

Price Gouging Frequently Asked Questions

1. What is Price Gouging?

Florida Statute 501.160 states that during a state of emergency, it is unlawful to sell, lease, offer to sell, or offer for lease essential commodities, dwelling units, or self-storage facilities for an amount that grossly exceeds the average price for that commodity during the 30 days before the declaration of the state of emergency, unless the seller can justify the price by showing increases in its prices or market trends. Examples of necessary commodities are food, ice, gas, and lumber.

2. How do I know if I'm being price gouged?

The law compares the reported price of the commodity or service during the state of emergency to the average price charged over the 30-day period prior to the declared state of emergency. If there is a "gross disparity" between the prior price and the current charge, it is considered price gouging.

3. What is covered under the Price Gouging Statute?

The Price Gouging Statute covers only essential commodities. A "commodity" means any good, service, material, merchandise, supplies, equipment, resources, or other article of commerce, and includes, without limitation, food, water, ice, chemicals, petroleum products, and lumber necessary for consumption or use as a direct result of the emergency. The law also requires those selling goods and services to possess an occupational license. Examples of non-essential items luxury items are alcoholic beverages and cigarettes.

4. What evidence do I need to help enforce the Price Gouging Statute?

If you suspect price gouging, obtain as much information as possible in the form of estimates, invoices, receipts or bills. When comparing products, note as much information as possible, including the product name, size or quantity, manufacturer, item number and unit price. For lumber products, note the grade, thickness and quality. If it is a service such as storage or towing, note the per-mile (or other distance) charge, removal charges, per-day storage charges and other charges such as security, clean up or other "add-ons." Report this information to the Attorney General's Price Gouging Hotline at 1-866-966-7226. You may also report violations online at <http://myfloridalegal.com> or mail documents to the following address:

Office of the Attorney General
The Capitol, PL-01
Tallahassee, FL 32399-1050

Please remember to include your name, the name of the company or individual, and a complaint number, if you received one.

5. How can I avoid becoming a victim of price gouging?

Plan ahead. Prepare for a disaster before it happens. Always have the following items on hand:

- Five gallons of drinking water per person in your household
- At least two working flashlights
- A portable radio
- A telephone with a cord – If the electrical power is lost, a cordless telephone will not work
- An ample supply of batteries to power these and other items
- A full tank of propane and charcoal if you have a charcoal grill
- Non-perishable food items
- Formula and diapers, if you have young children in the home

Although not essential, board games, books and playing cards might be helpful to entertain young children. Additionally, do not forget to make plans to care for any pets.

If government officials recommend evacuation, it would be wise to heed that advice. Mandatory evacuations mean just that. Gas tanks should be filled in advance in case evacuation is advised.

After the danger has passed, obtain estimates for clean-up and repairs in writing from licensed contractors. Check with county or city contractor's licensing board for recommendations and demand proof of proper licensing. Don't allow anyone to bully you or force you into making a quick decision. Never hesitate to call the local law enforcement if necessary.

The Department of Business and Professional Regulation licenses more than 20 types of professions and can be reached via telephone at 850-487-1395 or via the internet at <http://www.myflorida.com/dbpr>.