

Bill No. CS for CS for SB 1520

Barcode 030994

CHAMBER ACTION

Senate

House

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The Committee on General Government Appropriations (Baker)  
recommended the following **substitute for amendment** (031532):

**Senate Amendment (with title amendment)**

On page 7, between lines 6 and 7,

insert:

Section 3. Section 501.142, Florida Statutes, is  
amended to read:

501.142 Retail sales establishments; preemption;  
notice of refund policy; exceptions; penalty.--

(1) The regulation of refunds is preempted to the  
Department of Agriculture and Consumer Services  
notwithstanding any other law or local ordinance to the  
contrary. Every retail sales establishment offering goods for  
sale to the general public that offers no cash refund, credit  
refund, or exchange of merchandise must post a sign so stating  
at the point of sale. Failure of a retail sales establishment  
to exhibit a "no refund" sign under such circumstances at the  
point of sale shall mean that a refund or exchange policy  
exists, and the policy shall be presented in writing to the

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1 consumer upon request. Any retail establishment failing to  
2 comply with the provisions of this section shall grant to the  
3 consumer, upon request and proof of purchase, a refund on the  
4 merchandise, within 7 days of the date of purchase, provided  
5 the merchandise is unused and in the original carton, if one  
6 was furnished. Nothing herein shall prohibit a retail sales  
7 establishment from having a refund policy which exceeds the  
8 number of days specified herein. The department may adopt  
9 rules pursuant to chapter 120 to enforce the provisions in  
10 this section. However, this subsection does not prohibit a  
11 local government from enforcing the provisions established by  
12 this section or department rule.

13 (2) The provisions of this section shall not apply to  
14 the sale of food, perishable goods, goods which are custom  
15 made, goods which are custom altered at the request of the  
16 customer, or goods which cannot be resold by the merchant  
17 because of any law, rule, or regulation adopted by a  
18 governmental body.

19 (3) The department may enter an order doing one or  
20 more of the following if the department finds that a person  
21 has violated or is operating in violation of any of the  
22 provisions of this section or the rules or orders issued under  
23 this section:

24 (a) Issue a notice of noncompliance pursuant to s.  
25 120.695.

26 (b) Impose an administrative fine not to exceed \$100  
27 for each violation.

28 (c) Direct that the person cease and desist specified  
29 activities.

30 (4) The administrative proceedings that could result  
31 in the entry of an order imposing any of the penalties

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1 specified in subsection (3) are governed by chapter 120.

2 (5) Any moneys recovered by the Department of  
3 Agriculture and Consumer Services as a penalty under this  
4 section shall be deposited in the General Inspection Trust  
5 Fund.

6 (6) Upon the first violation of this section, a local  
7 government may issue a written warning. Upon a second and any  
8 subsequent violation, a local government may impose a fine of  
9 up to \$50 per violation. Any moneys recovered by the local  
10 government as a penalty under this section shall be deposited  
11 in the appropriate local account.

12 Section 4. Section 506.5131, Florida Statutes, is  
13 amended to read:

14 506.5131 Return of shopping carts; assessment of fees,  
15 fines, and costs.--

16 (1) The rightful owner of any shopping cart with a  
17 registered name or mark found on public property shall be  
18 immediately notified of its recovery.

19 (2) Notwithstanding any other ~~provision of~~ law or  
20 local ordinance, no fee, fine, or costs may be assessed  
21 against the owner of a shopping cart unless the shopping cart  
22 was found on public property and, unless the shopping cart was  
23 removed from the premises or parking area of a retail  
24 establishment by the owner of the shopping cart, or an  
25 employee acting on the owner's behalf, and the such fee, fine,  
26 or cost has been approved by the Department of Agriculture and  
27 Consumer Services.

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29 (Redesignate subsequent sections.)  
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1 ===== T I T L E   A M E N D M E N T =====

2 And the title is amended as follows:

3           On page 1, line 16, after the semicolon,

4

5 insert:

6           amending s. 501.142, F.S.; providing that the  
7           regulation of refunds in retail sales  
8           establishments is preempted by the Department  
9           of Agriculture and Consumer Services;  
10          authorizing the department to adopt rules;  
11          authorizing the department to enter orders for  
12          certain violations; requiring that any moneys  
13          recovered by the department as a penalty be  
14          deposited in the General Inspection Trust Fund;  
15          authorizing a local government to impose  
16          penalties; amending s. 506.5131, F.S.; revising  
17          fees, fines, and costs assessed against the  
18          owner of a shopping cart;

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