

By Senator McKay

26-661-98

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A bill to be entitled

An act relating to sales at flea markets;
requiring persons selling certain products to
have authorization from the manufacturer or
distributor; providing a definition; providing
penalties; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. (1) Food manufactured and packaged for consumption by children under the age of 2 years; drugs, cosmetics, and medical services; and any product with an expiration date may be sold at flea markets only by authorized manufacturers' or distributors' representatives.

(2) Any person who sells products covered by this section must have on his person written proof of authorization from the manufacturer or distributor for the public sale of the products. The authorization must include the seller's name and may include the expiration date.

(3) As used in this section, the term "flea market" means a location other than a permanent retail store at which space is rented to transient or limited vendors.

(4) This section does not apply to vendors who sell by sample, catalog, or brochure for future delivery or to persons who make sales presentations pursuant to an invitation from the owner or occupant of the premises.

(5) Any person who violates this section or who presents false, forged, or fraudulently obtained authorizations shall be fined \$100 for each violation.

Section 2. This act shall take effect July 1, 1998.

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SENATE SUMMARY

Requires persons selling at flea markets food manufactured for children under the age of two; drugs, cosmetics, and medical services; or products with expiration dates to have written authorization from the manufacturer or distributor. Provides penalties and an exception.