

**AGENCY AUTHORITY MATRIX FOR INSPECTION OF FOOD ESTABLISHMENTS**

02/26/2009

DBPR - Chapter 509, F.S.	DACS - Chapter 500, F.S.	DOH - Chapter 381.0072, F.S.
<ul style="list-style-type: none"> <li>• Bars and Lounges - if located on premises licensed by DBPR (e.g., hotel bars) – Inspected only, <u>not</u> separately licensed unless food service occurs. Includes tiki bars (e.g., hotel poolside bars).</li> <li>• Caterers - <u>except</u> when operating from a premise regulated by DOH.</li> <li>• Clubs                         <ul style="list-style-type: none"> <li>- Country Clubs (golf and/or tennis)</li> <li>- Yacht Clubs</li> </ul> </li> <li>• Convenience stores – Inspected only – not separately licensed - if located in and owned by a hotel/ motel</li> <li>• Make-your-own-lunch/dinner establishments (e.g., Make &amp; Take, Dream Dinners, etc.)</li> <li>• Mobile Units                         <ul style="list-style-type: none"> <li>- Full Service Mobile Food Dispensing Vehicles (MFDVs) - including watercraft - that prepare and serve or portion food</li> <li>- Hot Dog Carts</li> <li>- Theme Park Food Carts</li> </ul> </li> <li>• Public Food Service Establishments – Includes:                         <ul style="list-style-type: none"> <li>- Those located on the premise of a facility regulated by DACS if operating under its own name and with its own employees that are not subject to day to day managerial supervision by the individual store or chain store management (Little Caesar’s in K-Mart)</li> <li>- Those located at a truck stop if not subject to day-to-day managerial supervision by the individual store or truck stop management</li> <li>- Units in flea markets (see DACS flea market food list)</li> <li>- Mall kiosks (see DACS kiosk food list)</li> <li>- Dinner cruise boats</li> <li>- Preparing only pork rinds (unless offered only prepackaged)</li> <li>- Serving ice cream (soft serve or hand dipped) and dairy-based Italian ice <u>only</u>; or where sales in food outlets and food establishments is &gt;50%.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Bakeries - including wholesale bakeries (where actual baking of food products takes place) with ancillary retail dipped ice cream (Baskin Robbins/Dunkin Donuts)</li> <li>• Establishments whose primary business (&gt;50%) or sole business is generated by selling the following items:                         <ul style="list-style-type: none"> <li>- Bagels</li> <li>- Baked goods</li> <li>- Candies/confections, including shelled nuts/ peanuts that are candy/sugar-coated</li> <li>- Corn on the cob - cooked husk on or off</li> <li>- Donuts (including churros)</li> <li>- Drinks                                 <ul style="list-style-type: none"> <li>▪ Non-alcoholic canned, bottled or fountain drinks</li> <li>▪ Beverage containing a cooked vegetable/grain product such as chicha</li> <li>▪ Beverages prepared that may or may not include a potentially hazardous food ingredient (e.g., smoothies/juices, coffee or similar beverages that contain a dairy product or synthetic liquid creamers.) Potentially hazardous products are used minimally such as a topping or flavoring</li> </ul> </li> <li>- Pastries</li> <li>- Popcorn</li> <li>- Prepackaged foods</li> <li>- Prepackaged frozen novelties</li> <li>- Prepackaged ice cream</li> <li>- Pretzels</li> <li>- Shaved ice/slushy/snow cones/Italian ice (nondairy)</li> <li>- Uncooked fish products/seafood</li> </ul> </li> <li>• Food Establishments                         <ul style="list-style-type: none"> <li>- Factory, food outlet or any other facility manufacturing, processing, packing, holding or preparing food or selling food at wholesale or retail                                 <ul style="list-style-type: none"> <li>▪ If a DOH food service conducts food processing in which the food is sold to the public, DACS will permit and inspect <b>only</b> the food processing part of the firm. E.g., Church kitchen that produces salsa for sale to the public. The church kitchen will have a DOH license for food service and a DACS food permit for production of salsa.</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Bars and Lounges – Requires a COP license from AB&amp;T and food service limited to the preparation of drinks and nonPHFs and catered PHFs. Location cannot be at a 509, F.S., licensed facility. (see exclusions)                         <ul style="list-style-type: none"> <li>- Includes alcoholic beverage kiosks (e.g., tiki huts, daiquiri stands, etc.)</li> <li>- <b>Note:</b> Includes facilities with a COP license where the clientele customarily order and consume alcoholic beverages in the facility as opposed to a convenience store type operation.