

### 33-204.003 Food Services – Standards of Operation.

(1) General. Inmates ~~must shall~~ receive three meals per day. The meals ~~must shall~~ be provided at regular meal times during each 24-hour period, with a period of no more than 14 hours between the end of the evening meal and the beginning of the morning meal, weather and security permitting. Holiday substitutions that deviate from the master menu must be approved in advance by the institutional warden, work release center major, or drug treatment center chief correctional officer. Prescribed therapeutic diets ~~must shall~~ be available to all inmates with a current diet prescription, weather and security permitting.

(2) Confinement and special housing units.

(a) All inmates in confinement and special housing ~~must shall~~ receive normal institutional meals as are available to the general population, except that if any item on the normal menu or any food utensil might create a security problem in the confinement area, then another item of comparable quality and nutritional value or other appropriate utensil or utensils ~~must utensils shall~~ be substituted. Substitutions shall be documented on Form DC6-209, Housing Unit Log, and Form DC6-210, Incident Report. Form DC6-209 is incorporated by reference in Rule 33-601.800, F.A.C. Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C.

(b) Upon entering confinement or special housing, an inmate shall designate his or her singular choice of the regular menu, alternate entrée, or vegan meal pattern. The inmate may voluntarily alter this choice by submitting Form DC6-236, Inmate Request, to the food service director every 30 days. Form DC6-236 is incorporated by reference in Rule 33-103.005, F.A.C.

(c) An inmate in confinement who wishes to apply for the Religious Diet Program/Certified Food Option may do so by following the process described in subsection (6) of this rule.

~~(d)(e)~~ Hot food served in satellite food operations ~~must shall~~ be protected from contamination in transit and ~~must shall~~ be served at temperatures set by the Florida Department of Health.

~~(e)(d)~~ The provisions of Rule 33-602.223, F.A.C., ~~must shall~~ be used ~~utilized~~ in placing inmates on the special management meal.

~~(f)(e)~~ Food ~~may shall~~ not be withheld, nor the standard menu varied, as a disciplinary sanction or as a reward for good behavior or work of ~~for~~ an individual inmate.

(3) Menus. The Dietary Reference Intakes of the Food and Nutrition Board – National Academy of Sciences ~~must shall~~ serve as the standard for the preparation of menus and the evaluation of menus served. The Dietary Reference Intakes of the Food and Nutrition Board are hereby incorporated by reference. A copy of the Dietary Reference Intakes may be obtained from the Bureau of Contract Management and Monitoring, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The Dietary Reference Intakes were copyrighted in 2004.

(a) The master menus reviewed by the master menu committee ~~must shall~~ be used by all institutions and facilities within the Department. The master menus ~~must shall~~ be reviewed at least annually by the Department's master menu committee to determine the need for adjustments based on ~~upon~~ cost, nutritional value, equipment capabilities, product availability, and ~~staff determined~~ inmate preferences as determined by staff.

(b) Food preparation and service ~~must shall~~ be scheduled to ensure that food is served ~~as soon after completion of preparation as possible and~~ at the appropriate temperature and as soon as possible after preparation is complete.

(c) Meals ~~must shall~~ be prepared and served in accordance with the master menu in effect. No specially prepared meals ~~may shall~~ be served except ~~those~~ approved therapeutic diets ~~that are~~ prescribed by the attending physician, psychologist, physician assistant, advanced practice registered nurse, clinical associate or dentist.

(d) The master menu ~~must shall~~ be adhered to except that specific menus and menu items may be changed ~~are subject to change~~ by the person in charge of food service at each facility due to production or equipment problems, non-delivery of ingredients or food items, security issues, use of farm produce or USDA commodities, or as authorized by the warden. When menu substitutions are required, the substitutions will be from the same food group as the original menu item. The master menu manual provides a list of appropriate substitutions within food groups. Adequate amounts of food must be prepared to serve all inmates according to the master menu.

(e) All vegetables ~~must shall~~ be prepared without meat, animal fat, meat-based broth, margarine, or butter to be suitable for religious and vegan strict vegetarian ~~strict vegetarian~~ diets.

(f) Food or ~~and~~ beverage ~~may shall~~ not be consumed in food preparation areas.

(g) Leftover foods must be labeled with the contents, and the date and time of production and handled in accordance with the provisions of Rule subsections 64E-11.003, F.A.C., 64E-11.004(3) and Food Code, 2022 Recommendations of the United States Public Health Service, Food and Drug Administration, publication number IFS17 (“The Food Code”) 64E-11.004(14), F.A.C. Food Hygiene. Rule 64E-11.003, F.A.C., Subsections 64E-11.004(3) and 64E-11.004(14), F.A.C., is are hereby incorporated by reference, and copies ~~Copies of these rules~~ are available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-02067>~~. The effective date of Rule 64E-11.003, F.A.C., these ~~rules is~~ 09/26/2018 7-14-2003. The Food Code is hereby incorporated by reference and copies are available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

(h) Toilet and hand-washing facilities must shall be readily available to food service staff and inmate food handlers. Food service staff and inmate food handlers must ~~are required to~~ wash their hands prior to reporting to duty and after using toilet facilities.

