

CHAPTER 64E-11

FOOD HYGIENE

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64E-11.001 Food Hygiene – General.

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64E-11.002 Definitions.

Unless defined below, terms and phrases have the same definition provided in paragraph 1-201.10(B), Food Code, 2013 Recommendations of the United States Public Health Service, Food and Drug Administration, NTISP PB2013-110462 (“Food Code”). The Food Code is incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-09894>.

(1) “Adulterated” – Food shall be considered to be adulterated:

(a) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of such substance in such food does not ordinarily render it injurious to health, or

(b) If it bears or contains any added poisonous or added deleterious substance, other than one which is a pesticide chemical in or on a raw agricultural commodity, which in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice, and the concentration of such residue in the processed food when ready to eat, is not greater than the tolerance prescribed for the raw agricultural commodity, or

(c) If it consists in whole or in part of a diseased, contaminated, filthy, putrid, or decomposed substance, which renders it unfit for consumption, or

(d) If it has been produced, prepared, packed or held under insanitary conditions whereby it may become contaminated with filth, or whereby it may have been rendered diseased, unwholesome, or injurious to health, or

(e) If it is the product of a diseased animal, an animal which has died otherwise than by slaughter, or an animal that has been fed the uncooked offal from a slaughter house, or from other food establishments, or

(f) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

(2) “Air gap” – The unobstructed vertical distance, through the free atmosphere, between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood-level rim of the receptacle, or the lowest opening from any waste outlet pipe and the flood-level rim of the receptacle.

(3) “Air Curtain” – A mechanical device which produces a controlled plane of moving air at a minimum velocity of 500 feet per minute across the opening protected and directed so as to prevent the entrance of flying insects and other airborne contaminants.

(4) Approved Source – Food originated from an establishment that is under the regulatory authority of a state or federal agency.

(5) Bars and Lounges – A facility which possesses a consumption on premises alcoholic beverage license from the Division of Alcoholic Beverages & Tobacco; where food service is limited to:

(a) The preparation of drinks; or

(b) The service of snack foods (such as, chips, popcorn and pretzels); or

(c) The service of time/temperature control for safety foods and no preparation of time/temperature control for safety food occurs.

(6) Catering Operation – A food service establishment operation that prepares food at one location for delivery to and individual portion service at another location.

(7) Civic – Any organization, excluding Division of Blind Services, who offers food service to the public; and,

(a) Possesses tax exempt status under 26 U.S.C. section 501(c)(4), or

(b) Is incorporated and operates primarily to further the common good and general welfare of the people of the community, whether for profit or not.

(8) “Commissary” – A food service establishment or any other commercial establishment where food, containers, or supplies are stored, prepared, or packaged, or where utensils are sanitized for transit to, and sale or service at, other locations.

(9) Community Based Residential Facility – A facility as defined in rule 64E-12.002, of the Florida Administrative Code.

(10) Extensively Remodeled – Structural changes to an existing establishment which costs in excess of 50 percent of the establishment’s assessed value, as indicated by the county property appraiser.

(11) “Fixed food establishment” – A food service establishment which operates at a specific location and is connected to electrical, water, and sewage disposal systems.

(12) “Food preparation” – The manipulation of foods intended for human consumption by such means as washing, slicing, peeling, chipping, shucking, scooping, and/or portioning. The term also includes those activities involving temperature changes, combining ingredients, opening ready-to-eat food packages, or any other activity causing physical or chemical alterations in the food.

(13) Fraternal – An organization primarily operating for social, intellectual, educational, charitable, benevolent, moral, patriotic, or religious purposes for the benefit of its members, that offers food service to its members or the public at their facility and possesses a charter.

(14) Frankfurter – As defined in 9 C.F.R. §319.180 (01-01-2018) herein incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-09895>.

(15) “Garbage” – Food waste generated on premises that is not disposed of through the sewage disposal system. The term also includes solid waste such as discarded containers or wrappers that are contaminated with food waste.

(16) Highly Susceptible Population – A group of persons who are more likely than other populations to experience foodborne disease because they are immunocompromised, institutionalized older adults, preschool age children in custodial care, or elementary school age children.

(17) Hot Water – A minimum water temperature of 100 degrees Fahrenheit or above.

(18) “Indirect waste connection” – An indirect waste connection is a liquid waste pipe that is connected with the sewerage system through an air gap or air break.

(19) Limited Food Service Operation – Any establishment with a food service operation, so limited by the type and quantity of foods prepared and the equipment utilized, that it poses a lesser degree of risk to the public’s health, and, for the purpose of fees, requires less time to monitor. The term includes small seasonally operated concessions stands at schools, regardless of the level of food preparation, provided the concession stand is only operated in conjunction with sporting events, festivals, or similar activities, as well as satellite kitchens that dispense catered meals and similar facilities.

(20) “Manager” – An individual who has direct authority, control or supervision over employees engaged in the storage, preparation, display and serving of food to the public.

(21) “Misbranded” – Food shall be considered to be misbranded:

(a) If in packaged form it lacks a label containing the name and place of business of the manufacturer, packer, or distributor; or an accurate statement of the contents, or

(b) If it is offered for sale under the name of another food, or

(c) If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed and it is not.

(22) “Mobile food unit” – Any food service unit which is self-propelled or otherwise moveable from place to place and is self-sufficient for utilities, such as gas, water, electricity and liquid waste disposal, whose commissary is a DOH regulated food service establishment.

(23) Perishable Food – Any food of such type or in such condition as may spoil. Food contained in hermetically sealed containers processed by heat or other means to prevent spoilage and properly packaged, dehydrated, dried or powdered foods so low in moisture content as to retard development of microorganisms are not considered readily perishable.

(24) “Plumbing authority” – The local governing body, such as a county or city building inspection department which has adopted a plumbing code and has authority to interpret, inspect, and provide enforcement of plumbing standards.

(25) Premises – The physical food service establishment and the contiguous land or property under the control of the manager, operator or owner of the establishment.

