

THE FULL TEXT OF THE PROPOSED RULE IS:

CHAPTER 64E-12

~~COMMUNITY BASED RESIDENTIAL~~ GROUP CARE FACILITIES

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**64E-12.001 General.**

~~(1)~~ This rule chapter prescribes sanitary practices relating to construction, operation and maintenance of ~~community based residential~~ group care facilities (RGCF). If a requirement in this rule-chapter conflicts with a specific requirement in any other Florida state licensing agency's rule, then that agency's standards shall prevail and will be addressed by that agency's officials.

~~(2) Base camps of wilderness programs shall be exempt from subsections (6) and (7), of Rule 64E-12.005, F.A.C., of this chapter, and the mobile components of wilderness programs shall be exempt from all sections of this rule.~~

~~(3) Personal services may be provided to the residents through coordinated outsourcing by the community based residential facility or by a contract provider.~~

*Rulemaking Authority ~~381.006~~, 381.006(16) FS. Law Implemented 381.006(16), 386 FS. History—New 6-18-87, Formerly 10D-23.001, Amended 1-20-08,\_\_\_\_\_.*

## 64E-12.002 Definitions.

For the purpose of this rule, the following words and phrases must have the meaning indicated:

(1) Approved source – as defined in section 64E-11.002, F.A.C.

~~(1) Approved – means acceptable by law.~~

~~(2) Community Based Residential Facilities – means group care facilities as established under Section 381.006(16), F.S., used as a primary domicile by the resident and located in any building or buildings, section of a building, or distinct part of a building or other place, whether operated for profit or not, which undertakes, through its ownership or management, to provide for a period exceeding 24 hours, housing, food service, and one or more personal services for persons not related to the owner or administrator by blood or marriage, who require such services. This term does not include family foster homes as defined in Section 409.175(2)(e), F.S., or foster care facilities as defined in Section 393.063(15), F.S., and correctional facilities, such as detention centers, jails or prisons.~~

~~(2)(3) Department - means the Florida Department of Health and its representative county health departments.~~

(3) Direct supervision – supervision performed by an individual designated by the facility who is physically present at the site of an activity and available to respond to the needs of a resident or visitor.

(4) Disinfectant - a product registered with the United States Environmental Protection Agency (EPA) as a tuberculocidal disinfectant that is used in accordance with the manufacturer's instructions.

(5) Florida Building Code – refers to the 7<sup>th</sup> edition (2020) Florida Building Code, as adopted in Rule 61G20-1.001, F.A.C., effective June 2, 2020, incorporated herein by reference and obtained at <https://flrules.com/gateway/reference.asp/No=Ref.....>

~~(6)(4) Food pPreparation – means 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.~~

(7) Good repair – The satisfactory physical condition of an item that is not damaged, such as but not limited to, free from jagged or sharp projections, or other hazardous conditions and can safely be used for its intended purpose.

(8) Highly susceptible population – as defined in section 64E-11.002, F.A.C.

~~(9)(5) Hot wWater – a minimum water temperature of 100 degrees Fahrenheit (°F) or above. means water heated to a minimum temperature of 100 degrees Fahrenheit (°F).~~

~~(10)(6)~~ Law – means applicable statutes, rules, codes, or ordinances adopted by local, state, and federal agencies that have regulatory oversight or inspection authority.

~~(7)~~ Minor – means any person under the age of 18 years old.

~~(11)(8)~~ Open ~~w~~Water ~~h~~Hazard – means any body of water such as canals, creeks, holding ponds, rivers, lakes, or swamps which are unrestricted by a barrier at least 4 feet in height, on or abutting the property of a RGCF ~~community based residential facility~~. This term does not include pools or spas, and small ornamental fishponds, or above ground fountains which are less than 24 inches deep and have less than 200 square feet of total surface area.

~~(9)~~ Personal Services – means providing supervision, custodial care, or assisting a resident with the tasks or functions in their daily living activities, such as bathing, dressing, laundry, eating, ambulation, grooming, toileting, or monitoring medications.

~~(10)~~ Potentially Hazardous Food – means 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 capable of supporting:

~~(a)~~ Rapid and progressive growth of infectious or toxigenic microorganisms, or

~~(b)~~ The slower growth of *Clostridium botulinum*.

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

~~(12)(11)~~ Renovation – means any structural modification, addition, or equipment changes in the food storage, service, preparation, or dining area. This does not include replacing existing equipment with like equipment. Substantial renovation includes structural changes to an existing RGCF establishment which costs in excess of 33 percent of the assessed value of the facility as determined by the county property appraiser.

~~(13)(12)~~ Resident – means a person living in and receiving personal services from a RGCF. This does not include staff, community based residential facility, or personal services through coordinated outsourcing, typically due to a specific emotional, social, or health related condition.

~~(14)~~ Residential Group Care Facility (RGCF) a group care facility listed under section 381.006(15), F.S., operating 24 hours a day, used as a primary domicile by the resident and located in any building or buildings, section of a building, or distinct part of a building or other place, whether operated for profit or not.

~~(15)~~ Time/temperature control for safety (TCS) food – a food requiring time and temperature safety measures to control and limit pathogenic microorganism growth or toxin formation.

~~(16)(13)~~ Vector – ~~means~~ an organism that transmits a pathogen. This term includes, but is not limited to insects, rodents and bats.

~~(17)(14)~~ Wading ~~p~~Pool – ~~means~~ a temporary and portable pool that holds water, is less than 24 inches in depth, and without motors. It may also be known as a kiddie pool.

