

**SEMINOLE TRIBE OF FLORIDA**

**FOOD SERVICE AND RETAIL FOOD  
SERVICE SANITATION CODE**



**Ordinance No. C-03-17**  
**Effective Date March 10, 2017**

**Seminole Health and Human Services Department**  
**Environmental Health Program**  
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**2017**

**SEMINOLE TRIBE OF FLORIDA**  
**FOOD SERVICE AND RETAIL FOOD SERVICE SANITATION ORDINANCE**

The provisions noted in this ORDINANCE are to be used solely by the Seminole Tribe of Florida (STOF) HEALTH AND HUMAN SERVICES DEPARTMENT and shall be construed liberally and applied to promote its underlying purpose of protecting the public.

The definitions, the inspection of FOOD SERVICE ESTABLISHMENTS, the issuance and revocation of LICENSES/PERMITS to operate FOOD SERVICE ESTABLISHMENTS, the prohibiting of the sale of unsound or mislabeled food or drink, and the enforcement of this ORDINANCE shall be regulated in accordance with the United States Food and Drug Administration's most recent edition of the model Food Code a minimum standard in addition to any standards contained within this ORDINANCE.

This ORDINANCE will define standards for food, potentially hazardous food, FOOD SERVICE ESTABLISHMENTS, mobile food units, TEMPORARY FOOD SERVICE ESTABLISHMENTS, utensils, equipment, etc.; provide for the sale of only sound, properly labeled food, and regulate the sources of food; establish sanitation standards for food, food protection, food service personnel, food service operations, food equipment and utensils, sanitary facilities and controls, and other facilities; require LICENSES/PERMITS for the operation of FOOD SERVICE ESTABLISHMENTS and regulate the inspection of such establishments; provide for the examination and condemnation of food; incorporate by reference the U.S. FDA FOOD CODE recommendations; and provide for the enforcement of this ORDINANCE and the fixing of penalties.

This ORDINANCE shall apply to all individuals or entities purchasing, preparing, or delivering food items as described in the ORDINANCE for sale or distribution to patrons, employees, or others including, but not limited to, all food consumed at locations whether operated, leased or otherwise used by, or through, the STOF, all employee locations, and at all other locations on the STOF's Indian lands other than private homes. All persons or entities conducting business on the STOF's Indian lands shall comply with the provisions of the ORDINANCE and shall permit free and unfettered access to their premises, facilities and records as to allow the STOF HEALTH AND HUMAN SERVICES DEPARTMENT to carry out the provisions of this ORDINANCE.

**SECTION 1 – SEMINOLE TRIBE OF FLORIDA FOOD SERVICE AND RETAIL FOOD SERVICE SANITATION ORDINANCE**

ADOPTING THE UNITED STATES FOOD AND DRUG ADMINISTRATION MODEL FOOD CODE REGULATING THE RETAIL SALE, COMMERCIAL AND INSTITUTIONAL SERVICE, AND VENDING OF FOOD; DEFINING LICENCE AND PERMIT HOLDERS, PERSON IN CHARGE, EMPLOYEE, FOOD, POTENTIALLY HAZARDOUS FOOD, FOOD SERVICE ESTABLISHMENT, SAFE MATERIAL, SANITIZATION, AND OTHER TERMS; PROVIDING STANDARDS FOR EMPLOYEE FOOD SAFETY KNOWLEDGE, HEALTH, AND PRACTICES; MONITORING FOOD SOURCES, PREPARATION, HOLDING TEMPERATURES, PROTECTION EQUIPMENT DESIGN, CONSTRUCTION, INSTALLATION, CLEANING, AND SANITIZATION; MANAGING WATER, LIQUID AND SOLID

WASTES; CHECKING FACILITIES CONSTRUCTION, MAINTENANCE, STORAGE AND USE OF POISONOUS AND TOXIC MATERIALS; REQUIRING A LICENSE/PERMIT TO OPERATE A FOOD SERVICE ESTABLISHMENT; AND PROVIDING FOR THE RESTRICTION OR EXCLUSION OF EMPLOYEES, THE EXAMINATION AND CONDEMNATION OF FOOD, AND THE ENFORCEMENT OF THIS STOF ORDINANCE, INCLUDING THE SETTING OF PENALTIES.

The Seminole Tribe of Florida does ordain as follows:

## **SECTION 2 - ADOPTION OF U. S. FDA FOOD CODE BY REFERENCE**

The TRIBAL COUNCIL of the STOF hereby adopts and incorporates by reference, as if laid out here in full, all the substantive provisions of the United States Food and Drug Administration's model Food Code as the Seminole Tribe of Florida, Food Service and Retail Food Service Sanitation Ordinance, governing food protection within the STOF's Indian lands.

All references to "Local Director of Health" or "Director of Health" in the U.S. FDA model Food Code shall be replaced in the STOF Ordinance with "STOF HEALTH AND HUMAN SERVICES DEPARTMENT".

All references to the "State" in the U.S. FDA model Food Code shall be replaced in the STOF Ordinance with "STOF".

