

CHAPTER 64E-11 — FOOD HYGIENE

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64E-11.001 — Food Hygiene — General.

This rule prescribes minimum sanitary practices and other regulatory standards relating to food service establishments and theaters serving food or drink to the public, as defined by this rule.

- (1) All food operations occurring at the physical facilities defined by 381.0072, F.S., will be solely regulated by this chapter.
- (2) All food operations occurring at temporary food service events and vending machines dispensing potentially hazardous foods or prepared meals at facilities defined as food service establishments by 381.0072, F.S., will be regulated by this chapter.
- (3) Food operations occurring at facilities or premises other than what is defined in 381.0072, F.S., are not regulated by this chapter.

Specific Authority 381.0072 FS.

Law Implemented 381.0072 FS.

History — New 1-1-77, Formerly 10D-13.21, Amended 2-21-91, Retained here and Transferred to 7C-4.008, Amended 6-1-93, 8-28-96, Formerly 10D-13.021.

64E-11.002 — Definitions.

- (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) "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; and

(b) The service of non-potentially hazardous snack foods (such as, chips, popcorn and pretzels); and

(c) The service of packaged potentially hazardous foods (such as sandwiches and ice cream).

(5) "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.

(6) "Corrosion-resistant" — Those materials which maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions-of-use environment.

(7) "Easily cleanable" — Surfaces that are readily accessible and of such material, finish and so fabricated that residue may be effectively removed by normal cleaning methods.

(8) "Easily movable" — Small equipment weighing 30 pounds or less; or mounted on casters, or provided with mechanical means of safely tilting for cleaning purposes; and has no utility connection, or has a utility connection that disconnects quickly, or has a flexible utility connection line of sufficient length to permit the equipment to be moved for cleaning of the area.

(9) "Employee" — Any person working in or for a food service establishment who engages in food preparation or service, who transports food or food containers, or who comes in contact with any utensil or equipment.

(10) "Equipment" — All stoves, ranges, hoods, meatblocks, tables, counters, cabinets, refrigerators, freezers, sinks, dishwashing machines, steam tables and similar items, other than utensils, used in the operation of a food service establishment.

(11) "Extensively remodeled" — For the purpose of this Chapter, the term extensively remodeled means structural changes to an existing establishment which costs in excess of 50 percent of the assessed value of the facility as determined by the county property appraiser.

- (12) "Fixed food establishment" — A food service establishment which operates at a specific location and is connected to electrical, water, and sewage disposal systems.
- (13) "Food" — Any raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for use in whole, or in part, for human consumption.
- (14) "Food-contact surfaces" — Surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip or splash back onto surfaces normally in contact with food.
- (15) "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.
- (16) "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.
- (17) "HACCP Plan" — A written document that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria for Foods.
- (18) "Hermetically sealed container" — A container designed and intended to be secure against the entry of microorganisms to maintain the commercial sterility of its contents after processing.
- (19) "Highly susceptible population" — A group of persons who are more likely than other populations to experience foodborne disease because they are immunocompromised or older adults institutionalized or preschool age children in custodial care.
- (20) "Hot water" — For the purposes of this chapter, hot water means a water temperature of 100 degrees Fahrenheit or above.
- (21) "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.
- (22) "Kitchenware" — All multi-use utensils other than tableware.
- (23) "Limited food service establishment" — 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, satellite kitchens that dispense catered meals and similar facilities.
- (24) "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.

(25) "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.

(26) "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.

(27) "Perishable food" — Any food of such type or in such condition as may spoil; provided, that foods which are in hermetically sealed containers processed by heat or other means to prevent spoilage and properly packaged, dehydrated, dry or powdered foods so low in moisture content as to retard development of microorganisms shall not be considered readily perishable.

(28) "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.

(29) "Potentially hazardous food" — Any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form:

(a) Capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms; or

(b) Capable of supporting the slower growth of *Clostridium botulinum*.

(c) The term "potentially hazardous food" does not include foods which have a pH level of 4.6 or below or a water activity (A_w) value of 0.85 or less, or air-cooled hard-boiled eggs with the shell intact.

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

(31) "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.

(32) "Ready-to-eat food" — Food that is in a form that is edible without washing, cooking, or additional preparation by the establishment or the consumer and that is reasonably expected to be consumed in that form. This includes:

- (a) Unpackaged potentially hazardous food that is cooked to the temperature and time required for the specific food under chapter 64E-11.004, F.A.C.;
 - (b) Raw, washed, cut fruits and vegetables;
 - (c) Whole, raw, fruits and vegetables that are presented for consumption without the need for further washing, such as at a buffet; and
 - (d) Other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks, or shells are removed.
- (33) "Reconstitute" — The recombination of dehydrated food products with potable water or other suitable liquids.
- (34) "Safe materials" — Articles manufactured from or composed of materials that may not be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food.
- (35) "Sanitize" — The effective treatment of clean surfaces of equipment and utensils by an approved process which provides enough accumulative heat or concentration of chemicals for enough time that when evaluated for efficacy, yields a reduction of 5 logs, which is equal to a 99.999% reduction of representative disease microorganisms of public health importance.
- (36) "Sealed" — Free of cracks or other junctures or openings which permit the entry or passage of moisture.
- (37) "Single-service articles" — Any cups, containers, closures, plates, straws, place mats, napkins, doilies, spoons, stirrers, paddles, knives, forks, wrapping materials and all similar articles which are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic or other readily destructible materials, and which are intended by the manufacturers to be for one-time, one-person use, then to be discarded.
- (38) "Tableware" — Multi-use eating and drinking utensils.
- (39) "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 18 days in conjunction with a single event or celebration.
- (40) "Theater" — A facility that shows motion pictures and offers food for consumption that is customarily served to the admittees of such theaters, such as popcorn, hot dogs, soft drinks, nachos and cheese, and pre-packaged snack items.
- (41) "Utensils" — Implements such as pots, pans, ladles or food containers used in the preparation, storage, transportation or serving of food.
- (42) "Vending machine" — Any self-service device which, upon insertion of coin or token, or by any other means, dispenses unit servings of food or beverage, either in bulk or in package, without the necessity of replenishing the device between each operation.

(43) "Wholesome" — Food which is in sound condition, clean, free from adulteration and otherwise suitable for human consumption.

Specific Authority 381.0072 FS.

Law Implemented 381.0072 FS.

History — New 1-1-77, Amended 1-6-81, Formerly 10D-13.22, Amended 2-21-91, 5-12-92, Retained here and Transferred to 7C-4.009, Amended 6-1-93, 11-30-93, 8-28-96, Formerly 10D-13.022, Amended 3-15-98.

64E-11.003 — Food Supplies.

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

(2) Milk and milk products, including fluid milk, other fluid dairy products and manufactured milk products shall meet the standards of quality established for such products by applicable state laws and rules. Only pasteurized milk and milk products shall be used or served. Reconstituted dry milk and dry milk products may be used for cooking, baking, or fortification purposes. Non-dairy creaming, whitening or whipping agents may be reconstituted on the premises.

(3) Frozen desserts and frozen dessert mixes shall not exceed a standard plate count of 50,000 per gram nor a coliform count of 10 per gram. The standard plate count does not apply to cultured products. Samples shall be collected by department personnel as often as necessary to determine compliance with these standards. Frozen dessert mixes reconstituted for use in a food establishment shall be pasteurized before use.

(4) Shellfish, including oysters, clams, and mussels, shall be obtained from food establishments that are licensed under a Federal or State Food Regulatory Program. The shipper's name shall be on the current list of state certified shippers issued by the U.S. Food and Drug Administration. Shell stock containers shall be identified with an official attached tag giving the name and certificate number of the original shell stock shipper. Shucked oysters, clams or mussels shall be packed in non-returnable containers identified with the name and address of the packer or repacker, preceded by the abbreviated name of the state. Shucked shellfish shall be kept in the original container until used. Records shall be maintained by the food establishment that show the names and addresses of all persons from whom shellfish are received, date of receipt and quantity. Such records shall be open to inspection by the department and shall be maintained on site for a period of not less than 90 days after purchase.

(5) 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.

(6) Only clean eggs with shells intact and without cracks or checks, pasteurized liquid, frozen or dry eggs or pasteurized dry egg products shall be used in the establishment;

except that hard boiled, peeled eggs, commercially prepared and packaged may be used. Pasteurized liquid, frozen, or dry eggs or egg products shall be substituted for shell eggs in the preparation of:

(a) Recipes calling for uncooked eggs, such as Caesar salad, hollandaise or bernaise sauce, noncommercial mayonnaise, eggnog, ice cream, and egg-fortified beverages; and

(b) Eggs for a highly susceptible population if the eggs are broken, combined in a container, and not cooked immediately or if the eggs are held before service following cooking.

(7) All packaged foods, including those packaged in hermetically sealed containers, shall have been processed and packaged in approved commercial food processing establishments.

(8) Food containers received at food service establishments shall be in a condition which maintains the safety and integrity of the contents.

(9) Food prepared in a private home shall not be used or offered for sale to the public by a food service establishment or theater.

Specific Authority 381.0072 FS.

Law Implemented 381.0072 FS.

History — New 1-1-77, Amended 1-6-81, Formerly 10D-13.23, Amended 2-21-91, Retained here and Transferred to 7C-4.010, Amended 6-1-93, 8-28-96, Formerly 10D-13.023, Amended 3-15-98.

64E-11.004 — Food Protection.

