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OFFICE OF THE ATTORNEY GENERAL STATE OF FLORIDA

Florida Attorney General's Office News Release

Claims Process for Price Gouged Consumers

TALLAHASSEE, Fla.—Attorney General Ashley Moody is urging consumers that fell victim to price gouging by a Days Inn in Wildwood during Hurricane Irma to submit claims for restitution. As a result of the Attorney General's action against the hotel, Wildwood Hotel Group, LLC d/b/a Days Inn Wildwood I-75, already issued restitution checks to consumers totaling $17,692. In addition, the Attorney General's Office set up a claims process to provide refunds to other affected consumers with $15,000 in funds available. The deadline to submit a claim is Dec. 31, 2019.

Attorney General Ashley Moody said, "Let this be a warning to any future price gougers. We take price gouging seriously. While price gouging violations often take time to investigate, we are committed to holding wrongdoers accountable. Taking advantage of fellow Floridians during a declared state of emergency is shameful, and I am glad that we are able to give eligible consumers affected by this hotel's poor conduct the opportunity to receive restitution. If you were harmed by these illegal practices, please take advantage of this process and submit a claim to our office."

Consumers who stayed at the Days Inn between Sept. 4 and Oct. 31, 2017 may be eligible for a restitution payment. The hotel is located at 551 East State Road 44, Wildwood, Fla. 34785. Consumers should provide proof of the amount paid, such as receipts or other documentation. Claims must be submitted by Dec. 31, 2019.

For more information about this claims process, consumers should contact the Attorney General's Office at (813) 287-7950. To view the claim form, click here.

The Price Gouging Legal Process:

Under Florida's price gouging law, section 501.160, Florida Statutes, it is unlawful during a declared state of emergency 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 costs or market trends.

To be actionable under the statute, a price gouging complaint must relate to pricing in place during a declared state of emergency and involve accommodations or an essential commodity or service like water, ice, gasoline, tree-trimming, debris removal, storage, etc.

Additionally, direct evidence of pricing information is pivotal to making a case, because the statute prohibits unconscionable price increases during the state of emergency. If a price

represents a gross disparity from the average price charged during 30 days before the emergency or grossly exceeds the average market price for the area, then the price may be unlawful under the statute. That means, in addition to providing the address of the business, photos of prices on signs and products or copies of purchase receipts are important. Pricing of the same product by other sellers in the area may also be helpful.

For more information about price gouging, click here.