(26) “Product thermometer” – A thermometer, thermocouple, thermistor or other device that when inserted into food indicates the temperature of the food. This term does not include non-product ambient temperature sensing devices.

(27) “Reconstitute” – The recombination of dehydrated food products with potable water or other suitable liquids.

(28) “Sanitation Certificate” – A license issued by the department to operate a food service establishment.

(29) Safe Temperature – 135 degrees Fahrenheit or above or 41 degrees Fahrenheit or below.

(30) Snack – A commercially pre-packaged, non-time/temperature control for safety ready-to-eat-food item that is wrapped for individual consumption.

(31) “Temporary food service event” – Any event offering food service on the premises of a food service establishment approved by the department. These events are at a fixed location for a temporary period of time not to exceed any combination of 18 days within a calendar year and in conjunction with a single event or celebration.

(32) Theater – A facility that shows motion pictures and offers food, such as popcorn, hot dogs, soft drinks, nachos and cheese, and pre-packaged snack items, for consumption by the admittees of such theaters.

(33) “Wholesome” – Food which is in sound condition, clean, free from adulteration and otherwise suitable for human consumption.

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64E-11.003 Food Hygiene Standards.

(1) Food Supplies – Except as specifically provided in this subsection, the standards for food supplies are governed by Part 3-2 of the Food Code, as incorporated by reference in rule 64E-11.002, F.A.C.

(a) Food received or used in food service establishments must be from sources approved or considered satisfactory by the department and must be clean, wholesome, free from spoilage, adulteration and misbranding, and safe for human consumption. Food must have been prepared, processed, handled, packaged, transported and stored in a sanitary manner so as to be protected from contamination and spoilage.

(b) Meat and meat products received or used in a food service establishment shall be identified as having been officially inspected for wholesomeness and sanitation by a federal or state regulatory program.

(c) Food prepared in a private home shall not be used, sold, or offered to the public by a food service establishment or theater.

(2) Food Protection – Except as specifically provided in this subsection, the standards for food protection are governed by Parts 3-3 through 3-8 of the Food Code, as incorporated by reference in rule 64E-11.002, F.A.C.

(a) Food while being transported, stored, prepared, displayed, served or sold at a food service establishment must be protected from dust, flies, rodents or other vermin, toxic materials, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding by sewage, overhead leakage and all other sources of contamination.

(b) In the event of an emergency occurrence such as a fire, flood, power outage or similar event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at a safe temperature, the person in charge must immediately notify the department.

(3) Personnel – Except as specifically provided in this subsection, the standards for personnel are governed by Parts 2-2 through 2-5 of the Food Code, as incorporated by reference in rule 64E-11.002, F.A.C.

(a) No person while affected with any disease in a communicable form or while a carrier of such disease or while afflicted with boils, infected wounds, sores, or an acute respiratory infection, can work in any area of a food service establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms, or transmitting disease to other individuals, and no person known or suspected of being affected with any such disease or condition can be employed in such an area or capacity. If the management of the food service establishment has reason to suspect that an employee has contracted any disease in a communicable form or has become a carrier of such disease that can be transmitted by normal food service operation, the department must

be notified immediately. Both management and employee are responsible for compliance with the requirements of this section.

(b) Infants and children under 14 years of age are not permitted in food preparation areas. Only authorized individuals, necessary for the operation of the food service establishment, or as part of an organized educational event, are allowed in the food preparation or utensil washing areas.

(4) Food Equipment and Utensils – Except as specifically provided in this subsection, the standards for food equipment and utensils are governed by Chapter 4 of the Food Code, as incorporated by reference in rule 64E-11.002, F.A.C. Every food service establishment must have equipment and utensils so designed, constructed, located, installed, maintained and operated as to permit full compliance with the provisions of this chapter. Only equipment necessary for the proper operation of the activities of the food service establishment is required.

(5) Sanitary Facilities and Controls – except as specifically provided in this subsection, the standards for sanitary facilities and controls are governed by Chapter 5 of the Food Code, as incorporated by reference in rule 64E-11.002, F.A.C.

(a) Water Supply – The water supply must be adequate, of safe sanitary quality and from an approved source in accordance with provisions of chapters 62-550 and 62-555, F.A.C., or chapter 64E-8, F.A.C. Chapters 62-550 and 62-555, F.A.C. (07/2018) are incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-09896> and at <https://www.flrules.org/Gateway/reference.asp?No=Ref-09897>. Hot and cold running water under pressure must be provided in all areas where food is prepared and where equipment and multi-use utensils are washed.

(b) Sewage Disposal – Sewage must be disposed of in a public sewerage system or other approved sewerage system in accordance with provisions of chapter 64E-6 or chapter 62-600, F.A.C., whichever is applicable. Chapter 62-600, F.A.C. (07/2018) is incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-09898>. Grease interceptors must be readily accessible for cleaning. Grease interceptors must be designed and installed in accordance with provisions of chapter 64E-6, F.A.C., or the applicable plumbing authority.

(c) Plumbing – Plumbing must be sized, installed, and maintained in accordance with provisions of the applicable plumbing authority. The plumbing must provide adequate quantities of potable water to required locations throughout the establishment; prevent contamination of the water supply; properly convey sewage and liquid wastes from the establishment to the sewerage system; and must not constitute a source of contamination of food, equipment or utensils or create an unsanitary condition or nuisance. An indirect waste connection is required between the sewerage system and any drains originating from equipment in which food, portable equipment, or utensils are placed.

(d) Handwashing Facilities – Laboratories must be located in or immediately adjacent to all toilet rooms. At least one employee handwashing facility must be located within each food preparation area, within 20 feet of the duty station, visible and accessible through an unobstructed area.

1. For school concession stands existing and operating prior to January 2010, an employee handwashing facility is not required in an outdoor cooking area, provided that the outdoor cooking area is adjacent to a concession stand building that meets the employee handwashing facility requirements.

2. Where only prepackaged food items are served and workers do not open prepackaged items or otherwise come into contact with exposed food, a handwashing sink must be within 100 feet and on the same floor where food items are distributed.

