

(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, F.A.C.

(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 Rules 64E-11.005 and 64E-11.012 through 64E-11.013, F.A.C., 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 serve highly susceptible populations, or have three or more employees at one time engaged in the storage, preparation, display, 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. The certified manager or managers shall also maintain a copy of the establishment's most recent regular food service inspection form provided by the department. Employees shall present this inspection form to guests or patrons for their review upon their request.

(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. Testing programs that provide documentation to the department of current accreditation by an accrediting organization as defined in the Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs shall be considered as meeting the provision for testing programs of this section, provided that the Testing Program maintains its accreditation.

(4) Once approved, the testing program shall maintain and offer test(s) that comply with the current requirements of this chapter and shall notify and receive approval from the department prior to making any changes to the test. Within 120 days of receiving notification from the department that this chapter has undergone substantial changes, approved testing programs shall revise their certification test(s) to be consistent with the applicable changes and notify the department when such revisions have been completed.

(5) A test offered for compliance with this section shall be invalid when:

- (a) It has not been approved by the department; or
- (b) It is a previously approved test that has been changed without department approval; or
- (c) Any applicable requirement of subsection (4) of this section is not met.

(6) 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 Section 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, 7-14-03.

64E-11.013 Certificates and Fees.

(1) Certificate Required. 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 in the establishment.

(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, Application for Sanitation Certificate, 7/98, which is incorporated herein by reference and which can be obtained from the environmental health section of the county health department.

(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.