes occur.
8. DOH will account for and annually invoice DBPR the actual costs associated with DOH epidemiological investigations related to DBPR licensed establishments, pursuant to Chapter 509.251(4), Florida Statutes. These invoices may be submitted quarterly, will document actual costs, and provide reasonable justification for audit purposes.

#### **DBPR Duties And Responsibilities**

1. DBPR will reimburse DOH the actual costs associated with DOH epidemiological investigations in DBPR licensed establishments as set forth in section 509.251(4), Florida Statutes. DBPR reimbursement may not exceed five percent of the annual public food service establishment license fees received by DBPR, and will be paid to DOH by funds transferred from the Hotel and Restaurant Trust Fund.
2. DBPR will immediately and by the next business day notify and share information with the appropriate DOH county or state epidemiology staff when DBPR receives a complaint or other information that food attributed to a DBPR licensed public food service establishment may have caused illness. Ongoing, additional information received by DBPR will also be immediately shared with DOH.
3. DBPR will provide cooperation, coordination, and inspection resources from the appropriate district office to assist DOH field staff and conduct joint activity, including inspections, when DOH determines an epidemiological investigation is warranted in a DBPR licensed establishment. If a DBPR inspector cannot be physically coordinated with the DOH team, DOH will initiate its investigation without a DBPR representative but with full support from DBPR, including contact and coordination with the establishment's person-in-charge as needed. DBPR will provide information as needed by DOH, such as the establishment's inspection records and history.

4. DBPR will provide DOH with a list of contact names and phone numbers for each DBPR district, including after-hours, and update DOH as changes occur.

This agreement is entered into by DOH and DBPR, and becomes effective upon execution. It will remain in effect until revised by mutual agreement of the parties, terminated by ninety days' written notice by either party, or is superseded as the duties and responsibilities of either agency are modified by changes to the relevant statutes.

  
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Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General  
Department of Health

3/20/08  
Date

  
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Charles W. Drago, Interim Secretary  
Department of Business and Professional Regulation

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Date