

Bill No. CS for CS for SB 1520

Barcode 031532

CHAMBER ACTION

Senate

House

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The Committee on General Government Appropriations (Baker)
recommended the following amendment:

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

Bill No. CS for CS for SB 1520

Barcode 031532

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 (d) Place the registrant on probation for a period of
31 time, subject to such conditions as the department may

Bill No. CS for CS for SB 1520

Barcode 031532

1 specify.

2 (4) The administrative proceedings that could result
3 in the entry of an order imposing any of the penalties
4 specified in subsection (3) are governed by chapter 120.

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

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

15 Section 4. Section 506.5131, Florida Statutes, is
16 amended to read:

17 506.5131 Return of shopping carts; assessment of fees,
18 fines, and costs.--

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

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

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Bill No. CS for CS for SB 1520

Barcode 031532

1 (Redesignate subsequent sections.)

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4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

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

7

8 insert:

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

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