*Rulemaking Authority 381.006(16) FS. Law Implemented 381.006(16) FS. History–New 6-18-87, Amended 8-7-96, Formerly 10D-23.002, Amended 1-20-08,\_\_\_\_\_.*

#### **64E-12.003 Water Supply.**

(1) Water supplies ~~must~~ ~~shall~~ be adequate to serve the demands of the facility and ~~must~~ ~~shall~~ be constructed, operated and maintained in accordance with requirements of Chapters 62-550 and 62-555 or 64E-8, ~~F.A.C. Florida Administrative Code (F.A.C),~~

~~(2)(a) Routine Testing.~~ Facilities served by a drinking water system not regulated by Chapter 64E-8 or 62-550, F.A.C., ~~must~~ ~~shall~~ test the water by a certified laboratory and submit a written copy of the bacteriological water test results to the department’s local office. ~~local county health department (CHD):~~ Testing must occur:

~~(a)1.~~ Prior to ~~Before~~ opening the facility,

~~(b)2.~~ At least once every 12 months,

~~(c)3.~~ Upon relocation,

~~(d)4.~~ Before having the well placed in service after construction, repair, or modification, or

~~(e)5.~~ After an emergency such as a flood, that may introduce contaminants to the system.

(3) Testing can be obtained through the department’s local office or a certified independent laboratory. Test results that are positive for bacteriological contamination shall require the facility to provide potable water from an outside source approved by law for drinking, cooking, hand washing, and oral contact until the results are absent. Contaminated wells must be disinfected, flushed, and re-tested for bacterial contamination until the test results are negative or a new permanent, continuous, and safe potable water supply is provided.

~~(b) Test results must be negative for bacteriological contamination.~~

~~(c) Positive test results require the facility to temporarily provide potable water from a source approved by law for the purpose of drinking, cooking, and oral contact until test results are negative. In addition, wells that test positive shall be disinfected, flushed, and tested for bacterial contamination.~~

~~(d) Laboratory test results must be submitted to the local county health department in writing by the testing~~

laboratory.

~~(e) Testing can be obtained through the local county health department or a certified independent laboratory.~~

~~(4)(2) Drinking water must shall be accessible to all residents. When drinking fountains are available, they must comply shall be designed in compliance with the applicable plumbing provisions of the Florida State Building Code, as adopted in Rule 9B-3.047, F.A.C. When ~~no~~ approved drinking fountains are not provided or available, residents must shall be provided with single service cups or clean drinking utensils which must shall be stored and dispensed in a manner to prevent contamination. Common drinking cups are prohibited.~~

~~(5)(3) Hot and cold running water under pressure and at safe temperatures, not to exceed 120°F Fahrenheit at the faucet to prevent scalding, must shall be provided to all restroom hand wash sinks lavatories and bathing areas.~~

*Rulemaking Authority 381.006, 381.006(16) FS. Law Implemented 381.006(16) FS. History—New 6-18-87, Amended 8-7-96, Formerly 10D-23.003, Amended 1-20-08,\_\_\_\_\_.*

#### **64E-12.004 Food Service: Tiers and Catering.**

~~There are three tiers of food service, each with different minimal requirements based on facility type or the number of residents in care. A single Only one tier of food service, as listed in subsections (1), (2), (3) and (5), below, will be applied to any individual RGCF building, section of a building, or distinct part of a building providing food preparation or food service to the residents facility. The applicable tier is based on the maximum residents served by each food preparation area or food service area; except that when a building only contains individual living units where the residents prepare food for themselves, the tier is determined by the maximum capacity of each unit. In addition, any building, section of a building, or distinct part of a building Facilities receiving or providing catered food must meet applicable standards as described in subsections (3) and (4), below.~~

Any RGCF serving a highly susceptible population must be in accordance with the Pasteurized Foods, Prohibited Re-Service, Prohibited Food requirements of the standards for food protection governed by section 3-306.14 and section 3-801.11 (A-C), (E), (F), (H) of the Food Code, United States (US) Public Health Service, Food and Drug Administration (FDA), 2013 edition, (July 2022) as incorporated herein by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref XXXX>.

~~(1) **Tier I.** Any food preparation area or food service area serving Facilities meeting the definition of “adult family care home” regardless of the number of residents as defined in Section 429.65(2), F.S., and other community based residential facilities with a maximum eapacity to house up to of five (5) residents, must shall comply with the~~

following requirements:

(a) Food used in the facility ~~must shall~~ be clean, wholesome, free from spoilage and adulteration, and safe for human consumption. The use of home canned food is prohibited ~~Home canned food shall not be used~~. Canned food ~~must shall~~ be from approved sources ~~sources that are approved by law~~.

(b) The facility ~~must shall~~ protect the food from dust, vectors ~~flies, rodents and other vermin~~, toxic materials, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding by sewage, overhead leakage, and all other sources of contamination at all times during storage, food preparation, transportation both on and off premises, and during food service.

(c) Food storage equipment ~~must shall~~ be provided to keep all TCS ~~potentially hazardous~~ foods at safe temperatures, 41°F Fahrenheit or below or 135°F 140°F Fahrenheit or above, except during necessary periods of preparation and service. TCS Potentially hazardous food ~~shall not be~~ have been held out of temperature; ~~more than four 4 cumulative hours during the course of thawing, preparation, service and cooling~~.

1. More than four (4) cumulative hours during the course of thawing. If thawed under running water, food must be cooled to 41°F or below before preparation.

