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STATE OF FLORIDA

DEPARTMENT OF HEALTH

CHAPTER 64E-11, FLORIDA ADMINISTRATIVE CODE

FOOD HYGIENE

**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 Section 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 Section 381.0072, F.S., will be regulated by this chapter.

(3) Food operations occurring at facilities or premises other than what is defined in Section 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.

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 Rule 64E-11.003, F.A.C., of this chapter or prepared on premises.

(4) All food served at temporary food service events shall be protected in accordance with provisions of Rule 64E-11.004, F.A.C., 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.

6. Movie Theater	\$190.00
7. School Cafeteria	
a. Operating for 9 months out of a year	\$170.00
b. Operating for more than 9 months	\$200.00
8. Residential Facility	\$135.00
9. Other Food Service	\$190.00
10. Child Care Center	\$110.00
11. Limited Food Service	\$110.00
12. Caterer	\$180.00
13. Mobile Food Unit	\$180.00
14. Vending Machine Dispensing Potentially Hazardous Food	\$ 85.00

(c)1.a. Food service establishments with multiple food operations housed in the same building, at the same location, under the same ownership and operation, which operate under the umbrella of the sanitation certificate of the main food service establishment (as addressed in subparagraph (1)(b)1., of this rule), shall be assessed a single annual fee. That fee shall be assessed on the main food service establishment, it shall be the maximum allowed in Section 381.0072, F.S., which is \$300, and it shall cover the other food service facilities operating in that same building under the umbrella of the main food service establishment.

b. Food service establishments with multiple food operations housed in the same building, at the same location, under the same ownership and operation choosing not to operate under the umbrella of the sanitation certificate of the main food establishment (as addressed in subparagraph (1)(b)2., of this rule) shall be assessed separate annual fees for each food operation based on the category of establishments listed in paragraph (3)(b) above.

c. Food service establishments with multiple food operations located in different buildings at the same location, regardless of ownership, shall be assessed separate annual fees for each food operation based on the category of establishments listed in paragraph (3)(b) above.

2. Vending machines dispensing potentially hazardous food, caterers and mobile food units that are located at or operated from an establishment listed in Section 381.0072, F.S., shall be charged the fees listed in paragraph (3)(b) above when they are not operating under an existing Sanitation Certificate that has already been issued for the main food service establishment where they are located.

(d) 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	\$ 40.00
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	\$ 75.00
(for each reinspection after the first)	
5. Late renewal of certificate	\$ 25.00
6. Temporary event food service establishment	
a. Sponsor without an existing sanitation certificate	\$100.00
b. Vendor or booth at an establishment or location without an existing sanitation certificate	\$ 50.00

(e) 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.

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

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

(b) Child care facilities and other institutions that serve only snacks, as that term is defined in Rule 64E-11.002, F.A.C., of this chapter, or that require individuals in attendance to bring their own meals to the facility, which do not require any food