



NICOLE "NIKKI" FRIED  
COMMISSIONER

Florida Department of Agriculture and Consumer Services  
Division of Food Safety

**FOOD SAFETY INSPECTION REPORT**

Chapter 500, Florida Statutes  
(850) 245-5520

Print Date: January 13, 2021



Visit # 9999-7182-1558-40  
Bureau of Food Inspection  
Attention: Business Center  
3125 Conner Boulevard, C-26  
Tallahassee, FL 32399-1650

Food Entity Number:  
Food Entity Name: foo lots market  
Date of Visit: January 13, 2021  
Food Entity Address: 655 E Base ST Madison, FL 32340-2705  
Food Entity Mailing Address: 655 E Base ST Madison, FL 32340-2705  
Food Entity Type/Description: 132/Seafood Market Retail  
Food Entity Owner: foo lots market llc

Owner Code:

**INSPECTION SUMMARY - Operating Without a Valid Food Permit - Abridged Inspection**

On January 13, 2021, foo lots market was inspected by YOLANDA SYLVE, a representative of the Florida Department of Agriculture and Consumer Services. Any violations observed during this inspection must be corrected to be in compliance with Chapter 500, Florida Statutes, and Rule 5K-4, Florida Administrative Code.

**PERMIT APPLICATION INFORMATION**

The permit application information was verified with management or a qualified representative.

**COMPLIANCE KEY**

IN = In Compliance OUT = Not In Compliance N/O = Not Observed N/A = Not Applicable

**FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS**

<u>Violation Number</u>	<u>Compliance Status</u>	<u>Violation Description</u>
1	IN	SUPERVISION: Person in charge present, demonstrates knowledge, and performs duties
2	OUT	EMPLOYEE HEALTH: Management, food employee and conditional employee; knowledge, responsibilities and reporting
3	IN	EMPLOYEE HEALTH: Proper use of restriction and exclusion
4	IN	GOOD HYGIENIC PRACTICES: Proper eating, tasting, drinking, or tobacco use
5	IN	GOOD HYGIENIC PRACTICES: No discharge from eyes, nose, and mouth
6	IN	PREVENTING CONTAMINATION BY HANDS: Hands clean and properly washed
7	N/O	PREVENTING CONTAMINATION BY HANDS: No bare hand contact with ready-to-eat foods or approved alternative method properly followed
8	IN	PREVENTING CONTAMINATION BY HANDS: Handwashing sinks properly supplied and accessible
9	OUT	APPROVED SOURCE: Food obtained from approved source
10	N/O	APPROVED SOURCE: Food received at proper temperature
11	IN	APPROVED SOURCE: Food in good condition, safe and unadulterated
12	N/O	APPROVED SOURCE: Required records available: shellstock tags, parasite destruction
13	IN	PROTECTION FROM CONTAMINATION: Food separated and protected
14	IN	PROTECTION FROM CONTAMINATION: Food-contact surfaces: cleaned and sanitized



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**FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS**

<u>Violation Number</u>	<u>Compliance Status</u>	<u>Violation Description</u>
15	IN	PROTECTION FROM CONTAMINATION: Proper disposition of returned, previously served, reconditioned, and unsafe food
16	N/A	TIME/TEMPERATURE CONTROL FOR SAFETY FOOD: Proper cooking time and temperatures
17	N/A	TIME/TEMPERATURE CONTROL FOR SAFETY FOOD: Proper reheating procedures for hot holding
18	N/O	TIME/TEMPERATURE CONTROL FOR SAFETY FOOD: Proper cooling time and temperatures
19	N/A	TIME/TEMPERATURE CONTROL FOR SAFETY FOOD: Proper hot holding temperatures
20	IN	TIME/TEMPERATURE CONTROL FOR SAFETY FOOD: Proper cold holding temperatures
21	N/O	TIME/TEMPERATURE CONTROL FOR SAFETY FOOD: Proper date marking and disposition
22	N/A	TIME/TEMPERATURE CONTROL FOR SAFETY FOOD: Time as a public health control: procedures and records
23	IN	CONSUMER ADVISORY: Consumer advisory provided for raw or undercooked foods
24	IN	EMPLOYEE HEALTH: Procedures for responding to vomiting and diarrheal events
25	N/A	CHEMICAL: Food additives: approved and properly used
26	IN	CHEMICAL: Toxic substances properly identified, stored, and used
27	N/A	CONFORMANCE WITH APPROVED PROCEDURES: Conformance with approved procedures
95	IN	SUPERVISION: Certified food protection manager

