



Florida Department of Agriculture and Consumer Services  
Division of Food Safety

FOOD SAFETY INSPECTION REPORT

NICOLE "NIKKI" FRIED  
COMMISSIONER

Chapter 500, Florida Statutes  
(850) 245-5520

Visit #: 9999-7182-1967-92  
Bureau of Food Inspection  
Attention: Business Center  
3125 Conner Boulevard, C-26  
Tallahassee, FL 32399-1650

Name: Smoothie King  
Owner: Related Group Flagler Llc  
Type: Health Food Store w/FS  
Address: 9231 W FLAGLER ST # C-103 MIAMI, FL 33174

Establishment #: 371496  
Date of Visit: July 29, 2022  
Inspected By: JAMES ZHENG

INSPECTION SUMMARY - Re-Inspection Required

The following violations observed during the inspection must be corrected to be in compliance with Chapter 500, 581, and 583, Florida Statutes, and Rule 5K-4, Florida Administrative Code. A Department inspector will return for a reinspection on about August 12, 2022. The failure to correct the violations by this date may result in the imposition of the maximum penalties provide in Chapter 500 Florida Statutes, including an administrative fine and the suspension or revocation of your food permit. The reinspection visit is due to documented citations that pose a risk of foodborne illness.

NOTICE OF FEES

To review your account balance or to renew your permit, please visit our Food Permit Center at <https://FoodPermit.FDACS.gov>.

OBSERVATIONS AND CORRECTIVE ACTIONS

COS = Corrected on Site

P = Priority Citation  
(Directly Associated with Foodborne Illnesses)

Pf = Priority Foundation Citation  
(Supports or Leads to a Priority

INSPECTION: RISK BASED

Violation Number	Citation Description and Observation	COS
2 P	<b>Citation Description:</b> 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 <b>Observation:</b> No employee health policy available at food establishment regarding food borne illnesses and their symptoms.	<input type="checkbox"/>
6 P	<b>Citation Description:</b> Food employee not cleaning hands or exposed portions of arms immediately before engaging in food preparation including working with exposed food, clean equipment or utensils, or unwrapped single service or single use articles; after touching bare human body parts; after using the toilet room; after caring for or handling service animals or aquatic animals; after coughing, sneezing, using a handkerchief or tissue, using tobacco, eating or drinking; after handling soiled equipment or utensils; during food preparation as often as necessary to remove soil and prevent cross contamination; before donning gloves to initiate a task that involves working with food; or after engaging in other activities that contaminate the hands. 2-301.14 P <b>Observation:</b> Food service - food employee observed exiting and reentering food service area and scooping ice for a customer without first washing their hands. Discussed proper hand washing procedures with management and employees.	<input type="checkbox"/>
8 Pf	<b>Citation Description:</b> Handwashing sink or group of 2 adjacent handwashing sinks not provided with hand cleaning liquid, powder, or bar soap. Handwashing sink or group of adjacent handwashing sinks not provided with: individual, disposable towels; continuous towel system that supplies the user with a clean towel; a heated-air hand drying device; or a device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures. 6-301.11 and 6-301.12 Pf <b>Observation:</b> Back room - no paper towels available at hand sink next to three compartment sink. COS, paper towels were provided during inspection. Retail - no soap or paper towels available in employee unisex restroom.	<input type="checkbox"/>

14	<p><b>Citation Description:</b> Surface of utensil or equipment contacting food that is not time/temperature control for safety food not cleaned at any time when contamination may have occurred; at least every 24 hours for iced tea dispensers and consumer-self service utensils; before restocking consumer self-service equipment or utensils; or in equipment such as ice bins and beverage dispensing nozzles and enclosed components of equipment such as ice makers, cooking oil storage tanks and distribution lines, beverage and syrup dispensing lines or tubes, coffee bean grinders, and water vending equipment at a frequency specified by the manufacturer, or absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold. 4-602.11(E)</p> <p><b>Observation:</b> Back room - black, mold-like growth observed along left and side walls of ice machine where ice is held, on bottom of plastic surface next to door to ice machine, and on bottom of ice making portion of ice machine. Stop-use order is already in effect for this machine. See supplements.</p>	<input type="checkbox"/>
24 Pf	<p><b>Citation Description:</b> Establishment does not have written procedures for employees to follow when responding to an event that involves the discharge of vomitus or diarrhea onto surfaces at the food establishment, or procedures do not address specific actions employees must take to minimize the spread of contamination and the exposure of employees, consumers, food, and surfaces to vomitus or fecal matter. 2-501.11 Pf</p> <p><b>Observation:</b> No written procedures available for employees to follow when an event involving the discharge of vomitus or diarrhea occurs in establishment.</p>	<input type="checkbox"/>
26 P	<p><b>Citation Description:</b> Poisonous or toxic materials not stored to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles by separating the poisonous or toxic material by spacing or partitioning, or locating the poisonous or toxic material in an area that is not above food, equipment, utensils, linens, and single-service and single-use articles. 7-201.11 P</p> <p><b>Observation:</b> Food service - bottle of multi surface cleaner found stored on top of two door reach-in cooler located across from register. COS, spray bottle was moved to appropriate location during inspection.</p>	<input checked="" type="checkbox"/>
26 Pf	<p><b>Citation Description:</b> Working container of poisonous or toxic materials taken from a bulk supply not clearly and individually identified with the common name of the material. 7-102.11 Pf</p> <p><b>Observation:</b> Food service - spray bottle of multi surface cleaner stored on top of two door reach-in cooler found unlabeled.</p>	<input type="checkbox"/>
26 P	<p><b>Citation Description:</b> Poisonous or toxic materials for retail sale not stored or displayed to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles by separating the poisonous or toxic materials by spacing or partitioning, or locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service and single-use articles. 7-301.11 P</p> <p><b>Observation:</b> Retail - bottles of hand sanitizer found stored above boxes of protein bars on shelf next to retail reach-in cooler. COS, sanitizer was moved to appropriate location during inspection.</p>	<input checked="" type="checkbox"/>