2. More than two (2) cumulative hours during the course of preparation.

3. During the cooling process in which cooked TCS food must be cooled within 2 hours from 135°F to 70°F and within 6 hours to 41°F or below.

4. When prepared from ambient temperature ingredients or pre-chilled ingredients or both, must be cooled to 41°F or below prior to serving.

(d) At least one sink with hot and cold potable water under pressure ~~must shall~~ be provided in the area where food is prepared and utensils are washed ~~food preparation area~~.

(e) All multi-use eating and drinking utensils must be thoroughly cleaned with hot water and an effective detergent, then rinsed free of such solution.

(f) ~~(e)~~ Refrigeration units and hot holding food storage units used for the storage of TCS foods ~~potentially hazardous foods~~ must have shall be provided with a numerically scaled indicating thermometer accurate to plus or minus 2°F 3°F. The thermometer ~~must shall~~ be located in the warmest or coldest part of the units ~~as may be applicable and of such type~~ and so positioned situated that the temperature can be easily and readily observed.

(g) Refrigeration units provided by the facility and located in the residents' rooms must comply with paragraph

(f). These refrigeration units must be maintained by the facility. Refrigerators in resident rooms, belonging to the

resident, and not provided or used by the facility must all be clearly and uniformly marked.

(h)(f) Labeling and Dating. Food containers must be labeled with their contents and labels must correctly identify the contents of the container. ~~Potentially hazardous foods and potentially hazardous foods that are in a form which is edible without washing, cooking, or additional preparation, including previously cooked foods such as leftovers, must be stored in accordance with the date marking and disposition requirements of subsections 64E-11.004(14) and (15), F.A.C.~~

(i) Date marking of TCS foods must meet the following requirements:

1. TCS foods prepared by the RGCF facility and held for more than 24 hours must be clearly marked to indicate the date by which the food must be consumed or discarded. The food must be consumed or discarded within seven (7) days beginning on the day the food is prepared and must be held at a temperature of 41°F or below. The day of preparation must be counted as Day 1.

2. Ready-to-eat TCS foods preprepared and packaged commercially must be dated with the date the original container is opened at the facility and if the food is held for more than 24 hours after opening it must also indicate the date by which the food must be consumed or discarded. The food must be consumed or discarded within seven (7) days, beginning on the day the original container is opened, and must be held at a temperature of 41°F or below. The day the original container is opened must be counted as Day 1 and the date marked for consumption or discarding may not exceed the manufacturer's use-by date.

3. A TCS ingredient or a portion of a TCS food that is subsequently combined with additional ingredients must retain the date marking of the first-prepared ingredient.

4. Subparagraph 1. and 2. above do not apply to shellfish and individual meal portions served or repackaged for sale from a bulk container upon a consumer's request.

5. Subparagraph 1. and 2. above do not apply to deli salads, cultured dairy products, preserved fish products, shelf stable and dry fermented sausages, shelf stable salt cured products, and cheeses listed on page 453 of the Food Code Annex, United States (US) Public Health Service, Food and Drug Administration (FDA), 2013 edition, (July 2022) as incorporated herein by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=RefXXXX>.

(j) All persons that prepare, serve, or handle food, or wash equipment or utensils, must:

1. Wear clean outer garments and follow good personal hygienic practices when doing so;

2. Wash their hands thoroughly with soap and hot water after visiting a restroom, before starting food preparation or handling food, and as often as necessary to remove all contamination from their hands;

3. Not use tobacco in any form while performing any of these tasks; and

4. Not participate in any capacity of preparing, serving or handling food when infected with or is a carrier of a communicable or infectious disease-causing organism that can be transmitted by food or through the preparation of food, or has diarrhea, an infected wound or cut, a boil or lesion on skin, or a respiratory infection with cough and nasal discharge.

(k) The floor surfaces in kitchens and all rooms and areas in which food is stored or prepared and in which utensils are washed or stored must be of smooth, nonabsorbent material and constructed so that they can be easily cleaned and must be kept clean and in good repair.

(l) The ceilings, walls and shelving of all food preparation areas, food storage areas, utensil washing and handwashing rooms or areas must have smooth, easily cleanable surfaces. Walls must be washable up to the highest level reached by splash or spray.

(m) TCS foods not in compliance with paragraph (l) of this subsection must be discarded.

(n) Different types of raw animal products such as beef, fish, lamb, pork, or poultry must 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.

(o) No live animals shall be kept or allowed in the food storage, preparation and serving area.

(p) Poisonous and toxic materials are prohibited in food service areas except those used for maintaining the area, cleaning and sanitizing equipment and utensils, and for pest control purposes.

1. Poisonous and toxic materials must be stored separate from food, food equipment, utensils, or single-service articles.

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

3. Poisonous and toxic materials must be used in full compliance with the manufacturer's labeling and must not be used in a way that constitutes a hazard to employees or other persons, or contaminates food, equipment, or utensils.



4. First-aid supplies and personal medications must be stored in a way which prevents the contamination of food or food-contact surfaces.

(2) **Tier II.** Except as described in subsection (1), above, any food preparation area or food service area serving if food service is provided in a facility with a maximum of capacity to house from 6 to 10 residents, the facility must ~~shall~~ comply with the following requirements:

(a) All requirements specified in subsection 64E-12.004(1), except for paragraph (d).

