

1                                   A bill to be entitled  
 2           An act relating to price gouging during a declared state  
 3           of emergency; creating s. 501.161, F.S.; providing  
 4           legislative findings and intent; providing definitions;  
 5           prohibiting price gouging during a declared state of  
 6           emergency; providing penalties; providing an effective  
 7           date.

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

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 11           Section 1.   Section 501.161, Florida Statutes, is created  
 12           to read:

13           501.161 Price gouging during a declared state of  
 14           emergency.--

15           (1) The Legislature finds that:

16           (a) During emergencies and major disasters affecting the  
 17           health, safety, and welfare of persons in this state, some  
 18           individuals and merchants have taken unfair advantage of  
 19           consumers by greatly increasing prices for essential equipment,  
 20           commodities, or accommodations.

21           (b) Pricing of essential equipment, commodities, or  
 22           accommodations is generally best left to the marketplace under  
 23           ordinary conditions, but during a state of emergency declared by  
 24           the Governor price gouging must be discouraged.

25           (2) It is the intent of the Legislature to protect  
 26           consumers from excessive and unjustified increases in the prices  
 27           charged during a declared state of emergency for essential  
 28           equipment, commodities, or accommodations and to punish any

CODING: Words **stricken** are deletions; words **underlined** are additions.

29 person who is found guilty of price gouging consumers within the  
 30 state during a declared state of emergency.

31 (3) For purposes of this section, the term:

32 (a) "Essential equipment, commodities, or accommodations"  
 33 means any goods, services, materials, merchandise, supplies,  
 34 equipment, resources, or other article of commerce, including,  
 35 but not limited to, food, water, ice, chemicals, petroleum  
 36 products, and lumber, necessary for consumption or use as a  
 37 direct result of the state of emergency. The term also includes  
 38 any temporary accommodation, such as a hotel, motel, other  
 39 transient lodging facility, or residential accommodation, sought  
 40 by persons seeking shelter during the state of emergency.

41 (b) "Price gouging" means knowingly renting or selling, or  
 42 attempting or offering to rent or sell, essential equipment,  
 43 commodities, or accommodations, whose consumption or use is  
 44 necessary because of the emergency, at an unconscionable price  
 45 during a declared state of emergency, unless such increase in  
 46 price is caused by actual costs incurred in connection with such  
 47 essential equipment, commodities, or accommodations.

48 (c) "Unconscionable price" means a price equaling or  
 49 exceeding 110 percent of the average price charged for such  
 50 essential equipment, commodities, or accommodations during the  
 51 30 days immediately prior to a declaration of the state of  
 52 emergency.

53 (4)(a) It is unlawful for any person in the state to  
 54 engage in price gouging during a declared state of emergency.

55 (b) Any person who knowingly violates paragraph (a)  
 56 commits a misdemeanor of the second degree, punishable by

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57 imprisonment of up to 60 days or a fine of up to \$500, or both.  
58 If a person in violation of paragraph (a) illegally received  
59 \$300 or more as a result of his or her price gouging, he or she  
60 commits a misdemeanor of the first degree, punishable by  
61 imprisonment of up to 1 year or a fine of up to \$1,000, or both.

62 Section 2. This act shall take effect July 1, 2005.