

5K-4.021 Food Manager Certification.

(1) Definitions. As used in this rule the definitions in Chapter 500, F.S., and the following shall apply:

(a) "Food service" means the preparation of food for individual portion service at a food establishment regulated by the department under Chapter 500, F.S., regardless of whether it is intended for consumption on or off the premises.

(b) "Food establishment operation" means the manufacturing, processing, packing, holding or preparing of food or selling food at wholesale or retail at a food establishment regulated by the department under Chapter 500, F.S. For purposes of this section, "food establishment operation" includes food service activities, where applicable, and in accordance with Section 500.12(5)(a), F.S. This term does not include specialized activities within a food establishment such as operation of eye care, pharmacy or film processing centers, nor does it include cashier, clerical, stocking or management functions which do not involve the stocking, holding or serving of food.

(c) "Food manager" means a person responsible for all aspects of food establishment operation at a food establishment regulated by the department under Chapter 500, F.S.

(d) "Qualified psychometrician" means a person with at least one year of professional experience in examination development or testing research and at least a bachelor's degree, which includes two courses each in testing (measurement) theory and statistics, from a college or university accredited by an accrediting agency recognized by the United States Department of Education.

(2) Each food manager shall possess knowledge of food protection and food safety principles and practices as demonstrated by passing a written examination acceptable to the department. Each food manager passing an acceptable examination shall receive a certificate valid for a period of five years from the date of issuance.

(3) Food establishments shall designate in writing its food manager or managers. The designation shall be posted in a conspicuous place within the food establishment. The following types of food establishments are not required to designate a certified food manager:

(a) Food establishments that are not required to obtain a food permit in accordance with subsections 500.12(1)(a)1.-3., F.S.;

(b) Food establishments that store, sell, or store and sell only pre-packaged, non-potentially hazardous foods that arrive at the food establishment in a pre-packaged state and that are not opened or otherwise further processed by the food establishment;

(c) Food establishments that only process seafood and that are in full compliance with the mandatory HACCP provisions in paragraph 5K-4.002(1)(a), F.A.C.

(4) All food establishments that are required to designate a certified food manager and that have four or more employees present at the same time engaged in food establishment operations, shall have at least one certified food manager present in the food establishment during all phases of food establishment operation. The food manager shall be responsible for and shall actively oversee all food establishment operations. Food establishments with fewer than four employees engaged in food establishment operation, present at the same time, shall have a certified food manager responsible for all phases of food establishment operation who shall actively oversee all food establishment operations; however, the certified food manager need not be on the premises at all times.

(5) A food establishment shall have 90 days from the effective date of this rule amendment to have a certified food manager responsible for all food establishment operations in accordance with the provisions of this chapter. In the event the certified food manager leaves the employment of the food establishment or is relieved of food management responsibilities, the food establishment shall have 90 days from the date of the employment change to have a certified food manager.

(6) Persons holding a food service manager certificate issued by the Florida Department of Health and Rehabilitative Services or the Florida Department of Business and Professional Regulation shall be considered certified as a food manager under this rule until such certificate expires.

(7) The food manager certification examination shall be designed to assess the food manager's knowledge of basic food protection and food safety requirements as set forth in this chapter.

(8) Persons licensed as Dietitians or Nutritionists pursuant to the Dietetics and Nutrition Practices Act, Sections 468.501-.518, (Part X, Chapter 468), F.S., shall be considered certified as food managers under this rule.

(9) Any test for certifying food managers must be established as set forth in this subsection. A written evaluation must be submitted to the department by a qualified psychometrician utilizing the following criteria: administrative independence, fairness, adherence to technical standards for test construction and evaluation, validity, reliability, measurement errors, test development and revision, scaling, norming, and score comparability and equating. Additional factors and criteria to be considered are: test publication, test administration, scoring and reporting of scores, information made available to the public, protection of the rights of

persons taking the test, adherence to professional standards for test use for employment testing and professional and occupational certification, and adherence to related standards for testing linguistic minorities and handicapped persons.

(10)(a) Training and testing programs sponsored by persons, corporations or industry associations which meet the provisions of this chapter, and which are approved by the department, may be used to meet certification requirements of this rule.

(b) Persons, corporations or industry associations desiring department recognition of a privately sponsored training and testing program must provide to the department for review and approval the documentation required by subsection (9) above.

(11) Training and certification of department personnel. Any person performing required inspections of permitted food establishments for the department or its agent must:

(a) Be standardized in accordance with the procedures of the federal Food and Drug Administration stated in Interim Document 10/1/96-9/30/97 – Procedure for the Confirmation and Standardization and for the Certification of Retail Food Protection Program Personnel, published by the Food and Drug Administration;

(b) Pass the department's food manager certification examination; and

(c) Pass a written examination to demonstrate knowledge of Chapter 500, F.S., and Part 5K-4, F.A.C., which regulate food establishments.

Specific Authority 500.12(6), 570.07(23) FS. Law Implemented 500.12(6) FS. History—New 1-11-94, Formerly 5E-6.021, Amended 1-23-97, 5-25-98.