~~(b)(a)~~ In Chapter 64E-11, F.A.C.:

1. Section Rule 64E-11.002, F.A.C., Definitions, and

2. Subsections 64E-11.003(1)(a)(b), (2)(a)(b), and (3)(a)(b), F.A.C., Food Hygiene Standards. Rule 64E-11.003, F.A.C., Food Supplies,

3. Rule 64E-11.004, F.A.C., Food Protection

4. Subsections 64E-11.005(1), (2)(b), (c), (e), (f), (3), (4), (5), F.A.C., Personnel,

~~35.~~ Subsections 64E-11.013(3)(g)1., 2., 3b., 4., F.A.C.

~~(c)(b)~~ Facilities opening, initially licensed by the licensing agency, or renovating on or after January 1, 2008, shall, Prior prior to opening, constructing, or renovating construction or renovation of a food service operation or prior to substantial facility renovation, the RGCF must notify the department in writing and provide plans of the proposed construction or renovation, for review and approval at least 90 days prior to the start of the project. at least 90 days prior to commencement and provide plans for each building or dwelling to be opened, constructed, or renovated. Plans must shall be submitted by the owner, prospective operator, or their designated representative. These plans must be reviewed by the department for approval or denial prior to opening or project commencement. The department must grant or deny approval of the plans in writing. All plans must shall be in compliance with this section, must be shall be drawn to scale, and must describe the layout, construction, finish schedule, general operation of the facility, equipment design and installation, and similar aspects of the facility's food service operation. A copy of the intended menu must shall be provided to the department as part of the plan review.

~~(e)~~ The floor surfaces in kitchens, all the rooms and areas in which food is stored or prepared and in which utensils are washed or stored, shall be of smooth, nonabsorbent material and constructed so they can be easily cleaned and shall be kept clean and in good repair.

~~(d)(e)~~ Hot and cold running water under pressure must shall be easily accessible where food is prepared and where utensils are washed.

(e)(f) A handwashing sink, provided with hot and cold running water under pressure, ~~must shall~~ be located within the food preparation area. A sign must be posted clearly designating the sink for handwashing purposes. A handwashing sink ~~must shall~~ not be used for any other purpose. ~~Facilities inspected and approved by the department prior to January 1, 2008, are exempt from this requirement until such time as kitchen renovation will occur or substantial renovation will occur at the facility.~~

(f)(g) In addition to the designated one compartment handwashing sink in paragraph (e)(f), above, a two compartment sink or one compartment sink and a residential ~~use~~ dishwasher ~~must shall~~ be provided for warewashing. Notwithstanding the provisions in subsection (e)(f), above, if a facility has a two compartment sink and a residential dishwasher, one compartment of the two compartment sink can be designated as a handwashing sink when labeled and used exclusively as such. ~~Existing facilities shall have until December 31, 2008, to comply with this requirement.~~

(g)(h) Multi-use equipment and utensils ~~must shall~~ be constructed and repaired with materials that are non-toxic, corrosion resistant and nonabsorbent; and ~~must shall~~ be smooth, easily cleanable and durable under conditions of normal use; and ~~must shall~~ not impart odors, color or taste nor contribute to the contamination of food.

(i) ~~All multi-use eating and drinking utensils shall be thoroughly cleaned with hot water and an effective detergent, then shall be rinsed free of such solution.~~

(j) Refrigeration units and hot food storage units used for the storage of potentially hazardous foods shall be provided with a numerically scaled indicating thermometer accurate to plus or minus 3° Fahrenheit. The thermometer shall be located in the warmest or coldest part of the units as may be applicable and of such type and so situated that the temperature can be easily and readily observed.

(k) ~~Potentially hazardous foods and potentially hazardous foods that are in a form which is edible without washing, cooking, or additional preparation, including previously cooked foods such as leftovers, must be stored in accordance with the date marking and disposition requirements of subsections 64E-11.004(14) and (15), F.A.C.~~

(l) ~~The facility shall protect food and food equipment from all sources of contamination at all times during storage, food preparation, service, and transportation both on and off premises.~~

(m) ~~Live animals and pets living in or visiting a community-based residential facility shall not enter the kitchen or any food preparation areas when food is being prepared or served. Preventing pets and animals from entering the kitchen or food preparation areas must be effective and may consist of passive restraint through obedience training, use of physical barriers such as a gate, physical restraint such as limiting the animal to a room outside of the kitchen~~

~~or food preparation area, or any other effective means. Animals and pets shall not be fed, watered, bedded, kept, or caged in the kitchen, food preparation, food storage, or dining area. Animal care supplies shall not be kept in the kitchen or other food storage areas. If live animals have access to kitchen and dining areas during non food preparation and service times, then the facility shall effectively sanitize the dining tables, kitchen counter top surfaces, food preparation surfaces, and other similar surfaces immediately before the next meal service or food preparation begins. Persons handling or having direct physical contact with an animal must wash their hands immediately prior to preparing or serving food.~~

~~(h)(n)~~ As part of an organized activity, residents may participate in food preparation under direct supervision of the designated staff person in charge of food service activities, who is knowledgeable in food hygiene safety.

~~(e) Labeling. Food containers shall be labeled with their contents and labels shall correctly identify the contents of the container.~~

(3) **Tier III.** If food service is provided in a RGCF that is a hospice facility, or a facility with any food preparation area or food service area serving or with a maximum capacity of 11 or more residents, it must shall comply with all requirements of Chapter 64E-11, F.A.C. ~~Existing facilities shall have until December 31, 2008, to comply with the requirements of Chapter 64E-11, F.A.C., except for item paragraph (b), below.~~

(a) Any organized food preparation activity in which residents may participate in food preparation as part of the organized activity must be under the direct supervision of a trained food service employee, per section Rule 64E-11.012, F.A.C. This does not apply to specific designated therapeutic classes with activities for an individual or a group of individuals provided by a licensed occupational or physical therapist as part of their occupational, physical, or rehabilitation therapy activities to regain basic self-sufficiency skills.

