cient portion of the milkfat has been removed to reduce its milkfat to not less than 0.5 percent and not more than 2 percent fat. Low-fat milk may have not more than 2 percent added milk solids not fat. The addition of 5,000 units of natural vitamin A and 400 units of vitamin D per quart is optional. This product must be homogenized and pasteurized. The label must indicate accurately the contents of the package.

(19) "Vitamin D milk and milk products" are milk and milk products, the vitamin D content of which has been increased by a method and in an amount approved by the department.

(20) "Fortified milk and milk products" are milk and milk products other than vitamin D milk and milk products, the vitamin, mineral or milk solid content of which have been increased by a method and in an amount approved by the department.

(21) "Homogenized milk" is milk which has been treated to insure breakup of the fat globules to such an extent that, after 48 hours of quiescent storage at 45°F., no visible cream separation occurs on the milk, and the fat percentage of the top 100 milliliters of milk in a quart, or of proportionate volumes in containers of other sizes, does not differ by more than 10 percent from the fat percentage of the remaining milk as determined after thorough mixing. The word "milk" shall be interpreted to include homogenized milk.

(22) "Flavored milk or milk products" mean milk and milk products as defined in this law to which has been added a flavor and/or sweetener, e.g., chocolate milk, etc.

(23) "Buttermilk" is a fluid product resulting from the manufacture of butter from milk or cream. It contains not less than 8½ percent of milk solids-not-fat.

(24) "Cultured buttermilk" is a fluid product resulting from the souring, by lactic-acid-producing bacteria or similar culture, of pasteurized skim milk or pasteurized low-fat milk.

(25) "Cultured milk" or "cultured whole milk buttermilk" is a fluid product resulting from the souring, by lactic-acid-producing bacteria or similar culture, of pasteurized milk or pasteurized milk products.

(26) "Acidified milk and milk products" are milk and milk products obtained by the addition of food grade acids to pasteurized cream, half-and-half milk, low-fat milk, or skim milk, resulting in a product acidity of not less than 0.20 percent expressed as lactic acid.

(27) "Eggnog" is a milk product consisting of a mixture of milk or milk product of at least 6 percent milk, low-fat milk, or skim milk, resulting in a product acidity of not less than 0.20 percent expressed as lactic acid, and flavoring. Emulsifier and not more than 0.5 percent stabilizer may be added. Eggnog shall be pasteurized in approved and properly operating equipment so that every particle is heated and continuously held for the following minimum specified times and temperatures: 155°F. and held at or above this temperature for at least 30 minutes, 175°F., and held at or above this temperature for at least 25 seconds.

(28) "Eggnog-flavored milk" is a milk product consisting of a mixture of at least 3.25 percent butterfat, at least 0.5 percent egg yolk solids, sweetener, and flavoring. Emulsifier and a maximum of 0.5 percent stabilizer may be added.

(29) "Dry curd cottage cheese" or "cottage cheese dry curd" is the soft uncured cheese obtained by adding lactic-acid-producing bacteria, with or without enzymatic action, to pasteurized skim milk, pasteurized low-fat milk, or pasteurized reconstituted skim milk. It shall contain not more than 80 percent moisture and not more than 0.5 percent milk fat. Cottage cheese dry curd or dry curd cottage cheese may be seasoned with salt.

(30) "Low-fat cottage cheese" is prepared by mixing dry curd cottage cheese with a pasteurized creaming mixture consisting of pasteurized cream and milk, dry milk products, concentrated skim milk, skim milk, or low-fat milk, to which salt, lactic acid and flavor-producing bacteria, rennet, lactic acid, citric acid, phosphoric acid, or stabilizer may be added. The quantity of milk fat added in the creaming mixture shall not be less than 0.5 percent and not more than 2 percent by weight of the finished low-fat cottage cheese. Dry milk products or concentrated skim milk may be added, provided the amount of added solids does not exceed 3 percent of the weight of the creaming mixture. Low-fat cottage cheese shall contain not more than 82.5 percent moisture.

(b) "Cottage cheese" is prepared by mixing low-fat cottage cheese with a pasteurized creaming mixture consisting of pasteurized cream and milk, dry milk products, concentrated skim milk, skim milk, or low-fat milk, to which salt, lactic acid and flavor-producing bacteria, rennet, lactic acid, citric acid, phosphoric acid, or stabilizer may be added. The quantity of milk fat added in the creaming mixture shall not be less than 4 percent by weight of the finished cottage cheese. Dry milk products or concentrated skim milk may be added, provided the amount of added solids does not exceed 3 percent of the weight of the creaming mixture. Cottage cheese shall contain not more than 80 percent moisture.

(31) "Milk products" include cream, light cream, coffee cream, table cream, whipping cream, light whipping cream, heavy cream, heavy whipping cream, whipped cream, whipped light cream, whipped coffee cream, whipped table cream, sour cream, cultured sour cream, half-and-half, sour half-and-half, cultured half-and-half, reconstituted or recombined milk and milk products, concentrated milk, concentrated milk products, buttermilk, cultured buttermilk, cultured milk, cultured whole milk buttermilk, acidified milk and milk products, vitamin D milk and milk products, homogenized milk, flavored milk or milk products, buttermilk, cultured buttermilk, cultured milk, cultured whole milk buttermilk, acidified milk and milk products, eggnog, eggnog-flavored milk, cottage cheese, creamed cottage cheese, and filled milk and filled milk products.

(b) This definition is intended to include such products as sterile or sterilized evaporated milk, concentrated milk, ice cream and other frozen desserts, butter, dry milk products, except as defined herein, or cheese except when they are combined with other
substances to produce any pasteurized milk or milk product defined herein.

(32) "Grade A dry milk products" are milk products which have been manufactured under the provisions of grade A dry milk products-recommended sanitation ordinance and code for dry milk products used in grade A pasteurized milk products.

(33) "Optional ingredients" shall mean and include grade A dry milk products, concentrated milk, concentrated milk products, flavors, sweeteners, stabilizers, emulsifiers, acidifiers, vitamins and minerals. Optional ingredients may be used in any milk product defined in this law.

(34) "Adulterated milk and milk products" shall be deemed to be adulterated:
(a) If it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health.
(b) If it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established.
(c) If it consists, in whole or in part, of any substance unfit for human consumption.
(d) If it has been produced, processed, prepared, packed, or held under unsanitary conditions.
(e) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.
(f) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(35) "Misbranded milk and milk products" are misbranded:
(a) When their containers bear or accompany any false or misleading written, printed or graphic matter.
(b) When such milk and milk products do not conform to their definitions as contained in this chapter.
(c) When such products are not labeled in accordance with s. 502.041.

(36) "Pasteurization" shall mean the process of heating every particle of milk or milk product to at least 145°F., and holding it continuously at or above this temperature for at least 30 minutes, or to at least 161°F., and holding it continuously at or above this temperature for at least 15 seconds, in equipment which is properly operated and approved by the department; provided, that any other pasteurization process which has been recognized by the United States Public Health Service to be equally efficient and which is approved by the department.

(37) "Sanitization" is the application of any effective method or substance to a clean surface for the destruction of pathogens, and of other organisms as far as is practicable. Such treatment shall not adversely affect the equipment, the milk or milk product or the health of the consumers, and shall be acceptable to the department.

(38) "Milk producer" is any person who operates a dairy farm and provides, sells, or offers milk for sale to a milk plant, receiving station, or transfer station.

(39) "Milk hauler" is any person who transports raw milk and/or milk products to or from a milk plant, a receiving or transfer station.

(40) "Milk distributor" is any person who offers for sale or sells to another any milk or milk products.

(41) "Department" is the Department of Agriculture and Consumer Services, which has jurisdiction and control over the matters embraced within this chapter, except as otherwise provided in ss. 502.171 and 502.211.

(42) "Dairy farm" is any place or premises where one or more cows or goats are kept, and from which a part or all of the milk or milk products are produced, sold, or offered for sale to a milk plant, transfer station, or receiving station.

(43) "Milk plant" and/or "receiving station" is any place, premises, or establishment where milk or milk products are collected, handled, processed, stored, pasteurized, bottled, or prepared for distribution.

(44) "Transfer station" is any place, premises, or establishment where milk or milk products are transferred directly from one transport tank to another.

(45) "Official laboratory" is a biological, chemical, or physical laboratory which is under the direct supervision of the state or a local health authority.

(46) "Officially designated laboratory" is a commercial laboratory authorized to do official work by the supervising agency, or a milk industry laboratory officially designated by the supervising agency for the examination of producer samples of grade A raw milk for pasteurization.

(47) "Person" shall mean any individual, plant operator, partnership, corporation, company, firm, trust, or association.

(48) "And/or" is used, "and" shall apply where appropriate, otherwise "or" shall apply.

(49) "Filled milk" or "filled milk products" means any milk, cream, skimmed milk, whey, or lactose, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to which has been added, or blended or compounded with, any fat or oil other than milk fat, whether in bulk or in containers, hermetically sealed or unsealed. This definition shall not be held or construed to mean or include any milk or cream from which no part of the milk or butterfat has been extracted, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to which has been added any substance rich in vitamins, or any distinctive proprietary food compound not readily mistaken for milk or cream or for condensed, evaporated, concentrated, powdered, dried, or desiccated milk or cream, provided such compound is:
(a) Prepared and designed for the feeding of in-
(a) Packed in individual containers bearing a label in bold type that the contents are to be used for said purposes.

Nothing in this definition shall be held or construed to prevent the use, blending or compounding of chocolate as a flavor with milk, cream, or skimmed milk, desiccated whether in bulk, or in containers, hermetically sealed or unsealed, to or with which has been added, blended or compounded other fat or oils than milk or butterfat.

History.—s. 2, ch. 67-263; ss. 14, 35, ch. 69-106; s. 1, ch. 70-247; ss. 2, 3, ch. 71-211; s. 187, ch. 71-377; s. 1, ch. 73-366; s. 1, ch. 75-14.

502.021 Reconstituted or recombined milk, adulterated or misbranded milk or milk products.—

(1) No person shall, in this state or its police jurisdiction, produce, provide, sell, offer or expose for sale, or have in possession with intent to sell any reconstituted or recombined milk, or any milk or milk product which is adulterated or misbranded; provided, that in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the department, in which case such products shall be labeled "ungraded."

(2) Any reconstituted or recombined milk, or any adulterated or misbranded milk or milk product may be impounded by the department and made unsalable, or otherwise disposed of as may be deemed proper. Disposition shall be accomplished so as not to create a nuisance and to prevent their being used for human consumption.

History.—s. 2, ch. 67-263; ss. 14, 35, ch. 69-106.

502.031 Permits.—

(1) It shall be unlawful for any person who does not possess a permit from the department to bring into, send into, or receive into the state or its police jurisdiction, for sale, or to sell, or offer for sale therein, or to have in storage any milk or milk products defined in this chapter. A permit is defined to be a privilege extended to any person, firm or corporation who offers for sale any milk or milk products defined in this chapter, in the state; provided, that in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the department, in which case such products shall be labeled "ungraded."

(2) Only a person who complies with the requirements of this law shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to persons and/or locations.

(3) The department shall suspend such permit whenever it has reason to believe that a public health hazard exists, whenever the permitholder has violated any of the requirements of this law, or whenever the permitholder has interfered with the department in the performance of its duties; provided, that the department shall, in all cases except where the milk or milk product involved creates or appears to create an imminent hazard to the public health or in any case of a willful refusal to permit authorized inspection, serve upon the holder a written notice of intent to suspend permit, which notice shall specify with particularity the violations in questions and afford the holder such reasonable opportunity to correct such violations as may be agreed to by the parties, or in the absence of agreement, fixed by the department, before making any order of suspension effective. A suspension of permit shall remain in effect until the violation has been corrected to the satisfaction of the department.

(4) Upon written application of any person whose permit has been suspended, or upon application within 48 hours of notice to suspend, and in the latter case before suspension, the department shall within 72 hours proceed to a hearing to ascertain the facts of such violation or interference and upon evidence presented at such hearing shall affirm, modify, or rescind the suspension or intention to suspend.

(5) Upon repeated violations, the department may revoke such permit following reasonable notice to the permitholder and an opportunity for a hearing. This section is not intended to preclude the institution of court action as provided in ss. 502.051 and 502.061.

History.—s. 2, ch. 67-263; ss. 14, 35, ch. 69-106.

502.032 Milk fat testers; permit, application, suspension or revocation, records.—It is unlawful for any person to test milk or milk products for milk fat content by weight, volume, chemical, electronic, or other method when the result of such test is used as a basis for payment for the milk or milk products unless such person has been issued a milk fat tester’s permit by the department.

(1) Said permit shall be issued for a period of 2 years from date of first issue upon application to the department on a form furnished by the department.

(2) To qualify for a permit, the applicant shall demonstrate a sufficiency of knowledge, ability, and equipment to perform adequately milk fat tests.

(3) Said permit is nontransferable between persons or locations and is subject to suspension or revocation after notice and hearing upon a showing of violation of conditions upon which the permit was issued.

(4) Each milk fat tester shall keep records of milk fat tests conducted by him for a period of 2 years, and such records shall be available for inspection by the department at all reasonable hours.

History.—s. 1, ch. 73-367.

502.041 Labeling and advertising.—

(1) All bottles, containers and packages enclosing milk or milk products defined in s. 502.012 shall be conspicuously labeled or marked with:

(a) The name of the contents as given in s. 502.012 of this chapter.

(b) The word “reconstituted” or “recombined” if the product is made by reconstitution or recombination.

(c) The grade of the contents.

(d) The word “pasteurized” if the contents are pasteurized and the name and address of the plant where pasteurized.

(e) The word “raw” if the contents are raw and the name and address of the producer.

(f) The designation “vitamin D” and the number
of U.S.P. units per quart in the case of vitamin D milk or milk products.

(g) The volume or proportion of water to be added for reconstituting or recombining in the case of milk products.

(h) The words "nonfat milk solids added" and the percentage added if such solids have been added, except that this requirement shall not apply to reconstituted or recombined milk products.

(i) The words "artificially sweetened" in the name if nonnutritive or artificial sweeteners are used.

(j) The common name of stabilizers, emulsifiers, distillates and ingredients.

(2) Provided that:

(a) Only the identity of the milk producer shall be required for milk delivered to a milk plant which receives only grade A raw milk for pasteurization, and which immediately dumps and washes delivery containers.

(b) In the case of concentrated milk products, the specific name of the product shall be substituted for the generic term "concentrated milk products," e.g., "homogenized concentrated milk," "concentrated skim milk," "concentrated chocolate milk," "concentrated chocolate flavored lowfat milk.

(c) In the case of flavored milk the name of the principal flavor shall be substituted for the word "flavored."

(d) In the case of cultured milk and milk products, the special type culture used may be substituted for the word "cultured," e.g., "acidophilus buttermilk," "Bulgarian buttermilk," and "yogurt.

(e) In the case of filled milk or filled milk products the specific name of the product shall be substituted for the generic term "filled milk" or "filled milk products," e.g., "homogenized filled milk," "filled skim milk," "filled chocolate milk," "filled chocolate low-fat milk," etc. Also, on the package containing any such filled milk or filled milk product there shall be stated the amount and name of fat contained in said product.

(3) All vehicles and transport tanks containing milk or milk products shall be legibly marked with the name and address of the milk plant or hauler in possession of the contents. Tanks transporting raw milk and milk products to a milk plant from sources of supply not under the routine supervision of the department are required to be marked with the name and address of the milk plant or hauler and shall be sealed; in addition, for each such shipment, a shipping statement shall be prepared containing at least the following information:

(a) Shipper's name, address, and permit number.

(b) Permit number of hauler, if not employee of shipper.

(c) Point of origin of shipment.

(d) Tanker identity number.

(e) Name of product.

(f) Weight of product.

(g) Grade of product.

(h) Temperature of product.

(i) Date of shipment.

(j) Name of supervising health authority at the point of origin.

(k) Whether the contents are raw, pasteurized, or otherwise heat treated.

Such statement shall be prepared in triplicate and shall be kept on file by the shipper, the consignee, and the carrier for a period of 6 months for the information of the department.

(4) The labeling information which is required on all bottles, containers or packages of milk or milk products shall be in letters of an acceptable size, kind, and color satisfactory to the department and shall contain no marks or words which are misleading.

(5) No ingredient shall be displayed on the label with more prominence than another.

(6) When the percentage of butterfat appears on the label, it shall be accurately stated in a manner as provided by rule of the department.

(7) The label of milk and milk products may include the name of the breed of cows from which such milk or milk products were produced; provided such milk or milk products contain only milk produced from the breed named on the label.

(8) Samples of labels or marks to be used on containers of milk or milk products, upon referral, will be examined by the department for compliance with law and rules.

(9) It is unlawful for any person to advertise or cause to be advertised any milk or milk product, the advertisement of which contains any assertion, representation or statement which is untrue, deceptive or misleading. This subsection shall not apply to any owner of an advertising medium or to any agent of the advertiser who in good faith publishes or causes to be published any false, deceptive or misleading information.

History.--s. 2, ch. 67-263; ss. 14, 35, ch. 69-106; s. 2, ch. 70-247; s. 4, ch. 71-211; s. 2, ch. 73-366.

502.042 Labeling of shelf life.--

(1) It is the legislative intent to assure continuance of the normal flow of fresh wholesome milk and milk products from farmer to the consumer by uniform regulation of the shelf life of milk and milk products throughout this state.

(2) All dairy processors shall establish and legibly label on the package or container, in a manner prescribed by rule or regulation of the department, the maximum shelf life period during which such products may be offered for sale to insure consumers full disclosure of the date beyond which such product may no longer be offered for sale. The department shall periodically review the keeping quality of milk and milk products by scientific shelf-life studies, recognizing the different methods of pasteurization, processing, and packaging, and shall sample periodically the products of the dairy processors to determine if the shelf-life dating used by the processors complies with the minimum standards of quality.

(3) All general laws, special or local acts, general laws of limited application, county ordinances or resolutions, municipal ordinances, or municipal charter provisions authorizing regulation of the sale of milk or milk products through the establishment of
should be visited more frequently. Inspections of dairy farms shall be filed by the department. Industry personnel shall be certiﬁed annually by the department in accordance with the requirements of s. 502.071. Any violation of the same requirement of s. 502.071 on such reinspection shall call for permit suspension in accordance with s. 502.031 and/or court action.

(5) It shall be unlawful for any person who in an ofﬁcial capacity obtains any information under the provisions of the chapter which is entitled to protection as a trade secret (including information as to quantity, quality, source or disposition of milk or milk products, or results of inspections or tests thereof) to use such information to his own advantage or to reveal it to any unauthorized person.

History.—s. 2, ch. 67-263; ss. 14, 35, ch. 69-106.

502.051 Inspection of dairy farms and milk plants.—
(1) Each dairy farm, milk plant, receiving station, and transfer station whose milk or milk products are intended for consumption within the state or its police jurisdiction shall be inspected by the department prior to the issuance of a permit.

(2) Following the issuance of a permit, each dairy farm and transfer station shall be inspected at least once every 6 months and each milk plant and receiving station shall be inspected at least once every 3 months. Should the violation of any requirement set forth in s. 502.071 be found to exist, a second inspection shall be required after the time deemed necessary to remedy the violation, but not before 3 days; the reinspection shall be used to determine compliance with the requirements of s. 502.071. Any violation of the same requirement of s. 502.071 on such reinspection shall be deemed to have been violated, and the producer or distributor shall be required to remedy the violation, but not before 3 days; the reinspection shall be used to determine compliance with the requirements of s. 502.071. Any violation of the same requirement of s. 502.071 on such reinspection shall call for permit suspension in accordance with s. 502.031 and/or court action.

(3) One copy of the inspection report shall be handed to the operator, or other responsible person, or be posted in a conspicuous place on an inside wall of the establishment. Said inspection report shall not be defaced and shall be made available to the department upon request. An identical copy of the inspection report shall be ﬁled with the records of the department.

(4) Every milk producer, hauler, distributor, or plant operator shall, upon request of the department, permit access of ofﬁcially designated persons to all parts of his establishment or facilities to determine compliance with the provisions of this chapter. A distributor or plant operator shall furnish the department, upon request, for ofﬁcial use only, a true statement of the actual quantities of milk and milk products of each grade purchased and sold, and a list of all sources of such milk and milk products, records of inspections, tests, and pasteurization time and temperature records.

(5) It is unlawful for any person who in an ofﬁcial capacity obtains any information under the provisions of this chapter which is entitled to protection as a trade secret (including information as to quantity, quality, source or disposition of milk or milk products, or results of inspections or tests thereof) to use such information to his own advantage or to reveal it to any unauthorized person.

History.—s. 3, ch. 67-263; ss. 14, 35, ch. 69-106.

502.052 Inspections; administrative procedures.—
(1) INSPECTION FREQUENCY.—One producer inspection every 6 months or one plant inspection every 3 months is not a desirable frequency; it is instead a legal minimum. Dairy farms and milk plants experiencing difficulty meeting requirements should be visited more frequently. Inspections of dairy farms shall be made at milking time as often as possible, and of milk plants at different times of the day, in order to ascertain if the processes of equipment assembly, sanitizing, pasteurization, cleaning, and other procedures comply with the requirements of this chapter.

(2) ENFORCEMENT PROCEDURE.—This section provides that a dairy farm or milk plant shall be subject to suspension of permit, and/or court action, if two successive inspections disclose violation of the same requirement.

(a) Experience has demonstrated that a strict enforcement of the law leads to a better and friendlier relationship between the department and the milk industry than does a policy of enforcement which seeks to excuse violations and to defer penalty therefor. The sanitarian’s criterion of satisfactory compliance should be neither too lenient nor unreasonably stringent. When a violation is discovered, the inspector should point out to the milk producer or plant operator the requirement that has been violated, discuss a method for correction, and set a time for correcting the violated requirement.

(b) The penalties of suspension or revocation of permit, and/or court action, are provided to prevent continued violation of the provisions of this chapter but are worded to protect the dairy industry against unreasonable or arbitrary action. When a condition is found which constitutes an imminent health hazard, prompt action is necessary to protect the public health; therefore, the department is authorized, in s. 502.031, to suspend the permit immediately. However, except for such emergencies, no penalty is imposed on the producer or distributor upon the first violation of any of the sanitation requirements listed in s. 502.071. A producer or distributor found violating any requirement must be notified in writing and given a reasonable time to correct the violations before an official reinspection is made. The requirement of giving written notice shall be deemed to have been satisﬁed by the handing to the operator or by the posting of an inspection report, as required by this section. After receipt of a notice of violation, but before the allotted time has elapsed, the producer or distributor shall have an opportunity to appeal the sanitarian’s interpretation to the department for an extension of the time allowed for correction.

(3) CERTIFIED INDUSTRY INSPECTION.—The department may certify industry personnel to carry out cooperatively the provisions of this chapter with respect to the supervision of dairy farms. Reports of all inspections conducted by such personnel determine compliance with the provisions of this chapter shall be forwarded to the department. All punitive actions and all inspections for the issuance or reinstatement of permits shall be performed by the department. Industry personnel shall be certiﬁed annually by the department in accordance with the provisions of appendix B, page 100, Recommended Milk Ordinance, 1965, United States Public Health Service.

(4) INSPECTION REPORTS.—A copy of the inspection report shall be ﬁled by the department and retained for at least 12 months. The results shall be entered on appropriate ledger forms. The use of a computer or other information retrieval system may be used. Examples of ﬁeld inspection forms are included in appendix L, page 168, Recommended Milk Ordinance.
502.055 Dairy farms; department jurisdiction for onsite inspections.—It is the intent of the Legislature to eliminate, to the extent practicable, overlapping and duplicative inspections of dairy farms as defined by s. 502.012(42), performed by the several agencies of state government. In furtherance of this goal, primary responsibility and jurisdiction for all onsite inspections of dairy farms required by this chapter shall be made by the Department of Agriculture and Consumer Services. However, the [Department of Health and Rehabilitative Services] shall cooperate with and advise the Department of Agriculture and Consumer Services in all matters relating to preservation of public health. The secretary of health and rehabilitative services shall designate members of his department who shall be certified by the U.S. Public Health Service, Food and Drug Administration as state milk sanitation officers and who shall conduct routine sanitation-compliance surveys of milk producers and milk plants. These ratings shall be made in accordance with recommendations of the U.S. Department of Health, Education, and Welfare, Public Health Service, Food and Drug Administration [published in] "Methods of Making Sanitation Ratings of Milk Sheds."

502.061 The examination of milk and milk products.—

(1) During any consecutive 6 months, at least four samples of raw milk for pasteurization shall be taken from each producer and four samples of raw milk for pasteurization shall be taken from each milk plant after receipt of the milk by the milk plant and prior to pasteurization. In addition, during any consecutive 6 months, at least four samples of pasteurized milk and at least four samples of each milk product defined in this chapter shall be taken from every milk plant. Samples of milk and milk products shall be taken while in possession of the producer or distributor at any time prior to final delivery. Samples of milk and milk products from dairy retail stores, food service establishments, grocery stores, and other places where milk and milk products are sold shall be examined periodically as determined by the department; and the results of such examination shall be used to determine compliance with ss. 502.021, 502.041 and 502.101. Proprietors of such establishments shall furnish the department, upon its request, with the names of all distributors from whom milk or milk products are obtained.