(1) Food while being transported, stored, prepared, displayed, served or sold at a food service establishment shall 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. Different types of raw animal products such as beef, fish, lamb, pork or poultry shall be separated during storage and processing by use of different containers, partitions, shelves, or by cleaning and sanitizing the equipment between product use. Raw food products shall be physically separated from ready-to-eat food products during display or storage by storing the raw products below ready-to-eat food products or using other approved methods.

(2) Perishable food shall be stored at such temperatures as will protect against spoilage. All potentially hazardous food shall be kept at safe temperatures, 41 degrees Fahrenheit or below and 140 degrees Fahrenheit or above, except during necessary periods of preparation and service.

(3) Potentially hazardous foods which are to be served without further cooking, such as ham salad, chicken salad, egg salad, shrimp salad, lobster salad, tuna salad, potato salad and other mixed foods containing potentially hazardous ingredients or dressings shall be prepared from chilled products with a minimum of manual contact. The surfaces of containers and the utensils used for preparation and subsequent storage shall have been effectively cleaned and sanitized immediately prior to use. Potentially hazardous food requiring refrigeration after preparation shall be rapidly cooled to an internal temperature of 41 degrees Fahrenheit or below. The cooling period shall not exceed four hours. Potentially hazardous foods of large volume or prepared in large quantities shall be rapidly cooled, utilizing one or more of the following methods based on the type of food being cooled:

- (a) Placing the food in shallow pans;
- (b) Separating the food into smaller or thinner portions;
- (c) Using rapid cooling equipment;
- (d) Stirring the food in a container placed in an ice water bath;
- (e) Using containers that facilitate heat transfer;
- (f) Adding ice as an ingredient;
- (g) Other effective methods approved by the department.

(4) Frozen potentially hazardous food shall be thawed:

- (a) In refrigerated units at a temperature not to exceed 41 degrees Fahrenheit; or
- (b) Under cold potable running water with sufficient water velocity to agitate and float off loosened food particles into the overflow:

1. For a period of time that does not allow thawed portions of ready-to-eat food to rise above 41 ° F; or
 2. For a period of time that does not allow thawed portions of a raw animal food requiring cooking to be above 41 ° F for more than 4 hours including the time the food is exposed to the running water and the time needed for preparation for cooking; or
- (c) In a microwave oven; or
- (d) As part of the conventional cooking process.
- (5) Raw, unprocessed fruits and vegetables shall be thoroughly washed in potable water to remove any existing contaminants before being cut, combined with other ingredients, cooked, or served.
- (6) Pork and comminuted meat (such as hamburger) products shall be thoroughly cooked to heat all parts of the meat to a minimum temperature of 155 degrees Fahrenheit for at least 15 seconds.
- (7) Stuffings, poultry, stuffed meats and stuffed poultry shall be heated throughout to a minimum temperature of 165 degrees Fahrenheit for at least 15 seconds.
- (8) Raw animal products such as eggs, fish, lamb, or beef, except roast beef, and foods containing these raw ingredients, shall be cooked to an internal temperature of 145 degrees Fahrenheit or above for at least 15 seconds, except that upon request of the consumer, animal products which have not been cooked as above may be offered for consumption.
- (9) Roast beef and corned beef shall be cooked to an internal temperature and held for the corresponding amount of time specified in Table 1.

Table 1 Minimum Holding Times Required at Specified Temperatures for Cooking all Parts of Roasts of Beef and Corned Beef.

Temperature °F	Time minutes
130	121
132	77
134	47
136	32
138	19
140	12
142	8
144	5
145	3

(10) Microwave Cooking. Raw animal food cooked in a microwave oven shall be:

- (a) Rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;
- (b) Covered to retain surface moisture;
- (c) Heated an additional 25 ° F above the temperature specified in section 64E-11.004, F.A.C., to compensate for shorter cooking times; and
- (d) Allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.

(11) The temperature requirements of this section do not apply if the department grants a variance from this section, pursuant to section 120.542, F.S., based on a HACCP plan that:

- (a) Is submitted by the certificate holder and approved by the department;
- (b) Documents scientific data or other information that shows that a lesser time and temperature regimen results in a safe food; and
- (c) Verifies that equipment and procedures for food preparation and training of food employees at the establishment meet the conditions of the variance.

(12) Food shall be prepared with the least possible manual contact, with suitable utensils, and on surfaces that prior to use have been cleaned, rinsed and sanitized to prevent cross contamination. Potentially hazardous foods that have been cooked and then refrigerated shall be reheated rapidly to 165 degrees Fahrenheit or higher throughout, 190 ° F for a microwave, before being served or before being placed in a hot food storage facility. Precooked packaged food from approved sources shall be exempt from this rapid reheating requirement when the food is initially removed from the original package and

prepared for service. Steam tables, bainmaries, warmers and similar hot food holding facilities are prohibited for the rapid reheating of potentially hazardous foods.

(13) Food, whether raw or prepared, if removed from the container or package in which it was obtained, shall be stored in a clean covered container except during necessary periods of preparation or service. Container covers shall be impervious and nonabsorbent, except that linens or napkins may be used for lining or covering bread or roll serving containers. Solid cuts of meat shall be protected by being covered in storage, except that quarters or sides of meat may be hung uncovered on clean sanitized hooks if no food product is stored beneath the meat. Food and containers of food shall not be stored under exposed or unprotected sewer lines or water lines, except for automatic fire protection sprinkler heads that may be required by fire safety rules. The storage of food in toilet rooms, locker rooms, dressing rooms, garbage rooms, or vestibules is prohibited. Unless its identity is unmistakable, bulk food such as cooking oil, syrup, salt, sugar or flour not stored in the product container or package in which it was obtained, shall be stored in a container identifying the food by common name. Food not subject to further washing or cooking before serving shall be stored in a way that protects it against cross contamination from food requiring washing or cooking. Packaged food shall not be stored in contact with water or undrained ice. Food shall be stored a minimum of 6 inches above the floor, on clean shelves, racks, dollies or other clean surfaces in such a manner as to be protected from splash and other contamination provided that:

(a) Metal pressurized beverage containers and cased food packaged in cans, glass or other waterproof containers need not be elevated when the food container is not exposed to floor moisture; or

(b) Racks and dollies used for food storage are easily movable.

(14) Potentially hazardous food, date marking requirements.

(a) Refrigerated, ready-to-eat, potentially hazardous food prepared and held for more than 24 hours in a facility shall be marked with the date of preparation.

(b) Except as specified in paragraph (c) of this section, a container of refrigerated, ready-to-eat, potentially hazardous food prepared and packaged by another food service establishment shall be marked to indicate the date, as specified under section 64E-11.004(15) by which food shall be sold or served.

(c) Paragraph (b) of this section does not apply to:

1. Cured meats and aged cheese; and

2. Individual meal portions served or repackaged for sale from a bulk container upon a consumer's request.

(15) Ready-to-eat, potentially hazardous food, disposition.

(a) Refrigerated, ready-to-eat, potentially hazardous food specified in paragraph 64E-11.004(14) shall be discarded if not sold or served within 10 calendar days;

(b) An ingredient or a container of refrigerated, ready-to-eat, potentially hazardous food specified in section 64E-11.004(14)(a) or (b) shall be discarded if not sold or served within 10 calendar days after the original package is opened or by the manufacturer's "sell by" or "use by" date, whichever occurs first.

(16) All food shall be displayed and served in such a manner as to minimize contamination. To avoid unnecessary manual contact with food, suitable dispensing utensils shall be used by employees or provided to consumers who serve themselves. Clean plates are to be made available to customers for subsequent helpings at buffets or similar type operations. It shall be the responsibility of the manager or a designee to inform customers that clean plates are available for subsequent helpings. Between uses during service, dispensing utensils shall be stored:

(a) In the food with the dispensing utensil handle extended out of the food; or

(b) Clean and dry; or

(c) In running water; or

(d) In hot water wells that maintain the temperature of the water at or above 140 degrees Fahrenheit and that are cleaned frequently at scheduled intervals throughout the day.

(17) Sugar, condiments, seasonings or dressings intended for self-service use shall be provided only in individual packages or from dispensers that protect their contents. Nondairy creaming or whitening agents shall be provided in an individual service container, protected pour-type pitcher, or drawn from a refrigerated dispenser designed for such service.

(18) Individual portions of food once served to a customer shall not be served again, except those packaged foods, other than potentially hazardous foods, which remain in their undamaged original packaging and which are still wholesome may be re-served.

(19) Ice for consumer use shall be dispensed only with scoops, tongs or other ice-dispensing utensils or through automatic self-service ice-dispensing equipment. Ice-dispensing utensils shall be stored on a clean surface or in the ice with the dispensing utensil's handle extended out of the ice. Between uses, ice transfer utensils shall be stored in a way that protects the utensils from contamination. Ice storage bins shall be drained through an air gap in accordance with the provisions of the applicable plumbing authority. Ice used for cooling stored food and food containers shall not be used for human consumption, except that such ice may be used for cooling tubes conveying beverages or beverage ingredients to a dispenser head.

(20) Food while being transported between food service establishments or while being transported from a food service establishment to another location shall be in covered containers or otherwise wrapped or packaged to ensure protection from contamination. Potentially hazardous foods shall be kept at safe temperatures during all periods of transportation and delivery. Food utensils shall be completely wrapped or packaged to protect them from contamination.

(21) No poisonous or toxic materials shall be present in food service establishments except those used for maintaining the establishment, cleaning and sanitizing equipment and utensils, and controlling insects and rodents.

(a) Containers of poisonous or toxic materials shall be prominently and distinctly labeled for easy identification of contents.