~~(b) Facilities with capacities of 11-24 residents that have been in continuous operation since initial regulation or licensing by the department prior to January 1, 2008, are exempt from subsection 64E-11.008(7), F.A.C., until the facility remodels the kitchen or dining area, or substantially remodels the facility.~~

(4) **Tier IV. Catering.** ~~If food is catered from outside sources, the caterer shall be licensed or regulated by a state or federal regulatory food program. If a community based residential facility caters additionally to outside sources, it must meet all Chapter 64E-11, F.A.C., licensing standards. When catering services are used or provided by a RGCF the following requirements must be met:~~

(a) Catering in - When catering is provided as the primary means of food supply to the residents, a copy of a current catering agreement ~~must shall~~ be provided to the local county health department at least annually and when a

change in the agreement occurs. The agreement ~~must~~ shall minimally include the designated delivery times, method of hot and cold holding once food is delivered, whether bulk or individually portioned food will be provided, and a designated responsible party for cleaning and sanitizing any multi-use equipment and utensils.

~~1.(b) Upon delivery of catered food to a community based residential facility,~~ Catered food must be adequately protected from contamination. Each The facility or building must shall maintain a daily log indicating the date and time of delivery, name or type of TCS potentially hazardous food(s), name of individual receiving the food, and using an accurate food thermometer measure and log the food temperatures upon arrival. An accurate probe thermometer must be available to record the temperatures of the food being delivered. The thermometer used to measure food temperatures must be accurate to plus or minus 2°F. Entries in the log must shall be made at the time of delivery. These temperature logs must shall be maintained and retained at the facility for a period of not less than six (6) months. The records required by this section must be made available for review by the department upon department request.

~~2.(e) If outside catering in is not the primary means of food supply to the RGCF facility, and the RGCF facility only partakes in the occasional carry-out or delivery of items, such as pizza, wings, sub-sandwiches, fried chicken, accompanying side dishes, or barbequed food, the catering requirements listed in paragraph paragraphs (a) and (b) above, do not apply.~~

(b) Catering out - When any building caters food outside of the building, it must meet all requirements of section 381.0072, F.S., and Chapter 64E-11, F.A.C.

(5) **Old Tier II.** If food service is provided in the facility for 11 or more, but fewer than 25, residents in care, and has been in continuous operation prior to January 1, 2008 with no change of ownership, no capacity change, and no substantial renovations, the facility must comply with the following requirements:

(a) All requirements specified in subsections 64E-12.004(1)(f, k, l, and o) and 64E-12.004(2), except for paragraph (h).

(b) All multi-use eating and drinking utensils must be thoroughly cleaned with hot water and an effective detergent, then rinsed free of such solution, then effectively sanitized as defined in Chapter 64E-11, F.A.C.

(c) A three compartment sink or a two compartment sink and a dishwasher with an effective, automatic sanitizing cycle, shall be provided. Machine sanitization may be accomplished by the use of chemical solutions, hot water or hot air. After sanitizing, utensils must be air dried and properly stored. Other types of warewashing devices may be approved by the department.

(d) Facilities will not be governed by section 6-202.112, Living or Sleeping Quarters, Separation, of the Food Code, United States (US) Public Health Service, Food and Drug Administration (FDA), 2013 edition, (July 2022) as incorporated herein by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref XXXX>, until the facility remodels the kitchen or dining area, substantially remodels the facility, or its capacity increases.

*Rulemaking Authority 381.006(16), 381.0072(2)(a) FS. Law Implemented 381.006(16), 381.0072(2)(a), (b), (c) FS. History—New 6-18-87, Formerly 10D-23.006, Amended 1-20-08, \_\_\_\_\_.*

#### **64E-12.005 Housing.**

(1) The RGCF facility must shall provide safe and sanitary housing free from objects, materials, and conditions of an environmental origin that constitute a danger to the residents. All furnishings provided by the RGCF must be in good repair and kept clean. A RGCF has no responsibility to manage a resident's personal furniture, except when it is necessary for the safety of the resident or the facility.

(2) Floors, walls, ceilings, windows, doors and all appurtenances of the structures must shall be in good repair of sound construction, properly maintained, easily cleanable and must shall be kept clean.

(a) Floor surfaces must shall be of non-slip type and maintained free of loose or broken tiles and boards, holes, uneven projections, protruding nails, tears, splinters, water spillage and other tripping hazards. Bathtubs and showers must shall contain slip- ~~resistant~~ ~~resistent~~ strips, slip-~~resistant~~ ~~resistent~~ rubber bath mats, or slip-~~resistant~~ ~~resistent~~ surfaces.

(b) Wall surfaces must shall be maintained free of hazardous projections, splinters, loose moldings, and broken plaster.

(c) Overhead surfaces must shall be free of water damage, loose, missing or broken tiles, plaster, lath, or loose hanging fixtures, pipes and electric wiring.

(d) All external windows designed to open shall be accessible and operable.

(3) All housing facilities must shall be kept free of offensive odors by adequate cleanliness and proper ventilation.