(e) Garbage and Rubbish Disposal – All garbage and rubbish must be removed from the food establishment premises with sufficient frequency to prevent nuisance conditions and must be disposed of in accordance with provisions of chapter 62-701, F.A.C. (07/2018), which is incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-09899>.

(f) Vermin Control – Insecticides or pesticides, when used, must be used in full compliance with chapter 5E-14, F.A.C. (07/2018), which is incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-09900>.

(6) Other Facilities and Operations – Except as specifically provided in this subsection, the standards for other facilities and operations are governed by Chapters 6-7 of the Food Code, as incorporated by reference in rule 64E-11.002, F.A.C.

(a) Ventilation – All rooms in which food is stored, prepared or served, utensils are washed, toilet, dressing and locker rooms and garbage storage areas must be well ventilated. Filters, where used, must be readily removable for cleaning unless designed to be cleaned in place. Ventilation systems must comply with applicable fire prevention requirements and must discharge in such a manner as not to create a nuisance. Intake and exhaust air ducts must be maintained to prevent the entrance of dust, dirt, and other contaminating materials.

(b) At least one utility sink or curbed cleaning facility with a floor drain must be provided and used for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water or similar liquid wastes. The use of lavatories, utensil washing or equipment washing, or food preparation sinks for this purpose is prohibited.

1. Each utility sink or curbed cleaning facility must be supplied with hot and cold water under pressure.

2. School concession stands that operate only in conjunction with sporting events, festivals, or similar activities are exempt from this requirement when a self-contained mopping apparatus is used in accordance with the manufacturer's instructions and is available for use at all times and

a. The school concession stand was existing and operating prior to January 1, 2010, or

b. The school concession stand was constructed and operating on or after January 1, 2010, and the food operation is restricted to the service of prepackaged food items.

(c) Live Birds and Animals – No live birds or animals, excluding crustacea, shellfish, and fish in aquariums, are allowed in a food service establishment, in vehicles used for transporting food, or in any other area or facility used to conduct food service operations, except as provided under section 413.08, F.S.

(7) Temporary Food Service Events – Food service operations at temporary food service events must comply with all applicable sanitary requirements of this rule, unless otherwise exempted in this subsection.

(a) Notification – Temporary food service event sponsors or vendors must complete form DH8004-DCHP-02/2018, Temporary Food Service Event Application, 02/18, which is incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-09901>.

(b) Facilities – Specific requirements for the physical facility where the food service operation is to be conducted are based on the type food that is to be prepared or served, the length of the event, and the amount of food preparation that is to be conducted at the temporary facility.

1. If the food service operation is intended for the sale of only packaged, non-time/temperature control for safety (non-TCS) food or drink, the food packages must be protected from dust, dirt, and other sources of contamination during storage and serving.

2. Overhead protection must be provided at all food service operations when food is prepared or portioned on premises.

3. When time/temperature control for safety (TCS) food is prepared at temporary food service events of more than 3 days, the physical structure where the food preparation occurs must be protected from the entrance of flying insects and other vermin.

(c) All food and beverages served at temporary food service events must be from approved sources in accordance with provisions of this chapter or prepared on premises.

(d) All food served at temporary food service events must be protected in accordance with provisions of this chapter.

(e) Food and food-contact surfaces must be protected from contamination by customers and dust. Where necessary, effective shields or covers must be provided.

(f) Ice which will be consumed or which will come into contact with food must be obtained from an approved source. The ice must be held in a way that protects it from contamination until dispensed.

(g) Storage of packaged food in contact with water or undrained ice is prohibited. Beverage containers may be stored in direct contact with ice when:

- a. The storage facility is equipped with adequate drains which preclude the accumulation of water during use;
- b. The melt water is disposed of so as not to create a nuisance; and
- c. The storage facility is kept clean.

(h) When all necessary washing and sanitizing of utensils and equipment are conducted at an approved commissary or food service establishment, a utensil washing sink is not required, provided that an adequate supply of spare preparation and serving utensils are maintained in the establishment and used to replace those that become soiled. A sanitizer solution in a bucket or spray bottle to adequately sanitize the food preparation surfaces must be available at all times.

(i) All food service operations which prepare food on premises must provide an adequate supply of potable water for cleaning and employee handwashing. An adequate supply may be provided in clean, portable containers equipped with on/off valves. Soap and single-service towels must be available for handwashing and hand drying.

(j) Equipment must be installed in such a manner that the establishment can be kept clean and the food will not become contaminated.

(k) Liquid waste which is not discharged into a sewerage system must be disposed of in a manner that will not create a public health hazard or a sanitary nuisance.

(l) Floor construction in establishments which prepare food on premises must be of durable material. Dirt or gravel subflooring can be used when graded to drain, and covered with platforms, duckboards, plastic film, wood chips, shavings, or similar suitable material such as a sufficient cover of grass or turf to control dust.

(m) Walls and ceilings, when required, must be constructed to minimize the entrance of flies and dust. Ceilings may be of wood, canvas, or other materials which protect the interior of the establishment from the elements and walls may be of such materials or of 16 mesh screening or equivalent. Doors to food preparation areas, when required, must be solid or screened and shall be self-closing. Counter service openings, for facilities with wall enclosures, must not be larger than necessary for the particular operation conducted and must be kept closed at all times, except when food is actually being served.

(n) All food service operations at temporary food service events without effective facilities for cleaning and sanitizing tableware must provide only single-service articles for use by the consumer.

(8) Vending Machines – Except as specifically provided in this subsection, the standards for vending machines are governed by Section 4-204.12 – Section 4-204.111 of the Food Code, as incorporated by reference in rule 64E-11.002, F.A.C.

(a) Food Supplies – All foods, beverages, and ingredients offered for sale through vending machines offering time/temperature control for safety foods, which are located at food service establishments regulated under this chapter, must be from approved sources in accordance with provisions of subsection (1); must be manufactured, processed, and prepared in an approved food service establishment or food processing plant; and must be delivered to the vending machine from an approved commissary or other approved food establishment.