(b) Poisonous or toxic materials shall be stored separate from food, food equipment, utensils, or single-service articles.

(c) The use of sanitizers, cleaning compounds or other compounds intended for use on food-contact surfaces shall not leave a toxic residue on such surfaces or constitute a hazard to employees or consumers.

(d) Poisonous or toxic materials shall not be used in a way that contaminates food, equipment, or utensils, nor in any way that constitutes a hazard to employees or other persons, nor in a way other than in full compliance with the manufacturer's labeling.

(e) First-aid supplies and personal medications shall be stored in a way which prevents their contaminating food or food-contact surfaces.

(f) Sanitizers, detergents, or other cleaning compounds shall be stored separately from insecticides, rodenticides and other poisonous or toxic materials using methods such as different storage cabinets or separate areas of a room.

(22) 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 safe temperatures, the person in charge shall immediately notify the department.

Specific Authority 381.0072 FS.

Law Implemented 120.542, 381.0072 FS.

History — New 1-1-77, Amended 1-6-81, Formerly 10D-13.24, Amended 2-21-91, 5-12-92, Retained here and Transferred to 7C-4.011, Amended 6-1-93, 8-28-96, Formerly 10D-13.024, Amended 3-15-98.

64E-11.005 — Personnel.

(1) Health and disease control — 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 shall 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 shall 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 shall be notified immediately. Both management and employee shall be responsible for compliance with the requirements of this section.

(2) Cleanliness — The outer clothing of all employees shall be clean. Employees shall maintain a high degree of personal cleanliness during all periods of duty. Hair nets, head bands, caps or other effective hair restraints shall be worn by all persons engaged in the preparation and service of food to keep hair from food and food-contact surfaces.

(3) Tobacco — Employees shall not smoke or use tobacco in any form while engaged in the preparation or service of food or while handling any utensils or equipment. Smoking shall not be permitted in food storage and preparation areas or in areas where utensils are cleaned or stored.

(4) Other practices — Spoons, knives and forks shall be picked up and touched only by their handles. Cups, glasses and bowls shall be handled so that fingers or thumbs do not contact inside surfaces or lip-contact outer surfaces.

(5) Handwashing — Employees shall wash their hands and exposed portions of their arms at the following times:

(a) After touching bare human body parts other than clean hands and clean, exposed portions of arms;

(b) After using the toilet room;

(c) After caring for or handling support animals as allowed under section 64E-11.008(8);

(d) After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking (except as noted in paragraph (2)(a) of this section);

(e) Immediately before engaging in food preparation including working with exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles;

(f) During food preparation, as often as necessary to remove soil and contamination and prevent cross contamination when changing tasks;

(g) When switching between working with raw foods and working with ready-to-eat foods; and

(h) After engaging in other activities that contaminate the hands.

(6) Other — Infants and children shall not be 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, shall be allowed in the food preparation or utensil washing areas.

Specific Authority 381.0072 FS.

Law Implemented 381.0072 FS.

History — New 1-1-77, Amended 1-6-81, Formerly 10D-13.25, Amended 2-21-91, 5-12-92, Retained here and Transferred to 7C-4.012, Amended 6-1-93, Formerly 10D-13.025, Amended 3-15-98.

64E-11.006 — Food Equipment and Utensils.

(1) Equipment and facilities provided — Every food service establishment shall be provided with equipment and utensils so designed, constructed, located, installed, maintained and operated as to permit full compliance with the provisions of this chapter. The following equipment and facilities shall be provided where applicable to the operations conducted:

(a) Conveniently located refrigeration facilities and hot food storage and display facilities of capacity adequate to maintain all potentially hazardous foods at safe temperatures during all storage, preparation, display and serving operations. Where temperature requirements must be met, food storage facilities shall be provided with controls which ensure the maintenance of such temperatures. Each facility used for the storage of potentially hazardous foods shall be provided with a digital or numerically scaled indicating thermometer accurate to plus or minus 3 degrees Fahrenheit, located in the warmest or coldest part of the facility as may be applicable and of such type and so situated that the temperature can be easily and readily observed. Recording thermometers, accurate to plus or minus 3 degrees Fahrenheit may be used in lieu of indicating thermometers. Where it is impractical to install thermometers on equipment such as bainmaries, steam tables, steam kettles, heat lamps, calrod units or insulated food transport carriers, a metal stem-type product thermometer with a digital or numerical scale and accurate to plus or minus 3 degrees Fahrenheit shall be provided and used to check internal food temperatures.

(b) Conveniently located sinks with running water, waste disposal units or containers or similar equipment for the washing, trimming and similar preparation of foods.

- (c) Cabinets, compartments or bins and utensils for storing and serving ice in a sanitary manner.
- (d) Water dispensing devices of sanitary design.
- (e) Sanitary facilities for storing and dispensing single-service articles.
- (f) Unwrapped foods which are displayed or otherwise placed on counters or serving lines at cafeterias, smorgasbords, buffets or similar type operations and all unwrapped foods on tables, racks, carts, counters and shelves at any food service establishment shall be protected against contamination from customers and other sources. Such protection shall be provided by enclosures or by the installation of easily cleanable sneezeguards or other effective counter protector devices, cabinets, display cases that shall be designed to intercept direct lines between the mouth of the customer and the food. Self-service openings and counter guards shall be so designed and arranged to protect food from bare hand contact by customers.
- (g) Approved local exhaust ventilation installed at or over all cooking units such as ranges, griddles, deep-fat frying units and other units of equipment which release appreciable quantities of steam, odors, grease or smoke.
- (h) Facilities for the storage of tableware, designed and maintained to present the handle to the employee or customer and to cover or protect the portion which may contact the customer's mouth.
- (i) Convenient and suitable implements such as forks, knives, tongs, spoons, scoops and similar devices to prevent unnecessary handling of food at all points where food is prepared or served.
- (j) Suitable running water dipper wells for ice cream scoops at all locations or stations where bulk ice cream is dispensed.
- (k) Conveniently located cleaning facilities to keep all parts of the establishment and all equipment and utensils in a clean and sanitary condition. This shall include suitable space and facilities for storing clean and soiled utensils; for disposing of waste food residues; for pre-rinsing, washing and sanitizing of multi-use utensils; for cleaning pots, pans, racks and cans; and such other equipment as may be necessary for the effective, regular and periodic cleaning of the entire establishment including either a janitorial sink, can washing facility or similar approved device intended for the disposal of liquid waste resulting from cleaning operations.
- (l) Suitable multi-use utensils or single-service articles made from non-toxic materials.
- (m) Approved facilities for manual or mechanical dishwashing of multi-use eating and drinking utensils. Suitable facilities shall be provided for removing food scraps and food residue from utensils, including glasses, before they are placed in the wash water or wash compartment.

1. When utensils are washed and sanitized by hand, a three compartment sink shall be provided. All sinks shall be of adequate size and depth to accommodate the utensils to be washed, shall be provided with running hot and cold water and shall be properly connected to the building drainage system. Sinks shall be provided with drainboards, easily moveable dishtables of adequate size or other approved equipment so located and so constructed that soiled and cleaned utensils are kept entirely separate and that cleaned utensils are protected against contamination from soiled utensils or dishwashing operations. Drainboards shall slope to the sinks or to suitable drains and shall be installed so as not to interfere with proper use of the sinks. Dish baskets shall be of such design as to permit complete immersion of multi-use utensils and equipment components being sanitized therein.

2. When immersion type dishwashing machines are used, applicable requirements pertaining to manual dishwashing shall be met.

3. When utensils are washed by spray-type dishwashing machines which depend upon a hot water spray for final rinsing or sanitizing, the hot water system shall provide water to the machine during all periods of dishwashing operations at a temperature at least equal to the final rinse temperature specified in subsection 64E-11.006(5)(b)7. Easily readable thermometers shall be installed near the discharge end of the machine, so located as to show the temperature of the final rinse water entering the manifold. Thermometers shall also be provided to indicate the temperature of water in all tanks of machines. These thermometers shall be accurate to plus or minus 3 degrees Fahrenheit. A pressure gauge shall be installed or a suitable gauge cock shall be provided in the rinse line, immediately upstream from the dishwashing machine, to permit checking the flow pressure of the final rinse water.

(n) All facilities necessary for washing pots, pans and other multi-use utensils in which food is prepared. At least a two compartment sink shall be provided for washing kitchenware and equipment which does not require sanitization. All sinks shall be provided with running hot and cold water and adequate impervious drainboards or easily movable dishtables.

(o) Other types of devices which have been demonstrated to the satisfaction of the department to be effective in rendering all surfaces of utensils free from visible soil, wash water and detergent, leaving them clean to sight and touch and effectively subjected to sanitizing.

(2) Design and fabrication.

(a) Multi-use equipment and utensils shall be constructed and repaired with safe materials, including finishing materials; shall be corrosion resistant and nonabsorbent; and shall be smooth, easily cleanable and durable under conditions of normal use. Single-service articles shall be made from clean, sanitary, safe materials. Equipment, utensils and single-service articles shall not impart odors, color or taste nor contribute to the contamination of food.

