

Florida Department of Agriculture and Consumer Services
Division of Food Safety

UNATTENDED FOOD ESTABLISHMENT AT RETAIL INDUSTRY GUIDANCE

This document is intended as a guidance for all unattended food establishments and does not replace any applicable laws and regulations concerning food safety and food protection, including Chapter 500 Florida Statute (F.S), 5K-4 Florida Administrative Code (F.A.C.) and the 2017 FDA Food Code.

Unattended food establishments are typically located in office buildings or break areas where access by the public is restricted. While a wide variety of food items may be provided, these operations frequently offer packaged time/temperature control for safety food (TCS) and non-TCS food products that are displayed via refrigeration units, food racks, baskets and/or countertop display units. Unattended food establishments may also be equipped with microwave ovens or offer automatically dispensed hot and cold beverages. The one common characteristic of these operations is that they lack the presence of an onsite person-in-charge (PIC). As these operations have been observed, various jurisdictions have identified them by a variety of names including, but not limited to, micro-markets, self-service food markets and self-service retail convenience stores.

Minimum Requirements for an Unattended Food Establishment:

1. The plan review and food safety operating permit shall be in accordance with the Florida Department of Agriculture and Consumer Services, Division of Food Safety.
 - a. Each Unattended Food Establishment must meet the Division of Food Safety's Minimum Construction Standards (MCS) applicable to the operation.
2. Unattended Food Establishment Location
 - a. The unattended food establishment shall be in the interior of a building that is not accessible by the public. Access to the unattended food establishment shall be limited to a defined population (e.g., employees or occupants of the building where the establishment is located).
3. Nature and Source of Food and Beverages Offered for Sale
 - a. Only commercially packaged foods properly labeled for individual retail sale are offered.
 - b. No unpackaged food is permitted except as provided by 3-302.11(B)(1) of Food Code.
 - c. Food preparation by consumers is limited to heating/reheating food in a microwave oven.
 - d. No dispensing of bulk food is permitted. Bulk food is referred to as food that is dispensed to the customer without being commercially packaged for individual service or sale.
4. Refrigerated Display Equipment
 - a. An unattended food establishment shall be equipped with refrigeration or freezer units that have the following features:
 - i. Self-closing doors that allow food to be viewed without opening the door to the refrigerated cooler or freezer; and
 - ii. Automatic self-locking mechanism that prevents the consumer from accessing the food upon the occurrence of any condition that results in the failure of the refrigeration unit to maintain the internal product temperature specified under Food Code Subparagraph 3-501.16(A)(2) or freezer unit to maintain the product frozen.



5. Food Service Equipment Limitations

Page 1 of 3

a. Beverage Dispensing Equipment

- i. Beverage dispensers are limited to equipment that dispenses individual servings, such as those that dispense one cup of coffee at a time. The use of any other beverage dispensing equipment may be permitted by the regulatory authority based upon the capability of the permit holder to properly clean and sanitize the equipment on the required frequency.
- ii. Beverage dispensers connected to the building water supply shall be properly equipped with backflow prevention per 5-203.14 of the Food Code.

b. Food Contact Surfaces

- i. Multi-use food-contact surfaces shall be cleaned on the frequency consistent with 4-602.11 of the Food Code or shall be easily removable and replaced with cleaned surfaces that have been transported in a sanitary manner.
- ii. Multi-use food-contact surfaces intended for direct contact with TCS foods are not permitted.

c. Food Protection

i. Security

1. An unattended food establishment shall provide continuous video surveillance of areas where consumers view, select, handle and purchase products that provides enough resolution to identify situations that may compromise food safety or food defense.
 - a. Video surveillance recordings shall be maintained and made available for inspection upon request by a representative of a regulatory agency within 24 hours of a request.
 - b. Video surveillance recordings shall be held by the establishment for a minimum of fourteen days after the date of the surveillance.
 - c. If required by local regulations, provide customer notification of video surveillance within the unattended food establishment.
2. The permit holder shall take reasonable steps necessary to discourage individuals from returning food and/or beverages that have not been selected for purchase.

ii. Routine Service at an Unattended Food Establishment:

1. The permit holder is responsible for routine service of the unattended food establishment on a scheduled basis and at a frequency acceptable to the regulatory authority. Service may include, but is not limited to the following:
 - a. Ensuring food is in sound condition and unadulterated by checking food supplies and equipment for signs of product damage and/or tampering and the presence of recalled foods.
 - b. Verifying refrigeration equipment is operating properly including the temperature display and self-locking mechanism.
 - c. Cleaning food service equipment and food display areas.
 - d. Stocking food and disposable single-use and single-service supplies.

2. The permit holder shall assure:

Page 2 of 3

- a. Food is from an approved source.
- b. Packaged food is provided in tamper-evident packaging.
- c. Food is protected from potential sources of cross contamination.
- d. Food is maintained at safe temperatures during transport and display.

6. Unattended Food Establishment Oversight

- a. Each unattended food establishment shall have a sign readily visible at the automated payment station stating:
 - i. The name and mailing address of the business entity responsible for the establishment and to whom complaints and comments should be addressed.
 - ii. The telephone number or other electronic contact information for the responsible business entity, when applicable.

7. Designation of Responsibilities

- a. The permit holder bears all responsibilities for the operation of the food establishment. Where the permit holder is not the owner or operator of the building where the food establishment is located, an agreement that outlines the responsibilities for cleaning and maintenance of all surfaces and equipment, provision of supportive facilities/services such as janitorial and restroom facilities, pest control and removal of solid waste may be approved by the regulatory authority. This agreement should also outline what actions must be taken by both parties to maintain the establishment in compliance with all requirements.

Please submit all required materials to the Retail HACCP Coordinator: RetailHACCPspa@FDACS.gov

1-800 HELP FLA
FDACS.gov

Page 3 of 3