(b) Food Protection – All food must be protected in accordance with provisions of subsection (2). A thermometer accurate to plus or minus 3 degrees Fahrenheit must be provided to indicate the air temperature of food storage compartments used for time/temperature control for safety foods.

(c) Cleaning – All food-contact surfaces of vending machines must be thoroughly cleaned and subjected to effective bactericidal treatment at scheduled intervals, based upon the type of product being dispensed, as approved by the department in accordance with provisions of subsection (4). A record of such cleaning and sanitizing operations must be maintained in each machine and must be current for at least the past 30 days. The cavities and door edges of microwave ovens and similar equipment, used in conjunction with the beverages or food from a vending machine, must be cleaned at least once a day and must be kept free of encrusted grease deposits and other accumulated soil. Food-contact surfaces of all equipment and utensils must be protected from contamination at all times, including while being transported from the commissary to the vending location.

(d) Single-Service Containers – All single-service containers which receive food or beverage from machines dispensing products in bulk must be purchased in sanitary cartons or packages, which protect the containers from contamination; must be stored in a clean dry place in the original carton or package until introduced into the container magazine or dispenser of the vending machine; and must be handled in a sanitary manner. Single-service containers stored within the vending machine must be protected from manual contact, leakage, dust, insects, rodents and other contamination.

(e) Equipment Location – Vending machines, ovens, and other equipment associated with the use of beverages or food from a vending machine, must be located in a room, area or space which can be maintained in a clean condition and which is protected from overhead leakage from drains, piping and other sources.

1. Each machine must be so located that the space around and under the machine can be readily cleaned and so that insect and rodent harborage is not created. The immediate area must be well lighted and ventilated. The floor area upon which vending machines are placed must be of such construction as to be easily cleaned and must be kept clean and in good repair.

2. Adequate handwashing facilities, including hot and cold running water, soap and individual, single-service towels must be located within 50 feet of machine locations where employees service bulk food machines. Handwashing facilities must be within 20 feet of machine locations where employees handle unpackaged or exposed foods.

(f) Interior Construction and Maintenance – All interior surfaces and component parts of vending machines must be so designed and constructed as to permit easy cleaning and shall be kept clean.

1. All food-contact surfaces of vending machines must be smooth, in good repair, and free of breaks, corrosion, open seams, cracks, and chipped places. The design of such surfaces must be such as to preclude routine contact between food and V-type threaded surfaces, except that in equipment where such contact is unavoidable, such as ice makers, such threads must be minimized. All joints and welds in food-contact surfaces must be smooth; and all internal angles and corners of such surfaces must be rounded to facilitate cleaning. If solder is used, it must be composed of safe materials and be corrosion resistant. All food-contact surfaces of vending machines, including containers, pipes, valves and fittings, must be constructed of non-toxic, corrosion resistant, and nonabsorbent materials and must be kept clean. All containers, valves, fittings, chutes and faucets which are in contact with food must be easily disassembled and when disassembled, all surfaces must be visible for inspection and cleaning. In machines of such a design that pipes or tubing are in contact with food but are not readily removable, in-place cleaning of such pipes and pipe fittings may be permitted; provided:

- a. They are so arranged that cleaning and bactericidal solutions can be circulated throughout the fixed system;
- b. Such solutions will contact all interior surfaces;
- c. The system is self-draining or otherwise capable of being completely evacuated; and
- d. The cleaning procedures result in thorough cleaning of the equipment.

2. The openings into all nonpressurized containers used for the storage of vendable foods and ingredients including water must be provided with covers which prevent contamination from reaching the interior of the containers. Such covers must be designed to provide a flange which overlaps the opening and must be sloped to provide drainage from the cover surface wherever the collection of condensation, moisture or splash is possible. Concave covers or cover areas are prohibited. Any port opening through the cover must be flanged upward at least three sixteenth inch and must be provided with an overlapping cover flanged downward. Condensation or drip deflecting aprons must be provided on all piping, thermometers, equipment, rotary shafts and other functional parts extending into the container, unless a watertight joint is provided. Such aprons must be considered as satisfactory covers for those openings which are in continuous use. Gaskets, if used, must be of a material which is nontoxic, stable, and nonabsorbent and must have a smooth surface. All gasket retaining grooves must be easily cleanable.

3. The delivery tube or chute and orifice of all bulk food vending machines must be protected from normal manual contact, dust, insects, rodents and other contamination. Design must be such as to divert condensation or other moisture from the normal filling position of the container receiving the food or beverage. The vending stage of such machines must be provided with a tight fitting, self-closing door or cover which is kept closed, except when food is being removed.

4. The food storage compartment and other compartments in refrigerated vending machines which are subject to condensation or cooling water retention must be so constructed as to be self-draining or must be provided with a drain outlet which permits complete draining of the compartment. In vending machines designed to store cartoned beverages, diversion devices and retention pans or drains for leakage must be provided. All such drains, devices and retention pans must be easily cleanable.

5. Opening devices which come into contact with the food or the food-contact surface of the containers must be constructed of smooth, nontoxic, corrosion resistant and nonabsorbent materials. Unless the opening device is of a single-service type, it must be readily removable for cleaning and must be kept clean. Parts of multi-use opening devices which come into contact with the food or food-contact surface of containers must be protected from manual contact, dust, insects, rodents and other contamination and such parts must be readily removable for cleaning and must

be kept clean.

(g) Delivery of Foods, Equipment, and Supplies – Food, single-service containers, and food-contact surfaces of equipment, containers, and devices must be protected from the elements, dirt, dust, insects, rodents, and other contaminants while in transit to vending machine locations. Time/temperature control for safety foods must be maintained at safe temperatures while in transit.

(h) Personnel – Individuals servicing or replenishing these machines must comply with all applicable provisions of subsection (3), rule 64E-11.012, and rule 64E-11.013, F.A.C.

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64E-11.004 Food Protection.

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64E-11.005 Personnel.

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64E-11.006 Food Equipment and Utensils.

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64E-11.007 Sanitary Facilities and Controls.

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64E-11.008 Other Facilities and Operations.