All references to "the Department" in the U.S. FDA model Food Code shall be replaced in the STOF Ordinance with the "STOF HEALTH AND HUMAN SERVICES DEPARTMENT".

Any other reference to the "State" shall be replaced with the appropriate corresponding STOF reference.

All references to fees within the U.S. FDA model Food Code and successive Ordinances shall be deleted entirely from the STOF Ordinance.

In any case where the U.S. FDA model Food Code contains sections regulating activities that are not currently occurring within the STOF's Indian lands, those sections shall not apply within the STOF's Indian lands. In the event that any such activities are commenced within the STOF's Indian lands, the appropriate sections shall then apply and may be enforced by the STOF HEALTH AND HUMAN SERVICES DEPARTMENT.

The Ordinance is to be enforced by the STOF HEALTH AND HUMAN SERVICES DEPARTMENT or any subsequent office assuming the duties of that position for regulating the design, construction, management and operation of food establishments; providing for plans submission and approval; and the issuance of permits and collection of fees therefore.

## **SECTION 3 – DEFINITIONS**

For the purpose of this ORDINANCE, the following words and/or phrases shall have the following meaning:

**“Catering”** means any licensed/permitted food business, operation or group of people that continuously prepare food intended for individual portion service, transportation and/or service at another location. One, that also prepares for service at a single meal, event or similar gathering.

**“Ordinance”** means the Seminole Tribe of Florida, Food Service and Retail Food Service Sanitation Ordinance.

**“Commissary”** is a licensed FOOD SERVICE ESTABLISHMENT that provides required services to a mobile food dispensing vehicle including anything from a source for obtaining potable water and disposing of wastewater; storage for food and supplies; or cooking facilities to prepare the food for sale and consumption. Services required of the COMMISSARY will be based on the food sold and the mobile food establishment type and capabilities. A private residence may not be used as a COMMISSARY.

**“Critical Violation”** is a provision of this ORDINANCE, which is more likely than other violations to contribute to food contamination, illness or environmental health hazard.

**“Environmental Health Inspector”** means the STOF Food Inspector.

**“Environmental Health Manager”** means the STOF Senior Sanitarian or his/her designee.

**“Food Service Establishment”** means an operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption.

**“Health Executive Director”** means the duly appointed Executive Director of the STOF HEALTH AND HUMAN SERVICES DEPARTMENT or his/her designee.

**“License”** is the authorization by the STOF HEALTH AND HUMAN SERVICES DEPARTMENT to operate a permanent FOOD SERVICE ESTABLISHMENT.

**“Permit”** is the authorization by the STOF HEALTH AND HUMAN SERVICES DEPARTMENT to operate a TEMPORARY FOOD SERVICE ESTABLISHMENT.

**“STOF”** means the Seminole Tribe of Florida.

**“Temporary Food Service Establishment”** means a FOOD SERVICE ESTABLISHMENT that operates at a fixed location for a period of three (3) or more calendar days, not to exceed ten (10) calendar days, in conjunction with a single event or celebration.

**“Tribal Council”** means the governing, elected body of the Seminole Tribe of Florida.

**“U.S. FDA Food Code”** means the most recent edition of the model FDA Food Code of the United States Food and Drug Administration as supplemented or updated.

**“Variance”** means a written document issued by the HEALTH AND HUMAN SERVICES DEPARTMENT that authorizes a modification or waiver of one or more requirements of this ORDINANCE, if in the opinion of the STOF HEALTH AND

HUMAN SERVICES DEPARTMENT; a health hazard will not result from the modification or waiver.

Note: Any words or phrases not defined herein shall have their common ordinary meaning

#### **SECTION 4 - FOOD SERVICE LICENSE APPLICATION**

**A. COMPLIANCE**

No person shall operate a FOOD SERVICE ESTABLISHMENT who does not have a valid LICENSE issued to him/her by the STOF HEALTH AND HUMAN SERVICES DEPARTMENT. Only a person who complies with the requirements of this ORDINANCE shall be entitled to receive or retain such a LICENSE. A LICENSE is not transferable. A valid LICENSE shall be posted in every FOOD SERVICE ESTABLISHMENT.

**B. ISSUANCE OF LICENSE**

1. Any person desiring to operate a FOOD SERVICE ESTABLISHMENT shall make a written application for a LICENSE on forms provided by the STOF HEALTH AND HUMAN SERVICES DEPARTMENT. Such application shall include the name and address of each applicant, the location and type of proposed FOOD SERVICE ESTABLISHMENT and the signature of each applicant.
2. Prior to approval of an application for a LICENSE, the STOF HEALTH AND HUMAN SERVICES DEPARTMENT shall inspect the proposed FOOD SERVICE ESTABLISHMENT to determine compliance with the requirements of this ORDINANCE.
3. The STOF HEALTH AND HUMAN SERVICES DEPARTMENT shall issue a LICENSE to the applicant if the inspection reveals the proposed FOOD SERVICE ESTABLISHMENT complies with the requirements of the ORDINANCE.

