## Florida Senate - 2005

**By** the Committees on Criminal Justice; Commerce and Consumer Services; and Senators Garcia, Fasano and Lynn

591-2023-05 1 A bill to be entitled 2 An act relating to consumer protection; amending s. 501.160, F.S.; providing criminal 3 4 penalties for any person who fails to possess 5 an occupational license and offers goods and б services for sale to the public during a 7 declared state of emergency; providing that 8 this provision shall not apply to certain 9 organizations; providing that failure to 10 possess such a license constitutes reasonable cause to detain such person for a reasonable 11 12 amount of time and in a reasonable manner; 13 amending s. 252.36, F.S.; providing the Governor with certain emergency management 14 15 powers; providing an effective date. 16 17 Be It Enacted by the Legislature of the State of Florida: 18 Section 1. Subsection (9) is added to section 501.160, 19 Florida Statutes, to read: 20 21 501.160 Rental or sale of essential commodities during a declared state of emergency; prohibition against 22 23 unconscionable prices.--(9) Upon a declaration of a state of emergency by the 2.4 Governor, in order to protect the health, safety, and welfare 25 26 of residents, any person who offers goods and services for 27 sale to the public during the duration of the emergency and 2.8 who does not possess an occupational license under s. 205.032 or s. 205.042 commits a misdemeanor of the second degree, 29 punishable as provided in s. 775.082 or s. 775.083. During a 30 declared emergency, this subsection does not apply to 31

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1 religious, charitable, fraternal, civic, educational, or social organizations. During a declared emergency and when 2 there is an allegation of price gouging against the person, 3 4 failure to possess a license constitutes reasonable cause to 5 detain the person, provided that the detention shall only be б made in a reasonable manner and only for a reasonable period 7 of time sufficient for an inquiry into the circumstances 8 surrounding the failure to possess a license. 9 Section 2. Paragraphs (m) and (n) are added to 10 subsection (5) of section 252.36, Florida Statutes, to read: 252.36 Emergency management powers of the Governor .--11 12 (5) In addition to any other powers conferred upon the 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 17 commodities are made available to the public and direct local 18 law enforcement to assist and accommodate those businesses and their employees in ensuring that commodities are available in 19 coping with the emergency. 2.0 21 (n) By executive order, authorize the operator of solid waste disposal facilities to extend operating hours to 2.2 23 ensure the health, safety, and welfare of the general public. Section 3. This act shall take effect July 1, 2005. 2.4 25 26 27 2.8 29 30 31

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## CS for CS for SB 572

1	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR	
2	<u>CS/SB 572</u>	
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4	<ul> <li>The CS/CS provides that the Governor may, by executive order, authorize extended hours at solid waste disposal</li> </ul>	
5	facilities. The CS had provided that the Governor may direct local governments to open landfills and extend	
6	landfill hours.	
7	- The CS/CS also clarifies that the requisite allegation of price gouging must be against the person being	
8	temporarily detained by law enforcement.	
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