</li> </ul> </li> <li>• Child Care Facilities                         <ul style="list-style-type: none"> <li>- Group Treatment Homes for Dependent Children</li> <li>- Youth Services Group Treatment Homes</li> <li>- Youth Services Start Centers &amp; Halfway Houses</li> </ul> </li> <li>• Religious organizations that are not-for-profit offering portioned food (prepackaged foods or prepared meals) to the public, as long as it is church operated on church property (see exclusions)</li> <li>• Civic organizations – any 501(c)(4) organization or any chartered organization that is incorporated and operates primarily for the common good of the community, including Little League functions associated with a civic organization; e.g., Kiwanis Club, Rotary Club</li> <li>• Fraternal organizations – any chartered organization that operates primarily for its members e.g., VFW, Moose lodge, etc.</li> <li>• Convenience store/gift shop – if located in a hospital or similar facility that is licensed/regulated by DOH. Includes any retail (packaged) food operation that is ancillary to the food service of a DOH facility.</li> </ul>

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<ul style="list-style-type: none"> <li>• Public Food Establishments whose operation includes the following (&lt;50%):                             <ul style="list-style-type: none"> <li>- Bakery (retail) - Retail only bakery product establishments (items sold individually, commercially wrapped and labeled or bakery items sold from bulk but not baked there) that also sell scooped or dipped ice cream, frozen yogurt or soft-serve frozen desserts with or without toppings if establishment is owned and operated by one entity such as Baskin Robbins/Dunkin Donuts</li> <li>- Packaged Foods – packaged or prepackaged food sales also occurs</li> <li>- Processing - if processing owned by the <i>same</i> owner as food service. May retail product from same location and/or other food service locations under same ownership (e.g., spaghetti sauce sold only from Joe’s Eatery I or from Joe’s Eatery I, II, and III – all owned by Joe’s, Inc.). If product is wholesaled to retail companies at remote locations (e.g., grocery stores, convenience stores), then label requirements must meet federal standards.</li> </ul> </li> <li>• Homeowners and Condo Associations; mobile home park management or park resident associations advertising and serving food to the public.</li> <li>• Temporary Events                             <ul style="list-style-type: none"> <li>- All public food service establishments operating at temporary events, <u>except</u> when these units are operated on a premise regulated by DOH (see exclusions)</li> <li>- Other <u>food</u> vendors not statutorily excluded from licensing</li> <li>- Does not include DACS licensed establishments at events &lt;4 days in length if conducting the same operation as licensed by DACS</li> </ul> </li> <li>• Theaters                             <ul style="list-style-type: none"> <li>- Cinema and Draft establishments</li> <li>- Dinner theaters</li> <li>- Drive-in theaters</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▶ If the food produced in the processing operation is for use <b>only</b> in the DOH establishment, it is not considered processing and only a DOH license and subsequent inspections are required.</li> <li>• Food Manufacturing Plants                             <ul style="list-style-type: none"> <li>- Bottling plants</li> <li>- Packaged ice plants</li> </ul> </li> <li>• Food Outlets - includes all ancillary food service                             <ul style="list-style-type: none"> <li>- Convenience store (includes those in lodgings if ownership and operation is a distinct separate entity)</li> <li>- Food warehouse</li> <li>- Freezer locker</li> <li>- Fruit or vegetable market</li> <li>- Grocery store</li> <li>- Meat, poultry, or fish and related aquatic food market</li> <li>- Minor Food Outlets (e.g., Wal-Mart, K-Mart) that provide food to the public and are managed by and have employees from the minor food outlet</li> <li>- Refrigerated storage facility</li> <li>- Salvage food facility</li> <li>- Other similar place storing or offering food for sale</li> </ul> </li> <li>• Food Packing and Processing Plants                             <ul style="list-style-type: none"> <li>- Includes independent businesses that operate out of institutional facilities (e.g., churches that house food processing operations)</li> <li>- Includes food processing operations conducted within public food service establishments owned by a <i>separate</i> entity (e.g., separate owner processes within a restaurant licensed by DBPR)</li> </ul> </li> <li>• Mobile food units, flea market stands, roadside vendors, carts, and kiosks that either