Violation Number	Citation Description and Observation	COS
36 P	<p><b>Citation Description:</b> Premises not maintained free of roaches and rodents; or not controlled to eliminate their presence on the premise by routinely inspecting incoming shipments of food and supplies; routinely inspecting the premises for evidence of pests; and using methods, if pests are found, such as trapping devices or other means of pest control. 6-501.111 (A)-(C) P</p> <p><b>Observation:</b> Food service - multiple live and dead roaches observed in space beneath blender rinsing station. Back room - several live and dead roaches observed on floor behind reach-in freezer and coolers. Stop-use orders issued. See supplements.</p>	<input type="checkbox"/>
36 Pf	<p><b>Citation Description:</b> Premises not maintained free of insects and other pests; or not controlled to eliminate their presence on the premise by routinely inspecting incoming shipments of food and supplies; routinely inspecting the premises for evidence of pests; and using methods, if pests are found, such as trapping devices or other means of pest control. 6-501.111 (A)-(C) Pf</p> <p><b>Observation:</b> Food service - multiple small flying insects observed flying around food service area and on shelving of smoothie station. Back room - multiple small flying insects observed flying around back room, on surfaces of boxes storing single-use items, and on cleaned containers on drying rack located above three compartment sink.</p>	<input type="checkbox"/>
38	<p><b>Citation Description:</b> Food employee not wearing a hair restraint such as a hat, hair covering or net, beard restraint, or clothing that covers body hair, that is designed and worn to effectively keep their hair from contacting exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles. 2-402.11</p> <p><b>Observation:</b> Food service, back room - food employees found without hair restraints while working in areas with open food.</p>	<input type="checkbox"/>
38 Pf	<p><b>Citation Description:</b> Food employee fingernails not kept trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough. Fingernail polish or artificial fingernails not covered by intact gloves when working with exposed food. 2-302.11 Pf</p> <p><b>Observation:</b> Food service - food employee with painted/artificial nails observed working with open food without using gloves.</p>	<input type="checkbox"/>
41	<p><b>Citation Description:</b> During pauses in food preparation or dispensing, utensil stored in food that is not time/temperature control for safety food not stored with their handles above the top of the food within containers or equipment that can be closed. 3-304.12(B)</p> <p><b>Observation:</b> Food service - spoon found with handle contacting brown sugar in container located at smoothie station.</p>	<input type="checkbox"/>
45	<p><b>Citation Description:</b> Equipment not maintained in good repair or condition; equipment component not kept intact, tight, and adjusted in accordance with manufacturer's specifications; or cutting or piercing part of can opener not kept sharp to minimize the creation of metal fragments that can contaminate food when a container is opened. 4-501.11</p> <p><b>Observation:</b> Food service - door to large chest freezer found in disrepair with metal paneling partially detached and exposing the insulation underneath.</p>	<input type="checkbox"/>
53	<p><b>Citation Description:</b> Physical facilities not cleaned as often as necessary to keep them clean, or cleaning not done during periods when the least amount of food is exposed such as after closing. 6-501.12</p> <p><b>Observation:</b> Food service - multiple dead roaches observed in electrical cabinet adjacent to where blenders are located on counter.</p>	<input type="checkbox"/>

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

## COMMENTS

Request#5082339. Discussed issues with management.

Re-inspection visit required due to pests. Food establishment can visit <https://foodpermit.fdacs.gov> or contact the Business Center at (850) 245-5520 to request food safety inspector visit for written release when all affected areas have been adequately cleaned and sanitized. In addition, food establishment must develop and implement a pest management control program.

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.

Copy of Employee health guide and Employee reporting agreement provided in English and Spanish. Copy of Employee health and

food borne illness document provided in English.

The affected storage areas must be completely cleared of all merchandise, cleaned and sanitized by the next inspection; no other merchandise may be added to the storage area or a Broken Stop-use will be issued.

If evidence of pest infestation is observed on the next inspection, a Stop-Use Order will be issued on all receiving areas of the establishment and the establishment will no longer be allowed to receive additional food items, a Stop-Use Order of all processing equipment (if applicable) will be issued and a Stop-Sale Order of all exposed food items (if applicable) will be issued until the infestation is eradicated. A copy of the Pest Control Plan Checklist has been provided to the establishment.