**GOOD RETAIL PRACTICES**

<u>Violation Number</u>	<u>Compliance Status</u>	<u>Violation Description</u>
34	OUT	FOOD TEMPERATURE CONTROL: Thermometers provided and accurate
45	OUT	UTENSILS, EQUIPMENT AND VENDING: Food and nonfood-contact surfaces cleanable, properly designed, constructed, and used
46	OUT	UTENSILS, EQUIPMENT AND VENDING: Warewashing facilities: installed, maintained, and used; test strips
49	OUT	PHYSICAL FACILITIES: Plumbing installed; proper backflow devices
52	OUT	PHYSICAL FACILITIES: Garbage and refuse properly disposed; facilities maintained
53	OUT	PHYSICAL FACILITIES: Physical facilities installed, maintained, and clean
94	OUT	Food Establishment Type
99	OUT	CHAPTER 5K-4: Food Permit

**OBSERVATIONS AND CORRECTIVE ACTIONS**

COS = Corrected on Site

P = Priority Citation

Pf = Priority Foundation Citation

(Directly Associated with Foodborne Illnesses)

(Supports or Leads to a Priority Citation)

**INSPECTION: RISK BASED**





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**INSPECTION: RISK BASED**

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COMMISSIONER

Violation  
Number

Citation Description

COS Observation

- |   |   |   |    |
|---|---|---|----|
| 2 | The establishment does not require food employees or conditional employees to report to the person in charge information about their health and activities as they relate to reportable symptoms, diagnosis, past illnesses or history of exposure to diseases that are transmissible through food. Food employee or conditional employee does not report necessary additional information such as date of onset of symptoms or illness, or diagnosis without symptoms. 2-201.11(A) P | <input type="checkbox"/> FOOD ESTABLISHMENT DOES NOT HAVE AN EMPLOYEE HEALTH POLICY. SEE COMMENTS.  | P  |
| 9 | Packaged food not labeled from the source as specified in law, including 21 CFR 101, 9 CFR 317, and 9 CFR 381. 3-201.11(C) Pf   | <input checked="" type="checkbox"/> RETAIL AREA - BAGS OF FRENCH FRIES AND ONION RINGS NOT PROPERLY LABELED WITH ADDRESS, NAME OF MANUFACTURING, INGREDIENT STATEMENT, AND NET WEIGHT OF CONTENTS. COS - PRODUCT WAS RELOCATED TO THE BACK COOLER NOT FOR RETAIL. | Pf |

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**INSPECTION: GRP**

Violation  
Number

Citation Description

COS Observation

- |    |   |   |    |
|----|---|---|----|
| 34 | Food temperature measuring device not provided or not readily accessible for use in ensuring food temperatures are attained and maintained; or food temperature measuring device with a suitable small-diameter probe not provided or not readily accessible to accurately measure the temperature in thin foods. 4-302.12 Pf | <input type="checkbox"/> RETAIL AREA - FOOD ESTABLISHMENT DOES NOT HAVE A SMALL PROBE THERMOMETER FOR TAKING INTERNAL TEMPERATURES OF COLD HOLDING FOODS. | Pf |
| 45 | Nonfood-contact surface of equipment exposed to splash, spillage, or other food soiling or that requires frequent cleaning not constructed of a corrosion-resistant, nonabsorbent, and smooth material. 4-101.19  | <input type="checkbox"/> BACK ROOM AREA - WOOD SHELVING THAT IS UNSEALED USED IN THE BACK WALK IN COOLER.   |    |



