

Bill No. SB 572

Barcode 854492

CHAMBER ACTION

Senate

House

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The Committee on Commerce and Consumer Services (Lynn)
recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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

(9) Upon a declaration of a state of emergency by the
Governor, in order to protect the health, safety, and welfare
of citizens, any person who offers goods and services for sale
to the public during the duration of the emergency and who
does not possess an occupational license under s. 205.032 or
s. 205.042 commits a misdemeanor of the second degree,
punishable as provided in s. 775.082 or s. 775.083. During a
declared emergency, this subsection does not apply to
religious, charitable, fraternal, civic, educational, or

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1 social organizations. During a declared emergency, and when
 2 there is an allegation of price gouging, failure to possess a
 3 license constitutes reasonable cause to detain the person,
 4 provided that the detention shall only be made in a reasonable
 5 manner and only for a reasonable period of time sufficient for
 6 an inquiry into the circumstances surrounding the failure to
 7 possess a license.

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

10 252.36 Emergency management powers of the Governor.--

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

13 (m) Authorize businesses and their employees who sell
 14 commodities as defined in s. 501.160(1)(a) to exceed the times
 15 of curfews for the purpose of ensuring that the supplies of
 16 the commodities shall be made available to the public and
 17 direct local law enforcement to assist and accommodate those
 18 businesses and their employees in ensuring that commodities
 19 are available in coping with the emergency.

20 (n) Direct local governments to open and operate
 21 landfills, including extending operating hours, so that
 22 businesses providing commodities may dispose of contaminated
 23 or spoiled goods in a reasonable and timely manner in order to
 24 protect the health, safety, and welfare of citizens and
 25 businesses coping with the emergency.

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

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 28
 29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 Delete everything before the enacting clause

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1 and insert:

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