

**61C-4.010 Sanitation and Safety Requirements.**

(1) to (5) no change.

(6) Outdoor equipment is categorized as outdoor cooking equipment and outdoor kitchen equipment.

(a) As used in this subsection, the term “outdoor cooking equipment” means equipment used to prepare, serve or sell food items for immediate consumption, which is operated in conjunction with a permanent or mobile public food service establishment and is constructed with solid tight-fitting door(s) and a solid tight-fitting lid or overhead dome that are integral parts of the equipment.

1. Outdoor cooking equipment may be used to prepare individual and bulk portions of food items, and may be used for immediate service in response to a consumer’s order.

2. The addition of outdoor cooking equipment must meet the plan review requirements contained in paragraph 61C-1.002(5)(c), F.A.C.

3. The removal or relocation of previously approved outdoor cooking equipment must meet the plan review requirements contained in paragraph 61C-1.002(5)(c), F.A.C.

(b) As used in this subsection, the term “outdoor kitchen equipment” means equipment used for the storage and preparation of foods, which is operated in conjunction with a permanent or mobile public food service establishment. Outdoor kitchen equipment must be used in combination with at least one piece of outdoor cooking equipment.

1. Outdoor kitchen equipment may require overhead protection if evidence of environmental contamination is observed or if mandated during the plan review process based on the location of the equipment or on the nature of the food preparation occurring at the equipment.

2. The addition of outdoor kitchen equipment must meet the plan review requirements contained in paragraph 61C-1.002(5)(c), F.A.C.

3. The removal or relocation of previously approved outdoor kitchen equipment must meet the plan review requirements contained in paragraph 61C-1.002(5)(c), F.A.C.

(c) All foods and utensils must be removed from the outdoor equipment and stored within the associated public food service establishment whenever the establishment is not in operation.

(d) Public access to outdoor equipment must be restricted and the equipment may only be operated by food service employees.

(e) No special processes requiring a HACCP plan may be conducted using outdoor equipment.

(f) Outdoor equipment must be installed, approved, maintained and operated in accordance with the Florida Fire Prevention Code as approved by the local fire authority and with any local authorities having jurisdiction.

~~(7)(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.

~~(8)(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.

~~(9)(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.”

~~(10)(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](http://www.MyFloridaLicense.com/dbpr/hr); by e-mail request submitted at [www.myfloridalicense.com/contactus](http://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, 2601 Blair Stone Road, 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, 4-29-15, 10-29-19, 1-17-22, \_\_\_\_\_.*