



**WILTON SIMPSON
COMMISSIONER**

Florida Department of Agriculture and Consumer Services
Division of Food Safety

MOBILE FOOD PERMIT REQUIREMENTS

5K-4.0041, Florida Administrative Code

Mobile Food Establishments (MFEs) are to comply with requirements that are contained in Chapter 500, Florida Statutes (F.S.), Chapter 5K-4, Florida Administrative Code (F.A.C.), and with documents referenced in this guideline including the 2017 FDA Food Code.

DEFINITIONS:

Certified Food Protection Manager (CFPM) - A person responsible for all aspects of food operations at Food Establishments regulated by FDACS under Chapter 500, F.S.

Commissary - A support service location for a Mobile Food Establishment, that meets all applicable requirements of Chapter 500, F.S., and Chapter 5K-4, F.A.C. These approved Food Establishments must be permitted or licensed by Florida Department of Agriculture and Consumer Services (FDACS), Department of Business and Professional Regulation (DBPR), or the Florida Department of Health (DOH). Locations such as catering operations, restaurants, or grocery stores can be considered for approval as an MFE Commissary. When not required at the MFE, Commissaries may provide a three compartment sink for washing, rinsing, and sanitization of equipment/utensils in addition to hand wash and rest room facilities. Services required of the Commissary will be based on the food sold and the MFE type and capabilities. A private residence may not be used as a Commissary.

Mobile Food Establishment (MFE) - Food Establishments are Food Establishments that are self-propelled or otherwise moveable from place to place such as a truck, trailer, or similar self-propelled conveyance or non-permanent kiosk or table where pre-packaged food products are sold.

Potentially Hazardous Food (PHF) - Food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.

Potable water - Water that meets the quality standards of Chapter 62-550, F.A.C., and is satisfactory for drinking, culinary, and domestic purposes.

Requirements:

1. MFEs are not allowed to process/prepare exposed potentially hazardous foods (PHFs) within their mobile food establishment without a food permit issued by FDACS.
2. Full Service Mobile Food Dispensing Vehicles (MFVDs) that process/prepare PHFs within the mobile unit, like hot dogs and hamburgers should contact Department of Business and Professional Regulation (DBPR) at (850) 487-1395. Mobile food units that operate on institutional property that is licensed and regulated as a food service establishment by Department of Health (DOH) like schools, universities, nursing homes, etc. should contact DOH at (850) 245-4250.
3. MFEs must have a current agreement with a Commissary and be capable of visiting Commissary each day of operation unless exempt by chapter 5K-4, F.A.C.
4. Employees or agents of the MFE handling foods shall not have bare hand contact with ready to eat foods.
5. Food products sold must be from approved sources such as an inspected and permitted Food Establishment. Cottage food items are not approved to be sold from MFEs. For more information regarding Cottage Foods, refer to the Cottage Food Guidance Brochure at www.FreshFromFlorida.com.
6. Raw milk may contain harmful disease-causing bacteria and shall not be sold or provided for human consumption. Florida is a Grade A pasteurized milk only state (Chapter 502, F.S.).
7. Any MFE that is in an open-air environment must protect the food from weather and environmental contamination such as rain, dust, insects, birds, and rodents.
8. Must provide only single-service articles for use by the consumers.
9. MFEs cannot operate at multiple locations at the same time under a single mobile food establishment permit.
10. Food products and supplies must be stored only at permitted commissaries and warehouses and not in private residences.
11. MFEs may provide prepackaged food items that are labeled as required by Section 3-601.12 of the Food Code incorporated by reference in Rule 5K-4.002(4), F.A.C.: (1) The common name of the food; (2) If made from two or more ingredients, a list of ingredients in descending order of predominance by weight, including artificial color or flavor, chemical preservatives, and allergens; (3) Net weight or volume of the contents; and (4) The name and place of business of the manufacturer, packer, or distributor.

12. Packaging materials must be manufactured from food grade materials. Single use articles must not be reused.
13. MFEs may be permitted to have or process exposed food items such as ice confections (snowballs, shaved ice, slushies, smoothies, and similar products,) non-potentially hazardous beverages with or without ice, non-potentially hazardous beverages with or without garnishments, non-potentially hazardous bulk beverages, pastry products, popcorn/kettle corn, candies including shelled nuts that are candy or sugar coated, confections like cotton candy, candy apples, peanut brittle, fudge, caramel corn, and similar products; and coffee beverages with or without dairy or synthetic dairy products like café con leche, latte, cappuccino, etc., if they have equipment, utensils, and facilities that adequately protect the food.
14. All water used must be Potable Water (drinking water).
15. If water is not available from traditional state approved plumbing, portable tanks may be used for hand washing purposes as allowed by Chapter 5-3 of the Food Code incorporated in subsection 5K-4.002(4), F.A.C.
16. Potable water tanks must be constructed of food grade materials and enclosed from the filling inlet to the discharge outlet and sloped to a drain outlet. Hoses used to fill water tanks must be constructed of food grade material, must have a smooth interior surface, and if not permanently attached, must be clearly and durably identified as to its use, and may be used only for that purpose. A cap and keeper chain or other protective equipment approved by the FDACS must be provided for a potable water inlet, outlet, and hose. Water tanks, pumps, and hoses must be flushed and sanitized before being placed in service and after repair, modification, and periods of nonuse. A person must operate a water tank, pump, and hose such that backflow or other contamination of the water supply is prevented. For all requirements, refer to Chapter 5-3 of the Food Code incorporated in subsection 5K-4.002(4), F.A.C.
17. Liquid waste holding tanks must have a holding capacity 15% larger than the potable water supply tank, be sloped to a drain that is at least 25.4 mm (1 inch) in diameter, and be equipped with a shut-off valve. Liquid waste tanks must be emptied into an approved waste servicing facility or by a sewage transport vehicle without creating a public health hazard or nuisance. For all requirements, refer to Chapter 5-4 of the Food Code incorporated in subsection 5K-4.002(4), F.A.C.
18. Specific requirements are based on type of food sold and processed. See below for a table and following detailed discussion. Numbers listed on the far left of the table correspond to the numbered description below that lists specific details regarding type of food sold and the requirements.