Rulemaking Authority 381.006, 381.0072 FS. Law Implemented 381.006, 381.0072 FS. History–New 1-1-77, Amended 1-6-81, Formerly 10D-13.28, Amended 2-21-91, 5-12-92, Retained here and Transferred to 7C-4.015, Amended 8-28-96, Formerly 10D-13.028, Amended 3-15-98, Repealed 9-26-18.

64E-11.009 Temporary Food Service Events.

Rulemaking Authority 381.0072 FS. Law Implemented 381.0072 FS. History–New 6-1-93, Formerly 10D-13.0292, Amended 3-15-98, Repealed 9-26-18.

64E-11.010 Vending Machines.

Rulemaking Authority 381.0072 FS. Law Implemented 381.0072 FS. History–New 6-1-93, Formerly 10D-13.0331, Amended 3-15-98, Repealed 9-26-18.

64E-11.011 Procedure When Infection Is Suspected.

When the department has reasonable cause to suspect possibility of disease transmission from any food service establishment employee, the department shall secure a morbidity history of the suspected employee, or make other such investigation as may be indicated and take appropriate action. The department may require any or all of the

following measures:

(1) Immediate exclusion of the employee from all food service establishments.

(2) Immediate closure of the food service establishment concerned until, in the opinion of the department, no further danger of disease outbreak exists.

(3) Restriction of the employee's service to some area of the establishment where there would be no danger of transmitting the disease.

(4) Adequate medical and laboratory examination of the employee or other employees.

Rulemaking Authority 381.006, 381.0072(2) FS. Law Implemented 381.006, 381.0072(2) FS. History—New 1-1-77, Amended 1-6-81, Formerly 10D-13.36, Amended 2-21-91, Retained here and Transferred to 7C-4.022, Formerly 10D-13.036.

64E-11.012 Manager Certification.

(1) All managers who are responsible for the storage, preparation, display, and serving of foods to the public must have passed a written certification test which complies with section 509.039, Florida Statutes, within 30 days after the effective date of employment. Those managers who successfully pass the certification examination will be issued a certificate which is valid for a period of five years from the date of issuance.

(2) All establishments must designate in writing the food service manager or managers for each location. Establishments that serve highly susceptible populations, or have three or more employees at one time engaged in the storage, preparation, display, or serving of food must have at least one certified manager present at all times when said activities are taking place. All other establishments must have a certified manager or managers responsible for all periods of operation, but said manager or managers need not be present at all times.

(3) It is the responsibility of the certified manager or person in charge to train or ensure the training of all employees under their supervision and control who engage in the storage, preparation, or serving of food, or cleaning of equipment, utensils, or food contact and non-food contact surfaces, and to do so in accordance with acceptable sanitary practices as described in this chapter. The trainings must be annual and provided to employees by March 31 of each year. Employees hired after the annual training has been provided for that calendar year must receive training within 30 days of being hired. The certified manager or person in charge must also maintain a copy of the establishment's most recent regular food service inspection form provided by the department. Employees shall present this inspection form to guests or patrons for their review upon request.

(4) If a food service establishment, which possesses a sanitation certificate and initially met the requirements of this section, becomes noncompliant with subsection (2), above, the food service establishment will have a period of 30 days to become compliant with subsection (2), above.

(5) The food service employee training must inform the employee regarding basic public health food protection practices, as specified in this chapter and which relates to their assigned duties. Employees who prepare foods must be knowledgeable about safe methods of thawing, cooking, cooling, handling, holding, and storing foods. Service personnel must be knowledgeable about safe methods of food service. Employees who clean equipment and facilities must be knowledgeable about proper cleaning and sanitization methods. Employees responsible for maintaining the premises must be knowledgeable about proper insect and vermin control methods. Managers must obtain and maintain an attendance roster of all employees present during training. Both the training curriculum and attendance roster must be maintained for three years and available upon request by the department. Establishments that are not compliant with the employee training requirements and record retention of this section must schedule a training and testing with

the department and pay any applicable fees. In lieu of the department providing training and testing, the establishment may schedule training and testing with an outside course provider, who in addition to providing employee-level training, is also an approved manager certification test provider. The training and testing for employees must be completed within 60 days of the violation, or prior to the renewal of the sanitation certificate, whichever comes first.

(6) Persons are considered certified under these rules when a written examination is a requirement for licensure by the Department of Health, Division of Medical Quality Assurance in a dietary field and when these persons have acquired and maintained an active license, provided that they comply with subsection (2), above. The following establishments are exempt from the manager certification requirements of this section, however, the establishment must have a person in charge:

(a) Any theater, if the primary use is as a theater and patron service is limited to food items customarily served to admittees of theaters such as popcorn, hot dogs, soft drinks, nachos and cheese, and pre-packaged snack foods;

(b) Establishments listed in section 381.0072, F.S., as being exempt from this certification;

(c) Food service establishments that limit their food service operation to non-time/temperature control for safety prepackaged food items;

(d) Culinary arts and similar food programs, which do not offer, sale, or serve food beyond the program's instructors and participants.

Rulemaking Authority 381.0072 FS. Law Implemented 381.0072 FS. History—New 2-21-91, Amended 5-12-92, Retained here and Transferred to 7C-4.023, Amended 6-1-93, 8-28-96, Formerly 10D-13.037, Amended 3-15-98, 7-14-03, 9-26-18.

64E-11.013 Sanitation Certificates and Fees.

(1) Sanitation Certificate Required.

(a) All food service establishment sanitation certificates expire on September 30. Initial sanitation certificates issued for a period less than a calendar year will be prorated on a quarterly basis, in accordance with section 381.0072(4), F.S.

(b) Food service establishments containing multiple food operations housed in the same building, at the same location, under the same ownership and operation or concession stands operating on the premise of K-12 schools, must function according to either one of the following:

1. Each food operation must operate under the umbrella of the sanitation certificate issued to the main food service operation, in which case the sanitation certificate must be posted in a conspicuous location at the main food service establishment, or

2. Each food operation must be issued its own individual sanitation certificate, in which case each food service establishment must post their own sanitation certificate in a conspicuous location in their establishment. The owner or operator of the food service establishment must decide which of the sanitation certificate processes listed above, will be followed.