- (b) If solder is used, it shall comply with the standards of the 1997 Standard Plumbing Code. It shall not exceed .2% lead.
- (c) Pewter or enamel may not be used as a food-contact surface. Galvanized metal may not be used for moist or acidic foods and beverages.
- (d) Hard maple or equivalently nonabsorbent material may be used for cutting blocks, cutting boards, salad bowls, baker's tables or rolling pins. Wood may be used for single-service articles, such as chopsticks, stirrers or ice cream spoons. Under other circumstances, the use of wood as food-contact surfaces is prohibited, unless specifically approved by the department, using the criteria listed in 64E-11.006(2).
- (e) Safe plastic or safe rubber-like materials that are resistant under normal conditions of use to scratching, scoring, decomposition, crazing, chipping and distortion, that are of sufficient weight and thickness to permit cleaning and sanitizing by normal dishwashing methods are permitted for repeated use.
- (f) Mollusk and crustacea shells may be used only once as a serving container. Further reuse of such shells for food service is prohibited.
- (g) Cutting surfaces that come into contact with food such as cutting blocks and boards that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and sanitized, or discarded if they are not capable of being resurfaced.
- (h) Equipment containing bearings and gears requiring non-food grade lubricants shall be designed and constructed so that the lubricant cannot leak, drip or be forced into food or onto food-contact surfaces. Only food grade lubricants shall be used on equipment designed to receive lubrication of bearings and gears on or within food-contact surfaces.
- (i) Tubing conveying beverages or beverage ingredients to dispensing heads may be in contact with stored ice provided that such tubing is fabricated from safe materials, is grommeted at entry and exit points to preclude moisture from condensation from entering the ice machine or the ice storage bin, and is kept clean. Drainage or drainage tubes from dispensing units shall not pass through the ice machine or the ice storage bin.
- (j) Food-contact surfaces shall be easily cleanable, smooth and free of breaks, open seams, cracks, chips, pits, and similar imperfections, and free of difficult to clean internal corners and crevices. Cast iron may be used as a food-contact surface only if the surface is heated, such as in grills, griddle tops and skillets. Threads shall be designed to facilitate cleaning; ordinary "V" type threads are prohibited in food-contact surfaces, except that in equipment such as ice makers or hot oil cooking equipment and hot oil filtering systems, such threads shall be minimized.
- (k) Unless designed for in-place cleaning, food-contact surfaces shall be accessible for cleaning and inspection:
1. Without being disassembled; or
 2. By disassembling without the use of tools; or

3. By easy disassembling with the use of only simple tools such as a mallet, a screwdriver or an open-end wrench kept available near the equipment.

(l) Equipment intended for in-place cleaning shall be so designed and fabricated that:

1. Cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen; and

2. Cleaning and sanitizing solutions will contact all interior food-contact surfaces; and

3. The system is self-draining or capable of being completely evacuated.

(m) Fixed equipment designed and fabricated to be cleaned and sanitized by pressure spray methods shall have sealed electrical wiring, switches and connections.

(n) Sinks and drain boards shall be self-draining.

(o) Indicating thermometers required for immersion into food or cooking media shall be of metal stem type construction, with a digital or numerical scale and accurate to plus or minus 3 degrees Fahrenheit.

(p) Non-food-contact surfaces of equipment which are exposed to splash or food debris or which otherwise requires frequent cleaning, shall be designed and fabricated to be smooth, washable, free of unnecessary ledges, projections or crevices, readily accessible for cleaning and shall be of such material and in such repair as to be easily maintained in a clean and sanitary condition.

(q) Ventilation hoods and devices shall be designed to prevent grease or condensation from collecting on walls and ceilings and from dripping into food or onto food-contact surfaces. Filters or other grease extracting equipment, if used, shall be readily removable for cleaning and replacement if not designed to be cleaned in place.

(r) Equipment that was installed in a food service establishment prior to the effective date of this rule that does not fully meet all of the design and fabrication requirements of this section, shall be deemed acceptable in that establishment if it is in good repair, capable of being maintained in a sanitary condition and the food-contact surfaces are non-toxic. Replacement equipment and new equipment acquired after the effective date of this rule shall meet the requirements of this rule.

(3) Installation and location of equipment — Equipment shall be so installed as to facilitate the cleaning thereof and of all adjacent areas with the equipment in place, unless the equipment is easily movable. Equipment placed on tables or counters, but not sealed thereto and is not easily movable, shall be mounted on legs or feet at least 4 inches high. Floor mounted equipment, unless easily movable, shall be installed on raised platforms of concrete or other smooth masonry in such manner as to prevent liquids or debris from seeping or settling underneath, between or behind in spaces not fully open for cleaning and inspection; or shall be elevated on legs or feet at least 6 inches above the floor. Such equipment shall be installed flush to the wall with the space sealed; or a sufficient, unobstructed space from the rear wall to the back of the equipment shall be provided to

permit cleaning. The space between adjoining units or between the side of a unit and the adjacent wall shall be sealed unless there is sufficient space to allow for ready and thorough cleaning between, behind and beside all such equipment. Aisles or working spaces between equipment and walls shall be of sufficient width and unimpeded so that employees can readily perform their duties without contamination of food or food-contact surfaces from clothing or unnecessary personal contact. All easily movable storage equipment such as pallets, racks and dollies shall be positioned to provide accessibility to working areas. Equipment intended for connection to the water supply or sewer system shall be installed in accordance with provisions of the applicable plumbing authority and shall be protected from back siphonage or backflow by use of approved air gaps, vacuum breakers or backflow preventers.

(a) Waste piping from all refrigerators shall discharge indirectly into a floor sink, floor drain or receptor approved by the plumbing authority.

(b) Drains in walk-in refrigerator floors shall be installed by indirect waste connections and such drains shall discharge into a floor drain located outside the walk-in refrigerator.

(4) Cleanliness of equipment and utensils.

(a) All tableware, kitchenware and food-contact surfaces of equipment, exclusive of cooking surfaces of equipment, shall be thoroughly cleaned and sanitized after each use. Food-contact surfaces of grills, griddles and similar cooking devices and the cavities and door seals of microwave ovens shall be cleaned at least once a day; except that this shall not apply to hot oil cooking equipment and hot oil filtering systems. The food-contact surfaces of all cooking equipment shall be kept free of encrusted grease deposits and other accumulated soil. All multi-use utensils and food-contact surfaces of equipment used in the preparation or storage of potentially hazardous food shall be thoroughly cleaned and sanitized prior to each such use. Where equipment and multi-use utensils are used for preparation of potentially hazardous foods on a continuous or production line basis, food-contact surfaces of such equipment and utensils shall be cleaned and sanitized at scheduled intervals throughout the day using a schedule approved by the department, based on food temperature, type of food and amount of food particle accumulation. Non-food-contact surfaces of equipment shall be cleaned at such intervals as necessary to keep them free of dust, dirt, food particles and otherwise in a clean and sanitary condition. After cleaning and until use, all food-contact surfaces of equipment and multi-use utensils shall be stored and handled in a manner that protects those surfaces from manual contact, splash, dust, dirt, insects and other contaminants.

(b) All single-service articles shall be stored, handled and dispensed in a sanitary manner and shall be used only once. Food service establishments which do not have adequate and effective facilities for cleaning and sanitizing multi-use utensils shall use single-service articles only.

(c) Detergents, cleaning components and abrasives shall be thoroughly rinsed off food-contact surfaces.

(d) Cloths used for wiping occasional food spills on tableware, such as plates or bowls being served to the consumer, shall be clean, dry and used for no other purpose. Moist cloths or sponges used for wiping food spills on kitchenware and food-contact surfaces of equipment shall be clean and rinsed immediately prior to use and frequently during use in a sanitizing solution and used for no other purpose. Moist cloths or sponges used for cleaning non-food-contact surfaces of equipment such as counters, dining table tops and shelves shall be clean and rinsed in a sanitizing solution and used for no other purpose. If multi-use disposable towels are used in place of wiping cloths or sponges, the towels shall be discarded at least on a daily basis.

(5) Methods of washing and sanitizing — Prior to washing, all equipment and multi-use utensils shall be preflushed or prescraped and, when necessary, presoaked to remove gross food particles and soil. Effective concentrations of suitable detergent shall be used in both manual and mechanical dishwashing.

(a) Manual — For manual washing, rinsing and sanitizing of utensils and equipment, sinks, drainboards and dishtables shall be cleaned prior to use. Equipment and multi-use utensils shall be thoroughly washed in the first compartment in a hot detergent solution which is kept reasonably clean, and then shall be rinsed free of such solution in the second compartment. All multi-use eating and drinking utensils and, as described in paragraph (4)(a) of this section, the food-contact surfaces of all other equipment and multi-use utensils shall be sanitized in the third compartment by one of the following methods:

1. Immersion for a period of at least one-half minute in clean, hot water at a temperature of 170 degrees Fahrenheit or above;
2. Immersion for a period of at least 1 minute in a clean sanitizing solution containing:
 - a. A minimum of 50 parts per million of available chlorine at a temperature not less than 75 degrees Fahrenheit; or
 - b. A minimum of 12.5 parts per million of available iodine in a solution with a pH not higher than five and a temperature not less than 75 degrees Fahrenheit;
 - c. Any other chemical sanitizing agent which has been demonstrated to the satisfaction of the department to be effective and non-toxic under use conditions and for which a suitable field test is available, as described herein. Such other sanitizing agents, in-use solutions, shall provide the equivalent sanitizing effect of a solution containing at least 50 parts per million of available chlorine at a temperature not less than 75 degrees Fahrenheit. The concentration and contact time for quaternary ammonium compounds shall be in accordance with the manufacturer's label directions.
 - d. A test kit or other device that accurately measures the parts per million concentration of the solution shall be available and used when chemicals are used for sanitization.
3. Fixed equipment and equipment too large to treat by methods 1. and 2. above, may be treated:

a. With live steam from a hose, free from material or additives other than those specified in Title 21 Code of Federal Regulations 173.310; or

b. By boiling water rinse from a hose;

4. When hot water is used for sanitizing, the following facilities shall be provided and used:

a. An integral heating device or fixture installed in, on, or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170 degrees Fahrenheit; and

b. A digital or numerically scaled indicating thermometer, accurate to plus or minus 3 degrees Fahrenheit convenient to the sink for frequent checks of water temperature.

