

CHAMBER ACTION

1 The Justice Appropriations Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to consumer protection; amending s.
7 501.160, F.S.; providing criminal penalties for any person
8 who fails to possess an occupational license and offers
9 goods and services for sale to the public during a
10 declared state of emergency; providing that this provision
11 shall not apply to certain organizations; providing that
12 failure to possess such a license constitutes reasonable
13 cause to detain such person for a reasonable amount of
14 time and in a reasonable manner; amending s. 252.36, F.S.;
15 providing the Governor with certain emergency management
16 powers; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Subsection (9) is added to section 501.160,
21 Florida Statutes, to read:

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22 501.160 Rental or sale of essential commodities during a
23 declared state of emergency; prohibition against unconscionable
24 prices.--

25 (9) Upon a declaration of a state of emergency by the
26 Governor, in order to protect the health, safety, and welfare of
27 citizens, any person who offers goods and services for sale to
28 the public during the duration of the emergency and who does not
29 possess an occupational license pursuant to s. 205.032 or s.
30 205.042 commits a misdemeanor of the second degree, punishable
31 as provided in s. 775.082 or s. 775.083. During a declared
32 emergency, this subsection does not apply to religious,
33 charitable, fraternal, civic, educational, or social
34 organizations. During a declared emergency, and when there is an
35 allegation of price gouging, failure to possess such a license
36 constitutes reasonable cause to detain such person, provided
37 that such detention shall only be made in a reasonable manner
38 and only for a reasonable period of time sufficient for an
39 inquiry into the circumstances surrounding the failure to
40 possess such a license.

41 Section 2. Paragraphs (m) and (n) are added to subsection
42 (5) of section 252.36, Florida Statutes, to read:

43 252.36 Emergency management powers of the Governor.--

44 (5) In addition to any other powers conferred upon the
45 Governor by law, she or he may:

46 (m) Authorize businesses and their employees who sell
47 commodities as defined in s. 501.160(1)(a) to exceed the times
48 of curfews for the purpose of ensuring that the supplies of such
49 commodities shall be made available to the public and direct

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50 local law enforcement to assist and accommodate those businesses
51 and their employees in ensuring that commodities are available
52 in coping with the emergency.

53 (n) By executive order, authorize operators of solid waste
54 disposal facilities to extend the facilities' operating hours to
55 ensure the health, safety, and welfare of the general public.

56 Section 3. This act shall take effect July 1, 2005.