



CHAPTER 61C-4

PUBLIC FOOD SERVICE ESTABLISHMENTS

FL. Dep't of Business & Professional Regulation
Div. of Hotels & Restaurants

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CHAPTER 61C-4
PUBLIC FOOD SERVICE ESTABLISHMENTS

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61C-4.010 Sanitation and Safety Requirements.

(1) Food Supplies and Food Protection – Except as specifically provided in this rule, public food service establishments shall be subject to the provisions of Chapter 3, Food Code, as adopted by reference in Rule 61C-1.001, F.A.C.

(a) Public food service establishment operators may use DBPR Form HR 5022-090, TIME AS A PUBLIC HEALTH CONTROL WRITTEN PROCEDURES, incorporated herein by reference and effective 2009 October 15, as a guide for written procedures to apply time only, instead of time and temperature, as a public health control for potentially hazardous food, as provided in Section 3-501.19 of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C. DBPR Form HR 5022-090 is not required and the division will accept written procedures in another format as long as the written procedures contain all the necessary information. The written procedures must be maintained and made available in each food establishment at all times for use by the person in charge and for review by the division upon request.

(b) In the event of an emergency 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 division.

(c) Labeling – Public food service establishments which prepare and package food products for sale within the establishment must ensure that packaged food products are properly labeled. A label is not required on food products placed in a wrapper, carry-out box, or other nondurable container for the purpose of protecting the food during service to and receipt by the customer. Package labels must contain the following information:

1. Identity and description of product;
2. Date product was packaged; and
3. Name and address of establishment which prepared and packaged product.

(d) Section 3-301.11(B) of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., specifies that food service employees shall not contact ready-to-eat food with bare hands. Under the language “When otherwise approved” in Section 3-301.11(C) of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., food service employees may contact ready-to-eat foods with their bare hands if the operator of the public food service establishment maintains a written alternative operating procedure which addresses all of the following components:

1. Identification of:
 - a. Specific work area(s), such as the sandwich prep line or cook line;
 - b. Employee position(s) where bare hand contact with ready-to-eat foods will occur;
 - c. Actual food preparation processes where bare hand contact with ready-to-eat food will be used; and
 - d. Employees’ procedures for handling ready-to-eat foods, which must also include how cross contamination from touching raw animal food and ready-to-eat food is precluded.

2. Identified employee positions whose duties may include handling of ready-to-eat foods with their bare hands must receive professional hygiene training in accordance with subsection 61C-4.023(6), F.A.C., prior to any food handling activity. Training shall be provided to all employees assigned to positions which include handling ready-to-eat foods, emphasizing the importance of proper hand washing for all employees with bare hand contact with ready-to-eat food. Evidence of this training (content, employees, dates) shall be available to the division upon request.

3. Food service employees who handle ready-to-eat foods must thoroughly wash their hands before returning to their work stations and as needed during their work periods in accordance with the handwash requirements of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C. Additionally, these food service employees who handle ready-to-eat foods with bare hands shall use a chemical hand sanitizing solution which must comply with the specification provided in Section 2-301.16(C) of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C. The establishment must also fully comply with Sections 5-203.11(A) and

5-204.11 of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., regarding the number and location of hand washing lavatories.

4. The person in charge of the public food service establishment is responsible for verifying, prior to any food handling activity, that all food handling employees are in compliance with Sections 2-201.11, 2-201.12, and 2-201.13 of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., as those sections relate to employee health status, exclusions, and restrictions.

5. The public food service establishment's written alternative operating procedure must provide an effective way to monitor employees to verify compliance with the requirements of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., and the establishment's written alternative operating procedure. The written alternative operating procedure must also describe the corrective actions the operator must take when the procedure is not followed. All food service employees, including the operator, manager, or any supervisory position, who handle ready-to-eat foods with bare hands must comply with all requirements of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., and the public food service establishment's written alternative operating procedures.

6. The division shall approve written alternative operating procedures. Such approval may be obtained by completing DBPR Form HR 5022-049, ALTERNATIVE OPERATING PROCEDURE (AOP), incorporated herein by reference and effective 2009 October 15, which includes all information required in a written alternative operating procedure. DBPR Form HR 5022-049 is not required to obtain approval. The division will accept written procedures in another format as long as the written alternative operating procedure contains all the necessary information.