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Violation  
Number

Citation Description

COS Observation

45	Equipment that is fixed because it is not easily moveable not installed with space to allow access for cleaning along the sides, behind or above the equipment; with no more than one thirty-second inch of space from adjoining equipment, walls, or ceiling; or sealed to adjoining equipment or walls when the equipment is exposed to spillage or seepage. Counter-mounted equipment that is not easily moveable not installed to allow cleaning of the equipment or areas underneath or around the equipment by being sealed. 4-402.11	<input type="checkbox"/> BACK ROOM AREA - THREE COMPARTMENT SINK IS UNSEALED TO WALL.	
46	Test kit or other device that accurately measures the concentration in MG/L of sanitizing solution not provided. 4-302.14 Pf	<input type="checkbox"/> BACK ROOM AREA- FOOD ESTABLISHMENT DOES NOT HAVE ANY CHLORINE SANITIZER TEST STRIPS.	Pf
49	Plumbing system not designed, constructed, and installed according to law. 5-202.11(A) P	<input type="checkbox"/> BACK ROOM AREA - THREE COMPARTMENT SINK FAUCET CANNOT REACH ALL THREE SINKS. FAUCET IS TOO SHORT AND ONLY SUPPLIES WATER TO MIDDLE SINK. STOP USE ORDER ISSUED. SEE SUPPLEMENT. DISCUSSION WITH MANAGEMENT ABOUT NO PROCESSING ALLOWED UNTIL THE THREE COMPARTMENT SINK IS FIXED.	P
49	Water system device not scheduled for inspection and service, in accordance with manufacturer's instructions and as necessary to prevent device failure based on local water conditions, or records demonstrating inspection and service not maintained. 5-205.13 Pf	<input checked="" type="checkbox"/> SEAFOOD AREA - FILTER FOR ESTABLISHMENT'S ICE MACHINE DOES NOT HAVE A DATE OF SERVICE INFORMATION. COS - DATE WAS APPLIED TO FILTER DURING THE INSPECTION.	Pf
49	Plumbing system not installed to preclude backflow of a solid, liquid, or gas contaminant into the water supply system at each point of use, including on a hose bibb, by providing an air gap or installation of an approved backflow prevention device. 5-203.14 Pf	<input type="checkbox"/> OUTSIDE - NO BACKFLOW DEVICE INSTALLED ON HOSE BIBB ON EAST SIDE OF BUILDING.	Pf
52	Outdoor storage surface for refuse, recyclables, and returnables not constructed of nonabsorbent material such as concrete or asphalt or is not smooth, durable, and sloped to drain. 5-501.11	<input type="checkbox"/> OUTSIDE GROUNDS - DUMPSTER LOCATED ON GRASS AT THE BACK OF THE BUILDING.	





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Violation  
Number

Citation Description

53

Studs, joists, or rafters exposed in areas subject to moisture. 6-201.18

53

Materials for indoor floor, wall, and ceiling surfaces under conditions of normal use are not smooth, durable, or easily cleanable for areas where food operations are conducted; or are absorbent for areas subject to moisture, or flushing or spray cleaning methods. Carpet for carpeted areas is not closely woven and easily cleanable. Floors, floor coverings, walls, wall coverings, and ceilings not designed, constructed, and installed so they are smooth and easily cleanable. 6-101.11 and 6-201.11

94

Food Establishment manufactures, processes, packs, holds, prepares or sells food products intended for human consumption that contains hemp extract, which includes CBD and/or other cannabinoids permitted with an incorrect Food Establishment type pursuant to 5K-4.034, F.A.C. Food Establishment shall remit payment of appropriate fee within 10 days. 5K-4.034(3), F.A.C.

99

The food establishment is operating without a valid food permit. An application for a food permit has been submitted. Food Establishment shall remit payment of appropriate fee within 10 days. 500.12(1)(a)F.S., 5K-4.020(4)(b) F.A.C.