(i) A copy of Chapter 64E-11, F.A.C., Food Hygiene, and the Food Code will be available for reference at each department food service location facility.

(4) Vegan meal pattern. Inmates may choose the vegan meal pattern by submitting Form DC6-236, Inmate Request, to the food service director at the facility where the inmate is housed. The inmate must, and shall indicate if they are participating as a vegan. An inmate who is transferred to another facility and wishes to continue the vegan meal plan without interruption must show shall be allowed to continue the vegan meal pattern at the new facility by showing the inmate request that was approved by the previous food service director until his or her request is approved by the new food service director.

(a) The following inmates will shall be removed immediately from the vegan meal pattern:

1. Inmates observed eating from the regular menu;
2. Inmates observed eating the alternative entrée; ~~and~~
3. Inmates who are not on the meal pattern for religious reasons and who intentionally purchase, possess, or consume items from the canteen that contain any animal products or byproducts; ~~and,~~
4. Inmates prescribed therapeutic diets due to medical concerns or a verified food allergy.

(b) Staff must shall document the incident on Form DC6-210, Incident Report. Inmates removed under paragraph (4)(a) may not ~~Such inmates shall be ineligible to~~ reapply for the vegan meal pattern for a minimum of 120 days six months after involuntary removal.

(c) An inmate who voluntarily requests to be removed from the vegan meal pattern may not reapply for the pattern for a minimum of 30 days.

(5) Therapeutic Diets. Therapeutic diets for medical or dental reasons must shall be provided as ordered by a Department of Corrections credentialed physician, psychologist, clinical associate (physicians assistant, advanced registered nurse practitioner, ) or dentist. All orders for therapeutic diets must shall be in writing. Non-standard therapeutic diets must shall be approved by a Department Public Health Nutrition Consultant the public health nutrition program manager and the regional medical executive director. Therapeutic diets will shall be served for a maximum of 365 90 days. ~~Diets extending for periods longer than 90 days shall require a new diet order from the attending Department of Corrections credentialed physician, clinical associate (physicians assistant or advanced registered nurse practitioner) or dentist.~~ Diet prescription orders must be received in food services prior to the expiration of the current prescription to avoid interruption of the therapeutic diet. ~~The~~ Public Health Nutrition ~~Program Manager and the Public Health Nutrition~~ Consultants must shall be available for consultation by health and food service personnel regarding therapeutic diets.

(6) Religious Diets. The alternate entrée, and the vegan meal pattern, and the Religious Diet Program/Certified Food Option provides meal options for the religious requirements of inmates. An inmate who wishes to apply for the Religious Diet Program/Certified Food Option must submit to the Chaplain a Form DC6-236 requesting Form DC5-324, Religious Diet Program Application for the Certified Food Option. Form DC5-324 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee FL 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. The effective date of the form is - XX/XX.

(7) Meal attendance for inmates on the vegan meal pattern or a prescribed therapeutic diet must ~~shall~~ be tracked using Form DC4-668, Diet Attendance Roster. Form DC4-668 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee FL 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX> <http://www.flrules.org/Gateway/reference.asp?No=Ref-01869>. The effective date of the form is XX/XX 12-12.

(a) An inmate on the vegan meal pattern who misses 10% or more of his or her vegan meals within a month will be removed from the vegan meal plan and may not re-apply for a minimum of 120 days ~~six months~~.

(b) An inmate on a therapeutic diet who, following the orientation, misses 10% or more of his or her meals during the first month, or ~~misses~~ misses nine of his or her meals in any calendar month thereafter, will be referred to the health services unit to a sign form DC4-711A, Refusal of Health Care Services, and will be subject to discontinuation of the prescribed diet. Form DC4-711A is incorporated by reference in Rule 33-401.105, F.A.C. If the inmate refuses to sign the form, the notation "patient refuses to sign" will be entered and witnessed by two staff members is subject to disciplinary action.

(c) An inmate who refuses a therapeutic diet in the food service location or who is found consuming a regular tray when known to be on a therapeutic diet will be referred to the health services unit to sign a Form DC4-711A. If the inmate refuses to sign the form, the notation "patient refuses to sign" will be entered and witnessed by two staff members.

(d) Inmates participating in the Religious Diet Program/Certified Food Option must adhere to the program requirements described in Part B of Form DC5-324. An inmate who fails to adhere to the program requirements will be issued a Form DC5-325, Religious Diet Program/Certified Food Option (RDP/CFO) Notice of Violation, and are subject to suspension from the program. Form DC5-325 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee FL 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX> The effective date of the form is XX/XX. An inmate may voluntarily withdraw from the RDP/CFO program at any time by submitting a written Form DC6-236 to the Chaplain. An inmate who has voluntarily withdrawn from the RDP/CFO program may not reapply for a period of six months.

*Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 1-18-89, Amended 7-21-97, Formerly 33-30.003, Amended 8-9-00, 11-16-00, 10-2-01, 2-18-02, 7-2-03, 11-1-04, 2-27-05, 10-16-05, 1-17-06, 4-27-09, 3-3-10, 7-18-10, 12-30-12, 5-15-14, \_\_\_\_\_.*