(2) Required bacterial counts, somatic cell counts, and cooling temperature checks shall be performed on raw milk for pasteurization. In addition, antibiotic tests on each producer’s milk or on commingled raw milk shall be conducted at least four times during any consecutive 6 months. When commingled milk is tested, all producers shall be represented in the sample. All individual sources of milk shall be tested when test results on the commingled milk are positive. Required bacterial counts, coliform determinations, phosphatase and cooling temperature checks shall be performed on pasteurized milk and milk products.

(3) Whenever two of the last four consecutive bacteria counts, somatic cell counts, coliform determinations, or cooling temperatures, taken on separate days, exceed the limit of the standard for the milk and/or milk products, the department shall send a written notice thereof to the person concerned. This notice shall be in effect so long as two of the last five consecutive samples exceed the limit of the standard. An additional sample shall be taken within 14 days of the sending of such notice, but not before the lapse of 3 days. Immediate suspension of permit in accordance with s. 502.031 and/or court action shall be instituted whenever the standard is violated by three of the last five bacteria counts, somatic cell counts, coliform determinations, or cooling temperatures.

(4) Whenever a phosphatase test is positive, the cause shall be determined. Where the cause is improper pasteurization, it shall be corrected; and any milk or milk product involved shall not be offered for sale.

(5) Samples shall be analyzed at an official or appropriate officially designated laboratory. All sampling procedures and required laboratory examinations shall be in substantial compliance with the 12th Edition of Standard Methods for the Examination of Dairy Products of the American Public Health Association, and the 10th Edition of the Official Methods of Analysis of the Association of Official Agricultural Chemists. Such procedures and examinations shall be evaluated in accordance with the methods of evaluating milk laboratories recommended by the United States Public Health Service. Examinations and tests shall be conducted to detect adulterants, including pesticides, as the department may require. Assays of vitamin D milk or milk products shall be made at least annually in a laboratory acceptable to the department.

502.062 Enforcement; administrative procedures.—

(1) ENFORCEMENT PROCEDURES.—All violations of bacteria, somatic cell, coliform, and cooling temperature standards shall be followed promptly by inspection to determine and correct the cause. (See appendix E, examples of 3-out-of-5 compliance enforcement procedures. Recommended Milk Ordinance, 1965, United States Public Health Service.) All violations of bacterial, somatic cell, coliform, and cooling temperature standards shall be followed promptly by inspection to determine and correct the cause.

(2) LABORATORY TECHNIQUES.—Procedures for the collection and holding of samples; the selection and preparation of apparatus, media and reagents; and the analytical procedures, incubation, reading, and reporting of results, shall be in substantial compliance with standard methods for the examination of dairy products and the official methods of analysis. The procedures shall be those specified therein for:

(a) Standard plate count at 32°C.
The phosphatase test is an index of the efficiency of the pasteurization process. In the event the laboratory phosphatase test is positive, the cause shall be determined immediately. When the cause is improper pasteurization, it shall be corrected. When a laboratory phosphatase test is positive, or if any doubt should arise as to the compliance of the equipment, standards or methods outlined in s. 502.071(3)(f) and (p), the department should immediately conduct field phosphatase tests at the plant (appendix G, page 134, Recommended Milk Ordinance, 1965, United States Public Health Service.) The direct microscopic count is useful as a screening test to detect suspicious tanker loads of milk for subsequent official examinations, and to determine the possible presence of abnormal milk.

(3) SAMPLING PROCEDURES.—When samples of raw milk for pasteurization are taken at a milk plant prior to pasteurization, they shall be drawn following adequate agitation from randomly selected storage tanks.

(a) When bacterial counts, somatic cell counts, and temperature determinations are made of several samples of the same milk or milk products collected from the same supply or processor, on the same day, these values are averaged arithmetically, and the results recorded as the count or temperature determinations of the milk or the milk product for that day. All counts and temperatures should be recorded on the milk-ledger form PHS 1784 (or a similar form) for dairy farms, and form PHS 1782 (or a similar form) for milk plants as soon as reported by the laboratory.

(b) The use of a computer or other information retrieval system may be used. (See appendix G, page 135, Recommended Milk Ordinance, 1965, United States Public Health Service, for a reference to antibiotics in milk and the conditions under which a positive phosphatase reaction may be encountered in properly pasteurized milk or cream.)

(c) The industry should be encouraged by the department to achieve day-to-day compliance with the foregoing standards by performing tests on each producer's milk, including platform tests for odors, temperature, and sediment. Bacterial counts should be conducted following laboratory pasteurization as a check for thermoduric organisms. Examinations for the presence of psychrophilic bacteria are also recommended. Periodic screening tests for presence of added water, antibiotics, and pesticide residues should be performed on producer milk. Plants should reject milk of abnormal odor and high temperature as well as milk that is found to be unsatisfactory by the sediment test. Follow-up inspections on the dairy farm should be made by the plant fieldman to determine the cause and to institute corrective measures whenever milk is rejected by the milk plant.

502.071 Standards for milk and milk products.—All grade A raw milk for pasteurization and all grade A pasteurized milk and milk products shall be produced, processed, and pasteurized to conform with the following chemical, bacteriological, somatic cell, and temperature standards, and the sanitation requirements of this section. No process or manipulation other than pasteurization, processing methods integral therewith, and appropriate refrigeration shall be applied to milk and milk products for the purpose of removing or deactivating microorganisms. However, the use of sorbates and its salts may be permitted in creaming mixtures for cottage cheese; and safe and suitable ingredients that improve texture, prevent syneresis, or extend the shelf life may be used in those cultured products presently allowed by federal regulations.

(1) CHEMICAL, BACTERIOLOGICAL, SOMATIC CELL, AND TEMPERATURE STANDARDS FOR GRADE A MILK AND MILK PRODUCTS—

<table>
<thead>
<tr>
<th>Grade A raw milk for pasteurization</th>
<th>Temperature</th>
<th>Cooled to 50°F. or less and maintained thereat until processed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bacterial limits</td>
<td></td>
<td>Individual producer milk not to exceed 100,000 per ml prior to commingling with other producer milk.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Not exceeding 300.000 per ml as commingled prior to pasteurization.</td>
</tr>
<tr>
<td>Somatic cell limits</td>
<td></td>
<td>Individual producer milk not to exceed the number established by rule of the department.</td>
</tr>
<tr>
<td>Antibiotics</td>
<td></td>
<td>No detectable antibiotic residues.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Grade A pasteurized milk and milk products (except cultured products)</th>
<th>Temperature</th>
<th>Cooled to 45°F. or less and maintained thereat.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bacterial limits</td>
<td></td>
<td>Milk and milk products—20,000 per ml.</td>
</tr>
<tr>
<td>Coliform limit</td>
<td></td>
<td>Not exceeding 10 per ml.</td>
</tr>
<tr>
<td>Phosphatase</td>
<td></td>
<td>Less than 1 microgram per ml by Schauer rapid method (or equivalent by other means).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Grade A pasteurized cultured products</th>
<th>Temperature</th>
<th>Same as above.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coliform limit</td>
<td></td>
<td>Do.</td>
</tr>
<tr>
<td>Phosphatase</td>
<td></td>
<td>Do.</td>
</tr>
<tr>
<td>Bacterial limits</td>
<td></td>
<td>Exempt.</td>
</tr>
</tbody>
</table>
(2) SANITATION REQUIREMENTS FOR GRADE A RAW MILK FOR PASTEURIZATION.—

(a) Abnormal milk.—Cows which show evidence of the secretion of abnormal milk in one or more quarters based upon bacteriological, somatic cell, chemical, or physical examination, shall be milked last or with separate equipment, and the milk shall be discarded. Cows treated with, or cows which have consumed chemical, medicinal or radioactive agents which are capable of being secreted in the milk and which, in the judgment of the department, may be deleterious to human health, shall be milked last or with separate equipment, and the milk disposed of as the department may direct.

(b) Milking barn, stable, or parlor construction.—A milking barn, stable, or parlor shall be provided on all dairy farms in which the milking herd shall be housed during milking time operations. The areas used for milking purposes shall:

1. Have floors constructed of concrete or equally impervious material.
2. Have walls and ceilings which are smooth, painted or finished in an approved manner, in good repair, ceiling dust-tight.
3. Have separate stalls or pens for horses, calves, and bulls, at least 100 feet from milking barn or milk room.
4. Be provided with natural and/or artificial light, well distributed for day and/or night milking.
5. Provide sufficient air space and air circulation to prevent condensation and excessive odors.
6. Not be overcrowded.
7. Have dust-tight feed room doors, covered boxes or bins, or separate storage facilities for ground, chopped or concentrated feed.

(c) Milking barn, stable, or parlor cleanliness.—The interior shall be kept clean. Floors, walls, windows, pipelines, and equipment shall be free of filth and/or litter and shall be clean. Swine and fowl shall be kept out of the milking barn.

(d) Cow yard.—The cow yard shall be graded and drained and shall have no standing pools of water or accumulations of organic wastes, and shall provide a firm footing; provided that in loafing or cattle housing areas, cow droppings and soiled bedding shall be removed, or clean bedding added at sufficiently frequent intervals to prevent the soiling of the cow's udder and teats. Waste feed shall not be allowed to accumulate. Manure packs shall be properly drained and shall provide a firm footing. Swine shall be kept out of the cow yard.

(e) Milkhouse or room; construction and facilities.—

1. A milkhouse or room of sufficient size shall be provided, in which the cooling, handling, and storing of milk and the washing, sanitizing, and storing of milk containers and utensils shall be conducted.
2. The milkhouse shall be provided with a smooth floor constructed of concrete or equally impervious material graded to drain and maintained in good repair. Liquid waste shall be disposed of in a sanitary manner; all floor drains shall be accessible and shall be trapped.
3. The walls and ceilings shall be constructed of smooth material, in good repair, well painted, or finished in an equally suitable manner.
4. The milkhouse shall have adequate natural or artificial light and be well ventilated.
5. The milkhouse shall be used for no other purpose than milkhouse operations. There shall be no direct opening into any barn, stable, or room used for domestic purposes; however, a direct opening between the milkhouse and milking barn, stable or parlor is permitted when a tight-fitting self-closing solid door, hinged to be single or double acting, is provided.
6. Hot and cold water under pressure shall be piped into the milkhouse and to wash vats.
7. The milkhouse shall be equipped with a two-compartment wash vat and adequate hot water heating facilities.
8. When a transportation tank is used for the cooling and storage of milk on the dairy farm, such tank shall be provided with a suitable room for the receipt of milk. Such room shall be adjacent to, but not a part of, the milk room and shall comply with the requirements of the milk room with respect to construction, light, drainage, insect and rodent control, and general maintenance.

(f) Milkhouse or room; cleanliness.—The floors, walls, ceilings, windows, tables, shelves, cabinets, wash vats, nonproduct contact surfaces of milk containers, utensils, and equipment, and other milk room equipment shall be clean. Only articles directly related to milk room activities shall be permitted in the milk room. The milk room shall be free of trash, animals, and fowl.

(g) Toilet.—Every dairy farm shall be provided with one or more toilets, conveniently located and properly constructed, operated, and maintained in a sanitary manner. The waste shall be inaccessible to flies and shall not pollute the soil surface or contaminate any water supply.

(h) Water supply.—Water for milkhouse and milking operations shall be from a supply properly located, protected, and operated, and shall be easily accessible, adequate, and of a safe, sanitary quality.

(i) Utensils and equipment; construction.—All milkhouse containers, equipment, and utensils used in the handling, storage, or transportation of milk shall be made of smooth, nonabsorbent, corrosion-resistant, nontoxic materials, and shall be so constructed as to be easily cleaned and shall be used for no other purpose. All containers, utensils, and equipment shall be in good repair. All milk pails used for hand milking and stripping shall be seamless and of the hooded type.

1. Multiple use woven material shall not be used for straining milk.
2. All single-service articles shall have been manufactured, packaged, transported, stored, and handled in a sanitary manner and shall comply with the applicable requirements of subsection (3)(k). Articles intended for single-service use shall not be reused.
3. Farm holding-cooling tanks, welded sanitary piping, and transportation tanks shall comply with
the applicable requirements of subsection (3)(j) and (k).

(g) **Utensils and equipment; cleaning.**—The product contact surfaces of all multiuse containers, equipment, and utensils used in the handling, storage, or transportation of milk shall be cleaned after each usage.

(h) **Utensils and equipment; sanitation.**—The product contact surfaces of all multiuse containers, equipment, and utensils used in the handling, storage, or transportation of milk shall be sanitized before and after each usage. The flanks, udders, bellies, and tails of all milking cows shall be free from visible dirt. All cleaning and brushing shall be completed prior to milking. The udders and teats of all milking cows shall be cleaned and treated with a sanitizing solution just prior to the time of milking, and shall be relatively dry before milking. Wet hand milking is prohibited.

(i) **Milking; flanks, udders, and teats.**—Milking shall be done in the milking barn, stable, or parlor. The flanks, udders, bellies, and tails of all milking cows shall be free from visible dirt. All cleaning and brushing shall be completed prior to milking. The udders and teats of all milking cows shall be cleaned and treated with a sanitizing solution just prior to the time of milking, and shall be relatively dry before milking. Wet hand milking is prohibited.

(j) **Milking; surcingles, milk stools and antikickers.**—Surcingles, milk stools and antikickers shall be kept clean and stored above the floor.

(k) **Milk cooling.**—Raw milk for pasteurization shall be cooled to 50°F. or less within 2 hours after milking and shall be maintained at that temperature until delivered.

(l) **Vehicles.**—Vehicles used to transport milk in cans from the dairy farm to the milk plant or receiving station shall be constructed and operated to protect their contents from sun, freezing, and contamination. Such vehicles shall be kept clean, inside and out, and no substance capable of contaminating milk shall be transported with milk.

(m) **Insect and rodent control.**—Effective measures shall be taken to prevent the contamination of milk, containers, equipment, and utensils by insects and rodents, and by chemicals used to control such vermin. Milk rooms shall be free of insects and rodents. Surroundings shall be kept clean, neat, and free of conditions which may harbor or be conducive to the breeding of insects and rodents.

(3) **SANITATION REQUIREMENTS FOR GRADE A PASTEURIZED MILK AND MILK PRODUCTS.**—A receiving station shall comply with paragraphs (a) to (o) inclusive, paragraphs (q), (t), and (v), except that the partitioning requirement of paragraph (e) shall not apply. A transfer station shall comply with paragraphs (a), (d), (f) (l), (n), (o), (t), and (v); and as climatic and operating conditions require, the applicable provisions of paragraphs (b) and (c); provided, that in every case, overhead protection shall be provided. Facilities for the cleaning and sanitizing of bulk transport tanks shall comply with paragraphs (a), (d), (f) (l), (n), (o), (t), and (v); and as climatic and operating conditions require, the applicable provisions of paragraphs (b) and (e); provided, that in every case, overhead protection shall be provided.

(a) **Floors; construction.**—The floors of all rooms in which milk or milk products are processed, handled, or stored, or in which milk containers, equipment, and utensils are washed, shall be constructed of concrete or other equally impervious and easily cleaned material; and shall be smooth, properly sloped, provided with trapped drains, kept in good repair; provided, that cold-storage rooms used for storing milk and milk products need not be provided with floor drains when the floors are sloped to drain to one or more exits; provided further, that storage rooms for storing dry ingredients and/or packaging materials need not be provided with drains; and the floors may be constructed of tightly joined wood.

(b) **Walls and ceilings; construction.**—Walls and ceilings of rooms in which milk or milk products are handled, processed, or stored, or in which milk containers, utensils, and equipment are washed, shall have a smooth, washable light-colored surface, in good repair.

(c) **Doors and windows.**—Effective means shall be provided to prevent the access of flies and rodents. All openings to the outside shall have solid doors or glazed windows which shall be closed during dusty weather.

(d) **Lighting and ventilation.**—All rooms in which milk and milk products are handled, processed, or stored and/or in which milk containers, equipment, and utensils are washed shall be well lighted and well ventilated.

(e) **Separate rooms.**—There shall be separate rooms for:

1. Pasteurizing, processing, cooling, and packaging.
2. Cleaning of milk cans and bottles. In addition, plants receiving milk in bulk transport tanks shall provide for cleaning and sanitizing facilities. Unless all milk and milk products are received in bulk transport tanks, a receiving room, separate from rooms 1. and 2. of this paragraph shall be required. Rooms in which milk or milk products are handled, processed, or stored, or in which milk containers, utensils and equipment are washed or stored, shall
not open directly into any stable or any room used for domestic purposes.

Toilet and sewage disposal facilities.—Every milk plant shall be provided with toilet facilities conforming with the requirements of the state sanitary code. Toilet rooms shall not open directly into any room in which milk or milk products are processed. Toilet rooms shall be completely enclosed and shall have tight-fitting, self-closing doors. Dressing rooms, toilet rooms, and fixtures shall be kept in a clean condition, in good repair and shall be well ventilated and well lighted. Sewage and other liquid wastes shall be disposed of in a sanitary manner in conformance with requirements of the state sanitary code.

(3) **Water supply.**—Water for milk plant purposes shall be from a supply properly located, protected, and operated, and shall be easily accessible, adequate, and of a safe, sanitary quality.

(4) **Hand-washing facilities.**—Convenient hand-washing facilities shall be provided, including hot and cold and/or warm running water, soap, and individual sanitary towels or other approved hand-drying devices. Hand-washing facilities shall be kept in a clean condition and in good repair.

Milk plant cleanliness.—All rooms in which milk and milk products are handled, processed, or stored, and/or in which containers, utensils, or equipment are washed or stored, shall be kept clean, neat and free of evidence of insects and rodents. Pesticides shall be safely used. Only equipment directly related to processing operations or to the handling of containers, utensils, and equipment, shall be permitted in the pasteurizing, processing, cooling, packaging, and bulk-milk storage rooms.

Sanitary piping.—All sanitary piping, fittings, and connections which are exposed to milk and milk products, or from which liquids may drip, drain, or be drawn into milk or milk products, shall consist of smooth, impervious, corrosion-resistant, nontoxic, easily cleanable material. All piping shall be in good repair. Pasteurized milk and milk products shall be conducted from one piece of equipment to another only through sanitary piping.

Construction and repair of containers and equipment.—All multiuse containers and equipment with which milk or milk products come into contact shall be of smooth, impervious, corrosion-resistant, nontoxic material; shall be constructed for ease of cleaning and shall be kept in good repair. All single-service containers, closures, gaskets, and other articles with which milk or milk products come in contact shall be nontoxic, and shall have been manufactured, packaged, transported, and handled in a sanitary manner. Articles intended for single-service use shall not be reused.

Cleaning and sanitizing of containers and equipment.—The product contact surfaces of all multiuse containers, utensils, and equipment used in the transportation, processing, handling, and storage of milk and milk products shall be effectively cleaned and shall be sanitized before each use.

Capping.—Capping or closing of milk and milk product containers shall be done in a sanitary manner by approved mechanical capping and/or closing equipment. The cap or closure shall protect the pouring lip to at least its largest diameter.

Personnel; cleanliness. — Hands shall be thoroughly washed before commencing plant functions and as often as may be required to remove soil and contamination. No employee shall resume work after visiting the toilet room without thoroughly washing his hands. All persons engaged in the processing, pasteurization, handling, storage, or transportation of milk, milk products, containers, equipment, and utensils shall wear clean outer garments. The use of tobacco by any person engaged in the processing of milk or milk products is prohibited.

Vehicles.—All vehicles used for transportation of pasteurized milk and milk products shall be constructed and operated so that the milk and milk products are maintained at 45°F or less, and are protected from sun, from freezing, and from contamination.

Surroundings.—Milk plant surroundings shall be kept neat, clean, and free from conditions which might attract or harbor flies, other insects, and rodents, or which otherwise constitute a nuisance.

History.—s. 2, ch. 67-263; ss. 14, 35, ch. 69-106; s. 3, ch. 71-210; s. 1, ch. 75-25.
502.081 Animal health.—
(1) All milk for pasteurization shall be from herds which are located in a certified accredited tuberculosis area as defined by the United States Department of Agriculture in cooperation with the Florida Department of Agriculture and Consumer Services or the official agency of another state administering animal health laws; provided, that herds located in an area that fails to maintain such accredited status shall have been accredited by said department as tuberculosis-free, or shall have passed an annual tuberculosis test; provided further, that the department may, by rule, provide additional measures for the control of tuberculosis in dairy herds.

(2) All milk for pasteurization shall be from herds under a brucellosis eradication program which meets one of the following conditions:

(a) Located in a certified brucellosis-free area as defined by the United States Department of Agriculture in cooperation with the Florida Department of Agriculture and Consumer Services or the official agency of another state, and enrolled in the testing program for such areas; or

(b) Located in a modified certified brucellosis area as defined by the United States Department of Agriculture in cooperation with the Florida Department of Agriculture and Consumer Services or the official agency of another state, and enrolled in the testing program for such areas; or

(c) Meet the requirements of the United States Department of Agriculture cooperating with the Florida Department of Agriculture and Consumer Services, for an individually certified herd; or

(d) Participating in a milk ring testing program which is conducted on a continuing basis at intervals of not less than every 3 months or more than every 6 months with individual blood tests on all animals in herds showing suspicious reactions to the milk ring test; or

(e) Have an individual blood agglutination test annually with an allowable maximum grace period not exceeding 2 months.

(3) For diseases other than brucellosis and tuberculosis, the department shall require such physical, chemical, or bacteriological tests as it deems necessary. The diagnosis of other diseases in dairy cattle shall be based upon the findings of a licensed veterinarian or a veterinarian in the employ of an official agency. Any diseased animal disclosed by such tests shall be disposed of as directed by the department.

History.—s. 2, ch. 67-263; ss. 14, 35, ch. 69-106.

502.091 Milk and milk products which may be sold.—
(1) Only grade A pasteurized milk and milk products or certified pasteurized milk shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments; provided, that in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the department, in which case, such milk and milk products shall be labeled “ungraded”; provided further, that if the milk from a producer is less than grade A for reasons of failure on the part of producer to comply with sanitation or bacterial standards, as defined in this chapter, or if any specific shipment of milk from points beyond routine supervision fails to comply with standards of s. 502.071 of this chapter, but is determined by the department to be fit for human consumption, such milk may be received into a milk plant, under written permit issued by the department, for use in ungraded products, such as frozen desserts, which are being processed by such milk plant. During processing of such milk, it shall be pasteurized at a temperature of at least 175°F, for at least 15 seconds or at least 160°F, for at least 30 minutes.

(2) Certified pasteurized milk is derived from certified raw milk which meets the latest requirements of the North American Association of Medical Milk Commissions, Inc., 405 Lexington Ave., New York, N. Y. 10017.

(3) Milk that is in final package form for beverage use shall have been pasteurized and shall contain not less than 8½ percent milk solids-not-fat and not less than 3½ percent milkfat.

History.—s. 2, ch. 67-263; ss. 14, 35, ch. 69-106; s. 1, ch. 75-14.

502.101 Transferring; delivery containers; cooling.—
(1) Except as permitted in this section, no milk producer or distributor shall transfer milk or milk products from one container or tank truck to another on the street, in any vehicle, store, or in any place except a milk plant, receiving station, transfer station, or milk house especially used for that purpose. The dipping or ladling of milk or fluid milk products is prohibited.

(2) It shall be unlawful to sell or serve any milk or fluid milk product except in the individual, original container received from the distributor, or from an approved bulk dispenser; provided, that this requirement shall not apply to milk for mixed drinks requiring less than one-half pint of milk, or to cream, whipped cream, or half-and-half which is consumed on the premises and which may be served from the original container of not more than one-half gallon capacity, or from a bulk dispenser approved for such service by the department.

(3) It shall be unlawful to sell or serve any pasteurized milk or milk product which has not been maintained at a temperature of 45°F, or less. If containers of pasteurized milk or milk products are stored in ice, the storage container shall be properly drained.

History.—s. 2, ch. 67-263; ss. 14, 35, ch. 69-106.

502.111 Milk and milk products from points beyond the limits of routine inspection.—Milk and milk products from points beyond the limits of routine inspection of the state, or its police jurisdiction may be sold in Florida, or its police jurisdiction, provided they are produced and pasteurized under regulations which are substantially equivalent to this law and have been awarded an acceptable milk sanitation compliance and enforcement rating made by a state milk sanitation rating officer certified by the United States Public Health Service.

History.—s. 2, ch. 67-263.
502.121 Future dairy farms and milk plants.—
(1) All milk houses, milking barns, stables, parlors, transfer stations, and milk plants regulated under this chapter which are hereafter constructed, reconstructed, or extensively altered, must meet certain minimum specifications and requirements which the Department of Agriculture and Consumer Services shall from time to time establish and keep on file in its office in Tallahassee.

(2) Anyone desiring to make such construction shall give written notification to the department in which he states that he is going to construct, reconstruct, or extensively alter his milk house, milking barns, stables, parlors, transfer stations, or milk plants, the date he intends to begin said construction, and the legal description of the property on which such construction is planned.