(e) A copy of the written alternative operating procedure must be maintained and made available in each food establishment at all times for use by the person in charge and for review by the regulatory authority upon request. The written alternative operating procedure must be reviewed by the operator annually and modified as necessary. A verification of the annual review must be recorded as part of the written alternative operating procedure.

(f) If an employee of a public food service establishment is observed using bare hands to handle ready-to-eat foods and the establishment has failed to develop, maintain or make available a written alternative operating procedure; or, comply with any rule requirement relative to the use of bare hands, personal health, or professional hygiene, the division shall cite the establishment for noncompliance. Noncompliance on a second inspection within two years of the first infraction shall result in enforcement action in accordance with Section 509.261, F.S. A subsequent finding of noncompliance relative to the use of bare hands, personal health, or professional hygiene will result in enforcement action in accordance with Section 509.261, F.S., and the division will enforce no bare hand contact in accordance with Section 3-301.11(B) of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., until the establishment operator verifies completion of corrective action, including remedial training of all food preparation employees.

(g) If the division or other food regulatory authority is notified of a suspected foodborne illness outbreak in any public food service establishment which utilizes bare hand contact with ready-to-eat foods, the division will temporarily enforce no bare hand contact in the establishment in accordance with Section 3-301.11(B) of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., until the health authority determines whether a foodborne illness outbreak exists or until such time as the origin of the foodborne illness outbreak is confirmed. If the origin of the foodborne illness, specific to the implicated establishment, is determined to be a food service employee associated outbreak, the division shall pursue enforcement action in accordance with Section 509.261, F.S., and continue to enforce compliance with Section 3-301.11(B) of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., until the establishment operator verifies completion of corrective action, including remedial training of all food preparation employees.

(2) Examination and Condemnation of Food – Food may be examined by division personnel as often as necessary to determine freedom from unwholesomeness, adulteration or misbranding in accordance with the provisions of Section 509.032(4), F.S.

(3) Personnel – Except as specifically provided in this rule, personnel in public food service establishments shall be subject to the provisions of Chapter 2, Food Code, as adopted by reference in Rule 61C-1.001, F.A.C.

(4) Procedure When Infection Is Suspected – When the division has reasonable cause to suspect the possibility of disease transmission from any food service establishment employee, the division shall immediately consult with the state health officer or designee to provide epidemiological assistance or make other such investigation as may be indicated and take appropriate action in accordance with Part 2-2 of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., and these rules.

(5) Food Equipment, Utensils and Linens – Public food service establishments shall be subject to the provisions of Chapter 4, Food Code, as adopted by reference in Rule 61C-1.001, F.A.C.

(6) Physical Facilities – Except as specifically provided in these rules, the physical facilities at public food service establishments shall be subject to the provisions of Chapter 6, Food Code, as adopted by reference in Rule 61C-1.001, F.A.C. Public food service establishments and all property used in connection with their operations shall be kept free of litter. The walking and driving surfaces of all exterior areas of public food service establishments shall be effectively maintained to minimize dust. These surfaces shall be graded to prevent pooling of water.

(7) Bathroom Facilities – All bathroom facilities shall provide easy and convenient access to both customers and employees, and shall be located on the same floor of the premises served. For the purpose of this rule, the same floor includes any intermediate levels between the floor and ceiling of any room or space not to exceed a vertical height of 8 feet. Public food service establishments whose occupancy is incidental to another occupancy may use public bathroom facilities provided on the same floor. The travel distance may vary if adequate directional signs are provided and the number of fixtures is deemed satisfactory by the applicable local building authority. Easily cleanable receptacles shall be provided for waste materials and such receptacles in bathroom facilities for women shall be covered. Each public food service establishment shall maintain a minimum of one bathroom facility available for public use, except as provided herein:

(a) Mobile food dispensing vehicles, theme park food carts, vending machines, and public food service establishments or food vendors participating in temporary food service events shall not be required to provide public bathroom facilities.

(b) Public food service establishments located within arcades, malls, or flea markets may use centrally located bathroom facilities accessible to the customers and employees of the public food service establishments. Such centrally located bathroom facilities must be available for use during all hours of operation; located on the same floor as the public food service establishment; and must be accessible without entering another business.