(c) Food service establishments where multiple food operations are located in different buildings at the same location regardless of ownership must each be issued their own individual sanitation certificate, in which case each such food operation must post their own sanitation certificate in a conspicuous location in their food service operation. School concession stands under the same ownership, may elect to comply with the provisions of subparagraph (b)1. Regardless of location, provided that the school concession stands are located on the same premises and there are no more than four concession stand operations.

(2) Application and Renewal of Sanitation Certificates.

(a) Each person who plans to construct, purchase, reopen, or operate a food service establishment or an establishment subject to the requirements of this chapter, must apply for and receive a sanitation certificate from the department prior to the commencement of operation. Applications for certificates must be made to the department on DH 4086, Application for Sanitation Certificate, 02/18, incorporated herein by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-09902>.

(b) Applications for sanitation certificates must be submitted with the facility plans as described in paragraph (c), below, the annual fee and any other applicable fee that is required in subsection (3).

(c) Prior to the renovation of a food service establishment, notification must be provided to the department. This notification must include construction schedules and details of the work to be completed. Prior to the construction or extensive remodeling of a food service establishment, or the conversion of a structure for use as a food service establishment, or remodeling which includes the addition or relocation of major equipment, plans of the facility and its operation must be submitted to and approved by the department. Plans may be submitted by the owner, prospective operator or their designated representative. All plans must comply with the requirements of this chapter. Plans must be drawn to scale, describe the layout, construction, and general operation of the facility, equipment design and installation, the intended menu, and similar aspects of the facility's operation that relate to the requirements of this chapter, and be accompanied by DH8003-DCHP-02/2018, Food Service Establishment Plan Review Application, 02/18, incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-09903>.

(d) Before a sanitation certificate is issued to a newly constructed or extensively remodeled food service establishment, an inspection must be made by a representative of the department for the determination of compliance with the requirements of this chapter, and section 381.0072, F.S.

(3) Fees.

(a) Fees must be submitted to the department for sanitation certificates, as well as the provision of other required public health services at food service establishments. Sanitation certificates must be renewed annually and the fee will not be prorated. Fees for all other sanitation certificates, such as change of ownership, reinstatement after revocation of a sanitation certificate, or new establishments, after the first quarter will be prorated on a quarterly basis. Proration will be based on the quarter the department receives an application for a Sanitation Certificate to operate a food service establishment. Upon request of the applicant, the initial fee for school concession stands may be prorated on a quarterly basis regardless of the date of application, provided that it does not operate for more than one quarter, the conditions of subparagraph (1)(b)1., do not apply, and the annual fee used to determine the prorated amount is prescribed by subparagraph (b)5.b., below

(b) Except for establishments specifically exempted from fees in subsection (4), all food service establishments must pay an annual or prorated fee to the department according to the following schedule:

ANNUAL SANITATION CERTIFICATE FEE OR INSPECTION FEE SCHEDULE

	Total
1. Detention Facility	\$250.00
2. Bar/Lounge	\$190.00
3. Fraternal/Civic Organization	\$190.00
4. Movie Theater Inspection	\$190.00
5. School Cafeteria	
a. Cafeteria requiring 3 routine inspections per year	\$170.00
b. Cafeteria requiring 4 routine inspections per year	\$200.00
c. Concession Stand	\$100.00
6. Community Based Residential Facility	\$135.00
7. Afterschool Meal Program	\$170.00
8. Prescribed Pediatric Extended Care Center	\$110.00
9. Limited Food Service Operation	\$110.00
10. Catering Operation	\$180.00
11. Mobile Food Unit	\$180.00
12. Vending Machine Dispensing Time/Temperature Control for Safety Food	\$ 85.00

(c) Food service establishments with multiple food operations, as described in subparagraph (1)(b)1., above, will be assessed a single annual fee of \$300. That fee will be assessed on the main food service establishment, and it will cover the other food service facilities operating in that same building under the umbrella of the main food service establishment. This fee provision also applies to school concession stands that elect to comply with the provisions of paragraph (1)(b).

(d) Food service establishments with multiple food operations, as described in paragraph (1)(c), above, will be assessed separate annual fees for each food operation based on the category of establishments listed in paragraph (3)(b), above.

(e) Except for school concession stands that elect to comply with the provisions of subparagraph (1)(b)1. above, food service establishments as described in paragraph (1)(c), will be assessed separate annual fees for each food operation based on the category of establishments listed in paragraph (3)(b), above.

(f) Vending machines dispensing time/temperature control for safety food, catering operations and mobile food units that are located at or operated from an establishment listed in section 381.0072, F.S., will be charged the fees listed in paragraph (3)(b), above, when they are not operating under an existing Sanitation Certificate that has already been issued for the main food service establishment where they are located.

(g) The following schedule of fees is established for plan reviews, food service worker training and testing, alcoholic beverage establishment sanitation inspections, reinspections, late renewals:

1. Plan review per hour.	\$40.00
Public schools, colleges, and vocational teaching facilities are exempt from this fee.	
2. Food establishment worker training course (per person).	\$10.00
3. Sanitation inspection.	
a. Alcoholic beverage inspection approval.	\$30.00
b. Requests for inspection.	\$40.00
4. Reinspection	\$75.00
(for each reinspection after the first).	
5. Late renewal of certificate.	\$25.00
6. Temporary event food service establishment.	
a. Sponsor without an existing sanitation certificate.	\$100.00
b. Vendor or booth at an establishment or location without an existing sanitation certificate.	\$50.00

(h) All fees submitted to the department are nonrefundable, once review has started on the application.

(4) Exemptions. The following limited food service establishments are exempt from the fee requirements of this section:

(a) Food service establishments that only serve catered meals which have been prepared in an approved food establishment and where no warewashing, and no storage, reheating, or re-service of the catered food takes place on-site; such as satellite kitchens at schools and other institutions, and similar operations.