(b) Mechanical — Cleaning and sanitizing may be done by spray type or immersion dishwashing or by any other type of machine or device if it is demonstrated that it thoroughly cleans and sanitizes equipment and utensils. These machines and devices shall be properly installed and maintained in good repair. Machines and devices shall be operated in accordance with the manufacturer's instructions and specifications, which must be attached to the machine. Utensils and equipment placed in the machine shall be exposed to all dishwashing cycles. Automatic detergent dispensers, wetting agent dispensers, and liquid sanitizer injectors, if any, shall be properly installed and maintained. All dishwashing machines shall be thoroughly cleaned at least once a day, or more when necessary, to maintain them in a satisfactory operating condition.

1. The pressure of final rinse water supplied to spray type dishwashing machines shall not be less than 15 nor more than 25 pounds per square inch measured in the water line immediately adjacent to the final rinse control valve. A one-fourth inch IPS valve shall be provided immediately upstream from the final rinse control valve to permit checking the flow pressure of the final rinse water.

2. Machine or water line mounted digital or numerically scaled indicating thermometers, accurate to plus or minus 3 degrees Fahrenheit, shall be provided to indicate the temperature of the water in each tank of the machine and the temperature of the final rinse water as it enters the manifold.

3. Rinse water tanks shall be protected by baffles, curtains or other effective means to minimize the entry of wash water into the rinse water. Conveyors in dishwashing machines shall be accurately timed to assure proper exposure times in wash and rinse cycles in accordance with manufacturer's specifications attached to the machines.

4. Drain boards shall be provided and be of adequate size for the proper handling of soiled utensils prior to washing, and of cleaned utensils following sanitization, and be so located and constructed as not to interfere with the proper use of the dishwashing facilities. This does not preclude the use of easily movable dishtables for the storage of soiled utensils or the use of easily movable dishtables for the storage of clean utensils following sanitization.

5. Equipment and utensils shall be flushed or scraped and, when necessary, soaked to remove gross food particles and soil prior to being washed in a dishwashing machine, unless a prewash cycle is part of the dishwashing machine operation. Equipment and utensils shall be placed in racks, trays, or baskets, or on conveyors, in a way that food-contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse waters and that permits free draining.

6. Machines using chemicals for sanitization may be used, provided that:

- a. The temperature of the wash water shall not be less than 120 degrees Fahrenheit.
- b. The wash water shall be kept clean.
- c. Chemicals added for sanitization purposes shall be automatically dispensed.
- d. Utensils and equipment shall be exposed to the final chemical sanitizing rinse in accordance with the manufacturer's specifications for time and concentration.
- e. The chemical sanitizing rinse water temperature shall not be less than 75 degrees Fahrenheit nor less than the temperature specified by the machine's manufacturer.
- f. Chemical sanitizers used shall meet the requirements of subsection 64E-11.006(5)(a) of this chapter.
- g. A test kit or other device that accurately measures the parts per million concentration of the solution shall be available and used.

7. Machines using hot water for sanitizing may be used provided that wash water and pumped rinse water shall be kept clean and water shall be maintained at not less than the temperatures stated in a. through e. below:

a. Single tank, stationary rack, dual temperature machine:

Wash temperature 140 ° F.

Final rinse temperature 180 ° F.

b. Single tank, stationary rack, single temperature machine:

Wash temperature 165 ° F.

Final rinse temperature 165 ° F.

c. Single tank, conveyor machine:

Wash temperature 140 ° F.

Final rinse temperature 180 ° F.

d. Multi-tank, conveyor machines:

Wash temperature 140 ° F.

Pumped rinse temperature 160 ° F.

Final rinse temperature 180 ° F.

e. Single tank, pot, pan, and utensil washer, either stationary or moving rack:

Wash temperature 140 ° F.

Final rinse temperature 180 ° F.

f. Final rinse temperatures in this subsection apply to temperatures at the rinse manifold.

(c) Drying and handling — After sanitization, all equipment and utensils shall be air dried. Cleaned and sanitized equipment and utensils and all single-service articles shall be handled in a way that protects them from contamination.

(d) Equipment and utensil storage — Cleaned and sanitized utensils and equipment and all single-service articles shall be stored at least 6 inches above the floor in a clean, dry location in a way that protects them from contamination by splash, dust and other means. The food-contact surfaces of fixed equipment shall also be protected from contamination. Equipment and utensils shall not be placed under exposed sewer lines. The storage of food equipment, utensils or single-service articles in toilet rooms or vestibules is prohibited.

Specific Authority 381.0072 FS.

Law Implemented 381.0072 FS.

History — New 1-1-77, Amended 1-6-81, Formerly 10D-13.26, Amended 2-21-91, 5-12-92, Retained here and Transferred to 7C-4.013, Amended 6-1-93, 8-28-96, Formerly 10D-13.026, Amended 3-15-98.

64E-11.007 — Sanitary Facilities and Controls.

(1) Water supply — The water supply shall be adequate, of safe sanitary quality and from an approved source in accordance with provisions of Chapters 62-550 and 62-555 of the Florida Administrative Code. Hot and cold running water under pressure shall be provided in all areas where food is prepared and where equipment and multi-use utensils are washed.

(a) Transportation of water — All potable water not provided directly by pipe to the food service establishment from the source shall be transported in a bulk water transport system and shall be delivered to a closed water system.

(b) Bottled water — Bottled and packaged potable water shall be obtained from a source that complies with the requirements of Chapter 5K-8 of the Florida Administrative Code, and shall be handled and stored in a way that protects it from contamination. Bottled and packaged potable water shall be dispensed from the original container.

(c) Steam — Steam used in contact with food or food-contact surfaces shall be free from any materials or additives other than those specified in Title 21, Code of Federal Regulations 173.310.

(2) Ice — Ice making machines shall utilize water from an approved source and shall be constructed, located, installed, operated and maintained so as to prevent contamination of the ice. Ice obtained from outside the food service establishment shall be from a source approved by the department and shall be handled, transported and stored in a sanitary manner. Canvas containers shall not be used unless provided with a sanitary single-service liner so as to completely protect the ice from contamination. Ice buckets, other containers and scoops, shall be of a smooth, impervious material and designed to facilitate cleaning. They shall be kept clean and shall be stored and handled in a sanitary manner.

(3) Sewage disposal — Sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with provisions of Chapter 64E-6 or 62-600 of the Florida Administrative Code, whichever is applicable. Grease interceptors shall be readily accessible for cleaning. Grease interceptors shall be designed and installed in accordance with provisions of Chapter 64E-6 of the Florida Administrative Code, or the applicable plumbing authority.

(4) Plumbing — Plumbing shall be sized, installed and maintained in accordance with provisions of the applicable plumbing authority. The plumbing shall 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 shall not constitute a source of contamination of food, equipment or utensils or create an unsanitary condition or nuisance.

(a) Backflow — The potable water system shall be installed to preclude the possibility of backflow. Devices shall be installed and maintained to protect against backflow and back siphonage at all fixtures and equipment where an air gap at least twice the diameter of the water supply inlet is not provided between the water supply inlet and the fixture's flood level rim. A hose shall not be attached to a faucet unless a backflow prevention device is installed. Any faucet equipped with a hose fitting shall be protected by a backflow protection device.

(b) Drains — There shall be no direct connection between the sewerage system and any drains originating from equipment in which food, portable equipment or utensils are placed. When a dishwashing machine is located within 5 feet of a trapped floor drain, the dishwasher waste outlet may be connected directly to the inlet side of a properly vented floor drain trap.

(5) Toilet facilities — Each food service establishment shall be provided with adequate and conveniently located toilet facilities for its employees and patrons in accordance with provisions of the applicable plumbing authority or, where no plumbing code has been adopted locally, with Chapter 64E-10 of the Florida Administrative Code. Food service establishments constructed or extensively remodeled after the effective date of these rules are required to comply with the requirements for toilet facilities outlined above. Existing food service establishments must also meet the requirements for toilet facilities outlined above if there is or has been a sufficient increase in the number of seats or if the nature of the food service operation changes such that additional toilet facilities would be needed. Fixtures shall be of readily cleanable sanitary design. Toilet facilities shall be kept clean, in

good repair and free from objectionable odors. Toilet tissue shall be provided. Easily cleanable receptacles shall be provided for waste materials and such receptacles in toilet rooms for women shall be covered. Toilet rooms shall be completely enclosed and shall have tight-fitting, self-closing doors. Such doors shall not be left open except during cleaning or maintenance. Handwashing signs shall be posted in each toilet room used by employees.

(6) Handwashing facilities — Each food service establishment shall be provided with adequate, readily accessible, conveniently located lavatories equipped with hot and cold running water, hand cleansing soap or detergent and approved sanitary towels or other approved hand drying devices in accordance with provisions of the applicable plumbing authority or, where no plumbing code has been adopted locally, with Chapter 64E-10 of the Florida Administrative Code.

(a) Lavatories shall be located in or immediately adjacent to all toilet rooms. At least one employee handwashing facility shall be located within each food preparation area.

(b) Employee handwashing facilities shall be installed in rooms or in areas where mechanical dishwashing machines operate that are isolated or remote from food preparation areas.

