

Committee Substitute for
Committee Substitute for Senate Bill No. 572

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.

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

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

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

252.36 Emergency management powers of the Governor.—

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

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

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

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

Approved by the Governor June 22, 2005.

Filed in Office Secretary of State June 22, 2005.