Mobile Food Establishment Requirements Based on Food Type and Processing			
TYPE OF FOOD PRODUCTS SOLD	EXAMPLES	CODE REQUIREMENTS FOR UNIT	
1	Prepackaged non-potentially hazardous food	Cookies, crackers, potato chips, pretzels, honey buns, honey, etc.	Food protection, Solid waste container, Maintain cleanable non-food contact surfaces.
2	Prepackaged potentially hazardous food	Sandwiches (such as ham, tuna, chicken, etc.), hot dogs, milk, etc.	Certified Food Protection Manager, Food protection, Refrigeration/heating or hot holder, Product thermometer, Solid waste container, Maintain cleanable non-food contact surfaces.
3	Prepackaged individually portioned frozen novelties	Ice cream sandwiches, frozen yogurt bars, ice cream sandwiches, etc.	Food protection, Freezer, Product thermometer, Solid waste container, Maintain cleanable non-food contact surfaces.
4	Fresh squeezed juice processors	Fresh squeezed fruit/vegetable juice	Since fresh squeezed juice is a high risk specialty food, see explanation below.
5	Preparation or bulk dispensing of non-potentially hazardous food	Popcorn, snow cones, shaved ice, lemonade, prepared beverages, cotton candy, candy apples, fudge, peanut brittle, caramel corn, churros, pretzels, donuts, etc., or bulk nuts, teas, spices, pickles, etc.	Certified Food Protection Manager, Potable water supply, Hand washing sink in unit, three compartment sink in unit or at commissary provided additional equipment available, Solid waste container, Maintain cleanable food and non-food contact surfaces.
6	Fish products, raw seafood sales (no processing)	Whole or eviscerated fish, head on or headless shrimp	Certified Food Protection Manager, Product Thermometer, Hand washing in unit, Solid waste container, Maintain cleanable food and non-food contact surfaces, Scale.

1. Prepacked non-potentially hazardous food: MFEs which limit food sales to prepackaged non-potentially hazardous food must have adequate storage space for the food products so that the food is protected, containers for solid waste and maintain cleanable non-food contact surfaces.
2. Prepackaged potentially hazardous food: MFEs which have food sales of prepackaged potentially hazardous food must have a Certified Food Protection Manager as required Rule 5K-4.012, F.A.C., storage space for the food products, containers for solid waste, maintain cleanable non-food contact surfaces, refrigeration, heating or hot holding

equipment to keep the food at proper temperature, a food product thermometer, and the capability to sanitize a thermometer.

3. Prepackaged individually portioned frozen novelties: MFEs that sell prepackaged frozen desserts must have sufficient freezer space for storage of frozen food products, food protection, maintain cleanable non-food contact surfaces, a freezer thermometer, and containers for solid waste. **
4. Fresh-squeezed juice processors: MFEs that extract and sell juice by the glass are permitted to squeeze fresh fruit/vegetable juice at a mobile site without any of the following: a HACCP plan or *E. coli* testing of product or a display of a warning placard provided the following conditions are met:
 - a. A Certified Food Manager is present;
 - b. Juice is extracted and provided by the glass (open single-serving container) only;
 - c. Juice is extracted in an enclosed juicing machine. Hand squeezing of juice for human consumption is prohibited;
 - d. MFE has on its premises a working hand wash sink with hot and cold potable water under pressure;
 - e. MFEs may have extra equipment and utensils on site that have already been washed, rinsed, sanitized, and protected from environmental contamination for use as described in the FDA Food Code 4-602.11 as incorporated in subsection 5K-4.002(4), F.A.C. If extra equipment is not available on site or cannot be replaced/used in a sanitary manner, the mobile vendor must have a three compartment sink on site or an agreement with a commissary that allows for the use of a three compartment sink on site and is available during all operational hours of the MFE;
 - f. Juicing machine must be washed, rinsed and sanitized in a three compartment sink with hot and cold potable water before and after use or during any interruption in operation. The juicing machine may not be in use for more than four (4) hours unless it is disassembled, washed, rinsed, and sanitized in a three compartment sink with hot and cold potable water;
 - g. All fruits/vegetables must be washed, rinsed, sanitized, and protected from contamination during the entire process, i.e. stored in sealed containers; and
 - h. Single-use gloves must be worn while handling sanitary fruit/vegetables and while juice is being dispensed into single-serving containers.