(c) Lavatories, soap dispensers, hand-drying devices and all other components of the handwashing facilities shall be kept clean and in good repair. Handwashing signs shall be posted at each lavatory location.

(d) Hot and cold running water under pressure shall be provided at all employee handwashing sinks.

(7) Garbage and rubbish disposal

(a) All garbage and rubbish containing food wastes shall, prior to disposal, be kept in leakproof, nonabsorbent containers which shall be kept covered with tight fitting lids; provided that such containers need not be covered when stored in a special vermin proofed room or in a closed food waste refrigerator. Containers which do not have tight fitting vermin proof lids may be used only if garbage is first placed in plastic bags or wet-strength paper bags which are securely tied closed. All other rubbish shall be stored in an approved manner. The rooms, enclosures, areas and containers used shall be adequate for the storage of all food wastes and rubbish which accumulates between periods of removal.

(b) Garbage and refuse containers, compactors and dumpsters located outside shall be stored on or above a smooth surface of nonabsorbent material such as concrete that is kept clean and maintained in good repair. If a compactor system is used for the storage of garbage, and the garbage is not stored in a self-contained and leak proof system, the compactor shall be placed on a concrete pad which is graded to drain into a sanitary sewer system.

(c) Adequate cleaning facilities shall be provided and each container, room or area shall be thoroughly cleaned after the emptying or removal of garbage and rubbish. Waste water

from such cleaning operations shall be disposed of as sewage. Food waste grinders, if used, shall be suitably constructed and shall be installed in accordance with provisions of the applicable plumbing authority. All garbage and rubbish shall be removed from the food establishment premises with sufficient frequency to prevent nuisance conditions and shall be disposed of in accordance with provisions of Chapter 62-701 of the Florida Administrative Code.

(8) Vermin control — Effective control measures shall be taken to protect against the entrance into the food establishment, and the breeding or presence on the premises of rodents, flies, roaches and other vermin. All buildings shall be effectively rodent-proofed, free of rodents and maintained in a rodent-proof and rodent-free condition. All openings to the outside air, including windows, doors, skylights, transoms, intake and exhaust ducts shall be effectively protected against the entrance of flies and other flying insects by self-closing doors which open outward, closed windows, screening, controlled air currents or other effective means. Screening material shall not be less than 16 mesh to the inch or equivalent and screens for windows, doors, skylights, transoms and other openings to the outside air shall be tight fitting and free of breaks. Insecticides or rodenticides, when used, shall be used in full compliance with Chapter 5E-14 of the Florida Administrative Code.

Specific Authority 381.006, 381.0072 FS.

Law Implemented 381.006, 381.0072 FS.

History — New 1-1-77, Amended 1-6-81, Formerly 10D-13.27, Amended 2-21-91, 5-12-92, Retained here and Transferred to 7C-4.014, Formerly 10D-13.027, Amended 3-15-98.

64E-11.008 — Other Facilities and Operations.

(1) Floors — The floor surfaces in kitchens and all the rooms and areas in which food is stored or prepared, utensils are washed or stored, walk-in refrigerators, garbage and rubbish storage areas or rooms and toilet, dressing and locker rooms shall be of smooth, nonabsorbent material and so constructed as to be easily cleanable. The use of anti-slip floor covering materials is permitted in areas where necessary for safety reasons. Floor drains shall be provided in accordance with provisions of the applicable plumbing authority in all rooms where floors are subjected to flush or flood type cleaning or where normal operations release or discharge water or other liquid waste onto the floor. Such floors shall be graded to effectively drain. Mats or duckboards, if used, shall be so constructed as to facilitate being easily cleaned and shall be kept clean. The floor surfaces in all interior and exterior areas where food is served shall be of such construction and finish as to be easily cleanable. Carpeting, if used on floors of interior dining rooms, shall be kept in good repair and shall be cleaned by dustless methods. All floors shall be kept clean and in good repair. Sawdust, wood shavings, peanut hulls and similar materials shall not be permitted on the floors of a food service establishment. In all new or extensively remodeled establishments utilizing concrete, terrazzo, ceramic tile or similar flooring materials, the junctures between walls and floors shall be coved and sealed. Installation of exposed horizontal utility lines and pipes on the floor is prohibited.

(2) Walls and ceilings — All walls and ceilings including doors, windows, skylights, screens and similar closures shall be kept clean and in good repair. The walls of all food

preparation, utensil washing and handwashing rooms or areas shall have smooth, easily cleanable surfaces and shall be washable up to the highest level reached by splash or spray. Concrete or pumice blocks used for interior wall construction shall be finished and sealed to provide an easily cleanable surface. Studs, joists and rafters shall not be left exposed in walk-in refrigerating units, in food preparation or washing areas or toilet rooms. If exposed in other rooms or areas, they shall be suitably finished and all surfaces shall be kept clean and in good repair. Sheet metal, plastic or other covering materials, if used, shall be closed at all joints and shall be sealed to the wall or ceiling. Acoustical materials may be used on ceilings, provided ventilation is adequate to minimize grease and moisture absorption. Light fixtures, fans, hoods and other equipment and materials attached to walls or ceilings shall be kept clean. Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the walls and ceiling. Utility service lines and pipes shall not be unnecessarily exposed on walls or ceilings in walk-in refrigerating units, food preparation areas, equipment washing and utensil washing areas, toilet rooms and vestibules.

(3) Lighting — All areas in which food is stored or prepared, utensils washed or stored, toilet, dressing and locker rooms, handwashing areas and garbage and rubbish storage areas shall be well lighted. At least 20 foot candles of light shall be provided on all working surfaces and at least 10 foot candles shall be provided on all other surfaces and equipment in food storage, food preparation, utensil washing and handwashing areas and in toilet rooms. At least 10 foot candles of light at a distance of 30 inches from the floor shall be required in dining rooms and all other areas during cleaning operations. Effective shields, sleeves, coatings, or covers shall be provided for all artificial lighting fixtures and infrared heat lamps located over, by, or within food storage, preparation and display facilities where food is opened or exposed.

(4) Ventilation — All rooms in which food is stored, prepared or served, utensils are washed, toilet, dressing and locker rooms and garbage storage areas shall be well ventilated. Obnoxious odors, fumes and vapors shall be effectively vented to the outside air. Ventilation hoods and devices shall be designed to prevent grease and condensate from dripping into food or onto food-contact surfaces. Filters, where used, shall be readily removable for cleaning unless designed to be cleaned in place. Ventilation systems shall comply with applicable fire prevention requirements and shall discharge in such a manner as not to create a nuisance. Intake and exhaust air ducts shall be maintained to prevent the entrance of dust, dirt and other contaminating materials.

(5) Dressing rooms and lockers — Adequate facilities shall be provided for the orderly storage of employees' clothing and personal belongings. Where employees routinely change clothes within the establishment, one or more dressing rooms or designated areas shall be provided for this purpose. Such rooms or areas shall be located outside the food storage, preparation and serving areas and utensil washing and storage areas. Lockers or other suitable storage facilities shall be provided. Dressing areas and lockers shall be kept clean and orderly.

(6) Housekeeping — All parts of the establishment and its premises shall be kept neat, clean and free of litter and rubbish. Cleaning operations shall be conducted in such a

manner as to minimize contamination of food and food-contact surfaces. Vacuum cleaning, wet cleaning or other dustless methods shall be used for cleaning floors, walls and ceilings; provided, that dust-arresting sweeping compounds and push brooms may be employed for floors. All such cleaning, except emergency floor cleaning, shall be done during periods when the least amount of food is exposed, such as after closing and between meals. At least one utility sink or curbed cleaning facility with a floor drain shall 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. Each utility sink or curbed cleaning facility shall be supplied with hot and cold water under pressure. Maintenance and cleaning tools such as brooms, mops, vacuum cleaners and similar equipment shall be maintained and stored in a way that does not contaminate food, utensils, equipment or linens and shall be stored in an orderly manner. Soiled cloths, linens, aprons, coats and other uniform apparel shall be kept in suitable containers until removed for laundering. Only articles necessary for the operation and maintenance of the food service establishment shall be stored on the premises.

(7) Living Quarters — None of the operations connected with a food service establishment shall be conducted in any room used as living or sleeping quarters. There shall be no direct opening between living quarters and a food service establishment.

(8) Live birds and animals — No live birds or animals except for crustacea, shellfish and fish in aquariums shall be 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., and, further provided, that live birds may be present in food service areas where adequate engineering controls of the ventilation system will prevent contamination of the facility, employees, or consumers.

(9) Premises — Food service establishments and all parts of property used in connection with their operations shall be kept free of litter. The walking and driving surfaces of all exterior areas of food service establishments shall be effectively maintained so as to minimize dust. These surfaces shall be graded to prevent pooling of water.

(10) Laundry facilities — Laundry facilities in a food service establishment shall be restricted to the washing and drying of linens, cloths, uniforms and aprons necessary to the operation. Laundry facilities may be located in storage rooms containing only packaged foods or single-service items or in separate rooms.

Specific 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.

64E-11.009 — Temporary Food Service Events.

Food service operations at temporary food service events shall comply with all applicable sanitary requirements of this rule, unless otherwise exempted in this section.

(1) Notification

(a) Temporary food service event sponsors or vendors shall notify the local county health department not less than three days prior to the scheduled event of the type of food service proposed and the time and location of the event. Notification may be completed orally, by telephone, in person, or in writing.

(b) The local county health department shall keep a record of notifications received for proposed temporary food service events and shall provide appropriate educational material to the event sponsors or vendors.