(3) The minimum specifications which shall apply are those on file at the date of the original notification. If the construction does not meet the current requirements and specifications, then the department shall direct the owner to alter the construction to conform to such specifications.

History.—s. 2, ch. 67-263; ss. 14, 35, ch. 69-106.

502.131 Personnel; health.—No person affected with any disease in a communicable form, or while a carrier of such disease, shall work at any dairy farm or milk plant in any capacity which brings him into contact with the production, handling, storage, or transportation of milk, milk products, containers, equipment, and utensils; and no dairy farm or milk plant operator shall employ in any such capacity any such person, or any person suspected of having any disease in a communicable form, or of being a carrier of such disease. Any producer or distributor of milk or milk products, upon whose dairy farm, or in whose milk plant any communicable disease occurs, or who suspects that any employee has contracted any disease in a communicable form, or has become a carrier of such disease, shall notify the department immediately.

History.—s. 2, ch. 67-263; ss. 14, 35, ch. 69-106.

502.141 Procedure when infection is suspected.—When reasonable cause exists to suspect the possibility of transmission of infection from any person concerned with the handling of milk and/or milk products, the department is authorized to require any or all of the following measures:

(1) The immediate exclusion of that person from milk handling.

(2) The immediate exclusion of the milk supply concerned from distribution and use.

(3) Adequate medical and bacteriological examination of the person, of his associates, and of his and their body discharges.

History.—s. 2, ch. 67-263; ss. 14, 35, ch. 69-106.

502.161 Industry trade products.—
(1) DEFINITION.—"Industry trade products" means any nondairy product which has the semblance of milk or a milk product but which does not come within the definition of milk, a milk product, or filled milk.

(2) LABELING.—Industry trade products shall be labeled with the words “nondairy product” in type of uniform size and prominence, with the size to be at least one-fourth the size of the largest type on the carton immediately preceding the trade name of the product. No picture or representation of the animal genus bovine or any other picture, symbol, mark, word, design, or representation commonly associated with dairy farming or any other phase of the dairy industry or associated with the production, sale, advertising, distribution, or marketing of real dairy products, whether in liquid, powdered, frozen, or any other form, shall be used on any label of any industry trade product, or any advertisement for the sale of any trade product. The mere use of the manufacturer’s name and symbol on a real dairy product shall not be sufficient to prohibit their use on an industry trade product if such use on a real dairy product was in effect on or before January 1, 1970.

(3) DISPLAY.—All industry trade products sold in retail food stores shall be physically separated from real dairy products as defined in this chapter by a partition or other device or divider in the dairy display case or other display area.

(4) HEALTH STANDARDS.—Industry trade products are subject to the manufacture, sanitation, and health standards of this chapter.

(5) UNLAWFUL LABELING OR ADVERTISING.—It is unlawful for any person to advertise, package, sell, or offer for sale, or cause to be advertised, packaged, labeled, sold, or offered for sale, any industry trade product the advertising, packaging, or labeling of which contains any assertion, representation, or statement which is untrue, deceptive, or misleading.

History.—s. 2, ch. 67-263; s. 1, ch. 70-78.

502.171 Enforcement and expenses.—This law, which is in accordance with the Grade A Pasteurized Milk Ordinance, 1965, Recommendations of the United States Public Health Service, and the Fresh Milk Ordinance, 1965, is enforced by the department, and, in connection therewith, the department is authorized to incur necessary expenses which shall be paid from the General Inspection Trust Fund. The provisions in the law may also be enforced by municipal and county health officials within their respective jurisdictions, but only at the expense of such municipality or county; provided, that when any municipality or county has established or shall have established standards of qualification for production, processing or sale of dairy products within its jurisdiction, which are equivalent to or in excess of the requirements of this law, nothing in this law shall be construed as superseding or rendering ineffective or invalid any such local regulations or law.

History.—s. 2, ch. 67-263; ss. 14, 35, ch. 69-106.

502.181 Prohibited acts.—It is unlawful:

(1) To repasteurize milk; or

(2) To obstruct or resist any authorized inspector while in performance of his duties.

History.—s. 2, ch. 67-263; s. 4, ch. 70-247.

502.191 Rules.—The department is authorized to define and establish standards for milk and milk products and to adopt rules to implement, interpret, and make specific the provisions of this chapter, and
502.201 Purpose.—The purpose of this chapter is:

(1) To secure to the people of this state, without being unduly burdensome to either the regulatory agency or the dairy industry, the assurance that milk and milk products sold or offered for sale to the public are produced under sanitary conditions and are wholesome and fit for human consumption and are being offered to the public under correct designation as to grade, quality and source of production.

(2) To encourage a greater uniformity and a higher level of excellence of milk sanitation practice in the state.

(3) To facilitate the shipment and acceptance of milk and milk products of high sanitary quality in interstate and intrastate commerce.

502.211 Declaration of policy and cooperation between the department and the Department of Health and Rehabilitative Services.—In order to more effectively utilize the agencies of the state in the public interest and without unnecessary duplication and expense, the relationship between the production, processing and distribution of milk and milk products, and the public health is recognized. It is therefore hereby declared to be the public policy of the state that:

(1) The duty of administration and enforcement of all regulatory legislation now enacted applying to the production, processing and distribution of milk and milk products, shall be performed by the department, except necessary laboratory work which the Department of Health and Rehabilitative Services is equipped to handle and except as otherwise provided in this law.

(2) The administration and enforcement of all regulatory legislation now enacted applying to the sanitation and sanitary practices of establishments where food and drink including milk and milk products are sold for consumption on the premises where sold, or to the sanitary and healthful condition of such food and drink sold or offered for sale by such establishment, also, such laboratory work of testing and analyzing milk and milk products, may be performed by the Department of Health and Rehabilitative Services and local health departments of various municipalities and counties; provided, that nothing contained herein shall limit the authority conferred on the department by provisions of this chapter.

(3) There shall be the fullest cooperation and exchange of information between the department and the Department of Health and Rehabilitative Services in the making of any surveys, investigations and inquiries to be made for the purpose of determining whether or in what manner the production, processing and distribution of milk and milk products may affect the public health. Whenever the findings in the report of any survey, investigation or inquiry made by the department or the Department of Health and Rehabilitative Services show any hazard to public health existing, incident to the production, processing or distribution of milk and milk products, the department shall take such action as may be necessary and within the scope of the resources of the department, to remove such hazard; provided, that nothing herein contained shall limit the authority of the Department of Health and Rehabilitative Services to take immediate action when it appears necessary in the interest of public health.

History.—s. 2, ch. 67-263; ss. 14, 35, ch. 69-106; s. 5, ch. 70-247; s. 1, ch. 70-495.

502.221 Rules and proceedings to remain in effect.—Rules heretofore adopted relating to milk and milk products which are not in conflict with the provisions of this law shall remain in effect until superseded, modified or repealed. Any legal proceeding now pending under any other law which this law may repeal shall not abate, but shall proceed to final determination as if this law had not been enacted.

History.—s. 2, ch. 67-263.

502.231 Penalty and injunction.—Any person who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Such persons may also be enjoined by the Circuit Courts of this state on complaint of the department from continuing such violations, and injunction shall issue without bond. Each day upon which such a violation occurs shall constitute a separate violation.

History.—s. 1, ch. 67-556; s. 14, 19, 35, ch. 69-106; s. 460, ch. 71-136.

502.232 Local regulations superseded.—This chapter and all rules and regulations promulgated hereunder supersede all municipal or county regulations or laws pertaining to milk and milk products that are in conflict herewith. However, nothing herein shall prevent any municipality or county from establishing and enforcing standards of qualification for processing of dairy products within its jurisdiction which are equivalent to, or in excess of, the requirements of this chapter.

History.—s. 2, ch. 74-707.
CHAPTER 503

FROZEN DESSERTS

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503.011 Definitions.—The following definitions shall apply in the interpretation and enforcement of this chapter:

(1) "Department" means the Department of Agriculture and Consumer Services.

(2) "Dairy plant" or "plant" means any place, premise, or establishment where milk or dairy products are received or handled for processing or manufacturing. When "plant" is used in connection with the production, transportation, classifying, or use of milk, it means any plant that handles or purchases milk for manufacturing purposes; when used in connection with specifications for plants or licensing of plants, it means only those plants that manufacture or mix frozen desserts.

(3) "Dairy products" means butter, cream (fluid, dry, or plastic), dry whole milk, nonfat dry milk, dry buttermilk, dry whey, evaporated milk (whole or skim), condensed whole milk and condensed skim milk (plain or sweetened), and such other products derived from milk, as may be defined under the federal standards of identity as ingredients for frozen desserts.

(4) "Frozen desserts" means the foods which conform to the provisions of "definitions and standards of identity for frozen desserts," United States Food and Drug Administration (20 CFR 20.1-20.5), 20.1 ice cream; 20.2 frozen custard, French ice cream, French custard ice cream; 20.3 ice milk; 20.4 fruit sherbets; 20.5 water ices.

(5) "Quiescently frozen confection" means a clean and wholesome frozen, sweetened, flavored product in the manufacture of which freezing has not been accompanied by stirring or agitation (generally known as quiescent freezing). This confection may be acidulated with food grade acid, may contain milk solids or water, or may be made with or without added harmless pure or imitation flavoring and with or without harmless coloring. The finished product may contain not more than one-half of 1 percent by weight of stabilizer composed of wholesome edible material. The finished product shall contain not less than than seventy percent by weight of total food solids. In the production of this confection, no processing or mixing prior to quiescent freezing shall be used that develops in the finished confection mix any physical expansion in excess of 10 percent.

(6) "Quiescently frozen dairy confection" means a clean and wholesome frozen product made from water, milk products, and sugar, with added harmless pure or imitation flavoring, with or without added harmless coloring, with or without added stabilizer, with or without added emulsifier, and in the manufacture of which freezing has not been accompanied by stirring or agitation (generally known as quiescent freezing). It contains not less than 13 percent by weight of total milk solids, not less than 33 percent by weight of total food solids, not more than one-half percent by weight of stabilizer, and not more than one-fifth of 1 percent by weight of emulsifier. Stabilizer and emulsifier must be composed of wholesome, edible material. In the production of quiescently frozen dairy confections, no processing or mixing prior to quiescently freezing shall be used that develops in the finished confection mix any physical expansion in excess of 10 percent.

(7) "Frozen dietary dairy dessert and frozen dietary dessert" means a food for any special dietary use, prepared by freezing, with or without agitation, and composed of a pasteurized mix which may contain fat, protein, carbohydrates, natural or artificial sweeteners, flavoring, stabilizers, emulsifiers, vitamins, and minerals.

(8) "Frozen desserts manufacturer" means any person who manufactures, processes, converts, partially freezes, or freezes any mix or frozen desserts for distribution or sale.

(9) "Frozen desserts plant" means any place or premises where frozen desserts or mix are manufactured, processed, or frozen for distribution or sale.

(10) "Frozen desserts retail establishment" means any place or premises, including retail stores, stands, hotels, restaurants, and vehicles or mobile units, where frozen desserts are frozen or partially frozen or dispensed for sale at retail.

History.—s. 2, ch. 69-398; ss. 14, 35, ch. 69-106; s. 188, ch. 71-377.

503.021 Legislative intent.—It is the intent of this chapter to encourage the sanitary production of good quality milk, to promote the sanitary processing of milk, cream, and other dairy products or ingredients, thereby assuring wholesome, stable, and high quality frozen desserts made therefrom.

History.—s. 2, ch. 69-399.

503.031 Powers of department.—The department shall administer the provisions of this chapter and is hereby authorized:

(1) To establish and promulgate minimum standards of milk for use in the manufacture of frozen desserts, its transportation, classification, use and processing, and the manufacture, packaging, labeling, storage, and handling of frozen desserts made therefrom.

(2) To inspect frozen desserts and frozen dessert plants and to license frozen dessert plants to handle and process mix and to manufacture frozen desserts in conformity with the 1968 recommended standards for the manufacture of frozen desserts as promulgated by the United States Department of Agriculture.

(3) To require the keeping of appropriate books and records by plants licensed hereunder.
(4) To license qualified milk graders and bulk milk collectors when direct receipt of milk from producers is involved.

(5) To issue order of stop-sale on any frozen dessert when sold or offered for sale in violation of the provisions of this chapter or rules adopted hereunder. It shall be unlawful to remove any such order of stop-sale or to dispose of a product to which an order of stop-sale is attached without authority of the department or order of court.

It shall be unlawful to remove any such order of stop-sale or to dispose of a product to which an order of stop-sale is attached without authority of the department or order of court.

History.—s. 2, ch. 69-398; ss. 14, 35, ch. 69-106; ss. 1, 2, ch. 73-318.

503.041 License fee.—The license fee shall be $50 for each manufacturing plant shown in the application of frozen desserts or frozen desserts mix manufacturers doing a wholesale business, and $10 for each retail store shown in the application of a retail manufacturer. There shall be no fee for the issuance of a license to a hotel, restaurant, or boardinghouse or for the manufacture of frozen desserts or frozen desserts mix sold to the patrons thereof for consumption exclusively on the premises where manufactured. The fee shall be tendered to the department with the application, and upon the issuance of the license shall be remitted by the department to the State Treasurer to the credit of the General Inspection Trust Fund and shall be used by the department for the enforcement of this chapter.

History.—s. 2, ch. 69-398; ss. 14, 35, ch. 69-106.

503.051 Suspension or revocation of license.—The department may for good cause, after notice and opportunity for hearing, suspend or revoke certifications and licenses issued hereunder. Nothing in this chapter shall be construed to prevent the suspension of the operation of any plant prior to a hearing when such action is authorized by any applicable and valid law or regulation.

History.—s. 2, ch. 69-398; ss. 14, 35, ch. 69-106.

503.061 Mellorine-type products.—(1) As used in this section:

(a) "Mellorine-type products" are frozen desserts similar in composition and weight requirements to ice cream, ice milk, and fruit sherbets made from dairy products as defined in s. 503.011(4), to which has been added, blended, or compounded any fat or oil other than milk fat; and

(b) Adulterated food. "Mellorine-type" products, is an adulterated article of food the sale of which constitutes a fraud upon the public.

(2) It is unlawful for any person, by himself, his servant, or agent, or the servant or agent of another, to manufacture for sale within this state, to sell or exchange, to have in his possession with intent to sell or exchange, or to offer for sale or exchange any Mellorine-type product.

(3) Mellorine-type products, manufactured for sale within the state, sold or exchanged, possessed with intent to sell or exchange, or offered for sale or exchange by any person, by himself or by his servant or agent, or as the servant or agent of another, shall be subject to order of stop-sale.

(4) Mellorine-type products held under order of stop-sale shall be disposed of by destruction as the department in its discretion may direct.

History.—s. 2, ch. 69-398; ss. 14, 35, ch. 69-106.

503.062 Food products in semblance of frozen desserts.—Any food product which has the semblance of ice cream, frozen custard, French ice cream, French custard ice cream, ice milk, fruit sherbet, water ice, a quiescently frozen dairy confection, a frozen dietary dairy dessert, or a frozen dietary dessert, but does not conform to the definition of the preceding products, whether in frozen, powdered, or liquid mix form, shall be subject to inspection, order of stop sale, and licensing and to manufacturing, sanitation, bacteriological, and health standards required for frozen desserts in this chapter. Such food products shall be labeled with an accurate ingredient legend. There shall be no picture or representation by picture, symbol, mark, word, or design commonly associated with defined frozen desserts.

History.—s. 1, ch. 73-317.

503.071 Penalty and injunction.—Any person, firm, or corporation that willfully violates any provision of this chapter or the rules and regulations promulgated hereunder shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.083, and each and every violation shall constitute a separate offense. In addition there to, any such person or persons may also be enjoined by the circuit courts of this state on complaint of the department from continuing such violations, and injunction shall issue without bond.

History.—s. 2, ch. 69-398; ss. 14, 35, ch. 69-106; s. 461, ch. 71-136.

503.081 Preemption.—This chapter and all rules and regulations promulgated hereunder preempt all municipal or county laws pertaining to frozen desserts that are in conflict herewith.

History.—s. 2, ch. 69-398.

503.091 Exemptions.—Frozen dessert retail establishments as defined in s. 503.011(10) are exempt from the provisions of this chapter.

History.—s. 2, ch. 69-398.
CHAPTER 506
STAMPED OR MARKED BOTTLES AND BOXES

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506.01 Devices to be filed in offices.—Any person engaged in manufacturing, bottling or selling soda waters, mineral or aerated waters, porter, ale, beer, cider, ginger ale, small beer, lager beer, weiss beer, white beer or other beverages or medicine, medical preparations, perfumery, oils, compounds or mixtures, in bottles, siphons, fountains, tins or kegs, with his name or other marks or devices branded, stamped, engraved, etched, blown, impressed or otherwise produced upon such bottles, siphons, fountains, tins or kegs, or the boxes used by him may file in the office of the clerk of the county in which his principal place of business is situated, or if such person shall manufacture or bottle out of this state, then in any county in this state, and also with the Department of State, a description of the name, marks or devices so used by him and cause such description to be printed once each week, for three weeks successively, in a newspaper published in the county in which said notice may have been filed.

History.—s. 3, ch. 4584, 1897; GS 3166, RGS 4991; CGL 7080; ss. 10, 35, ch. 69-106.

506.02 Presumptive evidence of unlawful use.—The use by any person other than the person whose device, name or mark shall be or shall have been upon the same, without written consent or purchase, of any marked or distinguished bottle, box, siphon, fountain, tin or keg, a description of which shall have been filed and published, as provided in s. 506.01, for the sale therein of soda waters, mineral or aerated waters, porter, ale, cinder, ginger ale, beer, small beer, lager beer, weiss beer, white beer, or other beverages, or any article of merchandise, medicines, medical preparations, perfumery, oils, compounds, mixtures or preparations, or for the furnishing of such or similar beverages to customers; or the buying, selling, using, disposing of or trafficking in any such bottles, boxes, siphons, fountains, tins or kegs by any person other than said persons having a name, mark or device thereon of such owner without written consent, or the possession by any junk dealer or dealers in secondhand articles of any bottles or boxes, etc., used or purchased by any person other than said persons having a name, mark or device thereon of such owner without written consent, or the possession by any junk dealer or dealers in secondhand articles of any such bottles, boxes, siphons, fountains, tins or kegs, a description of which shall have been so filed and published as aforesaid, without such written consent, is presumptive evidence of the unlawful use, purchase and traffic in of such bottles, boxes, siphons, fountains, tins or kegs.

History.—s. 2, ch. 4584, 1897; GS 3166, RGS 4992, s. 1897, 7081; CGL 7080; ss. 10, 35, ch. 69-106.
506.03 Search warrant.—When any person or his agent shall make oath before any judge having jurisdiction in the district where the offense is committed that he has reason to believe and does believe that any of his bottles, boxes, siphons, fountains, tins, or kegs, any description of which has been filed and published as aforesaid, are being unlawfully used or filled or had by any person manufacturing or selling soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, small beer, lager beer, weiss beer, white beer, or other beverages or medicines, medical preparations, perfumery, oils, compounds, or mixtures, or that any junk dealer or dealers in secondhand articles, vendor of bottles, or other person, has any such bottles, boxes, siphons, fountains, tins, or kegs in his possession or secreted in any place, the said judge shall thereupon issue a search warrant signed by him with his name of office, to any sheriff and his deputies or any police officer or person authorized by law to execute process, commanding the officer or person forthwith to search the property described in the warrant or the person named, for the property specified, and to bring the same before the court having jurisdiction of the offense.

History.—s. 4, ch. 4584, 1897; GS 3107; RGS 4993; CGL 7082; s. 35, ch. 73-334.

506.04 Deposit on bottles, etc., not a sale of property.—The requiring, taking or accepting of any deposit, for any purpose, upon any bottle, box, siphon, fountain, tin or keg is not a sale of such property, either optional or otherwise, in any proceedings under ss. 506.01-506.09.

History.—s. 5, ch. 4584, 1897; GS 3168; RGS 4994; CGL 7083.

506.05 Unlawful use of bottles, boxes, etc., when label is registered; penalty.—No person shall fill with soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, beer, small beer, lager beer, weiss beer, white beer or other beverages, or with medicine, medical preparations, perfumery, oils, compounds or mixtures, any bottle, box, siphon, fountain, tin or keg, which has been marked or distinguished under the provisions of s. 506.01, or deface, erase, obliterate, cover up or otherwise remove or conceal any such name, mark or device thereon, or sell, buy, give, take, or otherwise dispose of, or wantonly destroy, or traffic in the same without the written consent of, or unless the same shall have been purchased from the person whose mark or device shall be or shall have been in or upon the bottle, box, siphon, fountain, tin or keg so filled, trafficked in, used or handled as aforesaid. Any person violating the provisions of this section shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and for each subsequent offense shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 4, ch. 4584, 1897; GS 3346; RGS 5188; CGL 7291; s. 7, ch. 22658, 1949; s. 662, ch. 71-136.

506.06 Unlawful to counterfeit trademark.—When any person or any association or union of working men adopts or uses and files as provided in s. 506.07 any label, trademark, term, wording, design, device, color or form of advertisement for the purpose of designating, making known or distinguishing any goods, wares, merchandise or other products of labor as having been made, manufactured, produced, prepared, packed or put on sale by such person or association or union of working men, or by a member or members of such association or union, it shall be unlawful to counterfeit or imitate such label, trademark, term, wording, design, device, color or form of advertisement, or knowingly to use, sell, offer for sale, or in any other way utter or circulate any counterfeit or imitation of any such label, trademark, term, wording, design, device, color or form of advertisement.

History.—s. 1, ch. 4974, 1901; GS 3169; RGS 4995; CGL 7084.

506.07 To file for record with Department of State.—Every person, association or union that adopts or uses a label, trademark, term, wording, design, device, color or form of advertisement as provided in s. 506.06, may file the same for record with the Department of State, by leaving two copies, certified to be complete, with the Department of State; and by filing therewith a sworn application specifying the name or names of the person, association or union on whose behalf such label, trademark, term, wording, design, device, color or form of advertisement shall be filed, the class of merchandise and a description of the goods to which it has been or is intended to be appropriated, stating that the party so filing or on whose behalf such label, trademark, term, wording, design, device, color or form of advertisement shall be filed, has the right to use the same; that no other person, association or union has the right to use either in the identical form or in any such near resemblance thereto as may be calculated to deceive and that the facsimiles or counterparts filed therewith are true and correct.

History.—s. 3, ch. 4974, 1901; GS 3170; RGS 4996; CGL 7085; ss. 10, 35, ch. 69-108.

506.08 Fee for filing.—There shall be paid for such filing and recording a fee of $15. The Department of State shall deliver to such person, association or union so filing or causing to be filed any label, trademark, term, wording, design, device, color or form of advertisement so many duly attested certificates of the recording of the same as such person, association or union may apply for, for each of which the department shall receive a fee of $15. Any certificate of record shall, in all suits and prosecutions hereunder, be sufficient proof of the adoption of such label, trademark, term, wording, design, device, color or form of advertisement. The Department of State shall not record for any person, union or association any label, trademark, term, wording, design, device, color or form of advertisement that would probably be mistaken for any label, trademark, term, wording, design, device, color or form of advertisement theretofore filed by or on behalf of any other person, union or association.
506.09 Courts to grant injunctions.—Every person, association or union adopting or using a label, trademark, term, wording, design, device, color or form of advertisement as aforesaid may proceed by suit to enjoin the manufacture, use, display or sale of any counterfeit or imitations thereof, and all courts of competent jurisdiction shall grant injunctions to restrain such manufacture, use, display or sale, and may award the complainant in any such suit damages resulting from any manufacture, use, sale or display, as may be by the said court deemed just and reasonable, and shall require the defendants to pay such person, association or union all profit derived from such wrongful manufacture, use, display or sale; and such court shall also order that all counterfeits or imitations in the possession or under the control of any defendant in such cause be delivered to an officer of the court, or to the complainants, to be destroyed.