(c) Public food service establishments located within theme parks and entertainment complexes may utilize centrally located bathroom facilities accessible to the customers and employees of the public food service establishments provided such bathroom facilities are reasonably accessible. For purposes of this section, reasonably accessible means within 300 feet of each establishment.

(d) Public food service establishments located within a public lodging establishment shall be permitted to utilize public bathroom facilities located within the public lodging establishment provided such bathroom facilities are available for use by the customers and employees of the public food service establishment during all hours of operation and are located on the same floor as the public food service establishment.

(8) Consumer Advisory. In addition to the consumer advisory provisions of Chapter 3, Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., public food service establishments serving raw oysters shall display, on menus, placards, or other effective means, the following notice: "Consumer Information: There is risk associated with consuming raw oysters. If you have chronic illness of the liver, stomach or blood or have immune disorders, you are at greater risk of serious illness from raw oysters, and should eat oysters fully cooked. If unsure of your risk, consult a physician."

(9) Obtaining forms. All forms incorporated in this section are available from the Division of Hotels and Restaurants Internet website www.MyFloridaLicense.com/dbpr/hr; by e-mail request submitted at www.myfloridalicense.com/contactus; by phone request to the department at (850) 487-1395; or upon written request to the Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

Rulemaking Authority 509.032, 509.221 FS. Law Implemented 509.032, 509.035, 509.221 FS. History–New 1-1-77, Amended 1-6-81, Formerly 10D-13.23, Amended 2-21-91, Formerly 10D-13.023, 7C-4.010, Amended 3-31-94, 9-25-96, 1-1-98, 7-2-98, 12-6-00, 2-27-05, 8-12-08, 6-13-10, 2-12-13.

61C-4.016 Temporary Food Service Events.

(1) Public food service establishments or food vendors at temporary food service events shall comply with all applicable sanitary requirements of this rule chapter and Rule 61C-1.004, F.A.C., unless otherwise provided in this section.

(2) Facilities.

(a) Specific requirements for the physical facility where the food service activity 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 extent of food preparation that is to be conducted at the temporary facility.

(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 4-30 days in length, the physical structure where the food preparation occurs shall be protected from the entrance of flying insects and other vermin.

(3) 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.

(4) 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.

Rulemaking Authority 509.032(2)(d), (6) FS. Law Implemented 509.032(2)(d), (3)(c), 509.221 FS. History—New 1-1-77, Amended 1-6-81, Formerly 10D-13.29, Amended 2-21-91, Formerly 10D-13.029, 7C-4.016, Amended 3-31-94, 9-25-96.

61C-4.0161 Mobile Food Dispensing Vehicles and Theme Park Food Carts.

(1) Except as otherwise specified in this rule, mobile food dispensing vehicles and theme park food carts shall comply with applicable requirements of Rules 61C-4.010 and 61C-4.023, F.A.C.

(2) Mobile food dispensing vehicles shall meet the following additional requirements:

(a) Food 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.

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

(c) Mobile food dispensing vehicles 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 dispensing vehicles must report to their commissary at least once daily.

(d) When a service area is provided at the commissary for cleaning and servicing mobile food units, the service area shall be physically separated from other food operations; shall be equipped to furnish potable water in accordance with applicable provisions of Chapters 62-550 and 62-555, F.A.C.; and shall provide facilities for the drainage and disposal of liquid wastes in accordance with applicable provisions of Chapter 64E-6 or 62-601, F.A.C., and the local building authority having jurisdiction. 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.

(e) The owner of each mobile food dispensing vehicle shall notify the division of each commissary they intend to utilize for support services before using the commissary by submitting DBPR HR-7022, COMMISSARY NOTIFICATION (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02628>), incorporated herein by reference and effective 2012 November 1.

(f) Mobile food dispensing vehicles shall not obtain water from or dispose of wastewater at a private residence or prepare food; store food products, equipment or utensils; or conduct warewashing or any other activities related to the public food service in a private residence. The exterior of the vehicle may be washed in any location, provided the wastewater does not create a sanitary nuisance.

(g) Self-sufficient mobile food dispensing vehicles are exempt from paragraphs (2)(c) and (2)(e) of this rule.