A copy of this report has been provided to the person in charge of the food establishment and will be available online at <https://foodpermit.fdacs.gov/Reports/SearchFoodEntity.aspx>.

  
\_\_\_\_\_  
JAMES ZHENG, SANITATION AND SAFETY SPECIALIST

FAUSTO FARALDO, GENERAL MANAGER

\_\_\_\_\_  
Name and Title of Whom This Report was Issued



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Attention: Business Center  
3125 Conner Boulevard, C-26  
Tallahassee, FL 32399-1650

**FOOD SAFETY INSPECTION SUPPLEMENTAL REPORT**

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

Visit #: 99997182196792

Food Entity #: 371496  
Food Entity Name: SMOOTHIE KING  
Date Of Visit: July 29, 2022  
Inspected By: JAMES ZHENG  
Food Entity Location Address: 9231 W FLAGLER ST # C-103 MIAMI, FL 33174  
Food Entity Mailing Address: 9231 W FLAGLER ST # C-103 MIAMI, FL 33174  
Food Entity Type/Description: 137/Health Food Store w/FS  
Food Entity Owner: RELATED GROUP FLAGLER LLC

**STOP USE ORDER**

SUPPLEMENTAL KEY #:  
329274

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:	Two door reach-in cooler		
Brand Name:	turbo-air		
Lot #:	# Of Pkgs: 1	Size Of Pkg:	Total Weight:
			Invoice #:
			Invoice Date:

Manufacturer:  
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 500.10 Adulterated.\* Prevention of Food Contamination: Insects, rodents, and animals not present.

Comments: All affected areas must be adequately cleaned and sanitized. In addition, the food establishment must develop and implement a pest management control program. Contact the Business Center at (850) 245-5520 or FoodSafety@FDACS.gov to request a Food Safety Inspector visit for written release.



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Food Entity Type/Description: 137/Health Food Store w/FS  
Food Entity Owner: RELATED GROUP FLAGLER LLC

**STOP USE ORDER**

SUPPLEMENTAL KEY #:  
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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:	Large chest freezer		
Brand Name:	Master-bilt		
Lot #:	# Of Pkgs: 1	Size Of Pkg:	Total Weight:
			Invoice #:
			Invoice Date:

Manufacturer:  
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 500.10 Adulterated.\* Prevention of Food Contamination: Insects, rodents, and animals not present.

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Food Entity Owner: RELATED GROUP FLAGLER LLC

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Article:	Chest freezer		
Brand Name:	Danby		
Lot #:	# Of Pkgs: 1	Size Of Pkg:	Total Weight:
			Invoice #:
			Invoice Date:

Manufacturer:  
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 500.10 Adulterated.\* Prevention of Food Contamination: Insects, rodents, and animals not present.

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Article:	Blender		
Brand Name:	Vitamix		
Lot #:	# Of Pkgs: 5	Size Of Pkg:	Total Weight:
			Invoice #:
			Invoice Date:

Manufacturer:  
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 500.10 Adulterated.\* Prevention of Food Contamination: Insects, rodents, and animals not present.

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Article:	Smoothie station		
Brand Name:	turbo-air		
Lot #:	# Of Pkgs: 1	Size Of Pkg:	Total Weight:
			Invoice #:
			Invoice Date:

Manufacturer:  
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 500.10 Adulterated.\* Prevention of Food Contamination: Insects, rodents, and animals not present.

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Food Entity Owner: RELATED GROUP FLAGLER LLC

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Article:	Ice machine		
Brand Name:	Hoshizaki		
Lot #:	# Of Pkgs: 1	Size Of Pkg:	Total Weight:
			Invoice #:
			Invoice Date:

Manufacturer:  
Distributor:

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Article:	Two door reach-in cooler		
Brand Name:	true		
Lot #:	# Of Pkgs: 1	Size Of Pkg:	Total Weight:
			Invoice #:
			Invoice Date:

Manufacturer:  
Distributor:

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Article:	Three door reach-in freezer		
Brand Name:	true		
Lot #:	# Of Pkgs: 1	Size Of Pkg:	Total Weight:
			Invoice #:
			Invoice Date:

Manufacturer:  
Distributor:

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Article:	Three compartment sink		
Brand Name:	N/A		
Lot #:	# Of Pkgs: 1	Size Of Pkg:	Total Weight:
			Invoice #:
			Invoice Date:

Manufacturer:  
Distributor:

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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.

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**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.

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**HEARING WAIVER AND WAIVER OF RIGHTS ON DESTROYED PRODUCTS**

I, \_\_\_\_\_ the person in charge of SMOOTHIE KING 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.

\_\_\_\_\_  
(Signature)

**ACKNOWLEDGEMENT**

A copy of this report has been provided to the person in charge of the food establishment.

I acknowledge receipt of a copy of this document.

\_\_\_\_\_  
Signature of FDACS Representative

JAMES ZHENG, SANITATION AND SAFETY SPECIALIST

\_\_\_\_\_  
Signature of Representative

FAUSTO FARALDO, GENERAL MANAGER

\_\_\_\_\_  
Print Name and Title