

EMERGENCY EXECUTIVE ORDER PROHIBITING PRICE GOUGING

WHEREAS, pursuant to Chapter 252, Florida Statutes, constitutional home rule powers, Chapter 72, Seminole County Code, Seminole County Board of County Commissioners has adopted the 2021 Seminole County revised Comprehensive Emergency Management Plan; and

WHEREAS, on September 23, 2022, Executive Order 2022-001 was executed, declaring a Local State of Emergency under the provisions of Chapter 72, Seminole County Code, due to the imminent conditions expected by Tropical Storm Ian: severe weather; very high winds; heavy rain; possible tornadoes and possible flooding.; and

WHEREAS, Section 252.38(3)(a)(5), Florida Statutes, grants political subdivisions the authority to take whatever prudent action is necessary to ensure the health, safety and welfare of the community during a state of local emergency; and

WHEREAS, the availability of goods, materials and services to our residents is absolutely necessary and required for the health, safety and welfare of the public; and

WHEREAS, the imposition or demand of any excessive or exorbitant price for goods, services or materials is an unfair business practice which is shocking to the conscience and a violation of public policy and the laws of Florida; and

WHEREAS, Section 72.6(b)(1)(G), Seminole County Code, grants the Chief Administrator of Emergency Management the authority to prohibit by Executive Order the charging of more than the average retail price for goods, materials or services sold during a declared Local State of Emergency.

NOW, THEREFORE, BY THE AUTHORITY VESTED IN ME AS DIRECTOR OF EMERGENCY MANAGEMENT, IT IS HEREBY ORDERED THAT, IN ORDER TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF SEMINOLE COUNTY, IT IS HEREBY ORDERED THAT:

Section 1. Prohibition against price gouging. Effective immediately, all state and local business licensees, vendors, merchants and any other person operating a retail business are prohibited from charging more than the normal average retail price for any goods, materials or services sold during a declared Local State of Emergency; except when the wholesale price or the cost of obtaining the merchandise is increased as a direct and provable result of the local emergency. The average retail price as used herein is defined to be that price at which similar merchandise or services have been sold during the ninety (90) day period immediately preceding the date of Executive Order 2022-01 that declared a Local State of Emergency. Notwithstanding anything in the foregoing to the contrary, the average retail price may be increased, but only to the degree that the maximum increase in retail price is a percentage less than or equal to the amount representative of the average mark-up percent between wholesale and average price for any merchandise during the ninety (90) day period immediately preceding the date of Executive Order 2022-01.

Section 2. Duration of Prohibition. This prohibition will remain in effect from the date of this Order for a period of seven (7) days and may be extended in seven (7) day increments by further Executive Order.

ORDERED this 7 day of October, 2022; at 0800.


ALAN HARRIS,
CHIEF ADMINISTRATOR OF
EMERGENCY MANAGEMENT