(3) Mobile food dispensing vehicles which limit the preparation of food to frankfurters only shall comply with all applicable requirements set forth in Rules 61C-4.010 and 61C-4.023, F.A.C., as well as the additional requirements set forth in paragraph (2)(a) and subsections (8)-(10) of this rule; except that:

(a) 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 vehicle and used to replace any utensils that become contaminated.

(b) Paragraph (2)(a) of this rule shall not apply when adequate precautions are utilized to prevent contamination of the frankfurters during cooking operations.

(c) Potentially hazardous foods such as chili, cooked onions and peppers, cheese, and cheese sauce may only be served in individually portioned and packaged or pre-packaged containers which are maintained at proper temperatures on the unit. Non-potentially hazardous foods such as relish, raw onions and peppers, and other such condiments may be served directly from the unit.

(4) Mobile food dispensing vehicles which fail to provide water and waste systems or which otherwise fail to meet all applicable requirements of this chapter shall not engage in food preparation except as permitted in subsection (3) of this rule. Such mobile food units shall handle only completely wrapped or packaged food which has been manufactured, processed, prepared, and

packaged in individual servings at an approved public food service establishment or a food processing plant and transported and stored in accordance with the provisions of this chapter. Bulk beverages from approved sources may be dispensed from covered urns or other protected containers.

(5) Mobile food dispensing vehicles may temporarily connect to an approved utility system for no more than one day's operation, if the utility system provides water, wastewater, or electricity adequate to meet the needs of the unit; bathroom facilities are available for employees in accordance with the local building authority having jurisdiction or, where no plumbing code has been adopted locally, with Chapter 64E-10, F.A.C.; and the unit returns to its base commissary as described in paragraph (2)(c) of this rule.

(6) A mobile food dispensing vehicle which conducts business within a theme park or entertainment complex may be stationary; may connect to an approved utility system; and shall be exempt from the further requirements of paragraph (2)(c) and subsection (5) of this rule.

(a) The mobile food dispensing vehicle shall designate a commissary within the theme park or entertainment complex. The designated commissary shall be equipped with a mobile cleaning unit that will travel from the commissary to the mobile food dispensing vehicle. The mobile cleaning unit will be based in a service area adjacent to the designated commissary as described in paragraph (2)(d) of this rule. The mobile cleaning unit shall be stocked with supplies to clean the interior and exterior of a mobile food dispensing vehicle. In addition, the mobile cleaning unit shall carry a supply of potable water sufficient to fill the mobile food dispensing vehicle's potable water tank, and shall be able to pump waste water from a mobile food dispensing vehicle into holding tanks on the mobile cleaning unit, if necessary. The mobile cleaning unit holding tanks shall be emptied in accordance with the provisions of paragraph (2)(d) of this rule.

(b) Mobile cleaning units shall be subject to the plan review requirements contained in paragraph 61C-1.002(5)(c), F.A.C.

(c) The mobile cleaning unit shall travel to and service the mobile food dispensing vehicle not less than once weekly or more often as needed to replenish supplies, clean the interior of the unit, or dispose of liquid or solid wastes.

(7) If a theme park has a servicing area to support its theme park food carts which meets the sanitation and safety standards of this rule, deviations from the provisions of this rule are allowed for theme park food carts, provided there is full compliance with the following additional requirements:

(a) The preparation of potentially hazardous foods shall be prohibited; except that, frankfurters and hamburger patties, obtained from approved sources, which prior to service require no further preparation except cooking, may be served. Potentially hazardous food, which has been portioned for individual service at an approved fixed food service establishment, may be served from an enclosed theme park food cart as long as the food is protected from contamination by way of enclosures with self-closing doors, screens, air curtains, or other approved methods. Sandwich fillings may be individually portioned from protected containers. Condiments may be served individually packaged, from approved dispensers, or by the operator as a part of food preparation. Theme park food carts shall operate adjacent to or within 300 feet of the support facility.

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

(c) Food and food-contact surfaces shall be protected from rain, dust, rodents, insects and customer contamination. Where necessary to prevent such contamination, overhead protection and effective shields or air curtains shall be provided.

(d) All food carts, when used, shall be cleaned and serviced at least once daily.

(e) At the end of each period of operation, all foods and supplies shall be stored in the theme park's commissary or at an approved fixed food service establishment within the park.