(2) Facilities — Specific requirements for the physical facility where the food service operation is to be conducted shall be 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.

(a) If the food service operation is intended for the sale of only packaged, non-potentially hazardous food or drink, the food packages shall be protected from dust, dirt, and other sources of contamination during storage and serving.

(b) Overhead protection shall be provided at all food service operations when food is prepared or portioned on premises.

(c) When potentially hazardous food is prepared at temporary food service events of more than 3 days, the physical structure where the food preparation occurs shall be protected from the entrance of flying insects and other vermin.

(3) All food and beverages served at temporary food service events shall be from approved sources in accordance with provisions of section 64E-11.003 of this chapter or prepared on premises.

(4) All food served at temporary food service events shall be protected in accordance with provisions of section 64E-11.004 of this chapter.

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

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

(7) 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.

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

(9) All food service operations which prepare food on premises shall 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 shall be available for handwashing and hand drying.

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

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

(12) Floor construction in establishments which prepare food on premises shall 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.

(13) Walls and ceilings, when required, shall 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, shall be solid or screened and shall be self-closing. Counter service openings, for facilities with wall enclosures, 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.

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

Specific Authority 381.0072 FS.

Law Implemented 381.0072 FS.

History — New 6-1-93, Formerly 10D-13.0292, Amended 3-15-98.

64E-11.010 — Vending Machines.

(1) Food supplies — All foods, beverages and ingredients offered for sale through vending machines offering potentially hazardous foods as described in section 64E-11.002 of this chapter that are located at food service establishments regulated under this rule, shall be from approved sources in accordance with provisions of section 64E-11.003 of this chapter; shall be manufactured, processed and prepared in an approved food service establishment or food processing plant; and shall be delivered to the vending machine from an approved commissary or other approved food establishment.

(2) Food protection — All food shall be protected in accordance with provisions of section 64E-11.004 of this chapter. Potentially hazardous foods within the vending machine shall be maintained at safe temperatures, 41 degrees Fahrenheit or below and 140 degrees Fahrenheit or above, at all times; provided, that an exception may be made for the actual time required to fill or otherwise service the machine and for a maximum recovery period of 30 minutes following completion of filling and servicing operations. Vending machines dispensing potentially hazardous food shall be provided with controls which ensure the maintenance of safe temperatures at all times. Such controls shall place the machine in an inoperative condition in the event of power failure or other condition which permits food storage compartments to attain a temperature outside of safe temperature ranges. Potentially hazardous food in vending machines during such periods shall be subject to the provisions of section 64E-11.004. A thermometer accurate to plus or minus 3 degrees Fahrenheit shall be provided to indicate the air temperature of food storage compartments used for potentially hazardous foods. The following special requirements shall also apply:

(a) Milk and fluid milk products offered for sale through vending machines shall be pasteurized and shall be dispensed only in individual, original containers.

(b) Milk and fluid milk products and fluid non-dairy products, such as creaming agents, shall not be dispensed in vending machines as additional ingredients in hot liquid beverages or other foods.

(c) When condiments are provided in conjunction with food dispensed by a vending machine, they shall be:

1. Packaged in individual portions in single-service containers; or
2. Dispensed from properly covered or shielded sanitary dispensers which are cleaned, rinsed and sanitized and filled at the commissary or at the machine location if sanitary facilities are provided; or
3. Made available from properly covered or shielded condiment self-service dispensing equipment at those locations having an on-duty attendant.

(d) Fresh fruits which may be eaten without peeling shall be thoroughly washed in potable water at the packing plant by the processor, or at the commissary before being placed in the vending machines for dispensing. The washed fruit shall be protected from contamination after the washing process.

(e) All food, other than fresh fruit, shall be stored or packaged in clean protective containers, and all food shall be handled and vended in a sanitary manner.

(f) Potentially hazardous food offered for sale through vending machines shall be dispensed to the consumer in the individual, original container or wrapper into which it was placed at the commissary or at the manufacturer's or processor's plant. Potentially hazardous food shall not be dispensed from bulk supplies.

(3) Cleaning — All food-contact surfaces of vending machines shall 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 64E-11.006(5) of this chapter. A record of such cleaning and sanitizing operations shall be maintained in each machine and shall be current for at least the past 30 days. The cavities and door edges of microwave ovens must be cleaned at least once a day and shall 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.

(4) Single-service articles — All single-service containers which receive food or beverage from machines dispensing products in bulk shall be purchased in sanitary cartons or packages which protect the containers from contamination, shall 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 shall be handled in a sanitary manner. Single-service containers stored within the vending machine shall be protected from manual contact, leakage, dust, insects, rodents and other contamination.

(5) Equipment location — Vending machines, ovens and other equipment shall 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. Each machine shall 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 shall be well lighted and ventilated. The floor area upon which vending machines are placed shall be of such construction as to be easily cleaned and shall be kept clean and in good repair. Adequate handwashing facilities, including hot and cold running water, soap and individual towels shall be convenient to machine locations where employees service bulk food machines.

(6) Exterior construction and maintenance — The exterior construction of vending machines shall be such as to facilitate cleaning and to prevent the entrance of insects and rodents and shall be kept clean. Door and panel access openings to product and container storage spaces shall be tight fitting and, if necessary, gasketed to minimize the entrance of dust, moisture, insects and rodents. Necessary ventilation openings into vending machines shall be effectively screened. Water, gas, electrical or other service connections through an exterior machine wall shall be sealed. Utility connections shall be made in such a manner that unauthorized or unintentional disconnections will be discouraged. In all vending machines in which the condenser unit is an integral part of the machine, such unit when located below the food and container storage space, shall be separated from such space by a dust proof barrier, and when located above, shall be sealed from such space. In order to prevent seepage underneath the machine and to promote cleaning, free standing vending machines shall have one or more of these elevation or movability features:

(a) Be light enough to be manually moved with ease by one person; or

(b) Be elevated on legs or extended sidewalls to afford, with or without kickplates, an unobstructed vertical space of at least 6 inches under the machine; or

(c) Mounted on rollers or casters which permit easy movement; or

(d) Be sealed to the floor.

(e) Counter type machines shall be:

1. Sealed to the counter; or

2. Mounted on 4 inch legs or the equivalent; or

3. Easily moved for cleaning with service connections in place.

(7) Interior construction and maintenance.

(a) All interior surfaces and component parts of vending machines shall be so designed and constructed as to permit easy cleaning and shall be kept clean.

(b) All food-contact surfaces of vending machines shall be smooth, in good repair and free of breaks, corrosion, open seams, cracks and chipped places. The design of such surfaces shall 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 shall be minimized. All joints and welds in food-contact surfaces shall be smooth; and all internal angles and corners of such surfaces shall be rounded to facilitate cleaning. If solder is used, it shall be composed of safe materials and be corrosion resistant. All food-contact surfaces of vending machines, including containers, pipes, valves and fittings shall be constructed of non-toxic, corrosion resistant and nonabsorbent materials and shall be kept clean. All containers, valves, fittings, chutes and faucets which are in contact with food shall be easily disassembled and when disassembled, all surfaces shall be visible for inspection and cleaning. In machines of such design that product contact pipes or tubing are not readily removable, in-place cleaning of such pipes and pipe fittings may be permitted; provided:

1. They are so arranged that cleaning and bactericidal solutions can be circulated throughout the fixed system.

2. Such solutions will contact all interior surfaces.

3. The system is self-draining or otherwise capable of being completely evacuated.

4. The cleaning procedures result in thorough cleaning of the equipment.

(c) The openings into all nonpressurized containers used for the storage of vendable foods and ingredients including water shall be provided with covers which prevent contamination from reaching the interior of the containers. Such covers shall be designed to provide a flange which overlaps the opening and shall 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 shall be flanged upward at least three sixteenth inch and shall be provided with an overlapping cover flanged downward. Condensation or drip deflecting aprons shall 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 shall be considered as satisfactory covers for those openings which are in continuous use. Gaskets, if used, shall be of a material which is nontoxic, stable and nonabsorbent and shall have a smooth surface. All gasket retaining grooves shall be easily cleanable.

(d) The delivery tube or chute and orifice of all bulk food vending machines shall be protected from normal manual contact, dust, insects, rodents and other contamination. Design shall 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 shall be provided with a tight fitting, self-closing door or cover which is kept closed, except when food is being removed.

(e) The food storage compartment and other compartments in refrigerated vending machines which are subject to condensation or cooling water retention shall be so constructed as to be self-draining or shall 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 shall be provided. All such drains, devices and retention pans shall be easily cleanable.

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

(8) Water supply.

(a) Water used in vending machines shall be from an approved source that complies with Chapters 62-550 and 62-555, shall be piped into the machine under pressure and all connections and fittings shall be installed in accordance with provisions of the applicable plumbing authority.

(b) If used, water filters or other water conditioning devices shall be of a type which may be disassembled for periodic cleaning or replacement of the active element. Replacement elements shall be handled in a sanitary manner.

(9) Waste disposal.

(a) All trash and other waste material shall be removed from machine locations frequently to prevent nuisance conditions and shall be disposed of in accordance with provisions of Chapter 62-701 of the Florida Administrative Code.

(b) Self-closing, leak proof, easily cleanable, plainly designated waste containers of adequate capacity shall be provided at each machine location for the deposit of food scraps, food wrappings, cups, cartons and other discarded single-service articles. Plastic bags or wet strength paper bags may be used to line the receptacles. Soiled waste

receptacles shall be cleaned at a frequency to prevent insect and rodent attraction. Such waste containers shall not be located within the machine; provided, that those machines dispensing only packaged products with crown closures may have a closure receptacle located within the machine. Waste receptacles shall not be located under counters or otherwise enclosed in a manner that will create a nuisance or prevent space around and under the counter or enclosure from being easily cleaned and maintained. Suitable racks or cases shall be provided for bottles and other returnable multi-use containers.