(b) Food service establishments that serve only snacks which are not kept overnight, or that require individuals in attendance to bring their own meals to the facility, which do not require any food preparation.

Rulemaking Authority 381.0072, 154.06 FS. Law Implemented 381.0072(2), 154.06 FS. History—New 2-21-91, Amended 5-12-92, Retained here and Transferred to 7C-4.024, Amended 6-1-93, 11-30-93, 8-28-96, Formerly 10D-13.038, Amended 3-15-98, 7-14-03, 4-1-09, 9-26-18.

64E-11.014 Mobile Food Units.

All mobile food units required to have vehicle identification numbers must submit their vehicle identification number to the department on the application for licensure. The license decal must be affixed to the mobile food unit. Mobile food units must comply with rules 64E-11.001 through 64E-11.003, and 64E-11.011 through 64E-11.013, F.A.C., except that such mobile food units are not required to have employee/patron toilet facilities or mop sinks. No license will be granted to a mobile food unit until the following additional requirements have been met:

(1) A potable water supply system of sufficient capacity (minimum 5 gallons) to furnish an adequate quantity of hot and cold water for food preparation, cleaning, and handwashing purposes must be provided during all periods of operation. The water inlet must be located so that it will not be contaminated by waste discharge, road dust, oil or grease, and it must be kept capped unless being filled. It must be provided with a transition connection of a size or type that will prevent its use for any other service.

(2) A suitable liquid waste system, including a waste tank having a capacity at least 15 percent greater than the water supply system, shall be provided. All connections on the unit for servicing mobile food unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the mobile food units. The waste tank shall be capable of being completely drained and flushed.

(3) Serving openings shall not be larger than necessary for the particular operation conducted and shall be kept closed at all times except when food is actually being served. Mobile food units shall provide only single-service articles for use by the consumer.

(4) Waste containers shall be provided for the deposit of food scraps, food wrappings, cups, napkins and discarded single-service articles.

(5) Mobile food units must operate from an approved commissary that meets all applicable requirements of this rule. The commissary must be provided with potable water and adequate facilities for disposal of liquid and solid waste. The mobile food unit must report to the commissary to store or replenish supplies, clean utensils, and equipment or dispose of liquid and solid waste. Mobile food units which are self-sufficient for equipment, storage, and utilities must report to the commissary at least once weekly or as often as needed to replenish supplies, clean the interior of the unit, or dispose of liquid or solid wastes. A letter from the commissary must be submitted as part of the application confirming the arrangements above. A mobile food unit which is self-sufficient includes a three compartment sink for washing, rinsing, and sanitizing of equipment and utensils, a separate handwash sink, adequate refrigeration and storage capacity, full provision of power utilities including electrical, LP gas, or a portable power generation unit, and a liquid waste disposal system, and potable water holding tank in accordance with subsections (1) and (2). Mobile food units which are not self-sufficient must report to their commissary at least once daily. The exterior of the unit may be washed in any location, provided the waste water does not create a sanitary nuisance.

(6) When a service area is provided at the commissary for cleaning and servicing mobile food units, the service area must include at least overhead protection for any supplying, cleaning or servicing operation. Such area must be physically separated from other food operations; must be equipped to furnish approved potable water in accordance with applicable provisions of chapters 62-550 and 62-555 or chapter 64E-8, F.A.C.; and must provide facilities for the drainage and disposal of liquid wastes in accordance with applicable provisions of chapter 64E-6 or 62-600, F.A.C., and the plumbing authority. The surface of the servicing area must be constructed of a smooth, nonabsorbent material such as concrete or machine laid asphalt and must be maintained in good repair, kept clean and be graded to drain. Chapters 62-550, 62-555, and 62-600, F.A.C. (07/2018) are incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-09929>, <https://www.flrules.org/Gateway/reference.asp?No=Ref-09930>, and <https://www.flrules.org/Gateway/reference.asp?No=Ref-09931>.

(7) Mobile food units which are limited to the sale of non-time/temperature control for safety food only are exempt from:

(a) The requirements of employee hand washing sink, provided that only pre-packaged items are offered; and,

(b) The requirements of a utensil washing sink when all necessary washing and sanitizing of utensils and equipment are conducted at a designated approved commissary or fixed food establishment. An adequate supply of spare preparation or serving utensils must be maintained in the unit and used to replace any utensils that become contaminated.

(8) Mobile food units may temporarily connect to an approved utility system for a time period not to exceed one day's operation, provided the utility system is adequate to meet the needs of the unit, sanitary facilities are made available for employees and patrons in accordance with the applicable plumbing authority, and the unit returns to its base commissary in accordance with subsection (5).

(9) Mobile food units which limit the preparation of food to frankfurters only, must comply with all applicable requirements of this section, except that subsection (3) does not apply when adequate precautions are utilized to prevent contamination of the frankfurters during cooking operations. Potentially hazardous time/temperature control for safety foods such as chili, cooked onions and peppers, cheese, and cheese sauce may only be served in individually portioned and packaged or pre-packaged containers which are maintained at proper temperatures on the unit. Non-time/temperature control for safety foods such as relish, raw onions and peppers, and other such condiments may be served directly from the unit. Bulk beverages from approved sources may be dispensed from covered urns or other protected containers.

Rulemaking Authority 381.0072 FS. Law Implemented 381.0072 FS. History—New 3-15-98, Amended 7-14-03, 9-26-18.

64E-11.015 Afterschool Meal Program.

(1) Facilities participating in the United States Department of Agriculture (USDA) Afterschool Meal Program, which are not used for any other food service operation or for multiple USDA Afterschool Meal Programs, shall comply with all applicable sanitary requirements of this chapter when minimum standards are not specified in this section.

(2) Food preparation sink – The sanitizing compartment of a two or three compartment sink may be used as a food preparation sink provided that the Afterschool Meal Program entity has a written procedure of use, which has been approved by the Department prior to the implementation of the procedure. At minimum, the written procedures shall:

(a) Ensure the third compartment is clean to the sight and touch and sanitized, prior to and after use as a food preparation sink;

(b) Ensure no other sink compartment(s) is used for any other purpose while the sink is in use as a food preparation sink;

(c) Ensure only workers, who have been trained on the procedure, use the sink for food preparation; and,

(d) Ensure the approved procedure is posted at the sink.