History.—s. 5, ch. 4974, 1901; GS 3172; RGS 4998; CGL 7087.

cf.–Ch. 60 Injunctions

506.10 Counterfeiting or improperly using trademarks; penalty.—Whoever counterfeits or imitates any label, trademark, term, wording, design, device, color or form of advertisement; or knowingly sells, offers for sale, or in any way utter or circulates any counterfeit or imitation of any label, trademark, term, wording, design, device, color or form of advertisement, which has been filed for record according to law, or knowingly purchases and keeps or has in his possession, with intent that the same shall be sold or disposed of, any goods, wares, merchandise or other product of labor to which or on which any such counterfeit or imitation is printed, painted, stamped or impressed; or knowingly purchases with intent to sell or dispose of any goods, wares, merchandise or other product of labor contained in any box, case, can or package, to which or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 2, ch. 4974, 1901; GS 3347; RGS 5190; CGL 7283; s. 463, ch. 71:136

cf.–s. 831.03 Forging or counterfeiting private labels

506.11 Unlawful use of trademark; penalty.—Every person who shall use or display the genuine label, trademark, term, wording, design, device, color or form of advertisement of any person, association or union, when legally filed for record, in any manner, not being authorized so to do by such person, union or association, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 6, ch. 4974, 1901; GS 3348; RGS 5191; CGL 7284; s. 464, ch. 71:136

506.12 Procuring the filing of labels, etc., by fraudulent representations; penalty.—Any person who shall, for himself or on behalf of any other person, association or union, procure the filing of any label, trademark, term, wording, design, device, color or form of advertisement with the Department of State, by making any false or fraudulent representations or declaration, verbally or in writing, or by any fraudulent means, shall be liable to pay any damage sustained in consequence of such filing, to be recovered by or on behalf of the party injured thereby in any court having jurisdiction, and shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 4, ch. 4974, 1901; GS 3349; RGS 5192; CGL 7285; ss. 10, 35, ch. 69:196; s. 445, ch. 71:136

506.13 Using the name or seal of another; penalty.—Any person who shall, in any way, use the name or seal of any person, association or union thereof, in and about the sale of goods or otherwise, not being authorized to so use the same, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 7, ch. 4974, 1901; GS 3350; RGS 5193; CGL 7286; s. 466, ch. 71:136

506.14 Sale, etc., of milk in marked bottles by person other than owner.—No person, without the written consent of the owner, shall sell or offer for sale or distribute milk, cream, or other milk products, in bottles, cans or crates of another person, whose name, label or mark is permanently fixed thereon; nor, or cover up such label, name or mark; sell, dispose of or traffic in such receptacle, or refuse upon demand to return the same to the owner, except milk or cream bottles permanently marked by the manufacturer “5f Store Bottle,” and on which a 5 cent charge is made whenever the bottle changes hands.

History.—ss. 1, 2, ch. 17104, 1935; CGL 1936 Supp. 319:60.

506.15 Possession of marked milk bottles may be presumptive evidence of unlawful use.—The use for the sale and distribution of milk, cream or milk products by any other than the person whose label, name or mark shall be or shall have been upon the same, or the possession by any dealer in second-hand articles, of any such receptacle without the written consent of the owner is presumptive evidence of the unlawful use or traffic in such article.


506.16 Proceedings by owner to recover possession of milk bottles and to protect rights.—The owner of such receptacle as is described in ss. 506.14, 506.15 shall have the right to take and recover the same from any person unlawfully possessing the same, and may maintain actions of replevin, or other appropriate actions, to preserve his rights therein. The court also may grant an injunction restraining any person from doing any of the acts and things herein declared to be unlawful. In any action taken by the owner, and prosecuted to a successful conclusion, for the recovery of such property or to protect his rights therein, he shall be allowed all costs of such proceeding, including a reasonable attorney’s fee.


cf.–Ch. 60 Injunctions

506.17 Certain acts not to constitute sale of milk container.—The sale or delivery of milk, cream, or milk products, contained in such bottle, can or crate, or the taking or accepting of any deposit
upon delivery of such container does not constitute a sale of such container.

History.—s. 5, ch. 17104, 1935; CGL 1936 Supp. 32198(2).

506.18 Penalty for violations. — Any person violating the provisions of ss. 506.14-506.17 shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 2, ch. 17104, 1935; CGL 1936 Supp. 7677(6); s. 467, ch. 71-136.

506.19 Protection of owners of marked or branded field boxes, etc.; recording. — Any person being the owner of field boxes, pallets, crates, containers, or receptacles in the general production, marketing, transportation, or sale of fruits, vegetables or their byproducts in the state may adopt for his exclusive use and ownership a particular mark or brand to designate and distinguish his ownership thereof and may identify his field boxes, pallets, crates, containers, or receptacles so used with such mark or brand in the form of such combinations, initials, symbols, designs, or names as he may desire, by plainly and distinctly stamping, stenciling, painting, cutting, etching, or burning the same into or upon any of the sides of such box, pallets, crates, containers, or receptacles, and the presence of such identifying mark or brand on any field box, pallet, crate, container, or receptacle whenever a copy or description thereof shall have been filed and recorded in the office of the Department of Agriculture and Consumer Services as herein provided for, shall, in any court and in any proceedings in this state, be prima facie evidence of the ownership of such box, pallet, crate, container, or receptacle by the person in whose name such mark or brand may have been recorded, provided such copy or description has been recorded in the office of the Department of Agriculture and Consumer Services as herein provided for.

History.—s. 1, ch. 16018, 1933; s. 1, ch. 16859, 1935; CGL 1936 Supp. 7087(1), (15); s. 1, ch. 67-18; ss. 14, 35, ch. 69-106; s. 1, ch. 72-47.

506.20 Filing and recording of marks and brands on field boxes. — Any person desiring to avail himself of the benefits of ss. 506.19-506.28, may make application to the Department of Agriculture and Consumer Services and shall file with such department a true copy and description of such identifying mark or brand, which, if entitled thereto under the provisions of ss. 506.19-506.28, shall be filed and recorded by such department in a book to be provided and kept by it for that purpose, and the name of the owner of such box or mark shall be recorded in such record, and such department shall then assign or designate a permanent registered number to the owner of such box or mark, said number to be assigned progressively as marks and brands are received and recorded, and the registered number so assigned shall then become a part of the registered brand or mark and shall plainly and distinctly be made to appear upon such field boxes, pallets, crates, receptacles and containers, together with the identifying mark or brand referred to therein, if consistent with the provisions of s. 506.20 the Department of Agriculture and Consumer Services shall issue to the person applying for registration and recordation of such mark or brand a certificate of such recordation and of the register number assigned thereto and thereafter it shall issue such certificates, in any number, to any person applying therefor, upon the payment of a fee of $1 for each certificate so issued, and such certificate shall, in all proceedings in all of the courts of this state be taken as proof of the adoption and recordation of such identifying mark or brand.

History.—s. 3, ch. 16018, 1933; s. 3, ch. 16859, 1935; CGL 1936 Supp. 7087(3), (15); s. 1, ch. 67-18; ss. 14, 35, ch. 69-106.

506.21 Filing fee; issuance of certificate of recordation. — The application for filing and recording shall be accompanied by a fee of $2 and thereupon, if consistent with the provisions of s. 506.20, the Department of Agriculture and Consumer Services shall issue to the person applying for registration and recordation of such mark or brand a certificate of such recordation and of the register number assigned thereto and thereafter it shall issue such certificates, in any number, to any person applying therefor, upon the payment of a fee of $1 for each certificate so issued, and such certificate shall, in all proceedings in all of the courts of this state be taken as proof of the adoption and recordation of such identifying mark or brand.

History.—s. 4, ch. 16018, 1933; s. 4, ch. 16859, 1935; CGL 1936 Supp. 7087(4), (16); s. 1, ch. 67-18; ss. 14, 35, ch. 69-106.

506.22 Transfer, release or sale of registered mark or brand. — The owner of any such registered mark or brand may transfer, release or sell the same by an instrument in writing evidencing such transfer, release or sale, and upon application to the Department of Agriculture and Consumer Services, where such mark or brand is registered for the recordation of such instrument in writing, and upon the filing of the same with such department and the payment of a fee of $2 the department shall cause such instrument or transfer, release or sale to be placed on record in a book provided and kept by it for that purpose, and certificates of such transfer, upon application therefor, shall be issued by it in like manner, upon the payment of like fees, as provided for the issuance of certificates under the provisions of s. 506.21.

History.—s. 1, ch. 16018, 1933; s. 1, ch. 16859, 1935; CGL 1936 Supp. 7087(5), (17).

506.23 Application of law. — The provisions of ss. 506.19-506.28 shall not be construed to apply when fruits, vegetables, or their byproducts, are wrapped or packed in such accepted or prescribed standard containers as are prescribed and designated by the Bureau of Standards, United States Department of Agriculture, and are used only as receptacles or containers for fruits, vegetables, or their byproducts when offered for transportation or sale only.

History.—s. 10, ch. 16018, 1933; s. 10, ch. 16859, 1935; CGL 1936 Supp. 7087(6), (17).

506.24 Unauthorized possession of field box, etc., penalty. —

(1) Any person who shall have in his unauthorized possession any field box, pallet, crate, recepta-
icle, or container marked or branded with any mark or brand registered under the provisions of ss. 506.19-506.28, shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) The possession by any person of any field box, pallet, crate, container, or receptacle so marked or branded, in the absence of written authority therefor, shall be prima facie evidence of the violation of the provisions of this section. However, the owner of such recorded or registered mark or brand may, in writing, authorize and designate any person to use or have in his possession any such field boxes, pallets, crates, containers, or receptacles.

History.—s. 5, ch. 16018, 1919, 1933; s. 5, ch. 16559, 1935; CGL 1936 Supp. 743(36), (37), (38); s. 6, ch. 71-136; s. 1, ch. 72-47.

506.25 Alteration or obliteration of mark or brand on field box, etc.—If any person shall alter, change, remove or obliterate the registered mark or brand on any field box, pallet, crate, container, or receptacle other than his own or shall cause or procure the same to be done, with intent to claim the same, or to prevent identification thereof by the true owner, or use or have in his possession, any such field box, pallet, crate, container, or receptacle on which the registered mark or brand has been altered, changed, removed or obliterated, such person shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 6, ch. 16018, 1919, 1933; s. 6, ch. 16559, 1935; CGL 1936 Supp. 743(36), (37), (38); s. 6, ch. 71-136; s. 1, ch. 72-47.

506.26 Purchase of marked field box, etc., from one other than owner.—It is unlawful for any person to receive or to purchase any field box, pallet, crate, container, or receptacle marked or branded with registered mark or brand as herein provided, from any person other than the registered owner thereof or his duly authorized agent, and proof of such receipt or purchase shall be prima facie evidence in any court of such state that such receiver or purchaser received or purchased the same with knowledge that it was stolen or embezzled property, and upon conviction thereof, such receiver or purchaser shall be punished as for receiving stolen or embezzled property.

History.—s. 7, ch. 16018, 1919, 1933; s. 7, ch. 16559, 1935; CGL 1936 Supp. 743(36), (37), (38); s. 1, ch. 72-47.

506.27 Refusal to deliver marked field box, etc., to owner upon demand.—The refusal of any person in possession thereof to deliver any field box, pallet, crate, container, or receptacle so marked or branded and registered as herein provided, to the registered owner of the same or his duly authorized agent, upon the demand of such registered owner or authorized agent, when said demand is accompanied with a display of the certificate of recordation and number of the same, as furnished to the registered owner by the Department of Agriculture and Consumer Services, shall be prima facie evidence in any court of this state of a fraudulent intent to convert said field box, pallet, crate, container, or receptacle to the use of the person or persons, or in possession of the same, and to deprive the registered owner thereof, and any person convicted of a violation shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 8, ch. 16018, 1919, 1933; s. 9, ch. 16559, 1935; CGL 1936 Supp. 743(36), (37), (38); s. 1, ch. 72-47.

506.28 Sending marked field box, etc., out of state; penalty.—Any person who shall take or send out of the state, or cause to be taken or sent out of the state, any field box, pallet, crate, container, or receptacle so registered or branded as herein provided without the permission of the owner thereof shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 9, ch. 16018, 1919, 1933; s. 9, ch. 16559, 1935; CGL 1936 Supp. 743(36), (37), (38); s. 1, ch. 72-47.

506.29 Short title.—Sections 506.30-506.45 shall be known and designated as the "Florida Milk and Ice-Cream Container Law" and may be so cited and referred to in all proceedings and proceedings taken under it and in all courts and places.

History.—p. 1, ch. 21969, 1943.

506.30 Application of law.—Any person or corporation engaged in manufacturing milk, cream, ice cream, coated ice cream, imitation ice cream, ice cream mixtures or compounds or any other similar product frozen substantially to the consistency of ice cream; or any person or corporation engaged in bottling or selling milk, cream, ice cream, coated ice cream, imitation ice cream, ice cream mixtures or compounds or any other similar product frozen substantially to the consistency of ice cream, in ice cream containers, packages, wrappers, cabinets, refrigerators, bottle, barrel, box, tin, ice cream container, package, wrapper, cabinet, refrigerator, equipment or other receptacles or containers upon which his or its name, or other marks or devices used by him or it, are branded, stamped, engraved, etched, blown, embossed, impressed or otherwise produced, may register his or its name, mark or device as hereinbefore provided, and upon completing the registration and publication of any such name, mark or device, shall thereupon be deemed the proprietor of such name, mark or device and of every bottle, box, tin, ice cream container, package, wrapper, cabinet, refrigerator, equipment or other receptacle or container upon which such name, mark or device may be branded, stamped, engraved, etched, blown, embossed, impressed or otherwise produced.

History.—s. 9, ch. 21969, 1943.

506.31 Registration of names, marks, devices, etc.—Any such names, marks or devices may be registered by filing in the office of the clerk of the circuit court of the county in which the principal office of the person or corporation seeks registration is situate and with the department of state a description of such names, marks or devices; provided, that if any such person or corporation has no principal office in this state, then such person or corporation may register such name, mark or device by filing descriptions thereof in the office of the clerk of the circuit court of any county in which such per-
son or corporation does business and with the Depar-

506.32 Notice of intention to register.—Any
person or corporation seeking to register such
names, marks or devices shall first cause such de-
scription to be printed once in each week, for 2 weeks
successively, in a newspaper published in the county
in which said description may be filed as aforesaid.
History.—s. 4, ch. 21969, 1943.

506.33 Certified copies of registration; use,
etc.—A copy of such description, duly certified by
the clerk of the circuit court of the county where
such description has been filed, and a copy of such
description, duly certified by the Department of
State, shall be received as evidence of such filing and
also of the matters therein stated in all courts and
places.
History.—s. 5, ch. 21969, 1943; ss. 10, 35, ch. 69-106.

506.34 Proof of publication; notice of inten-
tion.—The affidavit of the printer or publisher of a
newspaper published within this state, or of his fore-
man or clerk, showing the publication of the descrip-
tion required by s. 506.32, annexed to a printed copy of
such description, shall be received as evidence of
such publication, and also of the matters therein stated, in all courts and places.
History.—s. 6, ch. 21969, 1943.

506.35 Containers; illegal use.—No person or
corporation other than the owner or proprietor of
such name, mark or device shall fill or cause to be
filled with milk, cream, ice cream, coated ice cream,
imitation ice cream, ice-cream mixtures or com-
pounds or any other similar product frozen sub-
stantially to the consistency of ice cream, or shall sell,
buy, give, take, possess, use, dispose of or traffic in
any box, siphon, tin, ice-cream container, package,
wrapper, cabinet, refrigerator, equipment or other
receptacle or container which is so marked or distin-
guished with or by any name, mark or device, a de-
scription of which shall have been filed as provided
in s. 506.31; or shall deface, obliterate, destroy, cover
up or otherwise remove or conceal any such name,
mark or device thereon, without the written consent
of, or unless the same shall have been purchased
from, the owner or proprietor thereof; provided,
however, that no person or corporation to whom
such milk, cream, ice cream, coated ice cream, imitation
ice cream, ice-cream mixtures or compounds or any
other similar product frozen substantially to the
consistency of ice cream, shall have been delivered
in bottles, boxes, tins, ice-cream containers, pack-
ages, wrappers, cabinets, refrigerators, equipment
or other receptacles or containers by the owners or
proprietors thereof, shall be deemed to have violated
the provisions of this law by having in his possession
any such marked receptacles, unless such person or
corporation, willfully and with the intention of un-
lawfully converting, retains such receptacles for a
period longer than is reasonably necessary after the
contents placed therein by the owner or proprietor
thereof have been removed therefrom.
History.—s. 7, ch. 21969, 1943.

506.36 Penalties for illegal use.—Any person,
acting for himself or as the agent of any person, firm
or corporation, who shall violate the provisions of
this law, shall be guilty of a misdemeanor of the first
degree, punishable as provided in s. 775.082 or s.
775.083.
History.—s. 8, ch. 21969, 1943; s. 71-136.

506.37 Containers; obtaining possession.—
The owner or proprietor or his or its agents may take
possession of any such bottles, boxes, tins, ice-cream
container, packages, wrapper, cabinets, refrigerators,
equipment or other receptacles or containers
used in violation of this law, whether such recepta-
cles or containers be full or partly full of any liquid,
beverage or other substance, or empty, and shall not
be liable in damages therefor, or for any trespass
arising out of such taking possession. And if the par-
ty or parties having possession of such receptacles or
containers refuses to empty the same of the contents
contained therein immediately upon notice and de-
mand by the owner or proprietor thereof or his or its
agent, then such owner, proprietor or agent may
empty such receptacle or container and shall not be
liable therefor.
History.—s. 9, ch. 21969, 1943.

506.38 Complaints before county court
judge.—When any person shall complain on oath or
affirmation to any county court judge that any per-
son or corporation has violated any of the provisions
of this law, the court to whom such complaint is
presented shall issue process at the suit of the state,
which process may be either a summons or a war-
rant against the person or corporation so charged,
which process, when in the nature of a warrant,
shall be returnable forthwith, and when in the na-
ture of a summons shall be returnable in not less
than 2 nor more than 10 days, and shall be served at
least 1 day before its return. Such complaint and
such process shall state in general terms a violation
of this law. On the return of such process, or at any
time to which the trial of the case shall be adjourned,
the county court judge issuing the same shall pro-
cceed in a summary manner to hear testimony and
determine and give judgment in the case without the
hearing of any pleadings, and if the defendant or de-
fendants be convicted, shall impose the penalty or
penalties by this law provided. It shall not be neces-
sary to take or keep any record of the evidence or
testimony taken on such trial. Service of summons
upon a person other than a corporation may be made
either personally or by leaving a copy at his dwelling
house or usual place of abode; service upon a corpo-
rations may be made by delivering a copy of the sum-
mons to any officer or employee of such corporation
who may be found in this state.
History.—s. 10, ch. 21969, 1943; s. 26, ch. 73-334.

506.39 Search warrants; procedure to obtain.
Whenever any person shall make oath before any
county court judge that he has reason to believe and
does believe that any bottles, boxes, tins, ice-cream

containers, packages, wrappers, cabinets, refrigerators, equipment, or other receptacles or containers, the property of any person or corporation who has complied with the provisions of ss. 506.31 and 506.32, are being filled, sold, bought, given, taken, possessed, used, disposed of, or trafficked in by any person or corporation in violation of this law, such county court judge shall issue a search warrant to discover and obtain such receptacles or containers and to bring before such judge the person or persons in whose possession such bottles, boxes, tins, ice cream containers, packages, wrappers, cabinets, refrigerators, equipment, or other receptacles or containers may be found, and if any such receptacles or containers are found in the possession of any such person or persons in violation of the provisions of this law, the county court judge who issued the process shall proceed to trial and judgment in the manner provided for in s. 506.38, and upon judgment, shall also award possession of the receptacles or containers so taken under such warrant to the owners or proprietors thereof.

History.--s. 11, ch. 21969, 1943; s. 26, ch. 73-334.

506.40 Presumptive evidence of violations.--The presence upon any bottle, box, tin, ice-cream container, package, wrapper, cabinet, refrigerator, equipment or other receptacle or container, or any name, mark or device which has been registered and published as provided for in ss. 506.31 and 506.32, shall be presumptive evidence in any proceeding or trial, that the owner or proprietor of such mark or device is the owner or proprietor of such bottle, box, tin, ice-cream container, package, wrapper, cabinet, refrigerator, equipment or other receptacle or container.

History.--s. 12, ch. 21969, 1943.

506.41 Deposit for container not a sale.--The requiring, taking or accepting of any deposit upon delivery of any bottle, box, tin, ice-cream container, package, wrapper, cabinet, refrigerator, equipment or other receptacle or container, or any name, mark or device which has been registered and published as provided for by ss. 506.31 and 506.32 shall not be deemed a sale thereof, either optional or otherwise.

History.--s. 13, ch. 21969, 1943.

506.42 Penalties, generally; judgments, etc.--Any person or corporation which violates the provisions of this law, or of any of the amendments hereof or supplements hereto, shall be liable to a penalty of $5 for the first offense, for each bottle, box, tin, ice-cream container, package, cabinet, refrigerator, equipment or other receptacle or container so filled, sold, bought, given, taken, used, disposed of, trafficked in or possessed in violation of the provisions of this law; and a penalty of double that amount for the second and each subsequent offense; which penalty may be recovered by an action for the recovery of a debt, by the owner or proprietor of any such bottle, box, tin, ice-cream container, package, wrapper, cabinet, refrigerator, equipment or other receptacle or container, or his agent in any court of this state having cognizance thereof. The pleadings shall conform in all respects to the practice prevailing in the court in which any such action shall be instituted, but no pleading or process shall be set aside or invalidated by reason of any formal or technical defects therein if the same contains a statement of the nature of the alleged violation and of the section of this law alleged to have been violated, and upon the attention of the court being called to any such formal or technical defect the same shall be immediately corrected and the said pleading or process amended as a matter of course, and as to all other defects in pleadings or process the same may be amended in the discretion of the court, as in any other action or proceeding in said court.

History.--s. 14, ch. 21969, 1943.

506.43 Executions on judgments.--When judgment shall be rendered against any defendant other than a corporation, execution shall be issued against his goods or chattels without any order of the court for that purpose first had and obtained. In case judgment shall be rendered against a body corporate, execution shall be issued against the goods and chattels of said corporation as in other actions of debt.

History.--s. 15, ch. 21969, 1943.

506.44 Prior registrations recognized.--Any person or corporation having heretofore filed in any of the offices mentioned in s. 506.31, a description of the names, marks or devices, upon his or its property therein mentioned, and having caused the same to be published, according to the law existing at the time of such filing and publication, shall not be required to again file and publish such description in order to be entitled to the benefits of this law, but may avail himself or itself of any or all of the provisions, modes of procedure and methods of protection provided for herein, marks or devices under and according to the provisions of this law.

History.--s. 16, ch. 21969, 1943.

506.45 Statutes and laws unaffected.--Any proceeding now pending under any other law which this law may repeal shall not abate, but may be proceeded into final judgment as if this law had not been passed; and provided, further, that nothing in this law contained shall be construed to repeal or modify or affect any existing laws for the protection of producers or shippers of milk or concerning milk cans.

History.--s. 17, ch. 21969, 1943.

506.46 Registration of brand names, etc.; egg containers.--Any person, corporation, or association engaged in receiving, packing, handling, or selling eggs in permanent type containers which contain 4 dozen or more shell eggs may adopt, own, and use any name or mark and permanently affix or stamp such name or mark to any egg container, excepting cardboard, fiberboard, or corrugated containers, owned by such person, corporation, or association, in order to designate or distinguish the ownership of such egg container from other similar egg containers. Any person, corporation, or association adopting such name or mark may file with the Department of State a description of the name or mark so used. If the department determines that the
name or mark is not a duplication of any brand or mark previously recorded in its office and does not so closely resemble any other recorded name or mark as to be misleading or deceiving, it shall file and record such name or mark in a book to be provided and kept by it for that purpose, along with the owner of the name or mark. If the department shall determine that such name or mark so applied for is a duplication of any brand or mark previously recorded by it or does so closely resemble the same as to be misleading or deceiving, the application shall be denied and the applicant may file some other brand or mark in the manner described above.

History.—s. 1, ch. 74-280.

506.47 Filing fee; issuance of certificate of recordation.—The application for filing and recording a name or mark shall be accompanied by a fee of $2, and the Department of State shall issue to the person, corporation, or association applying for registration of such name or mark a certificate of such recordation, and thereafter it shall issue a duplicate certificate to any person applying for such certificate upon the payment of a fee of $1 for each certificate issued. In all proceedings in all of the courts of this state, such certificate of the department shall be taken as proof of the adoption and recordation of the identifying mark or brand.

History.—s. 1, ch. 74-280.

506.48 Illegal use of egg containers.—No person, corporation, or association other than the owner of such name or mark shall use for any purpose any container which is so marked or distinguished with or by any name or mark filed with the Department of State as provided in s. 506.46. No person, corporation, or association shall deface, obliterate, destroy, cover up, or otherwise remove or conceal any such name or mark without the written consent of the owner of such name or mark.

History.—s. 1, ch. 74-280.

506.49 Possession of egg container; notice.—Any person who finds or receives any egg container marked with a name or mark registered under the provisions of s. 506.46, shall, within 14 days thereafter, notify the owner of such name or mark or his agent. In the event the person in possession of the egg container is unable to locate the owner, then such person shall, within 7 days thereafter, notify the Department of State in writing that he has in his possession such egg container, particularly describing the name or mark affixed or stamped to such egg container. Upon receipt of such notice the department shall immediately notify the registered owner of such name or mark of the name of the person in possession, and the location, of such egg container.

History.—s. 1, ch. 74-280.

506.50 Transportation of egg containers; bill of lading.—It shall be unlawful for any common carrier or private carrier for hire, except those engaged in the transporting of eggs and egg containers to and from farms where eggs are produced, to receive or transport any container marked with a name or mark registered under the provisions of s. 506.46 unless such carrier has in its possession a bill of lading or invoice.

History.—s. 1, ch. 74-280.

