

## MOBILE FOOD PERMIT REQUIREMENTS

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 2009 FDA Food Code. This document is only a summary of some of the regulations. A free copy of any of the documents referenced in this guideline may be obtained by visiting the web site <http://www.FreshFromFlorida.com>.

### DEFINITIONS:

**Certified Food Protection Manager (CPFM)**- A person responsible for all aspects of food operations at food establishments regulated by the Department under Chapter 500, F.S.

**Commissary**- An approved facility that provides support services for specific required functions of an MFE including the storage of packaged food items, food containers or supplies. These approved food establishments must be permitted or licensed by Florida Department of Agriculture and Consumer Services (FDACS) or Department of Business and Professional Regulation (DBPR.) 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 vendor**- Persons selling foods other than fresh fillits or vegetables from trucks, trailers, or similar self-propelled conveyances (Chapter 5K-.020(1) (q), F.A.C.).

**Mobile food establishment (MFE)** - Persons selling foods other than whole fresh fillits or vegetables from non-fixed structures. Mobile food establishments consist of mobile vendors and semi-permanent vendors.

**Potentially Hazardous Food (PHF)** - A food that requires time and temperature controls to limit pathogenic microorganism growth or toxin formation. This includes raw or heat-treated food of animal origin; heat treated food of plant origin; raw seed sprouts; cut melons; and some garlic-in-oil mixtures. This does not include a food that has a moisture content (aw value) of 0.85 or less or a food with a pH level of 4.6 or below as specified in the Food Code.

**Potable water**- Drinking water that meets the criteria described by the Florida Department of Environmental Protection (DEP) (Chapter 62-550 F.A.C., Chapter 62-550 F.A.C.) or the Florida Department of Health (DOH) (Chapter 64E-8, F.A.C.).

**Processing/preparing**- The action which includes combining food ingredients, heating/cooking food, cutting/slicing of food, washing of fruit for juice processing, and repackaging of bulk foods or similar operations involving exposed foods.

**Semi-permanent vendor**- Persons selling foods other than fresh fruits and vegetables from a pushcart, flea market stand, roadside stand, kiosk, or similar structure and which may offer ancillary food (Ch5K .020(1)(aa)( F.A.C.).  
General Requirements for All Mobile Food Establishments

- MFEs are not allowed to process/prepare exposed potentially hazardous foods (PHFs) within their mobile food establishment units order an FDACS mobile food establishment permit.



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.

- MFEs that process/prepare food at a commissary must obtain a food permit from FDACS (in addition to a mobile food establishment permit) to cover the processing/preparing of food. Processing/preparing food includes combining food ingredients, heating/cooking food, cutting/slicing of food, and repackaging of bulk foods or similar operations.
- Must have an agreement with a commissary and be capable of visiting commissary each day of operation unless determined not applicable by FDACS.
- Vendors offering only whole produce or legumes in the shell are not required to obtain a food permit from FDACS if the produce is sold in a raw or intact state.
- Allows no bare hand contact with ready to eat foods.
- No homemade food items of any kind shall be provided. Food products 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](http://www.FreshFromFlorida.com).
- 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.). Yard eggs can be sold for human consumption if the requirements in the document "Guidelines for Selling Eggs" written by FDACS Division of Food Safety (2/1/2006) are met.
- 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.
- Must provide only single-service articles for use by the consumers.
- MFEs cannot operate at multiple locations at the same time under a single mobile food establishment permit.
- Food products and supplies must be stored only at approved commissaries and permitted warehouses and not in private residences.
- Are permitted to provide prepackaged food items that are labeled as required by the Food Code 3-601.12: (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. (4) The name and place of business of the manufacturer, packer, or distributor.

Packaging materials must be manufactured from food grade materials. Single use articles must not be reused.

- 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.
- All water used must be potable (drinking water).
- If water is not available from traditional state approved plumbing, portable tanks may be used for hand washing purposes. See the Food Code Chapter 5-3 for more information.
- 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 Department 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. Refer to Food Code Chapter 5-3 for all requirements.
- 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. See the Food Code Chapter 5-4 for all requirements.

### **Specific Requirements for Different Mobile Food Establishments**

- Mobile vendors are not required to have rest room facilities, or provide hand washing facilities for the public.
- Semi-permanent vendors are required to have access to restroom facilities that meet the Florida building code which contain a hand washing sink with hot and cold potable water for employees and public use either on property or accessible through a commissary agreement, provided the commissary has restroom facilities that are accessible during all hours of operation, are not separated by a public thoroughfare, and are within 500 feet of the MFE (unless in a covered mall, then must be within 300 feet.)
- 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 holding, 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. 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. MFEs which have food sales of prepackaged potentially hazardous food must have a certified food protection manager, adequate storage space for the food products so that the food is protected, 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. MFEs that sell prepackage frozen desserts must have sufficient freezer space for storage of frozen food products, adequate food protection, maintain cleanable non-food contact surfaces, a freezer thermometer, and containers for solid waste. \*\*
4. 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 certified food manager is present.
  - Juice is extracted and provided by the glass (open single-serving container) only.