(4) All areas of the facility must have lighting available for observation, safe ambulation, cleaning, and maintenance shall be well lighted. Bedrooms, Dormitories, bedrooms, toilets rooms, bathing rooms, shower rooms, and dayrooms must shall have light fixtures that provide capable of providing reaching at least 20 foot-candles of light illumination in all areas of the room, measured at a point out distance 36 inches horizontally away from the

source and 36 inches above from the floor to permit safe ambulation, observation, cleaning and maintenance. Light fixtures must shall be maintained to work as designed and kept clean. A light fixture may consist of a lamp, attached illumination device, or other freestanding detached illumination device capable of meeting the requirements in this subsection.

(5) All areas of the facility occupied by residents, including sleeping rooms, common areas, hallways, bathrooms, and dining areas must shall have natural or mechanical ventilation.

(a) ~~Any~~ If natural ventilation is utilized, the opened window area used for natural ventilation purposes must shall be equal to one-tenth of the floor space. The windows must be able to open, have at least 16 mesh screening, and be in good repair.

(b) ~~When~~ Mechanical ventilation systems are employed, the systems must shall be maintained to operate as designed and kept clean. Intake air ducts must shall be designed and installed so that dust or filters can be readily removed for cleaning or replacement. ~~In resident occupied areas mechanical ventilation systems shall provide a minimum of 10 cubic feet of fresh or filtered recirculated air per minute for each resident occupying the area.~~

(c) All toilet rooms shall be provided with direct openings to the outside or provided with mechanical ventilation to the outside.

(6) All heating and cooling systems must comply with current building and fire codes, as determined by local building and fire officials. Mechanical cooling devices must be used and in working condition in those areas of buildings occupied by residents when inside temperatures exceed 85°F. Exceptions are made when the resident is capable and in control of the thermostat or cooling devices in their personal area. Adequate heating facilities must shall be provided to maintain a minimum temperature of 68°F ~~Fahrenheit~~, 20 inches above the floor in all resident occupied rooms.

~~(7) Mechanical cooling devices shall be used and in working condition in those areas of buildings occupied by residents when inside temperatures exceed 85° Fahrenheit. Exceptions are made when the resident is capable and in control of the thermostat or cooling devices in their personal area and chooses for it to exceed 85° Fahrenheit.~~

~~(8) All heating and cooling systems shall be consistent with current building and fire code rules applicable to the area where the facility is located, as determined by building and fire officials.~~

~~(9) All furniture and furnishings must be in good repair and kept clean.~~

~~(7)(10)~~ Plumbing must shall be maintained in compliance with the requirements of the applicable plumbing provisions of the Florida State Building Code, as adopted in Rule 9B-3.047, F.A.C., and §Section 553.73 553.06,

F.S.

(8) All restroom facilities accessible to the public and employees or shared by multiple residents must be furnished with soap, preferably liquid type, toilet tissue and dispenser, and single-use towels with a waste receptacle or an approved automatic hand-drying device. The use of common or public towels is prohibited; except individual resident restrooms which are only used by a single occupant or related occupants may use a common hand towel. Soap, towels, toilet tissue, and waste receptacle must be provided in individual resident restrooms and furnished by the RGCF; except when a written agreement exists between the RGCF and the individual resident assigning the responsibility to the resident, who is physically and mentally capable of obtaining and maintaining hygienic supplies independantly. In the case of written agreements shifting responsibility to the resident, the RGCF shall maintain a current listing on file of the rooms or units with such agreements and make the list and signed agreement available to the department upon request and at the time of inspection. Floors and plumbing fixtures for all restrooms must be in good repair, working order, free of leaks, and clean. Restrooms not located in individual residents rooms shall be cleaned and disinfected no less than once per day and as needed when soiled, and private restrooms must be cleaned no less than once per week. A restroom, located in an individual residents room, shall be cleaned at least once per week and as needed when soiled. Sewage and liquid wastes must be disposed in accordance with Chapter 62-600 or 62-6, F.A.C, whichever is applicable.

(9) The RGCF must establish written procedures, made available to the department upon request, for employees to follow when responding to vomiting or fecal events that contaminate the surfaces of the facility with vomit or fecal matter. The procedures must address the specific actions employees must take to minimize the spread of contamination, including disinfection of contaminated surfaces and reducing employees and residents exposure to the vomitus or fecal matter.

~~(11) Sanitary facilities shall comply with the requirements of Chapter 64E-10, F.A.C.~~

~~(12) Sewage and liquid waste shall be disposed of in accordance with Chapter 62-601 or 64E-6, F.A.C., whichever is applicable.~~

*Rulemaking Authority 381.006, 381.006(16) FS. Law Implemented 381.006, 381.006(6), (16) FS. History--New 6-18-87, Amended 8-7-96, Formerly 10D-23.009, Amended 1-20-08,\_\_\_\_\_.*

**64E-12.006 Pests, Bedbugs, Vector and Vermin Control.**

(1) Effective control measures ~~must~~ shall be utilized to minimize the presence of rodents, flies, cockroaches,

and other vectors and vermin and eliminate bedbugs on the premises. When instances of an infestation of either vector or vermin occur, the RGCF must use a licensed or certified exterminator to eradicate the infestation. The primary means of pest control ~~must~~ shall be the use of integrated pest management (IPM) systems and tools. Facilities must operate IPM programs in accordance with the EPA IPM Principles, which employ the use of effective measures to prevent harborage, propagation, or infestations of disease carrying vectors and vermin on RGCF premises. This may be accomplished through the use of EPA publication no. 907K21002. Integrated Pest Management in Health Care Facilities Toolkit 2021 (July 2022), incorporated herein by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref XXXX>. IPM tools, such as “Integrated Pest Management for Schools: How to Manual,” dated May 2, 2006, which are recognized by the United States Environmental Protection Agency, are approved practices for the control of pests throughout a residential facility. The manual is available at <http://www.epa.gov/pesticides/ipm/schoolipm/index.html> or by writing for a free copy to EPA Pesticides Section, U.S. EPA Region 9, 75 Hawthorne Street (CMD-5), San Francisco, CA 94105. Use of IPM systems and tools does not restrict the use of licensed pest control companies or individuals.