506.51 Deposits upon egg container; no sale.—The requiring, taking, or accepting of any deposit upon delivery of any egg container bearing a name or mark which has been registered in accordance with s. 506.46 shall not be deemed a sale thereof, optional or otherwise.

History.—s. 1, ch. 74-280.

506.52 Penalties.—The owner of any egg container in the possession of any other person, corporation, or association may institute proceedings in any court of competent jurisdiction to recover possession of any container bearing a name or mark registered pursuant to the provisions of s. 506.46. The expenses of such proceedings shall be paid by the person, corporation, or association in possession of such egg container. Additionally, any person, corporation, or association from whom possession of an egg container is recovered through legal process shall be liable for a penalty of $10 per egg container for the first offense and a penalty of $20 per egg container for the second and each subsequent offense. The penalty may be recovered by an action for the recovery of a debt by the owner of the egg container or his agent in any court of competent jurisdiction.

History.—s. 1, ch. 74-280.
CHAPTER 509
HOTELS AND RESTAURANTS

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509.013 Definitions.—The following definitions apply in the interpretation and enforcement of this chapter:
(1) "Division" means the Division of Hotels and Restaurants of the Department of Business Regulation.
(2) "Owner" or "operator" means owner, operator, keeper, proprietor, lessee, manager, assistant manager, desk clerk, agent, or employee of a public lodging or food service establishment.
(3) "Guest" means guest, tenant, lodger, boarder, or occupant of a public lodging or food service establishment.
(4) "Public lodging establishments" are those establishments defined in s. 509.241(1).
(5) "Public food service establishments" are those establishments defined in s. 509.241(2).
(6) "Director" means the director of the Division of Hotels and Restaurants of the Department of Business Regulation.
(7) "Single complex of buildings" means all buildings or structures which are owned, managed, controlled, and advertised as one public lodging establishment, operated under one business name, having a common street address, and situated on the same tract or plot of land which is not separated by a public street or highway.
(8) "Ironed" means either linens conventionally ironed through normal laundry processes, or pre-ironed, or noniron linens.
(9) "Transient occupancy" means occupancy when it is the intention of the parties that the occupancy will be temporary.
(10) "Transient" means a guest in transient occupancy in a public lodging establishment.

History.—s. 1, ch. 73-325.

509.032 Duties.—
(1) GENERAL.—The division shall carry out and execute all of the provisions of this chapter and all other laws now in force or which may hereafter be enacted relating to the inspection or regulation of public lodging and public food service establishments for the purpose of safeguarding the public health, safety, and welfare. The division shall be responsible for ascertaining that no establishment licensed by it shall engage in any misleading advertising or unethical practices as defined by this chapter and all other laws now in force or which may hereafter be enacted. The division shall keep accurate account of all expenses arising out of the performance of its duties and shall file monthly itemized statements of such expenses with the Department of Banking and Finance, together with an account of all fees collected under the provisions of this chapter.
(2) INSPECTION OF PREMISES.—The division shall inspect, or cause to be inspected, at least four times annually every public lodging establishment and at least four times annually every public food service establishment in this state, and for that pur-
pose it shall have the right to entry and access to such establishments at any reasonable time.

(3) AUTHORIZED TO MAKE RULES.—The division shall make such rules and regulations as are necessary to carry out the provisions of this chapter in accordance with its true intent.

History.—s. 1, ch. 1999, 1874; RS 871; GS 1229; RGS 2353; CGL 3757; s. 38, ch. 16042, 1933; s. 57-389; ss. 16, 35, ch. 69-106; s. 5, ch. 73-325.

Note.—Former s. 510.29.

509.022 Hotel and Restaurant Trust Fund; collection and disposition of moneys received.—There is created within the division a Hotel and Restaurant Trust Fund to be used for the administration and operation of the division and the carrying into effect of all laws, rules, and regulations under the enforcement and jurisdiction of the division pertaining to the construction, maintenance, and operation of public lodging establishments and public food service establishments, including the inspection of elevators as required under chapter 399. All funds collected by the division and the amounts paid for licenses and fees shall be deposited in the State Treasury into the Hotel and Restaurant Trust Fund created by this section.

History.—s. 4, ch. 75-184.

509.091 Notice of the division; form and service.—All notices to be served by the division, provided for in this chapter, shall be in writing and shall be delivered either personally, by an agent of the division, or by registered letter to the owner or operator of the applicable public lodging establishment or public food service establishment.

History.—s. 38, ch. 1999, 1874; RS 871; GS 1231; RGS 2355; s. 11, ch. 9264, 1923; CGL 3757; s. 2, ch. 1999, 1874; RS 871; GS 1229; RGS 2353; CGL 3757; s. 38, ch. 16042, 1933; s. 5, ch. 57-389; ss. 16, 35, ch. 69-106; s. 5, ch. 73-325.

Note.—Former s. 511.29.

509.022 Public lodging and public food service establishments; rights as private enterprises.—Public lodging and public food service establishments are declared to be private enterprises and the owner or manager of public lodging and public food service establishments shall have the right to refuse accommodations or service to any person who is objectionable or undesirable to said owner or manager, but such refusal shall not be based upon race, creed, color, or national origin.

History.—s. 4, ch. 75-184.

509.101 Owners or operators may make rules; maintenance of register.—(1) Every owner or operator of a public lodging establishment or a public food service establishment may prescribe and establish reasonable rules and regulations for the government and management of any such establishment and its guests and employees; and every guest or employee staying, sojourning, eating, or employed in said establishment shall conform to and abide by said rules and regulations so long as he shall remain in or at said establishment. These rules and regulations shall be held or deemed to be a special contract and agreement between such owner or operator and each and every guest or employee staying or sojourning, ordering, eating, being served, or using the facilities of or at any public lodging or food service establishment, and shall regulate, fix, and control the liabilities, responsibilities, and obligations of each, both, and all parties. Any rules or regulations promulgated pursuant to this section shall be printed in the English language and posted together with a copy of ss. 509.111, 509.151, and 509.161 in the office, hall, lobby, or other prominent place of such lodging and food service establishments.

(2) It shall be the duty of all public lodging establishment owners or operators to maintain at all times a register, signed by or for guests who occupy rooms within the establishment, showing the dates upon which the rooms were occupied by such guests and the rates charged for their occupancy. This register shall be available for inspection by the division at any time. Owners or operators shall not be required to keep available registers which are more than 2 years old.

History.—s. 2, ch. 1999, 1874; RS 871; GS 1229; RGS 2353; CGL 3757; s. 38, ch. 16042, 1933; s. 5, ch. 57-389; ss. 16, 35, ch. 69-106; s. 5, ch. 73-325.

Note.—Former s. 510.22.

509.111 Liability for property of guests.—(1) The owner or operator of a public lodging establishment in this state is under no obligation to accept for safekeeping any moneys, securities, jewelry, or precious stones of any kind whatever, belonging to any guest, and if such are accepted for safekeeping he shall not be liable for the loss thereof unless it is made to appear by proof that such loss was the proximate result of fault or negligence of the owner or operator or an employee thereof. However, the liability of the owner or operator of any such public lodging establishment shall be limited to $1,000 for such loss, if the public lodging establishment * [gave] a receipt for the property (stating the value) on a form which stated, in type large enough to be clearly noticeable, that the public lodging establishment was not liable for any loss exceeding $1,000 and was only liable for that amount if the loss was the proximate result of fault or negligence of the owner or operator or an employee thereof.

(2) The owner or operator of a public lodging establishment in this state shall, in no event, be liable or responsible to any guest for the loss of wearing apparel, goods, or other property, except as provided in subsection (1) hereof, unless it shall be made to appear by proof that such loss occurred as the proximate result of fault or negligence of such owner or operator or an employee thereof, and in case of fault or negligence he shall not be liable for a greater sum than $100 unless the guest shall, prior to the loss or damage, file with the owner or operator or said establishment an inventory of his effects and the true value thereof, and such owner or operator is given the opportunity to inspect such effects and check them with such inventory. However, the owner or operator of a public lodging establishment in this state shall, in no event, be liable or responsible to any guest for the loss of wearing apparel, goods, or other property or chattels scheduled in such inventory in a total amount exceeding $500.
509.131 Duties and requirements placed on owners, operators, and guests.—The duties and requirements of owners or operators set forth in this chapter are the duties and requirements placed upon the owner or operator of the property in charge of same, and said owner or operator shall be subject to the penalty herein set forth for a failure to perform or cause said duties and requirements. The duties and requirements of guests set forth in this chapter are the duties and requirements placed upon the guest of said establishment and operating or controlling same by himself or others, and said guest shall be subject to the penalty herein set forth for a failure to perform or cause said duties and requirements.

History.—s. 28, ch. 6952, 1915; RG5 2149; CGL 3378; s. 31, ch. 16042, 1933; CGL 1936 Supp. 3378; s. 7, ch. 73-325.

Note.—Former s. 511.30.

509.141 Refusal of admission and ejection of undesirable guests; notice, procedure, etc.—(1) The owner, operator, or other person in charge or in authority in any public lodging establishment or public food service establishment shall have the right to remove, cause to be removed, or eject from such establishment, in the manner hereinafter provided, any guest of a public food service establishment or any transient guest of a public lodging establishment who, while on the premises of said establishment, is intoxicated, immoral, profane, lewd, or brawling; who shall indulge in any language or conduct either such as to disturb the peace and comfort of other guests of such establishment or such as to injure the reputation or dignity or standing of such establishment; or who, in the opinion of the owner, operator, or other person in charge or in authority in such establishment, is a person whom it would be detrimental to such establishment for it any longer to entertain. However, the admission to, or the removal from, such accommodations shall not be based upon race, creed, color, sex, or national origin.

(2) The owner, operator, or other person in charge or in authority in any public lodging establishment or public food service establishment shall first orally notify such guest that the establishment no longer desires to entertain him or her and request that such guest immediately depart from the establishment. Said establishment may, if its owner or operator so desires, deliver to such guest written notice in form as follows:

"You are hereby notified that this establishment no longer desires to entertain you as its guest, and you are requested to leave at once, and to remain after receipt of this notice a misdemeanor under the laws of this state."

If such guest has paid in advance, the establishment shall, at the time oral or written request to depart is made, tender to said guest the unused or un consumed portion of any such advance payment.

(3) Any guest who shall remain or attempt to remain in any such establishment after being requested, as aforesaid, to depart therefrom shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(4) In case any current or former guest of a public lodging or public food service establishment or any other person shall be illegally upon any such public lodging or public food service establishment premises, the owner or operator or any employee of such public lodging or public food service establishment may call for assistance any law enforcement officer of this state. It shall be the duty of such law enforcement officer, upon request of such public lodging or public food service establishment’s owner or operator or employee, to place under arrest and take into custody for violation of this section any such occupant or guest, where any such guest commits the misdemeanor set forth in subsection (3) in the presence of said officer, or, in the event a warrant has been issued by the proper judicial officer for the arrest of such guest, the officer shall serve said warrant and arrest and take such person into custody. Upon such arrest of any such guest, the said guest shall be deemed to have given up any right to occupancy of said premises, and the operator of the establishment may then proceed to make such premises available to other guests. However, the operator of said establishment shall employ all reasonable and proper means adequately to care for the personal property which may be left on the premises by such guest who has been removed in accordance with the provisions of this section and shall refund any unused portion of moneys paid by such guest for occupancy of such premises.

History.—s. 1, ch. 65-131; s. 3, ch. 70-291; s. 6, ch. 72-48; s. 9, ch. 73-326.

Note.—Former s. 510.08.

509.142 Conduct on premises; refusal of service.—The owner or operator of a public lodging or public food service establishment shall have the right to refuse accommodations or service to any person whose conduct on premises of said establishment is one of intoxication, immorality, profanity, lewdness, brawling, indulging in language or conduct such as to disturb the peace or comfort of other guests, or who engages in illegal or disorderly conduct, or whose conduct constitutes a nuisance or who commits such acts as are of a nature to corrupt the public morals or outrage the sense of public decency or affect the peace or quiet of persons who may witness them, but such refusal shall not be based upon race, creed, color, sex, or national origin.

History.—s. 1, ch. 65-131; s. 3, ch. 70-291; s. 6, ch. 72-48; s. 9, ch. 73-326.

509.151 Obtaining lodging with intent to defraud; penalty.—(1) Any person who shall obtain food, lodging or other accommodations having a value of less than $100 at any food service establishment, or at any public lodging establishment on a transient basis, with intent to defraud the owner or operator thereof, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; if such food, lodging, or other accommodations have a value of $100 or more, such person shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) If any owner or operator, or controlling same by himself or others, and said owner or operator shall be subject to the penalty herein set forth for a failure to perform or cause said duties and requirements.

509.181 Duties and requirements of guests set forth in this chapter are the duties and requirements placed upon the guest of said establishment and operating or controlling same by himself or others, and said guest shall be subject to the penalty herein set forth for a failure to perform or carry out said duties and requirements.

History.—s. 1, ch. 65-131; s. 3, ch. 70-291; s. 6, ch. 72-48; s. 9, ch. 73-326.

Note.—Former s. 510.08.
accommodations at such establishment with intent to
defraud the owner or operator thereof, and upon
demand for payment being made, and there being no
dispute as to the amount owed, failure to make pay-
ment shall constitute prima facie evidence of intent
to defraud; provided, further, that the provisions of
this section shall not apply where there has been an
agreement in writing for delay in payments. It is the
intent of the Legislature that this section shall not
be used to circumvent the procedural requirements
of the Florida Residential Landlord and Tenant Act.

History.—ss. 5, 6, ch. 6394, 1915; RGS 9157, 9158; CGL 7398, 7399; s. 16, ch. 1719, 1919; CGL 1658, 1659; CGL 1670, 1671; CGL 1702, 1703; CGL 1724, 1725; s. 175, ch. 20662, 1921; s. 111, ch. 20677, 1921; s. 72, ch. 20696, 1921; s. 111, ch. 20718, 1922; s. 1, ch. 20847, 1941; s. 775, ch. 20847, 1941; s. 1756, ch. 20847, 1941; s. 1358, ch. 20847, 1941; s. 1259, ch. 20847, 1941; s. 14, ch. 20847, 1941; s. 12, ch. 20847, 1941; s. 475, ch. 71-136; s. 13, ch. 73-325.

Note.—Former s. 511.44.

509.181 Compensation for false representa-
tion prohibited; penalty.—It shall be a misde-
meanor of the second degree, punishable as provided
in s. 775.082 or s. 775.083, for any person engaged in
the operation of any public lodging establishment
to pay to any person any compensation for diverting,
through fraud or other misrepresentation, prospec-
tive patrons of a given public lodging establishment
to any other such establishment.

History.—s. 2, ch. 20847, 1941; s. 14, ch. 73-325.

Note.—Former s. 511.44.

509.191 Sale of unclaimed articles, disposi-
tion of proceeds.—
(1) Every owner or operator of a public lodging
establishment in this state who shall have any un-
claimed article left in the establishment of which he
is the owner or operator by any guest for a period of
90 days may, at the expiration of such 90 days, pro-
ceed to sell such articles at public auction, and out
of the proceeds of such sale may retain any amount
due said establishment by the person leaving such
articles, together with the expense of the sale there-
of; but no such sale shall be made until notice of the
time and place of such sale shall be mailed to such
owner, 30 days prior to such sale, when the address
of such owner can be ascertained by the owner or
operator of such establishment; nor shall any such
sale be made until notice of the time and place of
such sale is to take place, once a week for
4 consecutive weeks, or by three notices posted in a
public place. Such notice shall contain a description
of the article or articles to be sold and the time
and place of sale. Such owner or operator shall keep an
account of the amount received at such sale for every
article sold thereat and of the balance, if any, re-
ceived to defraud; detaining of violator and arrest
by police officer.—Any peace officer or owner or
operator of a public lodging establishment or public
food service establishment who has probable cause
to believe and does believe:
(1) That any person has obtained food, lodging, or
other accommodations at such establishment with intent
to defraud the owner or operator thereof; or
(2) That any person has taken personal property
from the rightful owner within 1 year after such sale,
may take such person into custody on the premises
and detain him for such reasonable period of time as
may be necessary to take him before the nearest
magistrate.

History.—s. 3, ch. 63346, s. 12, ch. 73-325.

509.171 False representation concerning ho-
teels, etc., prohibited; penalty.—Any person who
knowingly makes any false statement or false repre-
sentation to another concerning any public lodging
establishment with the intention of inducing such
other person to enter, lodge at or become a guest of
any other such establishment or who by any false
statement or misrepresentation induces any person
to not enter, lodge at or become a guest of any such
establishment shall be guilty of a misdemeanor of
the second degree, punishable as provided in s.
775.082 or s. 775.083.

History.—s. 1, ch. 20847, 1941; s. 475, ch. 71-136, s. 13, ch. 73-325.

Note.—Former s. 511.43.

509.201 Room rates; posting in rooms; adver-
tising; penalties.—
(1) For every public lodging establishment rent-
ing by the day or week there shall be posted in a
plainly legible fashion, in a conspicuous place in
each rental unit the rates at which each such unit is
rented. Such posting shall show the maximum
amount charged for occupancy per person, (if the
rate varies with the number of occupants), shall

History.—s. 1, ch. 20847, 1941; s. 475, ch. 71-136, s. 13, ch. 73-325.
show the amount charged for extra conveniences, more complete accommodations, or additional furnishings; and shall show the dates during the year when such charges prevail. Copies of the posted rate schedules for all similar rental units in each establishment shall be filed with the division at least 5 days before such rates are to become effective and shall be kept current. The rates posted in the rental units must coincide with those on file in the division's office, and no establishment shall charge more than the rates posted in the rental units and filed with the division.

(2a) No person shall display or cause to be displayed any sign or signs which may be seen from a public highway or street, which sign or signs include a statement or numbers relating to the rates charged at a public lodging establishment renting by the day or week unless such sign or signs include in letters and figures of similar size and prominence the following additional information: The number of rental units in the establishment and the rates charged for each; whether the rates quoted are for single or multiple occupancy where such fact affects the rates charged; and the dates during which such rates are in effect. The said rates shall in each instance coincide with the rates posted in each rental unit of the establishment and with those filed with the division as required by subsection (1). (No such sign shall be displayed which includes a statement or numbers which appear to relate to the rate charged at a public lodging establishment when in fact the statement or numbers do not relate to said rates.

(b) No person shall publish or cause to be published any advertisement other than those referred to in paragraph (a) which includes a statement or numbers relating to rates charged at a public lodging establishment renting by the day or week unless such advertisement shall include in letters or figures immediately adjacent to said rate, whether the rates quoted are for single or multiple occupancy where such fact affects the rates charged. Said advertisement shall also include: The number of rental units in the establishment at the published rates, the dates during which such rates are in effect and an indication as to whether there are other rates in effect in said establishment. The said rate shall in each instance coincide with the rates posted in such rental units of the establishment and with those filed for these units with the division as required by subsection (1). With regard to the advertisements referred to in this paragraph the type size of the required additional information shall be at least one-twelfth of the size of the rate figures advertised or equal to the type size used in the body of the advertisement, whichever is larger.

(c) The provisions of paragraph (b) hereof shall not be applicable to advertisements or listings in guides or directories which are published by nonprofit public lodging establishments or similar organizations or associations nor to advertisements of a classified nature placed in the classified section of newspapers and other similar type publications. Paragraph (b) is applicable to any type of display advertising in booklets or pamphlets, regardless of where it might be published, in a magazine, newspaper or other similar publication, and is applicable to all other advertisements whether published orally or by writing or printing of any kind on any material.

(d) There shall not be published with regard to any public lodging establishment any advertisement that contains false or misleading statements as to any matter whatsoever.

(3) Any owner or operator of any public lodging establishment who violates, or causes to be violated, any of the provisions of this section shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. In addition to the criminal penalty, the license of any public lodging establishment may be suspended or revoked by the division, or it may impose fines on the responsible person, in accordance with the procedure prescribed by s. 509.261, when the owner or operator of such establishment is determined by the division to have violated any provision of this section. It shall not be necessary for the offender to be convicted of the crime fixed by this section as a condition precedent to the suspension or revocation of such license, or the imposition of a civil penalty by the division.

History.--ss. 1-4, 6, ch. 26907, 1951; s. 1, ch. 29822, 1955; s. 6, ch. 57-389; s. 10, ch. 59-196; s. 477, ch. 71-136; s. 16, ch. 73-320; s. 1, ch. 74-347.

Note.--Bracketed language substituted by the editors for the words "Nor shall any such sign."

Note.--Former s. 511.45.
public lodging establishment unless it be of noncombustible material or fireproof construction. This provision shall not apply to buildings now being used for such purposes.

(5)(a) Before the erection or remodeling is begun of any building for use as a public lodging or public food service establishment or any building located on the premises of such an establishment which may be used by guests of the establishment, the registered architect's plans or registered engineer's plans, with detailed specifications, shall be approved by the supervising architect or engineer of the Division of Hotels and Restaurants except when the division determines that a county or municipality provides for satisfactory inspection and approval of such plans and specifications. All plans, specifications, and drawings submitted for the purpose of securing building permits from any state, county, or municipal building inspector, or other officer having like jurisdiction, shall bear the signature and seal of the architect or engineer and supervising architect or engineer of the division, county, or municipality before said building permit is issued.

(b) When such plans and specifications are submitted to the supervising architect or engineer of the division for approval, they shall be accompanied by a remittance of an amount equal to the license fee prescribed for an establishment of such size as provided in this chapter, except that permit fees for remodeling not affecting the room count or seating capacity shall be as set forth below, based on the cost of construction:

<table>
<thead>
<tr>
<th>Cost of Work</th>
<th>Lodging Establishment Total Fees</th>
<th>Food Service Establishment Total Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2,000 or less</td>
<td>$8.00</td>
<td>$12.00</td>
</tr>
<tr>
<td>5,000 or less</td>
<td>12.90</td>
<td>16.00</td>
</tr>
<tr>
<td>10,000 or less</td>
<td>20.00</td>
<td>20.00</td>
</tr>
<tr>
<td>20,000 or less</td>
<td>26.00</td>
<td>26.00</td>
</tr>
<tr>
<td>Over $20,000</td>
<td>36.00</td>
<td>36.00</td>
</tr>
</tbody>
</table>

In the event the remodeling also includes additional room count or seating capacity, then, in either of such events, the permit fee payable to the division for such alterations shall be based on the above enumerated fees or upon the fee determined by the additional room count or seating capacity, whichever is the greater.

(c) New construction or remodeling costing $10,000 or less need not be accompanied by plans of a registered architect or engineer but scaled drawings shall be submitted to the division's architect or engineer for approval, as a condition precedent to securing a building permit.

(d) Premises shall be defined as that establishment which is licensed by the division as defined in this chapter.

(6)(a) Within 60 days after receipt of notice from the division every public lodging establishment or public food service establishment in this state consisting of two stories in height must provide at least two means of exit, one of which shall be a complete fire escape consisting of iron, steel, concrete, or other fireproof material, extending from the uppermost floor to the ground or floor. All exits must conform to the requirements of the Southern Standard Building Code or South Florida Building Code. Other codes may be used if approved by the division.

(b) When, in the opinion of the supervising architect or engineer of the division, it is evident on inspection that strict compliance with paragraphs (a) and (b), regarding construction of second means of exit of buildings, would in no substantial way increase or improve the safety of a building, the supervising architect or engineer shall suggest that the licensee appeal to a board made up of at least two supervising architects or engineers and the director of the division for relief from the provisions of this section.

(d) Egress to all such fire escapes shall at all times be kept free and clear of all obstructions and doors leading to such fire escapes shall be constructed of fire resistant materials, equipped with automatic closing devices and panic bolts and such doors shall only open outward to fire escapes on the exterior of the building.

(e) Fire escapes installed inside any such building shall be constructed of fireproof material including walls, floors, ceiling, windows, casements, stairs, hand railings, and doors and all other parts comprising the same. All egress to inside fire escapes shall be guarded by doors with an automatic closing device, panic bolts and such doors shall only open toward the descent of the fire escape.

(f) All fire escapes shall be constructed, installed, and placed under the supervision of the division, which shall enact rules and regulations governing the same.

(g) All inside fire escapes shall be kept artificially lighted day and night by a circuit or means, separate and apart from the circuit or means providing for the general lighting of the said building.

(7) At every opening to a fire escape a red or green light shall be kept burning at all times and the green light shall be connected to a circuit or means of lighting, separate and apart from the circuit or means providing for the general lighting of the said building; there shall be posted and maintained in conspicuous places in each hall and in each room except in the hall or rooms on the ground floor of such buildings, plainly written notices reading "fire escapes are indicated by red or green lights."

(h) Every public lodging or food service establishment shall be provided with one fire extinguisher of a style and size approved by the division on each floor containing 3,000 square feet or less of floor area, and one additional fire extinguisher on each floor for each 3,000 square feet or less of additional floor space. Such extinguishers shall be placed in a convenient location in a public hallway outside of the sleeping rooms at or near the head of the stairs.
and shall always be in a condition for use.

(9) Each bedroom or apartment in each public lodging establishment shall be equipped with a good substantial lock and key on each door opening to the outside or to an adjoining room or apartment, or to a hallway.

(10) The Division of Hotels and Restaurants shall inspect elevators as provided in chapter 399.