- Juice must be extracted in an enclosed juicing machine. Hand squeezing of juice for human consumption is prohibited.
- Hand wash sink with hot and cold potable water under pressure must be located within the MFE.
- 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. 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.
- 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 4 hours unless it is disassemble, washed, rinsed, and sanitized in a three compartment sink with hot and cold potable water.
- All fruits/vegetables must be washed, rinsed, sanitized, and protected from contamination during the entire process, i.e. stored in sealed containers.
- 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.

- MFEs can sell pre-packaged fresh squeezed juice if the firm that extracts and packages the juice is a permanent establishment and complies with the FDA Food Code for retail (if under the same owner as MFE) or 21 CFR 120 for wholesale and is regulated by a government entity.
- 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.
- A warning label can only be used if the mobile vendor is the same business entity as the permanent establishment extracting and packaging the juice, i.e. the original firm is considered a retailer.
- 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 Chapter 3-404.11 (B) 2.
- 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. 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 have a certified food protection manager, adequate storage space for food products so that the food is protected, containers for solid waste, potable water supply, maintain cleanable food and non-food contact surfaces, a hand washing sink in the unit with hot and cold running water under pressure, and a 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 mobile food establishment 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 4-602.11.

- 6a. MFEs may sell raw fish products, which may include whole or eviscerated fish, head on or headless shrimp. If an MFE conducts seafood processing, a seafood processor permit must be obtained in addition to the MFE permit and meet seafood HACCP requirements, when applicable, to obtain the processing permit.
- 6b. 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 calibrated scale with calibration records, refrigeration media (ice or refrigerated unit,) thermometer, containers for solid waste, potable water supply, a waste water container large enough to hold all waste water generated within the unit and 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 use the DACS form 14223 titled Commissary Letter of Agreement. 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.
- Commissaries must be visited by the MFE at least once within each day of operation by the MFE. An MFE must have more than one approved commissary for each time it operates in a location where it cannot visit its primary commissary once a day during operation.
- 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 in accordance to 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 wastewater does not cause a sanitary nuisance.

1-800 HELP FLA (1-800-  
435-7352)  
[www.FreshFromFlorida.com](http://www.FreshFromFlorida.com)



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Division of Food Safety

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**COMMISSARY LETTER OF AGREEMENT**

**ADAM H. PUTNAM**  
**COMMISSIONER**

This form is to be filled out and given to the FDACS inspector in the field and submitted as part of a mobile food establishment permit application or with a package ice plant self-vending permit application that requires a commissary.

SECTION 1 – MOBILE FOOD ESTABLISHMENT (MFE) OR SELF VENDING ICE UNIT (SVIU) INFORMATION			
Owner Name		Phone Number (include area code)	
Owner Mailing Address		Permit Number	
City	Zip Code (+4 optional)	County	
I hereby certify the provided information is correct and understand permit approval is contingent upon verification of an approved commissary.			
Print Name (Owner of MFE or SVIU)		Signature (Owner of MFE or SVIU)	Date
SECTION 2 – PRIMARY COMMISSARY INFORMATION			
Primary Commissary Name			
Commissary Address			
City	Zip Code (+4 optional)	County	
Primary Phone Number (include area code)			
Commissary License/Permit Number		Primary E-Mail Address	
Licensed By (check one)	<input type="checkbox"/> Department of Agriculture & Consumer Services	<input type="checkbox"/> Department of Business and Professional Regulation	<input type="checkbox"/> Department of Health <input type="checkbox"/> None
<b>Water Supply of Primary Commissary</b>	<input type="checkbox"/> Municipal/Utility	<input type="checkbox"/> Supplier Name	
	<input type="checkbox"/> On-site Well	<input type="checkbox"/> Permit Number	
<b>Wastewater Disposal of Primary Commissary</b>	<input type="checkbox"/> Municipal/Utility	<input type="checkbox"/> Supplier Name	
	<input type="checkbox"/> Septic Tank System	<input type="checkbox"/> Permit Number	
	<input type="checkbox"/> Package Plant		
I intend to provide the following activities at this commissary:			
Dish or equipment washing	<input type="checkbox"/> Yes <input type="checkbox"/> No	Storing of food and dry goods (room temperature)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Dumping wastewater	<input type="checkbox"/> Yes <input type="checkbox"/> No	Cold Storage of food (including ice and drinks)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Receiving potable water	<input type="checkbox"/> Yes <input type="checkbox"/> No	Cooking and/or reheating food	<input type="checkbox"/> Yes <input type="checkbox"/> No
Washing the outside of the vehicle	<input type="checkbox"/> Yes <input type="checkbox"/> No	Three compartment sink	<input type="checkbox"/> Yes <input type="checkbox"/> No
Restroom facilities	<input type="checkbox"/> Yes <input type="checkbox"/> No	Other (Describe below)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Describe other activities here:			
Signing this document will allow FDACS Food Inspectors entry to my business during normal hours of operation for evaluation of facilities.			
Print Name (of Person in Charge of Commissary)		Signature (of Person in Charge of Commissary)	Date

Are additional commissaries used?  Yes  No If yes use as many pages as needed.