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2 An act relating to consumer protection;  
3 amending s. 501.160, F.S.; providing criminal  
4 penalties for any person who fails to possess  
5 an occupational license and offers goods and  
6 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  
11 cause to detain such person for a reasonable  
12 amount of time and in a reasonable manner;  
13 amending s. 252.36, F.S.; providing the  
14 Governor with certain emergency management  
15 powers; providing an effective date.  
16

17 Be It Enacted by the Legislature of the State of Florida:  
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19 Section 1. Subsection (9) is added to section 501.160,  
20 Florida Statutes, to read:

21 501.160 Rental or sale of essential commodities during  
22 a declared state of emergency; prohibition against  
23 unconscionable prices.--

24 (9) Upon a declaration of a state of emergency by the  
25 Governor, in order to protect the health, safety, and welfare  
26 of residents, any person who offers goods and services for  
27 sale to the public during the duration of the emergency and  
28 who does not possess an occupational license under s. 205.032  
29 or s. 205.042 commits a misdemeanor of the second degree,  
30 punishable as provided in s. 775.082 or s. 775.083. During a  
31 declared emergency, this subsection does not apply to

1 religious, charitable, fraternal, civic, educational, or  
2 social organizations. During a declared emergency and when  
3 there is an allegation of price gouging against the person,  
4 failure to possess a license constitutes reasonable cause to  
5 detain the person, provided that the detention shall only be  
6 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:

11           252.36 Emergency management powers of the Governor.--

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

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

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

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