(11)(a) It shall be unlawful for any person to use within any public lodging or food service establishment as defined by s. 509.241 (1) and (2), any fuel-burning wick-type equipment for space heating unless such equipment is constructed in such a manner that it can be and, in fact, is vented so as to prevent the accumulation of toxic or injurious gases or liquids.

(b) Any person violating the provisions of paragraph (a) shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(c) The division is hereby granted authority to remove instanter any such heater or stove in violation of paragraph (a) from any public lodging or food service establishment and shall keep any such heater or stove in a safe place to be used as evidence in any criminal case or at any hearing before said division.

(d) If any owner, operator or employee of a public lodging or food service establishment violates the provisions of paragraph (a) or permits anyone else to violate the provisions of said paragraph, then the division is authorized to revoke or suspend the license or certificates of such public lodging or food service establishment according to the procedure set forth in s. 509.261.

509.211 Safety regulations for apartment houses, townhouses, and cooperative or condominium apartment buildings.—

(1) With respect to the construction of apartment houses, townhouses, and cooperative or condominium apartment buildings, in those areas of the state which have local or district building codes and inspection requirements which are substantially consistent with, or more stringent than, the Southern Standard Building Code, as amended, or the South Florida Building Code when applicable, if the plans and specifications for such building or buildings have been prepared by, and reflect the seal of, a Florida registered architect or a Florida registered professional engineer and such architect or engineer has certified that the plans comply with the local or district building codes, then the plans and specifications shall be submitted to the supervising architect of the Division of Hotels and Restaurants only for his verification, except when such building contains a public food service establishment, such that building or buildings will be built in an area which is subject to local or district building codes and inspection requirements as set forth herein and that inspections are made as required by the building code, which fact shall then be endorsed on the plans and specifications by the supervising architect. When the division determines that a county or municipality provides for satisfactory inspection and approval of plans and specifications it may use such approval in lieu of approval by the supervising architect of the division. When such county or municipal approval is used in lieu of division approval, the fees charged by the division for such inspection shall be waived.

(2) In those areas of the state which do not have local or district building codes and inspection requirements as provided in subsection (1), the construction of apartment houses, townhouses, and cooperative or condominium apartment buildings shall be done in accordance with the Southern Standard Building Code, 1969 Revision, and shall be subject to such inspection requirements as may be promulgated by rules and regulations of the Division of Hotels and Restaurants.

(3) In those areas in which the plans for the construction of apartment houses, townhouses, and cooperative or condominium apartment buildings are submitted to the supervising architect of the Division of Hotels and Restaurants in order that he may certify that such plans comply with the local or district building codes, such plans shall be accompanied by a remittance of an amount equal to one-half the appropriate building permit and inspection fee as provided by rule of the Division of Hotels and Restaurants. In all other cases, such plans shall be accompanied by a remittance of an amount equal to the building permit and inspection fee as provided by rule of the division.

509.212 Construction inspectors; duties.—The Division of Hotels and Restaurants shall be required to add to its staff five employees who shall be known as construction inspectors, properly qualified and specifically assigned to inspect new and remodeled public food and lodging establishments while in the process of construction, and to make certain that such facilities meet the standards set forth in the laws and regulations of the state. Provided, however, that said construction inspectors shall have no authority to prevent continuance of such construction. The competency of these construction inspectors shall be determined by an adequate examination administered by the Department of Administration.

509.221 Sanitary regulations.—

(1) In all cities, towns, and villages where a system of waterworks is maintained for public use, every public lodging establishment and every public food service establishment therein operated shall, within 60 days after a receipt of notice from the division, be equipped with suitable toilets for the accommodation of its guests, and such toilets shall be connected by proper plumbing to an approved sewerage system and means of flushing such toilets with the water of said system in such manner as to prevent sewer gas or effluvia from arising therefrom. Each transiently rented public lodging establishment and each food service establishment shall maintain not less than one toilet for each sex, properly designated; and each transiently rented public...
lodging establishment shall maintain one public bath on each floor for every 15 guests, or major fraction of that number, ranging on that floor and not provided with private or connecting bathrooms.

(2) Every public lodging establishment and every public food service establishment shall be properly plumbed, lighted, heated, cooled, [and] ventilated, and shall be conducted in every department with strict regard to the health, comfort, and safety of the guests. Such proper lighting shall be construed to apply to both daylight and artificial illumination; such proper plumbing shall be constructed and plumbed according to proper sanitary principles; and such proper ventilation or cooling shall be construed to mean at least one door and one window in each room.

(3) No room in a public lodging establishment shall be used for a sleeping room which does not have an opening to the outside of the building, air shafts, or courts sufficient to provide adequate ventilation. In each sleeping room there must be at least one window with its opening so arranged as to provide easy access to the outside of the building or courts. (4) All public lodging establishments, except nontransiently rented apartments and all public food service establishments shall provide in the main sleeping rooms clean towels for each guest (any standard commercial paper towels may be used) and in each bedroom furnish each guest with two clean individual towels so that no two or more guests will be required to use the same towel unless it has first been washed. Such individual towels shall not be less than 10 inches wide and 15 inches long after being washed.

(5) All public lodging establishments except nontransiently rented apartments shall provide each bed, bunk, cot, or other sleeping place for the use of guests with pillowslips and under and top sheets. Sheets and pillowslips, after being used by one guest, must be washed and ironed before they are used by another guest, a clean set being furnished each succeeding guest.

(6) All bedding, including mattresses, quilts, blankets, pillows, sheets, and comforters used in any public lodging establishment or food service establishment in this state must be thoroughly aired, disinfected, and kept clean. No bedding, including mattresses, quilts, blankets, pillows, sheets, or comforters, shall be used which are worn out or unfit for further use. No mattress on any bed in any such establishment shall be used which is made of moss, seagrass, excelsior, husks, or shoddy. Any room in such establishment infested with vermin or bedbugs shall be fumigated, disinfected, and renovated until said vermin and bedbugs are exterminated.

(7) No person to operate any place of business within the state where food is cooked or prepared without keeping all outside doors, windows, and other similar openings of said place of preparation screened with wire netting of not less than 16-mesh screening or protected by properly installed fans.

(8) The owner, operator, or person in charge [(a)] of any public lodging establishment or public food service establishment shall keep all flies out of said place.

(9) No person suffering from any contagious or communicable disease shall be employed in any public lodging or food service establishment to prepare or handle food, drink, dishes, towels, or linens or in any other capacity whereby such disease might be communicated to guests or tenants. All employees shall furnish health certificates, including a Wassermann test, signed by a registered licensed physician of the state, whenever the division, in its discretion, deems it necessary for the protection of public health.

History.—ss. 26-32, ch. 57-296; 57-389; s. 1, ch. 59-152; ss. 16, 35, ch. 69-106; s. 3, ch. 71-157; s. 18, ch. 73-325.

Note.—"And" substituted for "or" by the editors.

Note.—"Or" substituted for "and" by the editors.

Note.—Former ss. 511.13-511.17, 511.25-511.27, 511.35-511.37, 511.42.

d.—s. 381.532 Toilets required by the Department of Health and Rehabilitation Services; charge for use of, prohibited.

509.241 Licenses required; public lodging and food service establishments; exceptions.—

(1) PUBLIC LODGING ESTABLISHMENTS; DEFINITION; LICENSES; EXCEPTIONS.—

(a) Every building or structure, or group of buildings or structures, within a single complex of buildings kept, used, maintained, or advertised as, or held out to the public to be, a place where sleeping or housekeeping accommodations are supplied for pay to transient or permanent guests or tenants, except as hereinafter exempted, is defined, and shall be licensed, as a public lodging establishment. Any reference in the Laws of Florida to hotels, motels, motor courts, apartment houses, rooming houses, boardinghouses, trailer courts that rent trailers to transients, or similar establishments shall be construed to mean a public lodging establishment as herein defined unless a different intent is clearly evident.

(b) The following are exempted from the provisions of paragraph (a) hereof:

1. All individually or collectively owned one, two, or three family dwelling houses or dwelling units, regardless of the number of such dwelling houses or units clustered together, unless they are regularly rented to transients or held out to or advertised to the public as places regularly rented to transients.

2. Dormitories and other living or sleeping facilities maintained by public or private schools, colleges, or universities primarily for the use of students, faculty, or visitors.

3. All hospitals, nursing homes, sanitariums, adult congregate living facilities, and other similar places.

4. All places renting three rental units or less, unless they are advertised or held out to the public to be places that are regularly rented to transients.

(2) PUBLIC FOOD SERVICE ESTABLISHMENTS; DEFINITION; LICENSES; EXCEPTIONS.—

(a) Every building, vehicle, or other structure of similar purpose, or any rooms or divisions in a building, vehicle, or other structure of similar purpose, or any place whatsoever, that is maintained and operated as a place where food is regularly prepared, served or sold for immediate consumption or in the vicinity of the premises is defined as, and shall be licensed as a public food service establishment.
This shall specifically include establishments preparing food to be called for or taken out by customers, to be delivered to factories, construction camps, airplanes and other similar locations for consumption at any place. Any reference to a restaurant in the laws of Florida shall be construed to mean a public food service establishment as herein defined unless a different intent is clearly evident.

(b) The following are exempted from the provisions of paragraph (a):

1. Places maintained and operated by public or private schools, colleges, or universities, primarily for the use of students and faculty.

2. Eating places maintained and operated by churches and religious or fraternal organizations primarily for the use of their members and associates.

3. Eating places located on airplanes, trains, buses, or watercraft which are common carriers.

4. Eating places maintained by hospitals, nursing homes, sanitariums, adult congregate living facilities, and other similar places.

5. Theaters licensed under the provisions of s. 205.412, or any other license or occupational tax law enacted in lieu thereof, where the primary use is a theater and patron service is limited to food items customarily served to the admittees of such theaters.

(c) LICENSES; ANNUAL RENEWALS.—For every establishment coming within the provisions of subsections (1) and (2), the required license shall be obtained from the Division of Hotels and Restaurants. Such license shall not be transferable from one place or individual to another; and it shall be a misdemeanor for such an establishment to operate without a license. The division may refuse a license, or a renewal thereof, to any establishment that is not constructed and maintained in accordance with the law and rules and regulations of the division. Licenses shall be renewed annually, and the division shall adopt an appropriate regulation establishing a staggered schedule for license renewals which will avoid the necessity of all licenses being renewed on the same day of the year. Due regard shall be given in making the schedule to obtaining a relatively even distribution of license renewals coming due and, thereby, to equalizing the workload of the division’s office staff.

(4) APPLICATION FOR LICENSE; PENALTY FOR FAILURE TO APPLY.—It shall be the duty of every individual who enters the public lodging or public food service business to make application for the licensing of his establishment prior to the commencement of operation. Failure to make application and payment of fee required shall constitute a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(5) EXCEPTIONS.—The licensing provisions of chapter 475 shall not be construed to prohibit the owner, operator, or employee of a public lodging or food service establishment offering to rent or renting to members of the public the facilities defined in this chapter and engaging in activities related to such offer to rent and renting such facilities, including advertising and personal and letter solicitation, provided:

(a) The facilities rented, offered for rent, or having been rented shall be under one ownership, control, management, or franchising authority, and

(b) The activities of offering for rent and renting by such operator, manager or assistant manager shall be confined and relate to facilities under one ownership, management, control or franchising authority, and

(c) No owner or operator shall rent or offer for rent facilities for more than one ownership, management, control or franchising authority.

History.—s. 3-5, 8, ch. 6952, 1915; RGS 2124-2126, 2129; ss. 3, 4, ch. 9284, 1923; s. 6, ch. 19353, 1927; COL 3333-3335; 3338; s. 1, ch. 19359, 1929; ss. 6-9, 13, ch. 16238, 1933; COL 1935 Supp. 3354; ss. 1, ch. 29820, 1947; ss. 5, 6, ch. 29821, 1950; s. 1, ch. 29823, 1955; s. 9, ch. 57-389; s. 1, ch. 57-624, s. 1, ch. 61-41; s. 1, ch. 67-507; ss. 16, 20, c.h. 68-106; s. 4, ch. 70-291; s. 480, ch. 71-136; s. 6, ch. 71-157; s. 19, ch. 73-625, s. 20, ch. 72-233.

Note.—Former ss. 511.01-511.03, 511.10.

509.242 Public lodging establishments; classifications.—

(1) Establishments which desire a specific classification (apartment, hotel, motel, apartment hotel, apartment motel, etc.) may apply and receive a specific classification from the Division of Hotels and Restaurants, provided the establishments fulfill the following requirements for each classification:

(a) Hotel.—Any building or group of buildings containing sleeping room accommodations for 25 or more guests and providing the services generally provided by a hotel and recognized as a hotel in the community in which it is situated, or by the industry, is declared to be a hotel.

(b) Apartment hotel.—Any establishment which meets the requirements of a hotel, but also has units with kitchen equipment and housekeeping facilities, is declared to be an apartment hotel.

(c) Motel.—(Motor hotel, motor court, court, tourist court, motor lodge, etc.).—Any building or group of buildings, usually one story but limited to three stories, which offers units easily accessible to the travelers with an exit to the outside of each unit, daily or weekly rates, off-street parking for each unit, a central motel office on the property with specified hours of operation, a bath or connecting bath for every rental unit, and at least six rental units, recognized as a motel in the community in which it is situated and by the industry, is declared to be a motel.

(d) Apartment motel.—Any establishment which meets the requirements of a motel, but has at least 40 percent of the units in apartments with kitchen facilities is declared to be an apartment motel. A motel with less than 40 percent of its units in apartments is declared to be a “motel with apartments.”

(e) Resort motel, beach motel, fishing camp motel.—Establishments requesting such classifications must meet the requirements of a motel and may have both motel rooms and apartment units.

(f) Apartment.—Any building or group of buildings intended for living accommodations, each with or without kitchen equipment and housekeeping facilities, and providing the services generally provided by an apartment house and recognized as an apartment house in the community in which it is situated, or by the industry, is declared to be an apartment house.

(g) Rooming houses, guest houses, cabins.—All establishments not within the foregoing category
shall be classified as rooming houses, guest houses, cabins, tourist camps, or otherwise according to choice, but shall not be allowed a classification that could be confused with one of the foregoing. Converted dwelling houses, unless they can qualify for another classification, shall be classified under this paragraph.

(2) When 25 percent or more of the units in any establishment fall within a classification different from the particular classification applicable to it, such establishment shall obtain a separate classification for such 25 percent or more units, unless otherwise provided herein. When an establishment has a different classification of units in a separate building which is operated in connection with the principal establishment and is in the immediate vicinity, such as a hotel with a motel section, two classifications shall be required.

(3) Establishments may advertise or display signs which advertise a specific classification, provided they have applied and received the specific classification and fulfill the requirements of that classification.

History.—s. 2, ch. 57-824; s. 2, ch. 61-81; ss. 16, 35, ch. 69-106.

509.251 License fees.—
(1) AMOUNT OF LICENSE FEE, PUBLIC LODGING ESTABLISHMENT.—The license fee to conduct a public lodging establishment shall be in accordance with the following schedule:

(a) The license fee shall be 90 cents per rental unit for the first 50 units, 60 cents per unit for the next 50 units, and 30 cents per unit for all units above 100 units. The minimum fee shall be $15. The maximum fee shall be $500.

(b) The license fee shall be paid to the Division of Hotels and Restaurants before a license is issued, and such license shall be conspicuously displayed in the office or lobby of the place for which issued.

(2) PUBLIC LODGING ESTABLISHMENTS; FRACTIONAL LICENSE FEES; INSPECTION DURING CONSTRUCTION.—

(a) Public lodging establishments that apply for licenses at times other than the annual renewal date fixed by the division for such establishments shall be required to pay the full annual fee if application is made more than 6 months before the next renewal date fixed by the division; if such application is less than 6 months before the next renewal date fixed by the division, the license fee shall be one-half of the annual fee.

(b) Provided, that all hotels, apartment houses, rooming houses, or other structures in course of construction shall be subject to and required to pay the same schedule of license fees for inspection during construction as they are required to pay for inspection when in operation as such.

(3) AMOUNT OF LICENSE FEE; PUBLIC FOOD SERVICE ESTABLISHMENT.—The basic license fee for conducting a public food service establishment shall be $4 for each establishment, regardless of the number of services offered by each establishment. In addition, such establishments are subject to the following fees as may be applicable:

(a) Additional license fees for establishments having seating accommodations shall be in accordance with the following schedule:

(b) Additional license fees for establishments offering catering or commissary service shall be in accordance with the following schedule:

The foregoing fees shall be in addition to the fees based on seating accommodations where establishments offer one or more of such types of service and also furnish seating accommodations.

(c) Additional license fees for the following described establishments are as follows:

1. Establishments in the form of mobile food dispensing vehicles, license fee per annum, each vehicle $43.50
2. Establishments for temporary food service, operating in the same locations for temporary periods during a license year, for each such period, per site $13.50
3. Establishments offering curb service 19.50
4. Establishments offering catering or commissary service 28.50

The license fee shall be paid to the division before a license is issued, and the license shall be conspicuously displayed in the office or lobby of the place for which issued.

(d) Vending machines dispensing food shall not be within the jurisdiction of the division; however, locations, not otherwise licensed under this chapter, having the following described vending machine facilities dispensing food shall constitute a public food service establishment under s. 509.241(2)(a), and shall be subject to the jurisdiction of the division and shall pay an annual license fee consisting of the basic license fee plus additional license fees as specified below:

1. Any public location with vending machines dispensing prepared meals (meat, vegetables, or salads), and having seating accommodations, shall pay to said division the license fee provided for such establishments with seating accommodations as set forth above.
2. Any public location with vending machines dispensing prepared meals (meat, vegetables, or salads), shall, if without seating accommodations, pay an additional license fee of $13.50 as an establishment offering takeout service.
(e) The license fee shall be paid to the division before a license is issued, and the license shall be conspicuously displayed in the office or lobby of the place for which issued.

(4) PUBLIC FOOD SERVICE ESTABLISHMENTS; FRACTIONAL LICENSE FEES; INSPECTION DURING CONSTRUCTION.—

(a) Public food service establishments that apply for licenses at times other than the annual renewal date fixed by the division for such establishments

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shall be required to pay the full annual fee if application is made more than 6 months before the next renewal date fixed by the division; if such application is made less than 6 months before the next renewal date, the license fee shall be one-half of the annual fee.

(b) Provided, that all restaurants, lunch, or sandwich stands or counters or other structures in course of construction shall be subject to and required to pay the same schedule of license fees for inspection during construction as they are required to pay for inspection when in operation as such.

(c) Any public food service establishment that is operated in conjunction with a public lodging establishment shall obtain the appropriate license for both establishments.

(5) Whenever any public lodging establishment or food service establishment fails to renew any license required under this chapter prior to the date of expiration of such license, a late renewal fee consisting of 10 percent of the license fee amount or $5, whichever is the greater amount, shall be charged in addition to the license fee.

History.—s. 6, ch. 1953, 1957; CG. 3356, 3357; ss. 9-12, ch. 1965, 1965; CG. 29820, 1955; ss. 1, 2, ch. 17062, 1955; CG. 1986 Supp. 3356(1), 3357(1); ss. 1, 2, ch. 24377, 1951; ss. 1, 2, ch. 63-350; s. 1, ch. 63-350, 1963; ss. 1, 2, ch. 67-221, 1965; ss. 1, 2, ch. 69-106; ss. 1, 2, ch. 72-156; s. 1, ch. 75-176; s. 1, ch. 75-184.

Note.—Former ss. 511.06-511.09.

509.261 Revocation or suspension of licenses; fines; procedure.—

(1) (a) The division may suspend or revoke the license of any public lodging or public food service establishment that has operated or is operating in violation of any of the provisions of this chapter or any rules and regulations promulgated by the division relating thereto; such public lodging establishment or public food service establishment shall remain closed during the suspension or revocation of such license.

(b) Proceedings for the revocation of any such license shall be commenced by serving a copy of written notice. All notices to be served by the division, provided for in this chapter, shall be delivered personally by an agent of the division, or by registered mail, or at the address of the owner or operator of such establishment set forth in the last notice served, and shall include a copy of the violation or cause for such suspension or revocation and the time and place of the hearing to be held thereon. A public lodging establishment or public food service establishment shall receive the right to cross-examine witnesses, produce witnesses in his defense and appear personally or by counsel. No such hearing shall be held within 5 days from the date of service of such notice unless the violation or cause of suspension or revocation has been established by the evidence adduced at such hearing and the owner or operator shall upon request, be entitled to be heard at a time and place fixed by the division within 3 days from the date of suspension.

(c) Proceedings for the revocation of any such license may be reviewed by certiorari to the circuit court of the circuit in which such licensed establishment is located, and appeals from any decision of the circuit court may be taken to the appropriate district court of appeal in the same manner and subject to like conditions as appeals in chancery are taken.

(2) In lieu of the suspension or revocation of licenses, the division, after complying with the procedures and requirements prescribed by paragraph (b), may impose fines against licensees for violations of this chapter or rules and regulations relating thereto. No fine so imposed shall exceed $500 for each offense, and all amounts collected shall be deposited with the State Treasurer to the credit of the General Revenue Fund.

(3) (a) No license shall be suspended under this section for a period of more than 12 months. Every revocation under this section shall be for 1 year. No new license shall be issued to the licensee or to any other firm or corporation in which the licensee or anyone of its stockholders is interested, during such suspension or revocation. Every public lodging establishment and public food service establishment whenever the owner or operator or any other person having, either directly or indirectly, control or management of such establishment, knowingly lets, leases or gives space or concession for gambling purposes or where gambling is to be carried on, in any manner or by any means denounced by any statute of this state, in such establishment, or in or upon any premises which are used in connection with, and are under the same charge, control or management of such establishment. The suspension or revocation shall be of the license in effect at the date of such suspension or revocation, even though such license may be a renewal of the license which was in effect when the cause for such suspension or revocation arose, and even though the owner or operator of any such establishment other than the person, firm or corporation who held the license at the time such cause for such suspension or revocation arose.

(b) The division is hereby given full power and authority to suspend or revoke any license issued by it for the operation of any public lodging or food service establishment whenever the owner or operator or any other person having, either directly or indirectly, control or management of such establishment, knowingly lets, leases or gives space or concession for gambling purposes or where gambling is to be carried on, in any manner or by any means denounced by any statute of this state, in such establishment, or in or upon any premises which are used in connection with, and are under the same charge, control or management of such establishment. The suspension or revocation shall be of the license in effect at the date of such suspension or revocation, even though such license may be a renewal of the license which was in effect when the cause for such suspension or revocation arose, and even though the owner or operator of any such establishment other than the person, firm or corporation who held the license at the time such cause for such suspension or revocation arose.

(c) Proceedings for suspension or revocation under this section, and for review of such proceedings, shall be in accordance with provisions of this section and with provisions of chapter 120, which govern proceedings for suspension and revocation for the causes specified in said section.

(d) Every proceeding for suspension or revocation under this section shall be commenced within 60 days after the cause for suspension or revocation specified in paragraph (b) arises.

(e) In addition to the grounds of revocation or suspension as set forth in this section, the division may suspend or revoke the license of any public lodging or public food service establishment in accordance with the requirements of this section and ss. 120.20 through 120.28, when:

(a) Any person interested in the operation of any such establishment, whether owner or operator, has been convicted within the past 10 years in any state or any other state or the United States of soliciting for prostitution, pandering, letting premises for prostitution, keeping a disorderly place, illegally
509.271 Prerequisite for issuance of city or county occupational license.—No municipality or county shall originally issue an occupational license to any business coming under the provisions of this chapter until a license has been procured for such business from the Division of Hotels and Restaurants.

History.—s. 49, ch. 16042, 1933, CGL 1936 Supp. 3355(1); s. 1, ch. 29821, 1955; s. 10, ch. 57-389; s. 40, ch. 63-512; s. 1, ch. 63-69; s. 1, ch. 63-68; s. 1, ch. 28224, 1953; s. 2, ch. 23930, 1947; s. 11, ch. 6952, 1915; RGS 2131; CGL 3360; s. 9, ch. 29821, 1955; cf.—Ch. 35 District courts of appeal, s. 4, Art. V, State Const.

509.281 Prosecution for violation; duty of State Attorney; penalties.—

(1) The division or an agent of the division, upon ascertaining by inspection that any public lodging establishment or public food service establishment is being carried on contrary to the provisions of this chapter, shall make complaint and cause the arrest of the person so violating the same, and the State Attorney in such case, upon request of said division or inspector, shall prepare all necessary papers and conduct said prosecution for any violation of the provisions of this chapter. The division shall proceed in the courts by mandamus or injunction whenever such proceedings may be necessary to the proper enforcement of the provisions of this chapter or of the rules, regulations, and orders lawfully entered and promulgated by the said division under authority hereunder.

(2) Any owner, operator, or person in charge of a public lodging establishment or food service establishment who shall obstruct or hinder any agent of the division in the proper discharge of his duties imposed by law, who shall fail or neglect or refuse to pay the license fee for inspection required by law, or who shall fail or refuse to perform or carry out any duty imposed upon it by law or the rules and regulations authorized thereunder shall be guilty of a misdemeanor of the second degree, punishable as provided in ss. 775.082 or 775.083. Every day that such establishment shall be operated in violation of law or rules and regulations authorized thereunder shall constitute a separate offense.