When all the above conditions cannot be met, the juice processor must cease operation.

MFEs can sell pre-packaged juices without a HACCP plan and *E. coli* testing of product, if the following criteria are met:

- a. MFEs can sell pre-packaged fresh squeezed juice if the entity that extracts and packages the juice is a permanent Food Establishment and complies with section 3-404.11 of the FDA Food Code for retail (if under the same owner as MFE) or 21

CFR 120 incorporated by reference in subsection 5K-4.002(1), F.A.C., for wholesale and is regulated by a government entity.

- b. If the pre-packaged juice is sold by a mobile food establishment, the pre-packaged juice must be held at or below 41°F and be properly labeled with a warning or meet a 5-log reduction.
- c. A warning label can only be used if the mobile food establishment is the same business entity as the permanent Food Establishment extracting and packaging the juice, i.e. the original firm is considered a retailer.
- d. Warning label shall read “WARNING: This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems.” as stated in the Food Code Section 3-404.11(B)2 as incorporated in subsection 5K-4.002(4), F.A.C.
- e. If the pre-packaged juice is from a different business entity than the MFE, the juice must have a 5- log reduction per 21 CFR 120.

MFEs that extract and package juice must comply with all of the regulations in F.A.C. Chapter 20-49, which includes (but is not limited to), an adequate HACCP Plan, affixing a warning label to the packaged juice (if 5-log reduction has not been met), *E. coli* testing of product and sanitation procedures.

5. Bulk dispensing of potentially hazardous food: MFEs that have food sales which include preparation of non-potentially hazardous foods or dispense bulk, non-potentially hazardous food products such as nuts, teas, candies, spices, and pickles must comply with the following:
 - a. Have present a certified food protection manager during operation;
 - b. Have adequate storage space for food products so that the food is protected;
 - c. Have containers for solid waste;
 - d. Have potable water supply;
 - e. Maintain cleanable food and non-food contact surfaces;
 - f. Possess an operable hand washing sink in the unit with hot and cold running water under pressure; and
 - g. Possess waste water tank 15% larger than the potable water tank.

No bare hand contact of ready to eat foods is permitted. A three compartment sink must be accessible either within the unit or at a Commissary. If the three compartment sink is provided by a Commissary, then the MFE must have extra equipment and utensils on site that have already been washed, rinsed, sanitized, and protected from environmental contamination for use as described in the FDA Food Code Section 4-602.11 incorporated by reference in subsection 5K-4.002(4), F.A.C.

6. Raw seafood: MFEs may sell raw fish products like whole or eviscerated fish and head on or headless shrimp. All processing of seafood must be conducted at a permanent food establishment meeting the requirements to process seafood. The MFE must have a certified food protection manager, storage for food products so that the food is protected from contamination, and possess the following:

- a. A calibrated scale with calibration records;
- b. Refrigeration media (ice or refrigerated unit);
- c. Thermometer;
- d. Containers for solid waste;
- e. Potable water supply;
- f. A waste water container large enough to hold all waste water generated within the unit; and
- g. A hand washing capability using gravity fed potable water.

Containers/coolers with wet ice used to maintain fish products at the proper temperature must be self-draining with the waste water flowing into a liquid waste holding tank.

NOTE: If an MFE operation sells a combination of food products, the food products sold with the most stringent requirements for food protection must be followed.

**Food types 1 and 3 listed above may not require a commissary. Determination will be based on food sold and the MFE type and capabilities.

Commissary Agreements

- MFEs required to have a written agreement with a commissary must complete the Commissary Letter of Agreement, FDACS-14223 (Rev. 11/18). The Commissary Letter of Agreement is to be submitted with the permit application at the initial inspection. Permit approval is contingent upon verification of an approved commissary facility.
- After the MFE permit is issued, the Commissary Letter of Agreement is to be completed and signed by the MFE owner and the owner of the commissary on an annual basis. MFEs are to have Commissary Letter of Agreement available for FDACS food inspectors during inspections.
- Each Mobile Food Establishment shall report to a Commissary each day of operation, to store or replenish supplies, clean utensils, and equipment, or dispose of liquid and solid waste, with the exception of Mobile Food Establishments that sell only prepackaged foods and have all necessary support equipment located in the unit.
- For mobile vehicles, a service area may be provided at the commissary for cleaning and servicing of the mobile vehicle. The service area must be equipped to furnish potable water and provide facilities for the drainage and disposal of liquid waste as required by Chapter 64E-6 or 62-601, F.A.C. The exterior of the mobile food unit is permitted to be washed at any location, provided the waste water does not cause a sanitary nuisance.

1-800 HELP FLA (1-800-435-7352)

www.FDACS.gov