COS Observation

- BACK ROOM AREA - PROCESSING AND THREE COMPARTMENT SINK AREA HAD OVERHEAD UTILITY LINES EXPOSED OVERHEAD.
- BACK ROOM AREA - FLOORING IN PROCESSING AREA IS BARE CONCRETE. FLOORING IS NOT SEALED.
- FOOD ESTABLISHMENT INTENDS TO SELL HEMP/CBD PRODUCT. AT THIS CURRENT TIME, THE FOOD ESTABLISHMENT DOES NOT HAVE ANY HEMP/CBD PRODUCTS AVAILABLE FOR PICTURES.
- FOOD ESTABLISHMENT IS OPERATING WITHOUT A PERMIT. APPLICATION HAS BEEN SUBMITTED.

A Supplemental Report was also issued during the visit which includes important information for management.

**COMMENTS**

Informational handouts were given to the establishment; Employee Health Guidelines & Reduce Oxygen Packaging Guidelines & Reducing Illness handouts.

The Minimum Construction Standards checklist has been used in accordance with 500.12(2)(a) Florida Statutes by the food safety inspector to determine compliance before obtaining a food permit.

Food Establishment manufactures, processes, packs, holds, prepares or sells food products intended for human consumption that contain hemp, hemp extract, CBD or other cannabinoids. FE permit type changed to Hemp Food Establishment during this visit.



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Due to COVID-19, today's summarized inspection was conducted using risk-based methodology focusing on food safety parameters that are directly associated with sanitation and public health

Payments can be made online at <https://foodpermit.fdacs.gov> or can be mailed to Florida Department of Agriculture and Consumer Services, P.O. Box 6720, Tallahassee FL 32314-6720. Checks and money orders are to be payable to Florida Department of Agriculture and Consumer Services. All payments must include the Food Establishment number and reason of payment type in the memo section of the check or money order.

Stop Use Order issued. Food establishment can visit <https://foodpermit.fdacs.gov> or contact the Business Center at (850) 245-5520 when corrections have been made and/or when required documents have been obtained to request food safety inspector visit for written release of equipment.

The food establishment is operating without a valid food permit. An application for a food permit has been submitted. The Food Establishment shall remit payment of the appropriate fee within 10 days. Electronic online payment by credit card or e-check is available at <https://foodpermit.fdacs.gov>. Payment by check or money order is also accepted but must be made payable to FDACS and remitted to Florida Department of Agriculture and Consumer Services, PO Box 6720, Tallahassee, FL 32314-6720. Please note that payment by check or money order may delay the processing of your food permit application. Contact the Business Center by email at [FoodSafety@FDACS.gov](mailto:FoodSafety@FDACS.gov) or by calling 850-245-5520 for further assistance.

ACKNOWLEDGMENT

I acknowledge receipt of a copy of this document, and I further acknowledge that I have verified the location and mailing addresses on the first page of this document are correct, or I have written the correct information on the first page of this document.

(Signature of FDACS Representative)

YOLANDA SYLVE, ENVIRONMENTAL SPECIALIST II

(Signature of Representative)

TONY NI, OWNER

Print Name and Title

Environmental Specialist I





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**FOOD SAFETY INSPECTION SUPPLEMENTAL REPORT**

Florida Statutes, Chapter 500.172, 500.174  
(850) 245-5520



Visit #: 99997182155840

Print Date: January 13, 2021

Food Entity #:   
Food Entity Name: foo lots market  
Date Of Visit: January 13, 2021  
Food Entity Location Address: 655 E Base ST Madison, FL 32340-2705  
Food Entity Mailing Address: 655 E Base ST Madison, FL 32340-2705  
Food Entity Type/Description: 132/Seafood Market Retail  
Food Entity Owner: foo lots market llc

Owner Code:

SUPPLEMENTAL KEY #:  
327209

**STOP USE ORDER**

You are hereby ordered to withhold from movement, sale or use subject to further instructions from an authorized agent of the Florida Department of Agriculture and Consumer Services, the goods or equipment listed below.