(3) Hot and Cold Holding Equipment – In order to comply with holding temperature requirements, electronic hot and cold holding equipment shall be used for food storage; however, controls for the adjustment of temperature are not required.

(4) Cleaning facilities – Food operations restricted to the receipt of pre-portioned catered meals or service of prepackaged food items may use a self-contained mopping apparatus, provided it is used in accordance with the manufacturer's instructions and always available for use.

(5) Manual washing, rinsing and sanitizing – Sinks, drainboards and dishtables must be cleaned prior to use. A two-compartment sink may be used when warewashing is limited to a batch operation in which cleaning of kitchenware and tableware is suspended until the end of the service period. For batch cleaning, the following process applies:

(a) Prior to using this process, Department approval shall be obtained;

(b) Prior to washing, multi-use tableware and kitchenware must be pre-flushed or pre-scraped and, when necessary, pre-soaked to remove gross food particles and soil;

(c) Immediately before use, prepare the cleaning and sanitizing solutions in sinks, which are free of debris and residue and clean to the sight and touch;

(d) In the first compartment use a detergent-sanitizer product, which is a detergent that contains a sanitizer, and apply the detergent-sanitizer in accordance with the manufacturer's instructions;

(e) In the second compartment use a sanitization method in accordance with rule 64E-11.006, F.A.C. If using a chemical sanitizer, the sanitizing agent must be the same chemical agent contained in the detergent-sanitizer; and,

(f) Immediately after use, drain sinks.

(6) Drains – For an existing building with an existing food service operation, all drainage connections are considered acceptable if in good working order and capable of being maintained in a sanitary condition. Replacement materials and repairs must meet the requirements specified in rule 64E-11.007, F.A.C.

(7) Handwashing Facilities – For sites that receive pre-portioned catered meals or only serve prepackaged food items and employees do not open prepackaged items or otherwise come into contact with exposed food, a designated lavatory, equipped with hand cleansing soap or detergent and individual single use sanitary towels or a heated-air hand drying device is required but need not be in the same room. However, where food is served, dispensed, or otherwise unpackaged, a designated handwashing lavatory, equipped with hand cleansing soap or detergent and individual single use sanitary towels or a heated-air hand drying device, shall be located in the same room and within 20 feet of the area where food is served or dispensed.

(8) Hot Water – Food operations restricted to the receipt of proportioned catered meals or service of prepackaged food items and do not require ware washing are not required to have hot water.

(9) Manager Certification – manager certification standards in accordance with Rule 64E-11.012, F.A.C., shall be required for the following Afterschool Meal Program sites:

(a) Those sites routinely inspected three times or four times per year and which result in three consecutive routine inspections each containing violations involving three of the four foodborne illness risk factors listed in paragraph (c), below.

(b) Those sites routinely inspected one time or two times per year and which result in two out of three consecutive routine inspections each containing violations involving three of the four foodborne illness risk factors listed in paragraph (c), below.

(c) Risk Factors are significant contributors to foodborne illness and are identified as:

1. Employee health and hygiene, such as improper handwashing and the presence of ill food workers in accordance with rule 64E-11.005, F.A.C.,

2. Holding temperatures (Hot and cold holding and cooling),

3. Inadequate cooking or reheating; and,

4. Food from unapproved sources.

(10) Time as a public health control – Time may be used in lieu of the holding temperature requirements of subsection 64E-11.003(2), F.A.C., provided that time/temperature control for safety foods are cooked or reheated in accordance with subsection 64E-11.003(2), F.A.C.; the Department is notified at least 14 days prior to the implementation of time as a public health control; and the Afterschool Meal Program:

(a) Provides the Department a copy of the written procedures, which at a minimum indicates the meal service times and the following:

1. The specific location where the time/temperature control for safety foods proposed for use under time as a public health control are prepared;

2. The proposed delivery schedule, if time/temperature control for safety foods are received from an outside approved source; and,

3. The names of the food workers who have been trained regarding these written procedures.

(b) Maintains a daily log for time/temperature control for safety foods cooked or reheated on-site, which indicates the date, name of the time/temperature control for safety foods, final cooking temperature, and the time that the final cooking temperature was reached. In addition, each time/temperature control for safety food product or the container holding the product must be labeled with an expiration time, which must not exceed 4 hours from the time that the product reached the final cooking temperature. Time/temperature control for safety food products must be discarded upon reaching the expiration time or if no expiration time is indicated.

(c) Maintains a valid copy of the caterer's license, if a catering operation is used, and documents the name of food suppliers, for ready-to-eat time/temperature control for safety food products that are not cooked or reheated on-site. In addition, a daily product log must be maintained that documents the following: the date, name, and quantity of the time/temperature control for safety food products that are obtained or received; the time and temperature of time/temperature control for safety food products received or obtained by the Afterschool Meal Program; the expiration time, which must not exceed 4 hours from the time that the Afterschool Meal Program takes possession of the time/temperature control for safety food product; and the name and quantity of time/temperature control for safety food products discarded.

(d) Provides and documents training for food workers regarding the Afterschool Meal Program site's use of time as a public health control, including written procedures and this section. Only trained employees shall complete the daily logs and document expiration times.

(e) Maintains all documentation, including logs and licenses, for one year on site and makes them available to the Department upon request.

(11) During transport between food service establishments or while being transported from a food service establishment to another location, all food must be in covered containers or otherwise wrapped or packaged to ensure protection from contamination. Time/temperature control for safety food products must be kept at safe temperatures during all periods of transportation and delivery. Food utensils must be completely wrapped or packaged to protect them from contamination. Any time/temperature control for safety food product that does not meet these requirements must not be accepted or served by the Afterschool Meal Program Site.

Rulemaking Authority 381.0072 FS. Law Implemented 381.0072 FS. History—New 2-18-14, Amended 9-26-18.