

June 22, 2005

Ms. Glenda E. Hood
Secretary of State
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399-0250

Dear Secretary Hood:

I transmit with my signature Committee Substitute for Committee Substitute for Senate Bill 572, enacted during the 37TH Session of the Legislature of Florida since statehood in 1968, during the Regular Session of 2005, and entitled:

An act relating to consumer protection . . .

Committee Substitute for Committee Substitute for Senate Bill 572 allows for criminal penalties against any person offering goods and services for sale to the public without an occupational license during a declared emergency. The bill also allows for the reasonable detention of such person, if price gouging is alleged.

Committee Substitute for Committee Substitute for Senate Bill 572 is commendable in its intent. It would help protect Floridians in times of emergency.

However, I am concerned that the potential application of the bill is overly broad. The penalty and detention could be applied for months, rather than days and weeks, following a disaster. To this day, for example -- almost nine months after last year's hurricanes made landfall -- the State of Florida continues under a limited state of emergency (see Executive Order 05-103). As worded, therefore, the bill could result in the imposition of a criminal penalty against a standing business that unintentionally allows its occupational license to expire, if the lapse happens to occur during a declared state of emergency. While common-sense application of the bill would seemingly prevent such egregious enforcement, I believe a more precise and measured approach to imposition of these heightened penalties is warranted.

Earlier this year, I vetoed House Bill 207, an anti-looting bill, for similar reasons: the potential application of the bill was far too broad. In that case, however, excessive application of the bill would have far greater consequences, including serious felonies. I am signing this bill into law because its penalties are more modest and thus the consequences of potential misapplication less dire. It is my sincere hope that the

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Legislature will revisit this issue in 2006 and remove any potential for excessive application.

I hereby transmit Committee Substitute for Committee Substitute for Senate Bill 572 with my signature.

Sincerely,

Jeb Bush