Article:	Three Compartment Sink			
Brand Name:	Dealer			
Lot #:	# Of Pkgs: 1	Size Of Pkg:	Total Weight:	Invoice #:
				Invoice Date:

Manufacturer: Dealer  
Distributor:

The primary reason and condition that caused the product or equipment stop sale or stop use and determined dangerous, unwholesome, fraudulent, or insanitary was: FS 500.04; FS 500.172 UNSANITARY EQUIPMENT\* PHYSICAL FACILITIES: Plumbing installed; proper backflow devices

Comments: TO REQUEST FOOD SAFETY INSPECTOR VISIT FOR WRITTEN RELEASE WHEN CORRECTIONS HAVE BEEN MADE TO THE FAUCET ON THE THREE COMPARTMENT SINK FOR REQUEST RELEASE OF EQUIPMENT, VISIT [HTTPS://FOODPERMIT.FDACS.GOV](https://FOODPERMIT.FDACS.GOV) OR CONTACT THE BUSINESS CENTER AT (850) 245-5520.

When the department or its duly authorized agent finds, or has probable cause to believe, that any food or food-processing equipment is in violation of this chapter or any rule adopted under this chapter so as to be dangerous, unwholesome, fraudulent, or insanitary within the meaning of this chapter, an agent of the department may issue and enforce a stop-sale, stop-use, removal, or hold order, which order gives notice that such article or processing equipment is, or is suspected of being, in violation and has been detained or embargoed and which order warns all persons not to remove, use, or dispose of such article or processing equipment by sale or otherwise until permission for removal, use, or disposal is given by the department or the court. It is unlawful for any person to remove, use, or dispose of such detained or embargoed article or processing equipment by sale or otherwise without such permission in accordance with 500.172 (1) Florida Statutes.

**AN ADMINISTRATIVE HEARING IS AVAILABLE FOR ALL ORDERS, NOTICES, AND REPORTS IN THIS SUPPLEMENTAL REPORT**

If you wish to contest the Department's action, you have the right to request an administrative hearing to be conducted in accordance with Sections 120.569 and 120.57, Florida Statutes and to be represented by counsel or other qualified representative. Your request for hearing must contain:

1. Your name, address, and telephone number, and facsimile number (if any).
2. The name, address, and telephone number, and facsimile number of your attorney or qualified representative (if any) upon whom service of pleadings and other papers shall be made.
3. A statement that you are requesting an administrative hearing and dispute the material facts alleged by the department, in which case you must identify the material facts that are in dispute (formal hearing), or that you request an administrative hearing and that

you do not dispute the facts alleged by the department (informal hearing).

4. A statement of when (date) you received the Notice and the file number of this Notice.

Your request for a hearing must be received at the address shown on this Notice within twenty-one (21) days of receipt of this Notice. If you fail to obtain a Release from this Notice or fail to request an administrative hearing within the twenty-one (21) day deadline you waive your right to a hearing and the Department may enter a Final Order imposing up to the maximum penalties as authorized by Florida Law

**HEARING WAIVER AND WAIVER OF RIGHTS**

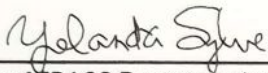
I, n/a the person in charge of foo lots market hereby waive a notice and a hearing as provided in Chapter 120, Florida Statutes and waive all rights as provided on the last page of this report.

n/a

(Signature)

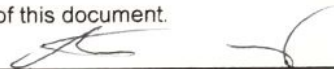
**ACKNOWLEDGEMENT**

I acknowledge receipt of a copy of this document.



(Signature of FDACS Representative)

YOLANDA SYLVE, ENVIRONMENTAL SPECIALIST II



(Signature of Representative)

TONY NI, OWNER

Print Name and Title



Environmental Specialist I