



INDUSTRY BULLETIN

for Florida's Food Service & Lodging Industries



SUBJECT: ADOPTION OF 2017 FDA FOOD CODE – SPECIAL PROCESSES

Bulletin 2019-03

November 14, 2019

Effective November 1, 2019, the Division of Hotels and Restaurants has adopted the 2017 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.

Public food service establishments that engage in special processes such as reduced oxygen packaging (vacuum packaging), curing food, sous vide, cook-chill or other similar processes must comply with the sections of the Food Code relating to variances and Hazard Analysis Critical Control Points (HACCP) plans.

Establishment must obtain a variance from the Division and implement a HACCP plan before:

- Smoking food as a method of food preservation.
- Curing food.
- Using food additives or adding components such as vinegar as a method of food preservation or to render a food so that it is not time/temperature control for safety.
- Operating a molluscan shellfish life-support tank in which shellfish for human consumption are stored or displayed.
- Custom processing animals for personal use.
- Sprouting seeds or beans.
- Preparing food by other methods that is determined by the Division to require a variance.
- Packaging time/temperature control for safety food using a reduced oxygen packaging method and the food does **not** meet **one** of the following criteria:
 - Has a water activity of 0.91 or less.
 - Has a pH of 4.6 or less.
 - Is a meat or poultry product cured at a food processing plant regulated by the USDA and the product is received in an intact package.
 - Is a food with a high level of competing organisms such as raw meat, raw poultry or raw vegetables.

Except for packages labeled to be opened within 48 hours and opened within the 48 hours, a HACCP plan, without a variance, is required when doing sous vide, cook-chill or packaging time/temperature control for safety food using a reduced oxygen packaging method and the food meets **one** of the following criteria:

- Has a water activity of 0.91 or less.
- Has a pH of 4.6 or less.
- Is a meat or poultry product cured at a food processing plant regulated by the USDA and the product is received in an intact package.
- Is a food with a high level of competing organisms such as raw meat, raw poultry or raw vegetables.

Operators doing any of these processes should review sections 3-502.11 and 3-502.12 and Chapter 8 of the 2017 FDA Food Code to ensure they are in compliance with variances and HACCP plans requirements.

Additional information on adoption of the Food Code is available on the Division's website at <http://www.myfloridalicense.com/DBPR/hotels-restaurants/>. Operators may also call the Call Center at 850.487.1395 or visit the local District Office. Locate your District Office at <http://www.myfloridalicense.com/DBPR/hotels-restaurants/division-offices/>.

FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Ron DeSantis, Governor

Division of Hotels and Restaurants

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