**C. SUSPENSION OF LICENSE**

The STOF HEALTH AND HUMAN SERVICES DEPARTMENT may, without warning, notice or hearing, suspend any LICENSE to operate a FOOD SERVICE ESTABLISHMENT if the holder of the LICENSE does not comply with the requirements of this ORDINANCE or if the operation of the FOOD SERVICE ESTABLISHMENT otherwise constitutes a substantial hazard to public health.

#### **SECTION 5 - LICENSE FEES**

A fee shall be assessed payable to the STOF for each non-Tribal FOOD SERVICE ESTABLISHMENT LICENSE application. Any decision of non-compliance shall be full and just cause for revocation of any LICENSE granted under this ORDINANCE. Any LICENSE revoked under this ORDINANCE shall be reinstated only upon determination

of correction of the conditions resulting in the findings of non-compliance and upon payment of the original fee.

- A. **LICENSE Fees:** Upon making initial application or an application for change of ownership, each FOOD SERVICE ESTABLISHMENT applicant shall pay to the STOF a fee as per fee schedule outlined in this ORDINANCE (see Section 5.C). TEMPORARY FOOD SERVICE ESTABLISHMENT events, STOF food facilities and vending machines are exempt.
- B. The LICENSE fee shall be paid to the STOF HEALTH AND HUMAN SERVICES DEPARTMENT before a LICENSE can be issued and the LICENSE fee to be charged shall be determined according to the licensing fees schedule in effect at the time of application.
- C. Fee Schedule (Based on seating and type of establishment).

**Facility Type      Cost**

<b><u>Non-seating Food Establishments</u></b>		<b><u>Seating Food Establishment</u></b>	
Permanent	\$ 220	No. of Seats	Cost
Mobile Food Truck/Cart/Kiosk	\$ 250	1 - 49	\$ 262
Catering	\$ 263	50 - 149	\$ 273
		150 – 249	\$ 294
		250 – 349	\$ 315
		350 - 499	\$ 336
		500 or more	\$ 357

- D. Fees may be pro-rated based on time of LICENSE application.

**SECTION 6 - TEMPORARY FOOD SERVICE ESTABLISHMENT PERMITS**

An application for a TEMPORARY FOOD SERVICE ESTABLISHMENT PERMIT from the STOF HEALTH AND HUMAN SERVICES DEPARTMENT shall include the name and address of the individual, firm, association or organization; type of food served; type of building to be utilized; a brief description of the facilities available, waste disposal facilities, and sources of all food supplies; names and proof of food safety training of all employees; and a brief statement to the effect that the permittee has read and understands the provisions of this ORDINANCE and the United States Food and Drug Administration's model Food Code and agrees to abide by and adhere to the applicable sections of the ORDINANCE.

**SECTION 7 - TEMPORARY FOOD SERVICE ESTABLISHMENT EVENTS**

No person shall operate a TEMPORARY FOOD SERVICE ESTABLISHMENT who does not have a valid TEMPORARY FOOD SERVICE ESTABLISHMENT PERMIT issued to him/her by the STOF HEALTH AND HUMAN SERVICES DEPARTMENT. Only a person who complies with the requirements of this ORDINANCE shall be entitled to receive or retain such a PERMIT. PERMITS are not transferable.

- A. TEMPORARY FOOD SERVICE ESTABLISHMENTS, operating on the STOF's Indian lands, must possess an unsuspended, unrevoked TEMPORARY FOOD SERVICE ESTABLISHMENT PERMIT from the STOF HEALTH AND HUMAN SERVICES DEPARTMENT. TEMPORARY FOOD SERVICE ESTABLISHMENT PERMITS will be issued as follows:
1. All temporary facilities must meet the general requirements of the STOF "TEMPORARY FOOD SERVICE ESTABLISHMENT GUIDELINES".
  2. The STOF HEALTH AND HUMAN SERVICES DEPARTMENT shall issue a TEMPORARY FOOD SERVICE ESTABLISHMENT PERMIT to the operator of a TEMPORARY FOOD SERVICE ESTABLISHMENT facility if the operator of said establishment has reviewed the "TEMPORARY FOOD SERVICE ESTABLISHMENT GUIDELINES" and has agreed to comply with these guidelines.
  3. TEMPORARY FOOD SERVICE ESTABLISHMENT PERMITS shall be issued for a period of time as designated by the STOF HEALTH AND HUMAN SERVICES DEPARTMENT
  4. TEMPORARY FOOD SERVICE ESTABLISHMENT PERMITS shall be prominently displayed within the TEMPORARY FOOD SERVICE ESTABLISHMENT during the course of the event.
  5. Copies of all TEMPORARY FOOD SERVICE ESTABLISHMENT PERMITS will be maintained by the STOF HEALTH AND HUMAN SERVICES DEPARTMENT or his/her designee.
- B. Copies each of the most current edition of this ORDINANCE and the "TEMPORARY FOOD SERVICE ESTABLISHMENT GUIDELINES" shall be on file in the office of the STOF ENVIRONMENTAL HEALTH MANAGER.
- C. All food service employees will be required to obtain and possess a current Food Handler Certificate.
1. To obtain a Food Handler Certificate, the food service employees must attend a Food Service Training Session, sponsored by the STOF HEALTH AND HUMAN SERVICES DEPARTMENT or obtained through an approved food safety training vendor.
  2. Food Service Training Sessions will be presented on a quarterly schedule as coordinated by the STOF ENVIRONMENTAL HEALTH MANAGER.
  3. Food Handler Certificate shall be valid for a period of two (2) years from date of issuance.
- D. Facilities
1. Specific requirements for the physical facility where the temporary food service activity is to be conducted shall be