(f) Each theme park food cart other than those offering only packaged shall provide employees with adequate and conveniently located handwashing facilities equipped with running hot and cold water, hand cleansing soap or detergent, and approved sanitary towels or other approved hand-drying device.

(g) An adequate supply of sanitized, covered, or wrapped spare preparation or serving utensils shall be maintained in the theme park food cart and used to replace any utensil that becomes contaminated. All multi-use preparation and serving utensils used in theme park food carts shall be washed and sanitized daily at the theme park's commissary or at an approved fixed food service establishment within the park.

(h) All storage cabinets must be of closed construction to prevent the entrance of vermin.

(8) Fire extinguishing equipment and liquified petroleum gas appliances, equipment, apparatus or containers shall be installed, approved, maintained, and used in accordance with the Florida Fire Prevention Code as approved by the local fire authority.

(9) Copies of all forms adopted in this section are available from the Division of Hotels and Restaurants Internet website www.MyFloridaLicense.com/dbpr/hr; by e-mail request submitted at www.MyFloridaLicense.com/contactus; by phone request to the department at (850) 487-1395; or upon written request to the Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

Rulemaking Authority 509.032, 509.221 FS. Law Implemented 509.032, 509.101, 509.211, 509.215, 509.221 FS. History—New 2-21-91, Formerly 10D-13.0291, 7C-4.0161, Amended 3-31-94, 9-25-96, 5-11-98, 7-2-98, 2-12-08, 8-12-08, 6-13-10, 11-1-12, 7-4-13.

61C-4.020 Vending Machines.

(1) Vending machines regulated under Chapter 509, F.S., shall be subject to applicable provisions of Rules 61C-1.004 and 61C-4.010, F.A.C.

(2) 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 division in accordance with provisions of subsection (4) of Rule 61C-4.010, F.A.C. A record of such cleaning and sanitizing operations shall be maintained and available for inspection 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.

(3) Equipment location – Vending machines, ovens and other equipment shall be located in a room, area or space which is 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 easily 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.

(4) 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 a 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) Where used, kickplates shall be easily removable or be capable of being rotated. These kickplates shall be designed and installed to make the area under the machine easily accessible for routine cleaning without unlocking the cabinet door.
- (f) 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.

Rulemaking Authority 509.032(2)(d), (6) FS. Law Implemented 509.032(2)(d), (3)(a), 509.221 FS. History—New 1-1-77, Amended 1-6-81, Formerly 10D-13.33, Amended 2-21-91, Formerly 10D-13.033, 7C-4.020, Amended 3-31-94, 9-25-96.

61C-4.023 Food Protection Manager Certification and Public Food Service Employee Training.

(1) All managers who are responsible for the storage, preparation, display, and serving of foods to the public shall have passed a certification test approved by the division demonstrating a basic knowledge of food protection practices as adopted by the division. Those managers who successfully pass an approved certification examination shall be issued a certificate by the certifying

organization, which is valid for a period of five years from the date of issuance. Each licensed establishment shall have a minimum of one certified food protection manager responsible for all periods of operation. The operator shall designate in writing the certified food protection manager or managers for each location. A current list of certified food protection managers shall be available upon request in each establishment. When four or more employees, at one time, are engaged in the storage, preparation or serving of food in a licensed establishment, there shall be at least one certified food protection manager present at all times when said activities are taking place. The certified food protection manager or managers need not be present in the establishment during those periods of operation when there are three or fewer employees engaged in the storage, preparation, or serving of foods. It shall be the responsibility of the certified food protection 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.

(2) Temporary food service vendors and vending machine operators, licensed pursuant to Chapter 509, Part I, F.S., are exempt from the manager certification requirements of this section.

(3) The Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs, as adopted by the Conference for Food Protection on August 4, 2008 and herein adopted by reference, shall be the division standard for the recognition of certifying organizations who provide food manager certification examinations. A copy of the Standards for Accreditation of Food Protection Manager Certification Programs is available on the Conference for Food Protection website at www.foodprotect.org. The Division of Hotels and Restaurants shall accept all certification examinations approved by the Conference for Food Protection. Certifying organizations that are accredited by a Conference for Food Protection sanctioned accreditor shall be recognized by the division as approved providers of a Food Protection Manager Certification Program.

(4) Public Food Service Employee Training.