History.—s. 1, ch. 28129, 1953; s. 2, ch. 29821, 1955; s. 11, ch. 57-389; s. 10, ch. 69-106; s. 19, ch. 73-325; s. 20, ch. 73-332; s. 1, ch. 63-69; s. 1, ch. 63-68; s. 1, ch. 28224, 1953; s. 2, ch. 23930, 1947; s. 11, ch. 6952, 1915; RGS 2131; CGL 3360; s. 9, ch. 29821, 1955.

Note.—Former s. 511.04.

509.291 Advisory council; composition; purpose; meetings; duties; etc.—

(1) There shall be an advisory council of eight members composed of the president and executive officer of the following organizations: Florida Restaurant Association, Inc., Florida Hotel Association, Inc., Florida Apartment Association, Inc., Florida Motel or Motor Court Association, Inc. Other incorporated associations having similar interests and statewide membership may be represented on the council and shall be entitled to the same privileges upon making application and receiving the approval of the Division of Hotels and Restaurants.

(2) The purpose of the advisory council is to promote better relations, understanding and cooperation among the industries represented on the council and between such industries and the division; to suggest means of better protecting the health, welfare and safety of persons utilizing the services offered by the industries represented on the council; and to give the division the benefit of its knowledge and experience concerning the industries and individual businesses affected by the laws, rules and regulations administered by the division.

(3)(a) The advisory council may be called into session by the division at its discretion, or it may call itself into session if a majority of the council agrees that a meeting is necessary.

(b) Regardless of whether a meeting is called by the division or by the council, the council must hold one regular meeting each year and may not hold more than one special meeting in each calendar month. All such meetings shall be held during 1 day.

(4) The members of the council shall receive no compensation for the performance of their duties hereunder, but the members of the council who are the presidents of their respective associations shall be reimbursed for travel expenses as provided in s. 112.061, when they attend a meeting called in conformity with the requirements of this section. The executive officers of the several associations shall not be reimbursed for travel expense incurred in attending such meetings.

History.—s. 7, ch. 29821, 1955; s. 1, ch. 21660, 1953; s. 11, ch. 57-389; s. 4, Art. V, Const. of.—Ch. 35 District courts of appeal, s. 4, Art. V, State Const.

509.292 Misrepresenting food; penalty.—

(1) No owner or operator of any public lodging establishment or food service establishment or any place that is maintained and operated as a place where food is regularly prepared and sold for immediate consumption on or in the vicinity of the premises shall knowingly and willfully misrepresent the identity of any food or food products to any of the patrons or customers of such establishments. The identity of said food or food products shall be deemed misrepresented if:

(a) Its description is false or misleading in any particular;

(b) It is served, sold, or distributed under the name of another food or food product;

(c) It purports to be or is represented as a food or food product for which a definition of identity and standard of quality has been established by custom and usage unless it conforms to such definition and standard;
(d) Any words, statements or other information used to describe said food or food products are not so used as to render it likely to be read and understood by the ordinary individual.

(2) Food or food products shall include fruit and fruit juices and the identity of any fruit or fruit juice shall be deemed misrepresented if:
   (a) Its description is false or misleading in any particular;
   (b) It is served, sold, or distributed under the name of another fruit or fruit juice;
   (c) A synthetic or flavored drink is sold purporting to be fruit juice.

The term "fresh juice" refers to a juice without additives and prepared from the original fruit within 12 hours or less of sale.

(3) Any person described in this section who violates any provision of this section shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 1, ch. 61-257; ss. 16, 35, ch. 69-106; s. 1, ch. 73-296.

509.301 Advisory council for industry education; compensation; purpose; meeting; duties, etc.—
(1) There is hereby created an Advisory Council for Industry Education which shall consist of not less than 12 members or more than 15 members, appointed by the director of the Division of Hotels and Restaurants, comprised of eight members representative of industries licensed by the division; four members from the field of education, including the dean of the School of Business, Florida State University, and such other members as deemed necessary by the director.

(2) The purpose of this advisory council is to improve the lodging and food service industries by promoting and coordinating the development of programs to educate and train personnel for these industries in order to better serve the consuming public and to advise the director of ways which the division can assist in this effort.

(3) The advisory council shall meet at least once a year upon call of the director of the division, or may call itself into session if the majority of the council agrees that a meeting is necessary to effectuate the purposes of this section.

(4) The members of the advisory council shall receive no compensation for the performance of their duties, except that members shall be reimbursed for traveling expenses as provided in s. 113.061 when attending a meeting called and conducted with the provisions of this section.

History.—s. 1, ch. 61-257; ss. 16, 35, ch. 69-106; s. 1, ch. 73-296.

509.302 Director of education, personnel, employment duties, compensation.—
(1) The advisory council shall employ a director of education for the lodging and food service industry. With the concurrence of the Board of Regents, the director shall establish his office in the School of Business at Florida State University.

(2) The qualifications of the director shall include the ability to present program plans to industry members, federal agencies, boards of education, college presidents, and foundation trustees. He shall possess a sound knowledge and philosophy of educational methods in this field as determined by the advisory council and the Board of Regents.

(3) The director's basic role is to develop and blend together an educational program, designated the Hospitality Education Program, offered for the entire industry with proper emphasis on each of the types of educational programs required. Such programs shall include:
   (a) Vocational training.
   (b) Community college programs for supervisors and department heads.
   (c) Degree programs in management for top administrative positions.
   (d) Inservice continuing education programs.

All public lodging establishments and all public food service establishments licensed under this chapter shall pay an additional fee of $1 which shall be deposited in the Hotel and Restaurant Trust Fund established under s. 509.071, and money collected pursuant to such fees shall be used for the sole purpose of funding the Hospitality Education Program.

(4) The director of education shall formulate programs and activities to accomplish the purposes of this section in accordance with and subject to the advice and recommendations of the advisory council and the Board of Regents.

(5) The director of education, with the concurrence of the advisory council and the Board of Regents, may employ such personnel as necessary to carry out the purposes of this section.

(6) The director of education and the staff shall receive such compensation as may be approved by the advisory council and the Board of Regents.

History.—s. 2, ch. 61-257; s. 2, ch. 63-234; s. 2, ch. 73-296; s. 1, ch. 75-284.

509.303 Enforcement of certain fire safety regulations.—
(1) This section shall be applicable to all public lodgings of two or more stories as herein specified without regard to classification of types of public housing for licensing purposes.

(2) Fire safety regulations for "institutional occupancies" as defined in pamphlet 101 (Life Safety Code Standards, 1970 edition) of the National Fire Protection Association, shall apply in all public lodgings of two or more stories used for the lodging or boarding of four or more persons who are incapable of self preservation, except that the state fire marshal shall have the authority to waive or set time extensions for those requirements the application of which, in his judgment, would be clearly impractical and when a reasonable degree of life safety is not involved.

(3) "Incapable of self preservation" shall refer, when used in this section, to persons who, by reason of advanced age or decline in health, or because of physical infirmity or mental impairment, are incapacitated to the extent of being incapable of independent living.

(4) The state fire marshal, with the cooperation of the Division of Hotels and Restaurants, shall determine what public lodgings are covered by this section, and the enforcement of the fire regulations prescribed herein, including inspection of public lodges, shall be effectuated by the Division of Hotels and.
and Restaurants and the state fire marshal. Compliance herewith by all public lodgings determined to be governed hereunder shall be a condition for licensing by the Division of Hotels and Restaurants.

(5) Representatives of the Division of Hotels and Restaurants and the state fire marshal may, at any reasonable hour, enter any building or premises for the purposes of making any inspection or investigation which they deem necessary in order to carry out the provisions of this section.

History—s. 15, ch. 71-157.
CHAPTER 513
TOURIST CAMPS

513.01 "Tourist camp" and "trailer camp" defined.
513.02 Permit for establishment; revocation.
513.03 Application for permit.
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513.05 Supervision by Department of Health and Rehabilitative Services; rules and regulations.
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513.01 "Tourist camp" and "trailer camp" defined.—A "tourist camp" is a place where two or more tents, tent houses, or camp cottages are located and offered by a person or municipality for sleeping or eating accommodations, most generally to the transient public, and where there is direct remuneration in money to the owner, or indirect benefit to the owner in connection with a related business. A "trailer camp" is a place set aside and offered by any person or municipality, most generally to the transient public, for the parking and accommodation of two or more automobile trailers which are to be occupied for sleeping or eating, for either a direct money consideration or for indirect benefit to the owner in connection with a related business.

513.02 Permit for establishment; revocation.—No person or municipality shall establish or maintain any tourist camp or trailer camp in this state without first obtaining a permit therefor from the [Department of Health and Rehabilitative Services], and the [department] may revoke any permit issued to any person or municipality operating or maintaining a tourist camp or trailer camp upon the failure of such person or municipality to comply with the provisions of this chapter or the rules and regulations made and promulgated by the [department]. Renewal of permit shall be as the [department] in its discretion may require.

513.03 Application for permit.—Application for permit shall be made in writing to the [Department of Health and Rehabilitative Services]. The application shall state the location of the existing or proposed camp, type of camp, the approximate number of persons or trailers to be accommodated, the probable duration of use, and any other information the [department] may require.

513.04 Issuance of permit.—If the [Department of Health and Rehabilitative Services] is satisfied, after causing an inspection to be made, that the existing or proposed tourist or trailer camp is so located, constructed, and equipped as not to be a source of danger to the health of others or its occupants, it shall issue in the name of the [department] the necessary permit in writing on a form to be prescribed by the [department].

513.05 Supervision by Department of Health and Rehabilitative Services; rules and regulations.—The [Department of Health and Rehabilitative Services] shall have general supervision of the health and sanitary conditions of all tourist and trailer camps located in the state, and shall make, promulgate, and enforce such rules and regulations pertaining to the location, construction, equipment, and operation of such camps as may be necessary.

513.06 Laws and rules and regulations to be posted in camps.—The [Department of Health and Rehabilitative Services] shall see that there is posted in one or more places in each tourist camp and trailer camp a copy of the provisions contained in this chapter and such rules and regulations as the [department] may make or promulgate relating to the health and sanitation in such camps.

513.07 Parking of trailers on watersheds prohibited.—It is unlawful to park an automobile trailer house for occupancy on the watershed of any stream or watercourse used as a source of public water supply except under such regulations as the [Department of Health and Rehabilitative Services] may prescribe.

513.08 Use of toilets on trailers prohibited in the state.—It is unlawful to use any toilet, commode, or receptacle for receiving the bowel movements in connection with or installed in an automobile trailer, cottage, or house when said trailer is being drawn along the public highways of the state or is at rest on said highways or rights-of-way of same. It is unlawful to use such toilets or devices within a trailer camp having a permit from the [Department of Health and Rehabilitative Services] except where the owner or operator consents and has suitable arrangements approved in writing by
the [department] to handle the wastes from such toilets. It is unlawful to empty a receptacle containing human excreta or urine from a trailer house except into a sewerage system or into a privy of the type approved by the [department]. Trailer camp owners or operators shall provide means for the emptying of such receptacles and their cleaning as may be specified in the rules and regulations of the [department].

History.—s. 1, ch. 19365, 1939; CGL 1940 Supp. 4150(2); ss. 19, 35, ch. 69-106.

513.09 Maintaining camp without permit or after revocation of same; penalty.—Any person, or in case of a corporation or municipality, the officers thereof, who shall maintain a tourist camp or trailer camp without first obtaining a permit as provided by s. 513.02, or who shall maintain the same after revocation thereof, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 3, ch. 12419, 1927; CGL 7844; s. 1, ch. 19365, 1939; s. 483, ch. 71-108.

513.10 Enforcement and penalties.—This chapter and regulations adopted hereunder may be enforced in the manner provided in s. 381.031(4). Such regulations shall be a part of the Sanitary Code of Florida created by s. 381.031(1)(g) 11. Violations of this chapter and the rules and regulations adopted hereunder shall be subject to the penalties provided in s. 381.411.

History.—s. 1, ch. 19365, 1939; CGL 1940 Supp. 7849(a); s. 1, ch. 58-214.

513.12 Obtaining accommodations with intent to defraud; penalty.—Any person who shall obtain quarters or living accommodations at any tourist camp with intent to defraud the owner or keeper thereof shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; provided, that the provisions of this section shall not apply where there has been an agreement in writing for delay in payment for a period to exceed 10 days.

History.—s. 10, ch. 12419, 1927; CGL 7849; s. 484, ch. 71-136.
CHAPTER 514
PUBLIC BATHHOUSES AND SWIMMING OR BATHING PLACES

514.01 Operators of bathhouses to maintain lifelines and rafts.—Any person operating or maintaining public bathhouses, bathing pavilions, or other similar places where bathing suits are furnished for hire or rent at the seaside resorts in the state shall maintain at all times proper and safe lifelines and liferafts for the protection of the bathers at such seaside resorts.

History.—s. 1, ch. 7825, 1919; CGL 3768; ss. 19, 35, ch. 69-106.

514.02 Supervision by Department of Health and Rehabilitative Services.—The [Department of Health and Rehabilitative Services] shall have supervision over the sanitation, healthfulness, and cleanliness of swimming pools, bathhouses, public swimming and bathing places, and all related appurtenances and may make and enforce such rules and regulations pertaining thereto as it shall deem proper.

History.—s. 1, ch. 6189, 1911; RGS 2363; CGL 3767.
cf.—s. 1.01 "Person" defined.

514.03 Permit necessary to operate swimming pool, etc.—It is unlawful for any person, institution, municipality, or county to construct or to add to or modify, or to operate or to continue to operate any swimming pool, public bathhouse, bathing or swimming place, or any structure intended to be used for swimming or bathing purposes without an unrevoked permit so to do from the [Department of Health and Rehabilitative Services]. This permit shall be obtained in the following manner: Any person, institution, municipality, or county desiring to construct, add to or modify, or to operate and maintain any swimming pool, bathhouse, bathing or swimming places, or structures intended to be used for swimming or bathing purposes within the state shall file application for permission so to do from the [Department of Health and Rehabilitative Services], which application shall be accompanied by detailed maps, drawings, specifications, and descriptions of the structure, its appurtenances and operation, description of the source or sources of water supply, amount and quality of water available and intended to be used, method and manner of water purification, treatment, disinfection, heating, regulating, and cleaning, measures to insure personal cleanliness of bathers, method and manner of washing, disinfecting, drying, and storing bathing apparel and towels, and all other information and statistics that may be required by the [department]; whereupon, the [department] shall cause an investigation to be made of the proposed or existing pool or public bathing places, and if it determines as a fact that the same is or may reasonably be expected to become unclean or unsanitary or may constitute a menace to public health, it shall deny the application for permit, if it determines as a fact that the same is or may reasonably be expected to be conducted continuously in a clean and sanitary manner and will not constitute a menace to public health, it shall grant the application for permit under such restrictions as it shall deem proper.

History.—s. 2, ch. 7825, 1919; CGL 3769; ss. 19, 35, ch. 69-106.

514.04 Inspectors may enter premises.—For the purpose of this chapter the [Department of Health and Rehabilitative Services] or its inspectors at any reasonable time may enter upon any and all parts of the premises of such bathing and swimming places to make examination and investigation to determine the sanitary condition of such places and whether the provisions of this chapter or rules and regulations of the [department] pertaining thereto are being violated. The [department] may from time to time at its discretion publish the reports of such inspections in its monthly bulletin.

History.—s. 3, ch. 7825, 1919; CGL 3770; ss. 19, 35, ch. 69-106.

514.05 Permit may be revoked.—Any permit granted by the [Department of Health and Rehabilitative Services] as provided in this chapter shall be revocable or subject to suspension at any time, if it shall determine as a fact that the swimming or bathing place or places are being conducted in a manner unsanitary, unclean, or dangerous to public health.

History.—s. 4, ch. 7825, 1919; CGL 3771; ss. 19, 35, ch. 69-106.

514.06 Injunction to restrain violations.—Any swimming pool, public swimming or bathing place or places, constructed, operated, or maintained contrary to the provisions of this chapter are declared to be public nuisances, dangerous to health. Such nuisances may be abated or enjoined in an action brought by the local board of health or the [Department of Health and Rehabilitative Services].

History.—s. 5, ch. 7825, 1919; CGL 3772; ss. 19, 35, ch. 69-106, s. 139, ch. 71-355.

514.07 Violation of law relating to sanitation, etc., of swimming pools, etc.—Any person, whether as principal or agent, employer or employee, who violates any of the provisions of ss. 514.02-514.06, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and each day that conditions or actions in
violation of ss. 514.02-514.06 shall continue shall be a separate and distinct offense.

History.—s. 6, ch. 7925, 1919; CGL 7938; s. 486, ch. 71-136.

514.08 Failure to provide lifelines and rafts at seaside resorts; penalty.—Any person operating or maintaining public bathhouses, bathing pavilions, or other similar places where bathing suits are furnished for hire or rent at the seaside resorts in the state, failing to maintain at all times proper and safe lifelines and liferafts for the protection of the bathers at such seaside resorts shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 2, ch. 6189, 1911; RGS 5643; CGL 7837; s. 486, ch. 71-136.
CHAPTER 516

FLORIDA CONSUMER FINANCE ACT

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516.001 Short title.—This chapter shall hereafter be known, referred to, and cited as the “Florida Consumer Finance Act.”

History.—s. 1, ch. 73-192.

516.01 Definitions; businesses excluded.—

(1) DEFINITIONS.—As used in this chapter:
   (a) The word “person” shall include individuals, partnerships, associations, trusts, corporations, and any other legal entities;
   (b) The word "license" shall mean a permit issued under authority of this chapter to make and collect loans in accordance with the provisions of this chapter at a single place of business;
   (c) The word “licensee” shall mean a person to whom one or more licenses have been issued;
   (d) The word “department” shall mean the Department of Banking and Finance.

(2) BUSINESSES EXCLUDED.—This chapter shall not apply to any person doing business under, and as permitted by, any law of this state or of the United States relating to banks, savings banks, trust companies, building and loan associations, credit unions, industrial loan and investment companies, to any registrant under chapter 519, or any bona fide pawnbroking business transacted under a pawnbroker’s license. No pawnbroker may be licensed to transact business under this chapter.

History.—s. 19, ch. 10177, 1925; CGL 4015; s. 6, ch. 20728, 1941; s. 7, ch. 29330, 1945; s. 1, ch. 57-201; ss. 12, 35, ch. 69-106; s. 100, ch. 71-377.

516.02 Loans; rate of interest; license.—No person shall engage in the business of making loans of money, credit, goods, or choses in action in the amount, or to the value of $2,500 or less, and charge, contract for, or receive a greater rate of interest than 10 percent per annum therefor except as authorized by this chapter or other statute and without first obtaining a license from the department.

History.—s. 1, ch. 10177, 1925; CGL 3999; s. 2, ch. 57-201; ss. 12, 35, ch. 69-106; s. 2, ch. 73-192.

516.03 Application for license; fees; etc.—

(1) APPLICATION.—Application for a license to make loans under this chapter shall be in writing, under oath, and in the form prescribed by the department, and shall contain the name and business addresses of the applicant and, if the applicant is a co-partnership or association, of every member thereof and, if a corporation, of each officer and director thereof, also the county and municipality with the street and number or approximate location where the business is to be conducted, and such further relevant information as the department may require. At the time of making such application the applicant shall pay to the department the sum of $175 as an annual license fee for a period terminating on the last day of the current calendar year, and a further fee of $200 for investigating the application and the applicant.

(2) FEES.—Fees herein provided for shall be collected by the department and shall be turned into the State Treasury to the credit of the regulatory trust fund under the Division of Finance of the department. The department shall have full power to employ such examiners or clerks to assist the department as may from time to time be deemed necessary and fix their compensation. A sufficient appropriation for carrying out the provisions of this chapter shall be included in the annual appropriations act.

History.—s. 2, ch. 10177, 1925; CGL 4000; s. 1, ch. 20728, 1941; s. 127, ch. 29330, 1945; s. 3, ch. 57-201; ss. 12, 35, ch. 69-106; s. 130, ch. 71-358; s. 3, ch. 73-192; s. 3, ch. 73-326.

516.031 Finance charge; maximum rates.—

(1) INTEREST RATES.—Every licensee may lend any sum of money not exceeding $2,500. A licensee may not take a security interest secured by land on any loan less than $1,000. The licensee may charge, contract for, and receive thereon, interest
challenges as provided and authorized by this section. The maximum interest rate shall be 30 percent per $100 per annum computed on the first $300 of the principal amount as computed from time to time, 24 percent per $100 per annum on that part of the principal amount as computed from time to time exceeding $300 and not exceeding $600, and 16 percent per $100 per annum on that part of the principal amount as computed from time to time exceeding $600. The original principal amount as used in this section shall be the same amount as the money financed as defined by the Federal Truth-In-Lending Act and Regulation Z of the Board of Governors of the Federal Reserve System. In determining compliance with the statutory maximum interest and finance charges set forth herein, the computations utilized shall be simple interest and not add-on interest or any other computations.

(2) DELINQUENT ACCOUNTS.—A licensee may, if agreed to in writing, contract for, impose, and collect a delinquency charge of 5 cents per dollar for each full dollar of an installment which is delinquent for 10 or more days, which charge may be imposed only once on each delinquent installment. A charge under this subsection shall be in lieu of all other delinquent or deferral charges. Payment shall be applied first to current installments, then to past-due installments, and then to delinquency charges, if any.

(3) WAIVER OF DELINQUENCY CHARGES.—Any sums called for in subsection (2) not imposed on the amount prior to the time at which the next installment would be due shall be deemed waived.

(4) ANNUAL PERCENTAGE RATE UNDER FEDERAL TRUTH-IN-LENDING ACT.—The annual percentage rate of finance charge which may be contracted for and received under any loan contract made by a licensee under this chapter may equal, but not exceed, the annual percentage rate which must be computed and disclosed as required by the Federal Truth-In-Lending Act and Regulation Z of the Board of Governors of the Federal Reserve System. The maximum annual percentage rate of finance charge which may be contracted for and received is 12 times the maximum monthly rate and the maximum "[monthly] rate shall be computed on the basis of one-twelfth of the annual rate for each full month. The department shall establish the rate for each day in a fraction of a month for which the charge is computed. The maximum annual percentage rate shall be the same amount as the amount financed as computed from time to time.

(5) OTHER CHARGES.—In addition to the interest and insurance charges herein provided for, no further or other charges or amount whatsoever for any examination, service, brokerage, or other thing or otherwise shall be directly or indirectly charged, contract for, or received, except the statutory excise tax and all lawful fees, if any, and the county and other taxes or charges which may be collected when the loan is made or at any time thereafter, or actual and reasonable expenses of repossession, storing, and selling of any property pledged as security, as determined by the court in which suit is filed. If interest or charges in excess of those permitted by this chapter shall be charged, contracted for, or received, or charged, contracted for, or received, the contract or loan shall be void and the licensee shall have no right to collect or receive any remaining principal, interest, or charges whatsoever. In the event of a bona fide error, the licensee shall refund or credit the borrower with the amount of such overcharge within 5 days of the discovery of such error.

(6) DIVIDED LOANS.—No licensee shall induce or permit any borrower to split up or divide any loan. No licensee shall induce or permit any person, or any husband and wife, jointly or severally, to become obligated to him, directly or contingently or both, under more than one contract of loan at the same time, for the purpose, or with the result, of obtaining a greater finance charge than would otherwise be permitted by this section.

History.--s. 7, ch. 73-192.

Note.--"Monthly" substituted for "annual" by the editors.

516.05 Issuance of license; denial; review; etc.--

(1) INVESTIGATION OF APPLICATION.—Upon the filing of such application and the payment of such fees, the department shall make an investigation of the facts concerning the application and the requirements provided for in subsection (2). At least 10 days before entering the order granting or denying the application, it shall mail a notice of the receipt of the application to the local small loan exchange (if there be one) in the community where the applicant proposes to do business. If any licensee or registrant files an objection to the issuance of the license to said applicant, or if the department has any doubts of the applicant meeting the standards of subsection (2), it shall set a date and time for a hearing on such application not less than 40 days nor more than 60 days from the date of mailing such notice. In addition to such hearing, the department may make such further and other investigation relative to the application and the requirements as it may deem fit.

