

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Vana offered the following:

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3 **Amendment (with directory and title amendments)**

4 Remove lines 173 through 207, and insert:

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6 Section 3. Section 501.142, Florida Statutes, is amended
7 to read:

8 501.142 Retail sales establishments; preemption; notice of
9 refund policy; exceptions; penalty.--

10 (1) The regulation of refunds is preempted to the
11 Department of Agriculture and Consumer Services, notwithstanding
12 any other law or local ordinance to the contrary. Every retail
13 sales establishment offering goods for sale to the general
14 public that offers no cash refund, credit refund, or exchange of
15 merchandise must post a sign so stating at the point of sale.

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16 Failure of a retail sales establishment to exhibit a "no refund"
17 sign under such circumstances at the point of sale shall mean
18 that a refund or exchange policy exists, and the policy shall be
19 presented in writing to the consumer upon request. Any retail
20 establishment failing to comply with the provisions of this
21 section shall grant to the consumer, upon request and proof of
22 purchase, a refund on the merchandise, within 7 days of the date
23 of purchase, provided the merchandise is unused and in the
24 original carton, if one was furnished. Nothing herein shall
25 prohibit a retail sales establishment from having a refund
26 policy which exceeds the number of days specified herein. The
27 department may adopt rules pursuant to chapter 120 to enforce
28 the provisions of this section. However, this subsection does
29 not prohibit a local government from enforcing the provisions
30 established by this section or department rule.

31 (2) The provisions of this section shall not apply to the
32 sale of food, perishable goods, goods which are custom made,
33 goods which are custom altered at the request of the customer,
34 or goods which cannot be resold by the merchant because of any
35 law, rule, or regulation adopted by a governmental body.

36 (3) The department may enter an order doing one or more of
37 the following if the department finds that a person has violated
38 or is operating in violation of any of the provisions of this
39 section or the rules or orders issued under this section:

40 (a) Issue a notice of noncompliance pursuant to s.
41 120.695.

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42 (b) Impose an administrative fine not to exceed \$100 for
43 each violation.

44 (c) Direct that the person cease and desist specified
45 activities.

46 (4) The administrative proceedings that could result in
47 the entry of an order imposing any of the penalties specified in
48 subsection (3) are governed by chapter 120.

49 (5) Any moneys recovered by the Department of Agriculture
50 and Consumer Services as a penalty under this section shall be
51 deposited in the General Inspection Trust Fund.

52 (6) Upon a first violation of this section, a local
53 government may issue a written warning. Upon a second or
54 subsequent violation, a local government may impose a fine of up
55 to \$50 per violation. Any moneys recovered by the local
56 government as a penalty under this section shall be deposited in
57 the appropriate local government account.

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60 ===== D I R E C T O R Y A M E N D M E N T =====

61 Remove line 131 and insert:

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63 Section 2. Subsections (7) and (8) of section

64

65

66 ===== T I T L E A M E N D M E N T =====

67 Remove lines 16 through 21, and insert:

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HOUSE AMENDMENT

Bill No. HB 833 CS

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69 | under certain circumstances; amending s. 501.142, F.S. ;
70 | providing that the regulation of refunds in retail sales
71 | establishments is preempted by the Department of
72 | Agriculture and Consumer Services; authorizing the
73 | department to adopt rules; authorizing the department to
74 | enter orders for certain violations; providing for the
75 | deposit of moneys recovered by the department as
76 | penalties; authorizing a local government to impose
77 | penalties for violation;

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