(a) All public food service employees must receive training on professional hygiene and foodborne disease prevention. Professional hygiene includes personal cleanliness and hygienic practices in accordance with the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., and techniques to prevent cross contamination. Foodborne disease prevention training must include the types and causes of foodborne illness, identification of potentially hazardous food, and how to control or eliminate harmful bacteria in a public food service establishment.

(b) Public food service employees must receive training which relates to their assigned duties. Employees who prepare foods must be knowledgeable about safe methods of thawing, cooking, cooling, handling, holding and storing foods. Service personnel must be knowledgeable about safe methods of serving food. Employees who clean equipment and facilities must be knowledgeable about proper cleaning and sanitization methods. Employees responsible for maintaining the premises must be knowledgeable about proper vermin control methods as specified in the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C.

(c) Licensees who provide in-house employee training shall make available on the premises of the establishment, or in a theme park or entertainment complex in a central location, upon the division's request, the curriculum and materials used to conduct training. If training is obtained from an outside provider, the licensee must provide, upon the division's request, information about the selected training program and methods used to evaluate training outcomes. Training outcomes include employees correctly applying procedures and answering questions relative to assigned duties. Employees must safely perform their work duties in a manner consistent with the requirements of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C.

(d) Public food service employee training may be provided through written materials, interactive distance learning, in-person instruction, or any other method of delivery that conveys the necessary information, so long as the training program has been approved by the division and complies with all requirements in this subsection and Section 509.049, F.S. Regardless of the delivery method, each employee training certificate and card provided to the student upon completing the public food service employee training program must include the provider number assigned by the division, and the name and certificate number of the certified food manager responsible for providing the training.

1. For the purpose of this rule, "interactive distance learning" means the delivery of an approved public food service employee training program via the internet or other interactive electronic media. Such training must be interactive, providing for the exchange of information at regular intervals to promote student involvement, and must provide for the registration, evaluation, monitoring, and verification of public food service employee training. Interactive distance learning training programs must require the student to complete and submit a statement at the end of the course that the student personally completed each module of instruction. Interactive distance learning must not require passage of an examination to complete the training.

2. Each provider of an approved public food service employee training program provided through interactive distance learning

is responsible for verifying student identification upon each log-in and at regular intervals, and ensuring that one student registration cannot be used to complete the training program more than one time. Student identification verification may be based upon information obtained at the time of registration.

3. Each provider of an approved public food service employee training program must notify the division in writing that it will provide the training program through interactive distance learning. Such notification must include the approved program provider number; the form of electronic media utilized; the internet address for the training program, if provided through the internet; and the name and certificate number of the certified food manager responsible for maintaining and updating the information provided by the training program. The approved provider must notify the division in writing of any changes to the required information within 30 days of the change.

Rulemaking Authority 509.032, 509.039, 509.049 FS. Law Implemented 509.039, 509.049 FS. History—New 2-21-91, Amended 5-12-92, Formerly 10D-13.037, 7C-4.023, Amended 3-31-94, 10-9-95, 1-18-98, 2-7-01, 8-12-08, 6-30-10, 8-10-11.

61C-3.001 Sanitation and Safety Requirements.

The following requirements and standards shall be met by all public lodging establishments.

(1) Glassware, tableware, and utensils.

(a) The handling, cleaning, and sanitizing of glassware, tableware, and utensils in public lodging establishments shall be subject to the provisions of Chapter 4, Food Code, as adopted by reference in Rule 61C-1.001, F.A.C. As referenced in this chapter of the Food Code, the term "food establishment" shall apply to all public lodging establishments as defined in Chapter 509, F.S.

(b) Any public lodging establishment which cannot comply with this provision shall post in a conspicuous place in each guest room where dishware, glassware, kitchenware or utensils are provided, a placard or sign which contains the following statement, or its equivalent:

"NOTICE TO GUESTS: Dishware, glassware, kitchenware and/or utensils have been provided in this room as a guest convenience. These items have been cleaned within this room or unit using ordinary household dishwashing facilities and agents. They have not been sanitized according to Federal and State standards for public food service establishments."