(2) The creation, maintenance or causing of any condition capable of propagating vectors and vermin is prohibited ~~will not be permitted~~. All buildings building and other furnishings must shall be effectively maintained rodent-proofed and rodent free. All outside openings ~~must~~ shall be effectively sealed or screened with at least 16 mesh screening or equivalent, to prevent entry of any insects, rodents, or other vectors, and vermin. ~~except in wilderness programs when mosquito netting is provided to each resident.~~

(3) All RGCF’s must maintain a written policy on site specifying the guidelines related to bed bugs and the intake of new or returning residents. Each RGCF must ensure new personnel, who handle the intake of new or returning residents as part of their work responsibilities, receive a copy of this policy prior to commencement of these duties. Documentation attesting receipt of the policy must be maintained. The bed bug policy and attestation documentation must be available for review by the department annually and upon request.

*Rulemaking Authority 381.006, 381.006(16) FS. Law Implemented 381.006, 381.006(16) FS. History—New 6-18-87, Amended 8-7-96, Formerly ~~Formerly~~ 10D-23.010, Amended 1-20-08, \_\_\_\_\_.*

#### **64E-12.007 Bedding, Towels, Clothing and Personal Items.**

Beds, mattresses and bedding ~~must~~ shall be provided by the RGCF or the resident and kept in good repair and must shall be cleaned regularly. Mattresses and pillows ~~must~~ shall have cleanable, non-absorbent covers which ~~must~~ shall



be cleaned between uses by different residents. Sheets, towels, pillow covers and personal clothing ~~must shall~~ be washed at least weekly or as necessary. Blankets ~~must shall~~ be washed or dry cleaned as necessary and between uses by different residents. Blankets, sheets, pillow covers, towels, and clean clothing ~~must shall~~ be stored in a clean, dry place between laundering and use. Separate, individually assigned spaces ~~must shall~~ be provided for storage of personal items and toiletries.

*Rulemaking Authority 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History—New 6-18-87, Formerly 10D-23.011, Amended, \_\_\_\_\_.*

#### **64E-12.008 Laundry.**

(1) ~~When~~ ~~Where~~ laundry facilities or rooms are provided, they ~~must shall~~ be adequate to ensure an ample quantity of clean clothing, bed linens, and towels. Laundry facilities ~~must shall~~ be of sound construction, ~~and shall~~ be kept clean, free of lint-build up, and in good repair. Adequate space and equipment must shall be provided for the complete separation of clean and soiled laundry clothing, linen and towels.

(2) Laundry rooms ~~must shall~~ have electrical light fixtures that provide at least 30 foot-candles of illumination, ~~be kept clean and free of lint-build up~~, and be properly ventilated as specified in the applicable building provisions of the Florida State Building Code, ~~as adopted in Rule 9B-3.047, F.A.C.~~ Lighting will be measured 30 inches above the floor. Clothes dryers ~~must shall~~ be vented to the exterior. Carts used for transporting dirty clothes, linens and towels ~~must shall~~ not be used for transporting clean articles unless they have first been thoroughly cleaned and sanitized.

*Rulemaking Authority 381.006, 381.006(16) FS. Law Implemented 381.006, 381.006(16) FS. History—New 6-18-87, Formerly 10D-23.012, Amended 1-20-08, \_\_\_\_\_.*

#### **64E-12.009 Medications, Alcohol, Poisonous ~~and/or~~ Toxic Substances.**

(1) Poisonous ~~and or~~ toxic substances ~~must are to~~ be stored in locked areas apart from food and other areas that would constitute a hazard to the residents. Containers holding ~~All containers containing~~ poisonous and toxic substances must be clearly labeled ~~labeled~~ to indicate their contents.

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

~~(3)(2) All toxic, poisonous, and alcoholic substances shall be kept in locked areas, such as a locked office,~~

~~locked cabinet, or locked cupboard at all times when not in use. This does not apply to alcoholic beverages.~~

Alcoholic beverages provided by the RGCF must shall be kept out of a child's reach at all times.

~~(4)(3)~~ Medications must shall be kept in locked areas, ~~such as a locked office, locked cabinet, or locked box~~ at all times when not in use. ~~This is in addition to a childproof medicine bottle cap, lid, or other packaging.~~ Exceptions are extended to adults capable of self-medication, including lifesaving life-saving medications such as epinephrine pens, insulin, nitroglycerin, or rescue asthma inhalers that may be needed by the resident who is capable of self-medication in an emergency ~~due to illness or disease.~~ All mMedicine containers or packaging must be clearly labeled indicating the prescribed individual's name and its contents. Medications requiring refrigeration ~~or which are stored in a food service or food storage area,~~ must shall be stored in a covered, leakproof container labeled as "Medication" or "Medicine" and stored in such a manner that it does they do not pose a contamination hazard to food; except in private rooms, where there is a resident provided refrigerator. The resident provided refrigerator, in the private room, shall be marked uniformly to easily identify it does not belong to nor is used by the facility.