- based on the type of food that is to be prepared or served, the length of the event and the extent of food preparation that is to be conducted at the temporary facility.
2. Protection shall be provided at all temporary food service operations when food is prepared or portioned on premises.
  3. When potentially hazardous food is prepared at temporary food service events of three (3) - ten (10) calendar days in length, the physical structure where the food preparation occurs shall be protected from the entrance of flying insects and other vermin.
  4. Washing and sanitizing of utensils and equipment shall be conducted at an approved COMMISSARY or food service operation. However, an adequate supply of spare preparation and serving utensils shall be maintained in the TEMPORARY FOOD SERVICE ESTABLISHMENT and used to replace those that become soiled.
  5. All TEMPORARY FOOD SERVICE ESTABLISHMENT operations which prepare food on premises shall provide an adequate supply of potable water for cleaning and employee hand washing. An adequate supply of water may be provided in clean portable containers equipped with on/off valves. Soap and single-service towels shall be available for hand washing and hand drying.
  6. All TEMPORARY FOOD SERVICE ESTABLISHMENTS shall provide a three (3)-compartment sink, approved by the HEALTH AND HUMAN SERVICES DEPARTMENT, set up for proper cleaning and sanitizing of equipment and utensils.
  7. Public food service establishments or food vendors at TEMPORARY FOOD SERVICE ESTABLISHMENT events shall comply with all applicable sanitary requirements of this ORDINANCE.

## **SECTION 8 - MOBILE FOOD SERVICE**

- A. **General**  
Mobile food units and pushcarts shall comply with the requirements of the STOF HEALTH AND HUMAN SERVICES DEPARTMENT.
- B. **Restricted Operations**  
Mobile food units and pushcarts shall serve only foods prepared and packaged in individual servings, and shall be dispensed, transported and stored under conditions meeting requirements of this ORDINANCE. With the exception of pre-packaged milk, beverages that are not potentially hazardous and dispensed from covered urns or other protected equipment are allowed. In such instances, they need not comply with sewage systems, but shall have water under pressure and hot and cold water for food preparation, utensil cleaning, sanitizing and hand washing. The only potentially hazardous food item that may be prepared and served from pushcarts is hotdogs.



- C. Mobile Food Units, including food trucks, shall have a designated licensed COMMISSARY.

## **SECTION 9 - GENERAL SANITATION AND SAFETY REQUIREMENTS**

The following general requirements and standards shall be met by FOOD SERVICE ESTABLISHMENTS:

- A. **Water, plumbing, and waste.**

Except as specifically provided in this ORDINANCE, standards for water, plumbing and waste shall be governed by the United States Food and Drug Administration's model Food Code, herein adopted by reference. For the purpose of this section, the term "food establishment" as referenced in the United States Food and Drug Administration's model Food Code shall apply to public FOOD SERVICE ESTABLISHMENTS.

1. The water supply shall meet the standards herein adopted by reference where applicable.
2. Bottled and packaged potable water shall be transported and obtained in accordance with the requirements herein adopted by reference.
3. Steam used in contact with food or food-contact surfaces shall be free from any materials or additives.
4. Sewage shall be disposed in a public sewerage system or other approved sewerage system. Grease interceptors shall be designed and installed under the provisions herein adopted by reference, or by the plumbing authority having jurisdiction.
5. All garbage and rubbish shall be removed from the FOOD SERVICE ESTABLISHMENT premises with sufficient frequency to prevent nuisance conditions and shall be disposed of in accordance with provisions herein adopted by reference.
6. All hand sinks shall be located at a maximum distance of fifty (50) feet from designated food preparation areas or as required by the STOF HEALTH AND HUMAN SERVICES DEPARTMENT
7. Required temperatures for plumbing fixtures are as follows: hand sinks, minimum 100°F, maximum 110°F; 2-compartment sinks, minimum 115°F, maximum 120°F; and 3-compartment sinks, minimum 130°F, maximum 140°F.