(2) Kitchen and kitchen equipment –

(a) Kitchen appliances and refrigeration equipment shall be kept clean, free from odors and in good repair. Refrigerators shall be properly drained. Kitchens shall be ventilated to minimize the occurrence of excessive heat, steam, condensation, vapors, objectionable odors, smoke, and fumes. Kitchens must also have at least 10 foot candles of light, sufficient and suitable cooking utensils, and adequate garbage receptacles.

(b) A kitchen sink with hot and cold running water under pressure is required.

(3) Ice.

(a) Ice making machines shall utilize water from an approved source pursuant to Chapters 62-550 and 62-555, F.A.C., and shall be constructed, located, installed, operated, and maintained so as to prevent contamination of the ice. Ice obtained from outside the establishment shall be from a source approved under Chapter 500, F.S. Ice storage bins shall be drained through an air gap according to the provisions of the local building authority having jurisdiction.

(b) 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 and other ice containers shall be made of a smooth, nonabsorbent, impervious material; shall be designed to facilitate cleaning; shall be kept clean; and shall be stored and handled in a sanitary manner. Ice buckets and other ice containers must be cleaned and sanitized between each guest or be provided with a sanitary single-service liner which is changed at least daily. Between uses, ice containers used to transfer ice from ice making machines to ice storage bins shall be stored in a way that protects the ice containers and ice-dispensing utensils from contamination.

(c) 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 made of a smooth, nonabsorbent, impervious material; shall be designed to facilitate cleaning; and shall be kept clean. Ice-dispensing utensils shall be stored on a clean surface, attached to a nonoxidizing chain or tether, and stored inside the ice bin or in the ice with the utensil's handle extended out of the ice.

(4) Locks – An approved locking device for the purposes of Section 509.211, F.S., is a locking device that meets the requirements of chapter 10, section 1008.1.8 of the 2007 Florida Building Code: Building. Public lodging establishments as defined in paragraph 61C-1.002(4)(a), F.A.C., shall have at least one approved locking device which cannot be opened by a non-master guest room key on all outside and connecting doors. An approved locking device does not include a "sliding chain" or "hook and eye" type device.

(5) Balcony Inspection.

(a) As provided in Section 509.2112, F.S., every public lodging establishment which is 3 or more stories in height must submit to the division a certificate stating that any and all balconies, platforms, stairways, and railways have been inspected by a person who, through education and experience, is competent to inspect multi-story buildings and found by such person to be safe, secure, and free of defects. The term "balcony" is defined as a landing or porch that is accessible to or used by the public and shall include those portions of a building which are unenclosed, except by a railing, guardrail system, balustrade, or parapet. It shall also include those portions of a building which are enclosed by screening or other non-permanent building material.

(b) It is the responsibility of the operator to verify the facts and credentials establishing the competency of the multi-story balcony inspector. Such verification shall be clearly stated on the applicable form.

(c) Certification of inspection shall be submitted on DBPR HR-7020, CERTIFICATE OF BALCONY INSPECTION (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02202>), incorporated herein by reference and effective 2012 November 14.

Copies of this form are available from the Division of Hotels and Restaurants Internet website www.MyFloridaLicense.com/dbpr/hr; by e-mail request submitted at www.myfloridalicense.com/contactus; by phone request to the department at (850) 487-1395; or upon written request to the Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

(d) The division and the applicable local government agency or office shall receive the Certificate of Balcony Inspection from hotels and motels on or before January 1 of every third year and from other public lodging establishments on or before October 1 of every third year.

(e) The operator shall keep a copy of the Certificate of Balcony Inspection, stamped with the date it was received by the district, available for inspection upon request.

(f) Upon change of ownership, the operator shall file a new Certificate of Balcony Inspection.

(6) Exemptions – Vacation rentals and nontransient apartments are exempt from subsection (1) of this rule. Establishments opting to provide any of the services listed in subsection (1) of this rule shall comply with the requirements described herein. Nontransient apartments are exempt from paragraph (2)(a) of this rule.

Rulemaking Authority 509.032, 509.2112 FS. Law Implemented 509.032, 509.211, 509.2112, 509.221 FS. History–Amended 1-20-63, Revised 2-4-71, Amended 9-19-84, Formerly 7C-3.01, Amended 12-31-90, Formerly 7C-3.001, Amended 3-31-94, 9-25-96, 1-18-98, 8-12-08, 3-24-10, 8-10-11, 4-1-13.