

FLORIDA

The 2007 Florida Statutes

Title XXXIII

REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND SOLICITATIONS

Chapter 501

CONSUMER PROTECTION

501.135 Consumer unit pricing.--

- (1) SHORT TITLE.--This act shall be known and cited as "The Consumer Unit Pricing Act."
- (2) PURPOSES; RULE OF INTERPRETATION.--This act shall be liberally construed to effectively promote the following purposes and policies:
 - (a) Protect the interests of consumers and encourage constructive and useful competition in the sale of consumer commodities.
 - (b) Encourage, to the extent that it will facilitate the consumer's choice of consumer commodities, the development and use of a method of unit pricing for consumer commodities.
 - (c) Prohibit the use of unit pricing of consumer commodities when it would tend to mislead or deceive consumers.
 - (d) Encourage competition among sellers of consumer commodities through the use of uniform units of quantity for unit pricing of consumer commodities.
 - (e) Encourage the development and use, by sellers, of consumer education programs with respect to factors which should be considered in the purchase of consumer commodities which are offered for sale or sold on a unit price basis, with special attention to the needs of disadvantaged consumers for such consumer education programs.
 - (f) Provide for a state-approved program of unit pricing of consumer commodities.
- (3) DEFINITIONS.--As used in this act:
 - (a) "Seller" means any person engaged in the business of selling a consumer commodity at retail.
 - (b) "Consumer commodity" means any article, product, or commodity of any kind or class, other than durable articles, textiles, items of apparel, appliances, paints, writing supplies, and articles specially ordered from the seller, including prescription drugs, which is customarily produced or distributed for sale at retail for consumption by individuals or use by individuals for purposes of personal care or in the performance of routine services ordinarily rendered regularly within the household, and which is usually consumed or expended in the course of such consumption or use.
 - (c) "Unit price" means the pricing of, or expression of the price of, a consumer commodity as the price per an approved unit of quantity.
 - (d) "Department" means the Department of Agriculture and Consumer Services.

(4) RESPONSIBILITY OF DEPARTMENT.--The department shall have the authority, duty and responsibility of administering and enforcing this act.

(5) APPROVED UNIT OF QUANTITY AND COMPUTATION OF UNIT PRICE.--

(a) The price of all consumer commodities offered for sale or sold by a seller shall be expressed as the price per approved unit of quantity, which shall be the price per:

1. Avoirdupois ounce;

2. Fluid ounce;

3. Unit;

4. Square foot;

5. Linear foot;

6. Pound; or

7. Such substitute unit or units of quantity as may be approved by the department upon a finding of need for such substitute unit.

(b) Unit prices shall be computed to the nearest one-hundredth of 1 cent rounded to the nearest one-tenth of 1 cent for purposes of display to consumers. Five one-hundredths of 1 cent shall be rounded to the next highest one-tenth of 1 cent.

(c) This act shall not apply to any seller unless he or she voluntarily establishes a system of unit pricing.

(6) DISPLAY AND ADVERTISING OF CONSUMER COMMODITY UNIT PRICES.--A seller shall conspicuously and clearly display the price per package or unit and the unit price in close proximity to the display of the commodity in such manner as may be established by rules of the department. However, the display of the prices may not obliterate or conceal any other information required by law or regulation. Nothing contained herein shall be construed to require that a seller unit price any consumer commodity other than those with regard to which he or she has voluntarily established a system of unit pricing.

(7) PENALTIES.--Any person who offers for sale, or sells, any consumer commodity in violation of this act is guilty of a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(8) INJUNCTIVE RELIEF.--The department may institute proceedings in the appropriate circuit court for injunctive relief to enforce this act.

History.--ss. 1, 2, 3, 4, 5, 6, 7, 8, ch. 72-325; s. 6, ch. 78-95; s. 623, ch. 97-103.

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Title XXXIII

REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND SOLICITATIONS

Chapter 531

WEIGHTS, MEASURES, AND STANDARDS

531.44 Misrepresentation of pricing; verification procedures.--

(1) No person shall misrepresent the price of any commodity or service sold or offered, exposed, or advertised for sale by weight, measure, or count, nor represent the price in any manner calculated or tending to mislead or in any way deceive a person. Whenever an advertised, posted, or labeled price per unit of weight, measure, or count includes a fraction of a cent, all elements of a fraction shall be prominently displayed, and the numeral or numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half the height and width of, the numerals representing the whole cent.

(2) The department may adopt, by rule, sampling procedures for determining acceptable pricing practices. Sampling procedures for determining acceptable pricing practices may include, but are not limited to, those procedures adopted by the National Conference on Weights and Measures.

History.--s. 1, ch. 72-101; s. 27, ch. 97-220.