- B. **Public bathrooms**

1. Each public FOOD SERVICE ESTABLISHMENT shall be provided with adequate and conveniently located bathroom facilities for its employees and guests. Public access to toilet facilities shall not be permitted through food preparation, storage, or ware washing areas. Bathroom fixtures shall be of readily cleanable sanitary design. Bathroom facilities shall be kept clean, in good repair, and free from objectionable odors. Adequate ventilation shall

- be available. Bathrooms shall provide at least twenty (20)-foot candles of light. The walls, ceilings and floors of all bathrooms shall be kept in good condition.
2. Public bathrooms shall be completely enclosed and shall have tight-fitting, self-closing doors. In circumstances where bathrooms are located outside a public FOOD SERVICE ESTABLISHMENT, they shall have entrances and exits constructed in such a manner as to ensure privacy of occupants. Such doors shall not be left open except during cleaning or maintenance.
  3. Outside public bathrooms shall be limited to concession stands, temporary events, mobile vendors and pushcarts or where non-potentially hazardous foods are served or prepared. All other FOOD SERVICE ESTABLISHMENTS shall require indoor bathrooms.
  4. Hand washing signs shall be posted in each bathroom used by employees.
  5. For the purposes of this section, the term "toilet" shall mean a flush toilet properly plumbed, connected and discharging to an approved sewage disposal system. In a bathroom where more than one toilet is provided, each toilet shall be separated by a partition from adjoining fixtures and a door shall be provided which will partially conceal the occupant from outside view.

**C. Vermin control**

- Effective control measures shall be taken to protect against the entrance into the FOOD SERVICE ESTABLISHMENT and the breeding or presence on the premises of rodents, flies, roaches and other vermin. All buildings shall be effectively rodent-proofed, free of rodents and maintained in a rodent-proof and rodent-free condition. All windows used for ventilation must be screened, tight-fitting and free of breaks. Where required, wind or air curtains may be warranted. Proof of an extermination contract is required for all licensed FOOD SERVICE ESTABLISHMENTS. At a minimum, quarterly extermination service shall be provided by an approved pesticide applicator.
- D. The storage and use of poisonous and toxic materials shall be governed by the provisions of the United States Food and Drug Administration's model Food Code, herein adopted by reference.
  - E. All fire safety, protection and preventing equipment must be installed, approved, maintained and used in accordance with the National Fire Protection Association Life Safety Ordinance or governing STOF Fire Safety Ordinance.
  - F. All buildings structural components, attachments and fixtures shall be kept in good repair; clean and free of obstructions.

- G. Attics, basements, boiler rooms, meter rooms, laundry rooms and storage rooms shall be kept clean and free of debris and flammables.

## **SECTION 10 - VENDING MACHINES**

- A. **Cleaning**

All food-contact surfaces of vending machines shall be thoroughly cleaned and subjected to effective bactericidal treatment at scheduled intervals, based upon the type of product being dispensed. A record of such cleaning and sanitizing operations shall be maintained and available for inspection in each machine and shall be current for at least the past thirty (30) calendar days. The cavities and door edges of microwave ovens must be cleaned at least once a day and shall be kept free of encrusted grease deposits and other accumulated soil.

- B. **Equipment location**

Each machine shall be so located that the space around and under the machine can be easily cleaned and so that insect and rodent harborage is not created. The immediate area shall be well lighted and ventilated. The floor area upon which vending machines are placed shall be of such construction as to be easily cleaned and shall be kept clean and in good repair. Adequate hand washing facilities, including hot and cold running water, soap and individual towels shall be convenient to machine locations where employees service bulk food machines.

- C. **Exterior construction and maintenance**

The exterior construction of vending machines shall be such as to facilitate cleaning and to prevent the entrance of insects and rodents and shall be kept clean. Door and panel access openings to product and container storage spaces shall be tight fitting and, if necessary, gasketed to minimize the entrance of dust, moisture, insects and rodents. Necessary ventilation openings into vending machines shall be effectively screened. Water, gas, electrical or other service connections through an exterior machine wall shall be sealed. Utility connections shall be made in such a manner that unauthorized or unintentional disconnections will be discouraged.

## **SECTION 11 - FOOD SERVICE EMPLOYEE TRAINING**

- A. All food protection managers, who are responsible for the storage, preparation, display, and servicing of foods to the public, shall have passed a certification test approved by the HEALTH AND HUMAN SERVICES DEPARTMENT demonstrating a basic knowledge of food protection practices within thirty (30) calendar days of initial date of facility operation. Those managers, who successfully pass an approved certification examination, shall be issued a certificate by the certifying organization. Each licensed FOOD SERVICE ESTABLISHMENT shall have a minimum of one (1) certified food protection manager responsible for all periods of operation. The food business operator shall designate in writing the certified food

protection manager(s) for each location. A current list of the certified food protection manager(s) shall be available upon request in each FOOD SERVICE ESTABLISHMENT. When four (4) or more employees, at one time, are engaged in the storage, preparation or serving of food in a licensed FOOD SERVICE ESTABLISHMENT, there shall be at least one (1) certified food protection manager present at all times when said activities are taking place. It shall be the responsibility of the certified food protection manager(s) to inform all employees under their supervision and control, who engage in the storage, preparation, or serving of food, to do so in accordance with acceptable sanitary practices as described in this ORDINANCE.