(2) ISSUANCE OR DENIAL OF LICENSE.—If the department shall find:

(a) That the financial responsibility, experience, character, and general fitness of the applicant, and of the members thereof, if the applicant is a partnership or association, and of the officers and directors thereof if the applicant be a corporation, are such as to command the confidence of the public and to warrant belief that the business will be operated lawfully, honestly, fairly, and efficiently within the purposes of this chapter;

(b) That allowing such applicant to engage in the business will promote the convenience and advantage of the community in which the business of the applicant is to be conducted, (in making such determination the department shall take into consideration the services rendered borrowers of the said community by the registrants, if any, under chapter 519 as well as licensees, if any, under this chapter in said community); and

(c) That the applicant has available for the operation of such business at the specified location liquid assets of at least $10,000, if the specified location is
in a community of 25,000 or less population, according to the last United States census, or $25,000, if the specified location is in a community of more than 25,000 population, according to said census,
it shall thereupon file its findings of fact in its office and enter an order granting such application and issue and deliver a license to the applicant to make loans in accordance with the provisions of this chapter at the location specified in the said application (provided that nothing in this chapter shall be construed to prevent a licensee from lending to residents of any part of this state or any other state or country nor to prohibit the making of loans by mail when authorized by the department). Said license shall remain in full force and effect until surrendered by the licensee or revoked or suspended as provided by law or as may be prohibited by the provisions of any existing licensed office, the purchaser, if not a licensee hereunder, upon application, shall be granted a 90-day temporary license hereunder, applicable to the same location, within 10 days of such purchase, and the department shall cause an investigation to be made as provided by subsection (1) to determine whether a license shall be issued. Provided such purchaser shall not be required to meet the provisions of subsection (2)(b). Where the purchaser is a licensee hereunder the department shall issue a license within 10 days of such purchase if the purchaser meets the requirements of this chapter provided that such purchaser shall not be required to meet the provisions of subsection (2)(b) and the licensee selling such assets shall surrender its license for such location to the department.

(4) RIGHT OF REVIEW.—If the application is denied, the department shall within 10 days thereafter file in its office a written record which shall include a transcript of the evidence, the findings with respect thereto, and the reasons supporting the denial and forthwith serve upon the applicant a copy thereof. Such order and findings or an order granting an application may be reviewed by appeal to the circuit court.

History.—s. 4, ch. 20728, 1941; s. 4, ch. 57-76; s. 12, ss. 35, 69-106; s. 4, ch. 73-192.

516.07 Revocation, reinstatement, surrender, etc., of license; right of review.—

(1) REVOCATION OF LICENSE.—The department may, upon 10 days’ notice to the licensee stating the contemplated action and in general the grounds therefor, and upon reasonable opportunity to be heard, revoke any license issued hereunder if it shall find that:
(a) The licensee has failed to pay the annual license fee or to comply with any order of the department lawfully made pursuant to and within the authority of this chapter;
(b) The licensee, either knowingly or without the exercise of due care to prevent the same, has violated any provision of this chapter or any regulation lawfully made by the department under and within the authority of this chapter;
(c) Any fact or condition existed at the time of the original application for such license which clearly would have warranted the department in refusing originally to issue such license.
(2) SUSPENSION OF LICENSE.—If the department shall find that probable cause for revocation of any license exists and that enforcement of this chapter requires immediate suspension of such license pending investigation, it may, upon 3 days’ notice and a hearing, enter an order suspending such license for a period not exceeding 30 days.
(3) LICENSES AFFECTED BY REVOCATION OR SUSPENSION.—The department may revoke or suspend only the particular license with respect to which ground for revocation or suspension may occur or exist, or, if it shall find that such grounds for revocation are of general application to all offices or to more than one office operated by such licensee, it shall revoke or suspend all of the licenses issued to said licensee or such licenses as such grounds apply to, as the case may be.
(4) SURRENDER OF LICENSE.—Any licensee may surrender any license by delivering it to the department with a written notice that he thereby surrenders it, but such surrender shall not affect his civil or criminal liability for acts committed prior thereto.
(5) PREEXISTING CONTRACTS.—No revocation, suspension, or surrender of any license shall impair or affect the obligation of any preexisting lawful contract between the licensee and any borrower.
(6) REINSTATEMENT OF LICENSE.—Every license issued hereunder shall remain in force and effect until the same shall have been surrendered, revoked, or suspended in accordance with the provisions of this chapter, but the department shall have authority on its own initiative to reinstate suspended licenses or to issue new licenses to a person whose license or licenses have been revoked if no fact or condition then exists which clearly would have warranted the department in refusing originally to issue such license under this chapter.
(7) RIGHT OF REVIEW.—Whenever the department shall revoke or suspend a license issued pursuant to this chapter, it shall forthwith enter an order to that effect and file in its office a written record which shall include a transcript of the evidence, the findings with respect thereto, the order, and the reasons supporting the revocation or suspension, and forthwith serve upon the licensee a copy thereof, which order may be reviewed as provided by law.

History.—s. 6, ch. 10177, 1925; CGL 4004; s. 3, ch. 20728, 1941; ss. 12, 35, ch. 69-106.
516.08 License to be posted. — The license shall be kept conspicuously posted in the place of business of the licensee. 

History.—s. 7, ch. 10177, 1925; CGL 4005.

516.09 License, removal, other business. —

(1) PLACE OF BUSINESS. — Not more than one place of business for the making of loans under this chapter shall be maintained under the same license, but the department shall issue additional licenses to the same licensee upon compliance with all the provisions of this chapter governing issuance of a single license.

(2) REMOVAL. — No change in the place of business of a licensee to a location outside of the original city or town shall be permitted under the same license. When a licensee wishes to change its place of business within the same city or town, he shall give written notice thereof to the department which shall investigate the facts, and if it shall find that the proposed location is reasonably accessible to borrowers under existing loan contracts, it shall enter an order permitting the change and shall file its findings in its office and amend the license accordingly. If the department shall not so find, it shall file its findings and enter an order denying the removal of the license to the requested location.

(3) OTHER BUSINESS IN THE SAME OFFICE. — A licensee may conduct the business of making loans under this chapter within a place of business in which other business is solicited or engaged in, unless the department shall find, after a hearing, and based on written findings of fact, that the conduct of such other business by the licensee results in an evasion of this chapter. Upon such finding, the department shall order the licensee, in writing, to desist from such evasion, provided, however, that no license shall be granted to or renewed for any person or organization engaged in the pawnbroker business.

History. —s. 6, ch. 10177, 1925; CGL 4006; s. 4, ch. 20728, 1941; s. 6, ch. 69-106.

516.11 Investigation by department. —

(1) EXAMINATIONS. — For the purpose of discovering violations of this chapter or securing information lawfully required by it hereunder, the department may at any time investigate the loans and business, and examine the books, accounts, records, and files used therein, of every licensee and of every person who shall be engaged in the business described in s. 516.02. If the department shall have reason to believe that any act or business is being done, or is about to be done, which is illegal under this chapter, it may make all examinations and take all steps authorized under this subsection, whether such person shall act or claim to act as principal or agent, or under or without the authority of this chapter. Any person who shall advertise for, solicit, or hold himself out as willing to make loan transactions in the amount or of the value regulated by this chapter, whether as principal, agent, broker, or otherwise shall, for the purposes of this subsection, be presumed to be engaged in such business. For the purposes of this section the department and its duly designated representatives shall have and be given free access to the offices and places of business, books, accounts, papers, records, files, safes, and vaults of all such persons whether within or without the state. The department and all persons duly designated by it shall have authority to require the attendance of witnesses and to examine under oath all persons whomsoever whose testimony it may require relative to such loans or such business or to the subject matter of any examinations, investigation or hearing.

(2) ANNUAL EXAMINATION. — At least twice each year, but no oftener than is reasonably necessary in order to verify reasonably founded suspicions of violations, the department or its duly authorized representatives shall make an examination of the place of business of each licensee and of the loans, transactions, books, papers and records of such licensee in so far as they pertain to the business licensed under this chapter. Every licensee shall pay to the department an examination fee based upon the amount of outstanding loans due the licensee at the time of said examination, as follows:

<table>
<thead>
<tr>
<th>Amount Outstanding</th>
<th>Examination Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>From $0 to $25,000</td>
<td>$ 30</td>
</tr>
<tr>
<td>From $25,001 to $50,000</td>
<td>40</td>
</tr>
<tr>
<td>From $50,001 to $100,000</td>
<td>60</td>
</tr>
<tr>
<td>From $100,001 to $250,000</td>
<td>75</td>
</tr>
<tr>
<td>From $250,001 and over</td>
<td>100</td>
</tr>
</tbody>
</table>

(3) LIEN FOR FEES. — The above examination fees shall be secured by a lien upon the assets of the licensee and if not paid within 30 days from and after the licensee is billed therefor by the department, the license of the licensee shall stand suspended until said examination fee is paid in full.

History. — s. 10, ch. 10177, 1925; CGL 4008; s. 4, ch. 20728, 1941; s. 6, ch. 67-201; ss. 12, 35, ch. 69-106; s. 5, ch. 73-192.

516.12 Records to be kept by licensee. —

(1) BOOKS AND RECORDS. — The licensee shall keep and use in his business such books, accounts, and records in accordance with sound and accepted accounting practices to enable the department to determine whether such licensee is complying with the provisions of this chapter and with the rules and regulations lawfully made by the department hereunder. Every licensee shall preserve such books, accounts, and records, including cards used in the card system, if any, for at least 2 years after making the final entry on any loan recorded therein.

(2) ANNUAL REPORTS. — Each licensee shall annually on or before April 1 file a report with the department for the preceding calendar year. Such report shall give information with respect to the business and financial condition of such licensee and shall include the name and address of the licensee; balance sheets at the beginning and end of the accounting period; a statement of income and expense for said period; a schedule of assets used and useful in the small loan business; an analysis of delinquent accounts; an analysis of delinquent accounts; an analysis of suits, repossessions, and sales of chattels; and such other relevant information as the department may reasonably require concerning the business and operations during the preceding calendar year of each licensed place of business conducted by such licensee within the state. Such report shall be made under oath and shall be in the form prescribed by the department, which shall make and publish annually.
an analysis and recapitulation of such reports. Should said annual report not be filed on or before April 1 of each year, the licensee shall pay a penalty of $5 per day for each day of delinquency. Upon application to the department made prior to said date, the department may, for good cause shown, extend such filing date for a reasonable period of time without such penalty.

516.13 False publications prohibited.—No licensee subject to this chapter shall advertise, display, distribute, broadcast, or televise, or cause or permit to be advertised, displayed, distributed, broadcast, or televised, in any manner whatsoever, any false, misleading, or deceptive statement concerning the business authorized under this chapter.

516.15 Duties of licensee.—Every licensee shall:

(1) Deliver to the borrower at the time a loan is made a statement in the English language showing in clear and distinct terms the amount and date of the loan and of its maturity, the nature of the security, if any, for the loan, the name and address of the borrower and of the licensee, and the rate of interest charged. Upon such statement there shall be printed in English a copy of s. 516.031.

(2) Give to the borrower a plain and complete receipt for all payments made on account of any loan at the time payments are made.

(3) Permit payment of the loan in whole or in part prior to its maturity on interest on such payment to the date thereof.

(4) Upon repayment of the loan in full, mark indelibly every paper signed by the borrower with the word "Paid" or "Canceled" and release any mortgage, restore any pledge, cancel and return any note, and cancel and return any assignment given by the borrower as security.

516.16 Confession of judgment; power of attorney; contents of notes and security.—No licensee shall take any confession of judgment or any power of attorney. Nor shall he take any note, promise to pay, or security that does not state the actual amount of the loan, the time for which it is made, and the rate of interest charged, nor any instrument in which blanks are left to be filled after execution.

516.17 Assignment of wages, etc., given to secure loans.—No assignment of, or order for the payment of, any salary, wages, commissions, or other compensation for services, earned or to be earned, given to secure any such loans shall be valid.

516.18 Rate of interest or consideration.—

(1) No person engaged in the business of making loans of money, except as authorized by this chapter or other statutes of this state, shall directly or indirectly charge, contract for, or receive any interest or consideration greater than 10 percent per annum upon the loan, use, or forbearance of money, goods, or things in action, or upon the loan or use of credit, of the amount or value of $2,500 or less.

(2) The foregoing prohibition shall apply to any lender who, as security for any such loan, use, or forbearance of money, goods, or things in action, or for any such loan or use of credit, makes a pretended purchase of property from any person and permits the owner or pledgor to retain the possession thereof, or who by any device or pretense of charging for services or otherwise seeks to obtain a greater compensation than is authorized by this chapter.

(3) No loan for which a greater rate of interest or charge than is allowed by this chapter that has been contracted for or received, wherever made, shall be enforced in this state, and every person in anywise participating therein in this state shall be subject to the provisions of this chapter.

516.19 Penalty for violations.—Any person who shall violate any of the provisions of s. 516.02, s. 516.031, s. 516.09, s. 516.13, or s. 516.18 shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

516.20 "Interest" defined.—

(1) Any profit or advantage of any kind whatsoever that any licensee may contract for, collect, receive, or in anywise obtain by a collateral sale, purchase, or agreement, in connection with any loan regulated by this chapter, shall be deemed to be interest or consideration for the purposes of regulation under this chapter. Such transactions shall be governed by and subject to the provisions of this chapter, except commissions received as a person licensed by the department of insurance on insurance written as hereinafter permitted, or shall be deemed to be interest or consideration for the purposes of regulation under this chapter. However, security consisting of tangible property offered as security may be reasonably insured against loss for a reasonable term, considering the circumstances of the loan, and such insurance shall not be deemed such collateral sale, purchase, or agreement when the policy is payable to the borrower or any member of his family, even though the customary mortgagee clause is attached or the licensee is a cosuree; provided, that such insurance is sold at standard rates through a person duly licensed by the Department of Insurance.

(2) No licensee shall enter into any contract for a loan under this chapter for $600 or less which provides for scheduled repayment of principal more than 24 months and 15 days from the date the loan is made, nor enter into any contract for a loan under this chapter for more than $600 which provides for scheduled repayment of principal more than 36 months and 15 days from the date the loan is made.

516.21 Restriction of borrower's indebtedness.—No licensee shall directly or indirectly charge, contract for, or receive any interest, dis-
count, or consideration greater than 10 percent per annum upon any loan, or upon any part or all of any aggregate loan indebtedness of the same borrower, of the amount of more than $2,500. The foregoing prohibition shall also apply to any licensee who personally or as a surety on a note, bond, or other writing, or as surety for any borrower, or otherwise, or any husband and wife, jointly or severally, to owe directly or contingently or both to the licensee at any time a sum of more than $2,500 for principal; provided, however, that if the proceeds of any loan of $2,500 or less are used to discharge a preexisting debt of the borrower for goods or services owed directly to the person who provided such goods or services, the licensee may accept from such person a guaranty of payment of the principal of such loan with interest at a rate not exceeding 10 percent per annum, and the acceptance of one or more such guaranties in any aggregate amount shall not affect the rights of such licensee to make the charges against the primary borrower authorized by s. 516.031, nor shall the limitation apply to the isolated acquisition directly or indirectly by purchase or by discount of bona fide obligations of a borrower. However, in the event a licensee shall make a bona fide purchase of substantially all of the loans made under this chapter from another licensee or other lender not affiliated with the purchaser and such licensee or other lender shall have an existing loan outstanding to one or more of the borrowers whose loans are purchased, such licensee making such purchase shall be entitled to liquidate and collect the balances due on such loans, including all lawful charges and interest at the rates or amounts agreed upon in such loan contracts.

History.—s. 4, ch. 20728, 1941; s. 12, ch. 57-201; s. 11, ch. 73-192.

516.22 Regulations; orders and certified copies.

(1) REGULATIONS.—The department shall have the power and authority to issue regulations. Such regulations shall be referenced to the section or sections which set forth the legislative standard which they interpret or apply.

(2) ORDERS.—Every regulation shall be promulgated by an order. Any ruling, demand, requirement, or similar administrative act may be promulgated by an order. Every order shall be in writing, state its effective date and the date of the promulgation, and shall be entered in an indexed permanent book which shall be a public record. A copy of every order promulgating a regulation and of every order containing a requirement of general application shall be mailed to each licensee under this chapter at least 15 days before the effective date thereof.

(3) CERTIFIED COPIES OF OFFICIAL DOCUMENTS.—On application of any person and payment of the costs thereof, at the same rate and fees as allowed clerks of the circuit court by statute, the department shall furnish a certified copy of any license, regulation, or order. In any court or proceeding, such copy shall be prima facie evidence of the fact of the issuance of such license, regulation, or order.

History.—s. 9, ch. 20728, 1941; s. 12, ch. 57-201; s. 12, 35, ch. 69-106; s. 194, ch. 71-371; s. 28, ch. 73-192.

516.23 Injunctions; receivers.—In addition to all other powers granted to it under this chapter, the department may:

(1) Whenever it has reasonable cause to believe any person is violating or is about to violate any provision of this chapter or any order or regulation lawfully made pursuant to the authority of this chapter, enter an order requiring such person to desist from such violation;

(2) Bring an action in the name of the state in the circuit court of the county in which the licensed place of business is located on the relation of the Department of Legal Affairs and the Department of Banking and Finance against such person to enjoin such person from engaging in or continuing such violation or doing any act or acts in furtherance thereof. In any such action, an order or judgment may be entered awarding such temporary or permanent injunction as may be deemed proper;

(3) In addition to all other means provided by law for the enforcement of a temporary restraining order, temporary injunction, or permanent injunction, said circuit court shall have power and jurisdiction to impound, and to appoint a receiver for, the property and business of the defendant including books, papers, documents, and records appertaining thereto or so much thereof as the court may deem reasonably necessary to prevent further violation of this chapter through or by means of the use of said property and business. Such receiver, when appointed and qualified, shall have powers and duties as to custody, collection, administration, winding up, and liquidation of said property and business as shall from time to time be conferred upon him by the court.

History.—s. 9, ch. 20728, 1941; ss. 11, 12, 35, ch. 69-106.

516.231 Appointment of managers; qualifications.—Upon application for an original or renewal license, each applicant or licensee shall designate or appoint a manager for each location to be licensed. Each such manager shall have been employed by a licensee under this chapter or under former chapter 519, or by a subsidiary, affiliate, parent, or partner of the licensee, for a total period of at least 12 months or shall have successfully passed an examination based on the law and provisions of this chapter or former chapter 519 and rules and regulations thereunder. The foregoing requirement shall not apply to any person employed as such principal manager by a licensee on October 1, 1973.

History.—s. 12, ch. 73-192.

516.25 Proceeding for review.—In addition to any other remedy he may have, any licensee and any person considering himself aggrieved by any action of the department hereunder may, within the time provided by the Florida Appellate Rules from the entry of the order complained of, or within 60 days of the action complained of if there is no order, bring an action in the circuit court of the county in which the licensed place of business is located to review such action. In such action the proceedings shall be, in all respects, de novo. In such action the record,
transcript, evidence, findings, and order of the department shall be admissible as evidence.

History.—s. 10, ch. 20728, 1941; ss. 12, 35, ch. 69-106; s. 1, ch. 69-287.

516.26 Purchase or assignment of wages, salaries, etc.—That hereafter the payment of $600 or less in money, credit, goods, or things in action as consideration for any sale or assignment of or order for the payment of wages, salary, commissions, or other compensation for services, whether earned or to be earned, shall, for the purposes of regulation under, and the interpretation and enforcement of, any law, civil or criminal, relating to loans, interest charges, or usury, be deemed a loan secured by such assignment, and the amount by which such assigned compensation exceeds the amount of such consideration actually paid shall, for the purpose of regulation under, and the interpretation and enforcement of, such law, be deemed interest upon such loan from the date of such payment until the date such compensation is payable. Each such transaction shall be governed by and subject in all respects to all provisions of law relating to loans, interest, charges, usury, and to the same extent as if it had been in form a loan of the sum paid for the assignment.

History.—s. 1, ch. 20209, 1941; s. 14, ch. 57-201.

516.27 Preexisting contracts.—This chapter or any part thereof may be modified, amended, or repealed so as to effect a cancellation or alteration of any license or right of a licensee hereunder, provided that such cancellation or alteration shall not impair or affect the obligation of any preexisting lawful contract between any licensee and any obligor, provided further, that nothing contained herein shall be construed so as to impair or affect the obligation of any contract of loan which was lawfully entered into prior to the effective date of this law.

History.—s. 1, ch. 57-201.

516.28 Transfers from chapter 519, Florida Statutes.—If such applicant is presently holding a license under the provisions of chapter 519 at the address for which application is now being made, it will not be necessary for such applicant to establish the convenience and advantage to the community for a license to be issued, assuming the other requirements of this law are met, if the license under chapter 519 is to be surrendered at the time the license under this chapter is issued.

History.—s. 1, ch. 57-201.

516.29 Suspension or revocation of license for unreasonable collection tactics.—The department shall have the authority to suspend or revoke the license of any licensee found guilty by it of using unreasonable collection tactics.

History.—s. 20, ch. 57-201; ss. 12, 35, ch. 69-106.

516.30 Period of transition allowed.—Upon this law taking effect the department is hereby authorized to permit or allow a period of 60 days for the transition of the business of the then licensees.

History.—s. 17, ch. 57-201.
ty interests, to have been applied first to the pay-
ment of the smallest debt.

(5) PURCHASERS OF RETAIL INSTALL-
MENT CONTRACTS MUST BE LICENSED UN-
DER CHAPTER 520.—A licensee under the
Consumer Finance Act who purchases or holds retail
installment contracts as defined in s. 520.31 in this
state shall also be licensed under chapter 520 as an
Installment Sales Finance Act licensee.

(6) WAIVER.—Waiver by the buyer of any provi-
sions in this section shall be void and unenforceable
as contrary to public policy.

History.—s. 12, ch. 73-192.

*Note.—Bracketed words inserted by the editors.

516.32 Consumer credit counseling.—The de-
partment shall be responsible for promoting a con-
sumer credit counseling service for the purpose of
promoting and helping establish consumer credit
counseling services for individuals in areas where a
need has been established. The purposes of the con-
sumer credit counseling service shall be to:

1) Assist and educate individual consumers as to
money management.

2) Assist individual consumers in consolidating
obligations when a situation exists in which the indi-
vidual consumer is in need of such assistance.

3) Work with consumer credit grantors in an
effort to establish better relations with the individu-
al consumer and with state and federal regulatory
agencies.

History.—s. 12, ch. 73-192.

516.33 Public disclosures.—All findings of
facts and orders filed with the department shall be
a public record.

History.—s. 12, ch. 73-192.

516.34 Transfer of licenses held under for-
mer chapter 519.—All persons holding licenses un-
der former chapter 519, on October 1, 1973, shall
become licensees under chapter 516, and *[licenses
issued under former chapter 519 shall be reissued
by the department showing their new designation as
[licenses issued under] chapter 516.

*Note.—Bracketed words inserted by the editors.

516.35. Credit insurance must comply with
Credit Insurance Act.—Credit life and disability
insurance which is provided at the expense of bor-
rowers must be provided only under a group or indi-
vidual insurance policy which complies with ss.
627.676-627.683 and s. 627.685, and lawful regula-
tions thereunder. The cost of credit life and disabili-
y insurance which is paid by borrowers shall be
deducted from the principal amount of the loan and
shall be disclosed on the statement required by s.
516.15(1) or on a combined note and disclosure state-
ment required by Federal Truth-In-Lending Act.

History.—s. 12, ch. 73-192.

516.36 Monthly installment requirement.—
Every loan made pursuant to this chapter shall be
repaid in monthly installments as nearly equal as
mathematically practicable.

History.—s. 12, ch. 73-192.

516.37 Transactions governed.—Nothing in
chapter 516 shall apply to any transaction, contract,
or loan other than one involving an extension of
credit by a licensee as defined in this chapter.

History.—s. 15, ch. 73-192.
SALE OF SECURITIES

CHAPTER 517

SALE OF SECURITIES

517.01 Short title.—This chapter may be cited as the “Sale of Securities Law.”

517.02 Definitions.—When used in this chapter, the following terms shall, unless the text otherwise indicates, have the following respective meanings:

(1) "Security" shall include any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation, warehouse receipt or other commodity or transferable share, investment contract, or any other instrument commonly known as a security, including an interim or temporary bond, debenture, note, certificate, or receipt for a security or for subscription to a security.

517.03 Power of department to make rules and regulations.

517.04 Employment of additional help by department.

517.05 Exempt securities.

517.06 Exempt transactions.

517.07 Registration of securities.

517.08 Securities entitled to registration by coordination.

517.09 Registration by qualification.

517.091 Registration by announcement.

517.10 Consent to service.

517.11 Revocation of registration of securities.

517.12 Registration; dealers; salesmen.

517.13 Form of bond to be given by dealers.

517.14 Deposits in lieu of bond.

517.15 Bonds of dealers in federal, state, etc., securities.

517.16 Revocation or suspension of dealers’ and salesmen’s registration.

517.17 Burden of proof.

517.18 Escrow agreement.

517.19 Injunction to restrain violations.

517.20 Hearing; appointment of examiner; witnesses.

517.21 Remedies available in case of unlawful sale.

517.22 Statutory or common law remedies.

517.23 Civil remedies of purchasers.

517.24 Review of final order of department.

517.25 Jurisdiction of courts.

517.26 Insurers or agents not subject to this chapter.

517.27 Uniformity of interpretation.

517.28 Rules and regulations with respect to interstate commerce.

517.29 Securities approved under prior law.

517.301 Fraudulent transactions; falsification or concealment of facts.

517.302 Penalty for violation of chapter.

517.311 False representations; deceptive words; enforcement.

517.32 Exemption from excise tax, certain obligations to pay.

517.33 Destroying certain records; reproduction.