prepare and serve OR sell:                             <ul style="list-style-type: none"> <li>- Bagels/Packaged bagels</li> <li>- Baked goods/Packaged baked goods</li> <li>- Candies/Confections - including peanuts and other shelled nuts that are candy/sugar coated)</li> <li>- Corn on the cob - cooked, husk on or off</li> <li>- Donuts/Packaged donuts (including churros)</li> <li>- Non-alcoholic canned, bottled or fountain drinks</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Detention Facilities (does not include federal prisons)                             <ul style="list-style-type: none"> <li>- Jails</li> <li>- Prisons</li> <li>- Youth Detention Centers</li> </ul> </li> <li>• Institutions                             <ul style="list-style-type: none"> <li>- Adult Day Care Facilities</li> <li>- Adult Family Care Homes</li> <li>- Assisted Living Facilities</li> <li>- Extended Care Facilities Hospitals</li> <li>- Group Care Facilities</li> <li>- Home for Special Services</li> <li>- Hospices</li> <li>- Intermediate Care Facilities for the Developmentally Disabled</li> <li>- Nursing Homes</li> <li>- Residential Alcohol Detoxification Facilities</li> <li>- Residential Drug Detoxification Facilities</li> </ul> </li> <li>• Meals on Wheels - at locations licensed by DOH</li> <li>• Migrant Labor Camps</li> <li>• Movie Theaters – limited to food items customarily served at movie theaters (popcorn, candy, soft drinks, hot dogs, etc.). No pizza, sandwich, pizza roll, burrito or similar PHF preparation.</li> <li>• Recreational Camps                             <ul style="list-style-type: none"> <li>- Includes fraternal/civic organizations such as Boy Scouts/Girl Scouts and other similar facilities</li> <li>- Does not include public or private campgrounds such as KOA or similar type facilities</li> <li>- Includes recreational &amp; athletic facilities located on premises of establishments licensed by DOH</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Truck Stops/Gas Stations (selling motor fuel)</li> </ul>	<ul style="list-style-type: none"> <li>- Beverage containing a cooked vegetable/grain product</li> </ul>	<ul style="list-style-type: none"> <li>• Schools</li> </ul>

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<ul style="list-style-type: none"> <li>- If the food service operation is owned or operated by a different owner than the truck stop/gas station</li> <li>- If the food service operation is in a separate free standing building – even if on the same premise or owned by the same owner as the truck stop/gas station</li> <li>• Vending machines - selling potentially hazardous foods (see exclusions)</li> <li>• Emergency Recovery – All establishments as stated above</li> <li style="text-align: center;">••• Exclusions •••</li> <li>1. Any eating place maintained and operated by a church or a religious, non-profit fraternal or non-profit civic organization for the use of members and associates, or for temporary use to serve such events as fairs, carnivals, or athletic contests.</li> <li>2. Any facility licensed by DOH or DACs.</li> <li>3. Any place of business where the food available for consumption is limited to ice, beverages with or without garnishment, popcorn, or prepackaged items sold without additions or preparation.</li> <li>4. Any research and development test kitchen limited to the use of employees and is not open to the general public.</li> <li>5. Any school operated establishment (e.g., public/private school, college/university) for the use of students and faculty, or for temporary use to serve such events as fairs, carnivals, and athletic contests.</li> <li>6. Any theater, if the primary use is as a theater and if patron service is limited to food items customarily served to the admittees of theaters.</li> </ul>	<p>such as chicha</p> <ul style="list-style-type: none"> <li>- Beverages prepared that may or may not include a potentially hazardous food ingredient (e.g., smoothies/juices, coffee or similar beverages that contain a dairy product.) Potentially hazardous products are used minimally such as a topping or flavoring.</li> <li>- Popcorn</li> </ul> <p>Pastries/Packaged pastries</p> <ul style="list-style-type: none"> <li>- Nuts shelled without any preparation</li> <li>- Pretzels</li> <li>- Prepackaged foods</li> <li>- Prepackaged frozen novelties</li> <li>- Shaved ice/slushy/snow cones</li> </ul> <ul style="list-style-type: none"> <li>• Retail Food Stores (supermarkets) - includes all ancillary food service</li> <li>• Seafood HACCP Rule - Any food service establishment that processes and wholesales seafood under the FDA Seafood HACCP rule</li> <li>• Promotions - Publix, Winn Dixie, etc., if employees of the establishment prepare and cook food on the premises as a special promotion (i.e., grilling/smoking hot dogs, hamburgers, ribs, etc., in front of store)</li> <li>• Truck Stops/Gas Stations – (selling motor fuel)             <ul style="list-style-type: none"> <li>- If the food service operation is owned or operated by truck stop management</li> <li>- Unless the food service operation is in a separate free standing building – even if on the same premise or owned by the same owner as the truck stop/gas station (see DBPR)</li> </ul> </li> <li>• Water vending machines</li> <li>• Emergency Recovery – All establishments as stated above.