- B. Temporary food vendors and vending machine operators are exempt from the Food Manager Certification requirements of this section. For temporary food vendor requirements see Section 7.C of this ORDINANCE.
- C. Public Food Service Employee Training
  - 1. All public food service employees must receive STOF HEALTH AND HUMAN SERVICES DEPARTMENT approved training on professional hygiene and food borne disease prevention within sixty (60) calendar days from date of hire. Professional practices shall be in accordance with the United States Food and Drug Administration's model Food Code and shall include techniques to prevent cross contamination. Food borne disease prevention training must include the types and causes of food borne illness, identification of potentially hazardous food, and how to control or eliminate harmful bacteria in a FOOD SERVICE ESTABLISHMENT.
  - 2. Public food service employees must receive training which relates to their assigned duties. Employees who prepare foods must be knowledgeable about safe methods of thawing, cooking, cooling, handling, holding and storing foods. Service personnel must be knowledgeable about safe methods of serving food. Employees who clean equipment and facilities must be knowledgeable about proper cleaning and sanitization methods. Employees responsible for maintaining the premises must be knowledgeable about proper vermin control methods and housekeeping.
  - 3. It is the responsibility of the FOOD SERVICE ESTABLISHMENT to keep employee training records on premises.

## **SECTION 12 – INSPECTIONS**

- A. The TRIBAL COUNCIL delegates inspection authority of all FOOD SERVICE ESTABLISHMENTS on the STOF's Indian lands to the HEALTH AND HUMAN SERVICES DEPARTMENT. The HEALTH AND HUMAN SERVICES DEPARTMENT delegates

this inspection authority to the STOF ENVIRONMENTAL HEALTH MANAGER.

- B. Inspections shall be conducted a minimum of three (3) times per year of all permanent, non-temporary FOOD SERVICE ESTABLISHMENTS deemed to be high risk facilities (i.e., pre-schools, schools, senior centers) by the STOF ENVIRONMENTAL HEALTH MANAGER or his/her designee. At least two (2) inspections shall be conducted annually for all other facilities. Findings shall be reported by the STOF ENVIRONMENTAL HEALTH MANAGER utilizing the FOOD SERVICE ESTABLISHMENT Inspection Report drafted by the HEALTH AND HUMAN SERVICES DEPARTMENT. FOOD SERVICE ESTABLISHMENT Inspection Reports will be issued by the STOF ENVIRONMENTAL HEALTH MANAGER or his/her designee to the owner/operator of the facility and copies kept on file for at least five (5) years.
- C. Spot check inspections will be conducted periodically of TEMPORARY FOOD SERVICE ESTABLISHMENTS by the STOF ENVIRONMENTAL HEALTH MANAGER or his/her designee.
- D. The issuance of a FOOD SERVICE ESTABLISHMENT LICENSE or TEMPORARY FOOD SERVICE ESTABLISHMENT PERMIT carries with it the implied consent that the HEALTH AND HUMAN SERVICES DEPARTMENT or their designee shall have, at all times, the right of proper entry upon any and all parts of the premises of any place in which such entry is necessary to carry out the provisions of this ORDINANCE.
- E. STOF ENVIRONMENTAL HEALTH INSPECTORS may routinely retrieve food, milk and water samples for microbiological analyses.
- F. All facilities shall maintain copies of all prior inspection reports onsite for a minimum of five (5) years.
- G. The most recent inspection rating placard, and LICENSE or PERMIT, shall be displayed in conspicuous location.

### **SECTION 13 – ENFORCEMENT**

- A. The STOF HEALTH AND HUMAN SERVICES DEPARTMENT shall issue a LICENSE/PERMIT to the applicant provided the inspection concludes the proposed FOOD SERVICE ESTABLISHMENT complies with the requirements of this ORDINANCE.
- B. The STOF HEALTH AND HUMAN SERVICES DEPARTMENT may, without warning, notice, or hearing, close any establishment or suspend any LICENSE/PERMIT to operate a FOOD SERVICE ESTABLISHMENT if the holder of the LICENSE/PERMIT is not in compliance with the requirements of this ORDINANCE or if the operation of the FOOD SERVICE ESTABLISHMENT otherwise

constitutes a substantial hazard to public health. Suspension is effective upon service of the notice required by this ORDINANCE. When a LICENSE/PERMIT is suspended, FOOD SERVICE ESTABLISHMENT operations shall immediately cease. Whenever a LICENSE is suspended, the holder of the LICENSE shall be afforded an opportunity for a hearing within twenty (20) calendar days of receipt of a written request for a hearing.