*Rulemaking Authority 381.006, 381.006(16) FS. Law Implemented 381.006, 381.006(6), (16) FS. History—New 6-18-87, Formerly 10D-23.013, Amended 1-20-08, \_\_\_\_\_.*

#### **64E-12.010 Garbage and Rubbish.**

~~(1)~~ All garbage, trash and rubbish must shall be collected daily, ~~and placed in storage areas, facilities.~~ ~~Garbage shall be~~ and removed from storage areas facilities frequently enough to prevent a sanitary nuisance, as defined in Chapter 386, F.S. Wet garbage must shall be collected and stored in impermeable, leak-proof, fly tight containers pending disposal. All containers, storage areas and surrounding premises must shall be kept clean and free of vermin. The method of disposal must comply with local city or county ordinances or codes and not create a sanitary nuisance.

~~(2) The method of disposal shall not create sanitary nuisance conditions and shall comply with provisions of Chapter 62-701, F.A.C.~~

*Rulemaking Authority 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History—New 6-18-87, Amended 8-7-96, Formerly 10D-23.014, Amended \_\_\_\_\_.*

#### **64E-12.011 Recreational Area Areas Safety.**

(1) The recreational area must shall be safe and free from hazardous conditions. Recreational equipment must shall have no jagged or sharp projections or other hazardous construction, and must shall be maintained in good

repair and free of damage, in a structurally sound condition.

(2) Outdoor recreational areas must shall be well drained and kept free of litter and trash.

(3) When If swimming pools, spas, or open water hazards are located on the property of a RGCF, the RGCF must implement a written policy pertaining to water safety. The policy must include the following: identification of methods used to prevent drowning, including water safety barriers, devices and equipment; identification of steps for drowning survival, including signs of someone in trouble, procedures for using water safety devices and equipment, procedures for rescue and removal of a person from water, procedures for contacting emergency medical services and providing rescue breathing and cardiopulmonary resuscitation (CPR). The policy must be updated when regulations or facility procedures change.

(4) The RGCF must maintain an attestation from each employee acknowledging their understanding of the policy. The policy and attestations must be readily available for review by the department or upon request.

(5) When a RGCF has an open water hazard, or a pool or spa not currently regulated by Chapter 64E-9, F.A.C., located on its property, the RGCF must the facility shall provide direct supervision by an adult employee when in use or when the area is occupied by minors and other residents or visitors that cannot swim. The individual responsible for supervision during water activities or near water hazards must have completed an attestation as specified in paragraph (4) above and be CPR certified.

have successfully completed the community water safety course specified in paragraph (b), below.

(a) A wading or kiddy pool is not allowed.

(b) All community based residential facilities with swimming pools, spas, or open water hazards must have a person on staff who has completed a community water safety course administered by the American Red Cross, YMCA, or any aquatic training program granted approval under paragraph 64E-9.008(1)(d),

(6) (e) A RGCF community based residential facility with a pool or spa not currently regulated by Chapter 64E-9, F.A.C., must shall :

(a) Minimally, regardless of construction date, meet the barrier requirements in one of the following references: sections Section 424.2.17 through 424.2.17.3 of the 2004 Florida State Building Code for residential private swimming pools or sSection 515.29, F.S.; and

(b) (d) Equip Water safety devices shall be provided for residential pools with water safety devices. A shepherd's hook shall be provided securely attached to a one-piece one-piece pole not less than 16 feet in length, and at least one 18-inch 18-inch diameter lifesaving ring with sufficient rope attached to reach all parts

of the pool from the pool deck. Safety equipment ~~must shall~~ be mounted in a conspicuous place and be readily available for use. Residential spas and hot tubs are exempt from this requirement.

(7) No wading or kiddy pool is allowed at a RGCF.

*Rulemaking Authority 381.006, 381.006(16) FS. Law Implemented 381.006, 381.006(16) FS. History–New 6-18-87, Amended 8-7-96, Formerly 10D-23.015, Amended 1-20-08,\_\_\_\_\_.*

#### **64E-12.013 Animal Health and Safety.**

(1) Dogs, cats, and ferrets must meet rabies vaccination requirements prescribed in ~~Animals requiring rabies vaccination under s~~Section 828.30, F.S., ~~must be vaccinated for rabies~~ and their vaccinations must be current at the time of inspection. Proof of rabies vaccination or veterinary certification of vaccination exemption ~~must shall~~ be kept on the premises at all times for each animal and available upon request by the department.

(2) All animals must be kept in good health and free from disease or under treatment by a licensed veterinarian. Indoor animals frequenting the outside must have an annual screening for internal parasites by a licensed veterinarian. Any animal positive for internal parasites must be treated ~~appropriately~~ by ~~a the~~ licensed veterinarian. Animals being kept or having access to the indoors must be effectively treated for tick and flea control throughout the year to prevent infestations.

(3) Aggressive, venomous, or potentially dangerous animals must be restricted from access by the residents at all times and kept in such a manner so as not to be able to become free roaming and cause or inflict harm to the residents, visitors, or employees. These animals may not be housed in the residents' sleeping quarters.

*Rulemaking Authority 381.006(6), (16) FS. Law Implemented 381.006(6), (16) FS. History–New 1-20-08, Amended, \_\_\_\_\_.*