</li> </ul>	<ul style="list-style-type: none"> <li>- Bible Schools</li> <li>- Colleges/Community Colleges</li> <li>- Private</li> <li>- Public</li> <li>- Technical Schools</li> <li>- Universities</li> <li>- Vocational Schools</li> <li>• Culinary schools (provided that meals are not prepared for the purposes of taking the food home as in <i>make your own lunch/dinner establishments</i>)</li> <li>• Temporary Events and other food vendors on premises of establishments licensed by DOH</li> <li>• Vending machines dispensing potentially hazardous food on premises of establishments licensed by DOH</li> <li>• Mobile food units - if operating their commissaries on property that is licensed/regulated as a food service by DOH</li> <li>• Caterers - if operating their commissaries on property that is licensed/regulated as a food service by DOH.</li> </ul> <p><b>NOTE:</b> DOH will license all food service operations located on the premises of the facilities identified in 381.0072, F.S.</p> <ul style="list-style-type: none"> <li>• Emergency Recovery – All establishments as stated above, plus inspection responsibility for feeding stations provided to support emergency responders and impacted citizens</li> </ul> <p style="text-align: center;">••• Exclusions •••</p> <ol style="list-style-type: none"> <li>1. Any facility licensed by DACS or DBPR</li> <li>2. Bars and lounges located on the premises of an establishment licensed by DBPR, including poolside bars at hotels.</li> </ol>

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<p>7. Any vending machine that dispenses nonpotentially hazardous food or beverages as defined by division rule.</p> <p>8. Any vending machine that dispenses potentially hazardous food and is located in a facility regulated by DOH (e.g., vending machine located in a hospital).</p> <p>9. Common Carriers - Any eating place located on an airplane, train, bus or water craft that is a common carrier (e.g., main purpose is transportation).</p> <p>10. Federally owned and operated building, a military base or Indian Reservation.</p> <p>11. Private Homes.</p> <p>12. Homeowners and Condo Associations; mobile home park management or park resident associations where food service is primarily for association members and their guests and which is not advertised to the public.</p>	<p align="center">*** Exclusions ***</p> <p>1. Any facility licensed by DOH or DBPR.</p> <p>2. Establishments subject to continuous, onsite Federal or State inspection.</p> <p>3. Legumes (peanuts, etc.) in the shell (raw, parched, roasted or boiled).</p> <p>4. Minor food outlets (e.g., including, but not limited to video stores) that sell commercially prepackaged, non-potentially hazardous candy, chewing gum, soda, popcorn, or other snack foods (e.g., chips), where shelf space for items does not exceed 12 linear feet and no other food is sold.</p> <p>5. Private Homes.</p> <p>6. Roadside stands that pack fruits and vegetables in their raw or natural state, including those fruits or vegetables that are washed, colored, or otherwise treated in their unpeeled, natural form before they are marketed.</p> <p>7. Temporary Food Service Events - These are regulated by DBPR except for temporary events on property licensed by DOH.</p> <p>8. Vending machines - all.</p>	<p>3. Churches, synagogues, or not-for-profit religious organizations for members and guests only and do not advertise food or drink for public consumption</p> <p>4. Private Homes</p> <p>5. Research and development test kitchens limited to the use of employees and which is not open to the general public</p> <p>6. Theater, if the primary use is as a theater, and if patron service is extended to food items not customarily served to the admittees of theaters (alcoholic beverages, pizza, sandwiches, etc.)</p> <p>7. Mobile home park food service activities.</p> <p>8. Any operation, regardless of being listed in 381.0072, F.S., that conducts processing or solely provides retail (packaged) food sales (no food service occurs on the premises)</p> <p><b>[Continuing review between DOH and DACS]</b></p>
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