- C. Whenever a LICENSE is suspended, the holder of the LICENSE or the person then in charge of the FOOD SERVICE ESTABLISHMENT shall be notified in writing that the LICENSE is, upon service of the notice, immediately suspended. An opportunity for hearing shall be provided if a written request for hearing is filed with the STOF HEALTH AND HUMAN SERVICES DEPARTMENT within ten (10) calendar days. If no written request for hearing is filed within ten (10) calendar days, then no hearing shall be held and the suspension is final. The STOF HEALTH AND HUMAN SERVICES DEPARTMENT may rescind the suspension at any time if the reason(s) for suspension no longer exist.
- D. The STOF HEALTH AND HUMAN SERVICES DEPARTMENT may, after providing an opportunity for a hearing, revoke a LICENSE/PERMIT for serious or repeated violations of any of the requirements of this ORDINANCE or for interference with the STOF HEALTH AND HUMAN SERVICES DEPARTMENT in the performance of duty.
- E. Prior to revocation, the STOF HEALTH AND HUMAN SERVICES DEPARTMENT shall provide written notice to the holder of the LICENSE, or the person then in charge of the FOOD SERVICE ESTABLISHMENT, of the specific reason(s) for which the LICENSE is to be revoked. Unless a written request for a hearing is filed with the STOF HEALTH AND HUMAN SERVICES DEPARTMENT by the holder of the LICENSE or certificate within the ten (10) calendar-day period, the revocation of the LICENSE is final.
- F. Listed below are examples of violations of this ORDINANCE that may result in suspension or revocation of a LICENSE/PERMIT:
  - 1. One (1) or more identical repeat CRITICAL VIOLATIONS on two (2) consecutive inspections;
  - 2. Three (3) or more CRITICAL VIOLATIONS on two (2) consecutive inspections;
  - 3. Ten (10) or more non-critical items on two (2) consecutive inspections; or
  - 4. An imminent health hazard including, but not limited to, pest infestation, fire damage, flood water damage or indications of adulterated or unwholesome foods.
- G. A notice provided for in this ORDINANCE is properly served when it is delivered to the holder of the LICENSE/PERMIT or the person

then in charge of the FOOD SERVICE ESTABLISHMENT, is sent by certified mail to the last known address of the holder of the LICENSE/PERMIT or when the notice is posted on the entrance to the establishment. A copy of the notice shall be filed in the records of the HEALTH AND HUMAN SERVICES DEPARTMENT.

- H. Whenever revocation of a LICENSE/PERMIT is final, the holder of the LICENSE/PERMIT or certificate may make written application for a new LICENSE/PERMIT following correction of violations.
- I. An inspection of a FOOD SERVICE ESTABLISHMENT shall be performed at least twice a year. Additional inspections of the FOOD SERVICE ESTABLISHMENT shall be performed as often as necessary for the enforcement of this ORDINANCE.
- J. Representatives of the STOF HEALTH AND HUMAN SERVICES DEPARTMENT shall be permitted to enter any FOOD SERVICE ESTABLISHMENT at any reasonable time for the purpose of making inspections to determine compliance with this ORDINANCE. The representative shall be permitted to examine the records of the FOOD SERVICE ESTABLISHMENT to obtain information pertaining to food and supplies purchased, received or used.
- K. Whenever an inspection of a FOOD SERVICE ESTABLISHMENT is made, the findings shall be recorded on the Inspection Report. The Inspection Report form shall summarize the requirements of this ORDINANCE. Inspection remarks shall be written to reference, by section number, the section violated and shall state the correction to be made. A copy of the completed Inspection Report form shall be furnished to the person in charge of the FOOD SERVICE ESTABLISHMENT at the conclusion of the inspection.
- L. Correction of violations: The Inspection Report form shall specify a reasonable period of time for the correction of the violations and in accordance with the following provisions:
  - 1. If an imminent health hazard exists operations shall not be resumed until authorized by the HEALTH AND HUMAN SERVICES DEPARTMENT. Examples include: a complete lack of refrigeration, sewage backup into the establishment, extended loss of water supply or extended power outage.
  - 2. CRITICAL VIOLATIONS shall be corrected in the period of time specified in the Inspection Report. The LICENSE/PERMIT holder shall request the STOF HEALTH AND HUMAN SERVICES DEPARTMENT to conduct a follow-up inspection to confirm compliance. The method of follow-up inspection is at the discretion of the HEALTH AND HUMAN SERVICES DEPARTMENT.
  - 3. All non-critical violations shall be corrected as soon as possible, and not later than the date of the next routine inspection.

4. When the FOOD SERVICE ESTABLISHMENT has fifteen (15) or more noncritical violations occurring in the facility, correction of the violations shall be completed in the period of time specified in writing on the Inspection Report. A follow-up inspection shall be conducted to confirm correction. The method of follow-up inspection is at the discretion of the HEALTH AND HUMAN SERVICES DEPARTMENT.
5. In the case of TEMPORARY FOOD SERVICE ESTABLISHMENTS, all violations shall be corrected within twenty-four (24) hours. If violations are not corrected within twenty-four (24) hours, the TEMPORARY FOOD SERVICE ESTABLISHMENT shall immediately cease food service operations until authorized to resume by the HEALTH AND HUMAN SERVICES DEPARTMENT.
6. The Inspection Report shall state that failure to comply with any time provided for correction may result in suspension of food service operations. An opportunity for a hearing regarding the inspection report or the time limitations shall be provided if a written request is filed with the HEALTH AND HUMAN SERVICES DEPARTMENT within ten (10) calendar days following delivery of the Inspection Report to the FOOD SERVICE ESTABLISHMENT. If a written request for hearing is made, a hearing shall be held within twenty (20) calendar days of receipt of the request.
7. Whenever a FOOD SERVICE ESTABLISHMENT is required under the provisions of this ORDINANCE to cease operations, it shall not resume operations until it is shown upon re-inspection that the conditions responsible for the order to cease operations no longer exist. Opportunity for re-inspection shall be offered within a reasonable time.

