

**SUBJECT: ADOPTION OF 2009 FDA FOOD CODE**

Bulletin 2012-03

December 10, 2012

Effective January 1, 2013, the Division of Hotels and Restaurants will adopt provisions of the 2009 Food and Drug Administration (FDA) Food Code, which establishes practical, science-based guidance and enforceable provisions for reducing risk factors known to cause or contribute to foodborne illness. An increasingly globalized food supply chain, the aging of our population, increases in the number of immunocompromised and immunosuppressed individuals and the trend toward eating more foods prepared outside the home require vigilance by industry and the regulatory community to promote food safety in food service establishments.

Food service operators licensed by the division should carefully review these changes to ensure they are in compliance. To view the 2009 Food Code in its entirety, please visit our website at [www.myfloridalicense.com/foodcode](http://www.myfloridalicense.com/foodcode).

**Primary differences include:**

- New risk designations for all Food Code provisions. A three-tiered system replaces the designations of "critical" or "non-critical" violations. The Division will use "High Priority," "Intermediate" and "Basic." Download a copy of the 2009 Food Code at <http://www.fda.gov/Food/FoodSafety/RetailFoodProtection/FoodCode/FoodCode2009/default.htm>.
- New provisions related to food allergy awareness. (2-102.11 and 2-103.11)
- Expanded definition of potentially hazardous (time/temperature control for safety) food. Now included in this definition are cut leafy greens and sliced tomatoes. The expanded definition also allows for consideration of multiple factors that can influence whether a food is potentially hazardous (time/temperature control for safety). (1-201.10)
- Definition of and requirements for when an operator partially cooks and then cools a raw animal food – with the intent of fully cooking the food at a later time. This process is called non-continuous cooking. (3-401.14)
- Revised employee health provisions including the responsibilities of the person in charge (2-201.11), basis for excluding and restricting employees (2-201.12), and the rationale for reinstating excluded or restricted employees (2-201.13).
- Expanded date marking exemptions for specific foods (e.g., hard and semi-soft cheeses, preserved fish, cultured dairy products, and commercially prepared and packaged deli salads) due to evidence that these foods do not pose a high risk for a specific type of foodborne illness bacteria (*Listeria Monocytogenes*). (3-501.17)
- Additional 6-hour Time as a Public Health Control option when specific parameters are met. (3-501.19)
- New acceptable ranges for chlorine sanitizer solutions. (4-501.114)
- Additional temperature option for parasite destruction (3-402.11) and exemption for aquacultured fish and fish roe from the requirements of parasite destruction (3-402.12).
- Frozen storage exemption for frozen, commercially processed and packaged raw animal foods. (3-302.11)
- Prohibition of offering or serving raw or undercooked comminuted meat on a children's menu. (3-401.11)

In addition to the changes for food service operators, lodging operators will also see a three-tiered system replace the designations of "critical" or "non-critical" violations. The Division will use "High Priority," "Intermediate" and "Basic."

Operators may contact local District Offices for additional questions. Locate your District Office at <http://www.myfloridalicense.com/dbpr/hr/contact.html>.

**FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Rick Scott, *Governor*

Division of Hotels and Restaurants

Ken Lawson, *Secretary*