(c) Containers shall be provided within all machines dispensing liquid food in bulk for the collection of drip, spillage, overflow or other internal wastes. An automatic shut-off device shall be provided which will place the vending machine out of operation before the waste pail overflows, and prevent water or liquid product from continuously running (jack-potting) in the event of the failure of any single control, high level control, or other flow control device in the liquid product or water system. Containers or surfaces on which such wastes may accumulate shall be readily removable for cleaning, shall be easily cleanable and shall be corrosion resistant. If liquid wastes from drip, spillage or overflow, which originate within the machine are discharged into a sewerage system, the connection to the sewer shall be through an air gap.

(10) Delivery of foods, equipment and supplies — Food, single-service containers and food-contact surfaces of equipment, containers and devices shall be protected from the elements, dirt, dust, insects, rodents and other contamination while in transit to vending machine locations. Potentially hazardous foods shall be maintained at safe temperatures while in transit.

(11) Personnel — Individuals servicing or replenishing these machines shall comply with all applicable provisions of sections 64E-11.005 and 64E-11.012 through 64E-11.013 of this chapter.

Specific Authority 381.0072 FS.

Law Implemented 381.0072 FS.

History — New 6-1-93, Formerly 10D-13.0331, Amended 3-15-98.

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.

Specific 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)(a) All managers who are responsible for the storage, preparation, display, and serving of foods to the public shall have passed a written certification test approved by the department demonstrating a basic knowledge of food protection practices. Those managers who successfully pass the certification examination shall be issued a certificate which is valid for a period of five years from the date of issuance. All establishments shall designate in writing the food service manager or managers for each location.

Establishments that have four or more employees at one time engaged in the storage, preparation or serving of food shall have at least one certified manager present at all times when said activities are taking place. All other establishments shall have a certified manager or managers responsible for all periods of operation but said manager or managers need not be present at all times. It shall be the responsibility of the certified manager or managers to inform all employees under their supervision and control who engage in the storage, preparation, or serving of food, to do so in accordance with acceptable sanitary practices as described in this chapter.

(b) Managers employed on or after the effective date of this chapter shall have a period of 90 days after the effective date of employment to satisfactorily pass the required test.

(2) The test shall be designed to assess the manager's knowledge of basic public health food protection practices, including: receiving of food supplies; food storage, including dry, refrigerated and freezer storage; food protection and preparation practices including thawing of potentially hazardous food, techniques to minimize handling, recognition of critical temperatures during storage, preparation, cooking, serving, displaying and reheating; personal hygienic practices of employees during all phases of preparation and serving of food; equipment and utensil design and fabrication, installation and location as well as cleaning, sanitizing and storage; water supplies; sewage disposal; plumbing; bathroom and handwashing facilities; garbage and trash storage and disposal; insect and rodent control; general housekeeping including cleaning, maintenance, lighting and ventilation; control of toxic materials; premises sanitation and other miscellaneous activities which the manager needs to ensure are accomplished to prevent the occurrence of foodborne illness.

(3) The testing program shall demonstrate testing program compliance with one or more generally recognized measurement standards such as the Standards for Educational and Psychological Testing. Documentation of conformance shall include organization review and program evaluation by qualified psychometricians and shall demonstrate adherence in the areas of administrative independence; fairness; technical standards for test construction and evaluation including validity, reliability and errors in measurement, test development

and revision, scaling, norming, score comparability and equating, and test publication; professional standards for test use including employment testing and professional and occupational certification; and related standards for testing linguistic minorities, testing people who have handicap conditions, test administration, scoring and reporting, protecting the rights of test takers and public information.

(4) Persons shall be considered certified under these rules when a written examination is a requirement for licensure by the Florida Department of Business and Professional Regulation in a dietary field and when these persons have acquired and maintained the currency of this license. The following establishments are also exempt from the manager certification requirements of this section:

(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 381.0072, F.S., as being exempt from this certification.

Specific 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.

64E-11.013 — Certificates and Fees.

(1) Certificate Required.

(a) All food service establishment certificates shall expire on September 30. Certificates may be issued for a period less than a calendar year so long as they are prorated on a quarterly basis. Certificates shall be posted in a conspicuous location on the premises.

(2) Application and Renewal of Certificates.

(a) Each person who plans to construct, purchase, reopen, or operate a food service establishment shall apply for and receive a certificate from the department prior to the commencement of operation. Applications for certificates shall be made to the department on DOH Form 4086.

(b) Applications for certificates shall be accompanied with 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 shall be provided to the department. This notification shall 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 shall be submitted to and approved by the department. Plans may be submitted by the owner, prospective operator or their designated representative. All plans shall comply with the requirements of this chapter. Plans shall 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. The department shall grant or deny approval of the plans in writing within 30 days of receipt of a complete set of plans pursuant to the provisions of Chapter 120, F.S. Approval or denial shall be based on whether or not the plans comply with the requirements of this chapter.

(d) Whenever construction plans are disapproved, a certificate is denied, suspended or revoked or the department takes similar action that affects the substantial interests of a food service establishment certificate holder, the department shall notify the certificate holder of their right to request a hearing on the matter. Notification shall be in writing, and it shall indicate that a hearing must be requested within 30 days of the certificate holder's receipt of the notice. The department shall grant or deny a hearing request within 10 days of receipt. All hearings shall be conducted in accordance with the provisions of Chapter 120, F.S.

(e) Before a certificate is issued to a newly constructed or extensively remodeled food service establishment, an inspection shall be made by a representative of the department for the determination of compliance with the requirements of this chapter.

(3) Fees.

(a) Fees shall be submitted to the department for certificates, as well as the provision of other required public health services at food service establishments. A food service establishment which applies for an annual certificate shall pay the full fee. All other certificates, such as change of ownership, reinstatement after revocation of certificate or new establishments after the first quarter shall be prorated on a quarterly basis.

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

Annual Fee per Food Service Establishment;

	Fee		Surcharge		Total
1. Hospital	\$ 200.00	+	10.00	=	210.00
2. Nursing Home	\$ 200.00	+	10.00	=	210.00
3. Detention Facility	\$ 200.00	+	10.00	=	210.00
4. Bar/Lounge	\$ 150.00	+	10.00	=	160.00
5. Fraternal/Civic Organization	\$ 150.00	+	10.00	=	160.00
6. Movie Theater	\$ 150.00	+	10.00	=	160.00
7. School Cafeteria					
a. Operating for 9 months out of a year	\$ 120.00		+10.00	=	130.00
b. Operating for more than 9 months	\$ 150.00		+10.00	=	160.00
8. Residential Facility	\$ 100.00	+	10.00	=	110.00
9. Other Food Service	\$ 150.00	+	10.00	=	160.00
10. Child Care Center	\$ 75.00	+	10.00	=	85.00
11. Limited Food Service	\$ 75.00	+	10.00	=	85.00

(c) 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 \$35.00 per hour

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 \$30.00

(for each reinspection after the first)

5. Late renewal of certificate \$25.00

(d) All fees collected pursuant to this section shall be deposited under a unique revenue code within the individual county health department trust fund to be used to meet the cost of carrying out that portion of the food hygiene program described in this chapter. All fees submitted to the department are nonrefundable, once action has been taken on the application.

(e) For establishments with multiple food operations, a single fee shall be assessed based on the food activity which dominates the available work space of the facility.

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

(a) Food service establishments that only serve catered meals which have been prepared in an approved food establishment and no warewashing takes place onsite; such as satellite kitchens at schools and other institutions, and similar operations.

(b) Child care facilities and other institutions that prepare only snacks or that require individuals in attendance to bring their own meals to the facility.

Specific Authority 381.0072 FS.

Law Implemented 381.0072(2) 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.

64E-11.014 — Mobile Food Units.

All mobile food units required to have vehicle identification numbers shall submit their vehicle identification number to the department on the application for licensure. The license decal shall be affixed to the mobile food unit. Mobile food units shall comply with sections 64E-11.001 through 64E-11.008 and sections 64E-11.011 through 64E-11.013, Florida Administrative Code, except that such mobile food units shall not be required to have employee/patron toilet facilities or mop sinks. Moreover, no license shall 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 shall be provided during all periods of operation. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil or grease, and it shall be kept capped unless being filled. It shall 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 shall 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 will 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) of this rule. 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 shall include at least overhead protection for any supplying, cleaning or servicing operation. Such area shall be physically separated from other food operations; shall be equipped to furnish approved potable water in accordance with applicable provisions of Chapters 62-550 and 62-555 or 64E-8, Florida Administrative Code; and shall provide facilities for the drainage and disposal of liquid wastes in accordance with applicable provisions of Chapter 64E-6 or 62-600, Florida Administrative Code, and the plumbing authority. The surface of the servicing area shall be constructed of a smooth nonabsorbent material such as concrete or machine laid asphalt and shall be maintained in good repair, kept clean and be graded to drain.

(7) Mobile food units which are limited to the sale of non-potentially hazardous food only shall be exempt from:

(a) The requirements of employee hand washing sink; and

(b) A utensil washing sink will not be required 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 shall be maintained on 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 at least on a daily basis as described in paragraph (5) of this section.

Specific Authority 381.0072 FS.

Law Implemented 381.0072 FS.

History — New 3-15-98.