- M. The HEALTH AND HUMAN SERVICES DEPARTMENT may grant a VARIANCE by modifying or waiving the requirements of this ORDINANCE, if in the opinion of the STOF HEALTH AND HUMAN SERVICES DEPARTMENT, a health hazard will not result from the VARIANCE. All VARIANCE requests must be submitted to the STOF HEALTH AND HUMAN SERVICES DEPARTMENT, in writing, for approval. If a VARIANCE is granted, the HEALTH AND HUMAN SERVICES DEPARTMENT shall retain the information in its records for the FOOD SERVICE ESTABLISHMENT.

#### **SECTION 14 - REVIEW OF PLANS**

- A. Whenever a FOOD SERVICE ESTABLISHMENT is constructed, remodeled or whenever an existing structure is converted to use as a FOOD SERVICE ESTABLISHMENT, properly prepared plans and



specifications for such construction, remodeling or conversion shall be submitted to the STOF HEALTH AND HUMAN SERVICES DEPARTMENT for review and approval before construction, remodeling or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, construction materials of work areas and type and model of proposed fixed equipment and facilities. The STOF HEALTH AND HUMAN SERVICES DEPARTMENT shall approve the plans and specifications provided that they are in compliance with the requirements of this ORDINANCE and other applicable laws. No FOOD SERVICE ESTABLISHMENT shall be constructed, remodeled or converted except in accordance with plans and specifications approved by the HEALTH AND HUMAN SERVICES DEPARTMENT.

- B. Whenever plans and specifications are required by this ORDINANCE to be submitted to the STOF HEALTH AND HUMAN SERVICES DEPARTMENT, they shall inspect the FOOD SERVICE ESTABLISHMENT prior to the start of operations to determine compliance with the approved plans, specifications and the requirements of this ORDINANCE and other applicable laws.

## **SECTION 15 - PROCEDURE WHEN INFECTION IS SUSPECTED**

When the STOF HEALTH AND HUMAN SERVICES DEPARTMENT has reasonable cause to suspect possible disease transmission by an employee of a FOOD SERVICE ESTABLISHMENT, it may secure a medical history of the suspected employee or make any other investigations as indicated and shall take appropriate action. The STOF HEALTH AND HUMAN SERVICES DEPARTMENT may require any or all of the following measures:

- A. Immediate exclusion of the employee from employment in the FOOD SERVICE ESTABLISHMENT.
- B. Immediate closing of the FOOD SERVICE ESTABLISHMENT until, in the opinion of the STOF HEALTH AND HUMAN SERVICES DEPARTMENT, no further danger of disease outbreak exists.
- C. Restriction of the employee's duties to an area of the FOOD SERVICE ESTABLISHMENT where there is no danger of disease transmission.
- D. Appropriate medical and laboratory examination of the exposed employee and the exposed employee's body discharges as approved by the STOF HEALTH AND HUMAN SERVICES DEPARTMENT.

## **SECTION 16 - EXAMINATION AND CONDEMNATION OF FOOD**

The STOF HEALTH AND HUMAN SERVICES DEPARTMENT may examine or take samples of food as necessary to detect adulterated or misbranded food. The STOF HEALTH AND HUMAN SERVICES DEPARTMENT may condemn and forbid the sale of, or cause to be removed or destroyed, any food which is adulterated or misbranded.

#### **SECTION 17- WAIVER**

The TRIBAL COUNCIL may waive specific provisions of this ORDINANCE for the purpose of allowing STOF Tribal Government activities to take place that would not be otherwise permitted, except that no waiver will be given for activities at the casinos. Such waiver must be in writing and must include a statement of the specific ORDINANCE section to be waived, a detailed description of the activity to take place, and the times, dates and specific location of such activity. The TRIBAL COUNCIL shall consult with the STOF HEALTH AND HUMAN SERVICES DEPARTMENT before approving any waiver.

#### **SECTION 18- NO PRIVATE RIGHT OF ACTION**

Nothing contained in this ORDINANCE is intended or shall be construed or applied to create a private right of action in any individual or individuals, partnership, association, corporation, business trust, legal representative, any organized group of individuals or any other person or entity.

#### **SECTION 19 – SOVEREIGN IMMUNITY**

The sovereign immunity of the STOF and its governmental affiliates shall also attach to the actions of the STOF HEALTH AND HUMAN SERVICES DEPARTMENT, any governmental entity, employer or enterprise affiliated with the STOF; any department head; and any employee or agent acting on behalf of the STOF with respect to actions undertaken pursuant to, consistent with or under color of this ORDINANCE. Nothing in this ORDINANCE waives the sovereign immunity of the STOF or any of its governmental affiliates.

**Seminole Tribe of Florida Health and Human Services  
Department**

**Health Department  
3006 Josie Billie Avenue  
Hollywood, FL 33024**

**For more information contact  
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954-985-2330**