

Bill No. CS for SB 44-A, 1st Eng.

Amendment No. \_\_\_\_ Barcode 262410

CHAMBER ACTION

Senate

House

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05/27/2003 05:16 PM

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11 Senator Diaz de la Portilla moved the following amendment:

13 **Senate Amendment**

14 On page 14, line 5, through page 15, line 20, delete  
15 those lines

17 and insert:

18 (1) The department or the Division of Hotels and  
19 Restaurants or the Division of Alcoholic Beverages and Tobacco  
20 of the Department of Business and Professional Regulation ~~or~~  
21 ~~the division~~ shall enforce this part based upon each  
22 department's specific areas of regulatory authority ~~ss.~~  
23 ~~386.205 and 386.206~~ and to implement such enforcement shall  
24 adopt, in consultation with the State Fire Marshal, rules  
25 specifying procedures to be followed by enforcement personnel  
26 in investigating complaints and notifying alleged violators,  
27 ~~rules defining types of cases for which exemptions may be~~  
28 ~~granted,~~ and rules specifying procedures by which appeals may  
29 be taken by aggrieved parties.

30 (2) Public agencies responsible for the management and  
31 maintenance of government buildings shall report observed

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1 violations to the department ~~or division~~. The State Fire  
 2 Marshal shall report to the department ~~or division~~ observed  
 3 violations of this part ss. 386.205 and 386.206 found during  
 4 its periodic inspections conducted under ~~pursuant to~~ its  
 5 regulatory authority.

6 (3) The department or the Division of Hotels and  
 7 Restaurants or the Division of Alcoholic Beverages and Tobacco  
 8 of the Department of Business and Professional Regulation or  
 9 ~~the division~~, upon notification of observed violations of this  
 10 part ss. 386.205 and 386.206, shall issue to the proprietor or  
 11 other person in charge of such enclosed indoor workplace  
 12 ~~public place~~ a notice to comply with this part ss. 386.205 and  
 13 386.206. If the ~~such~~ person fails to comply within 30 days  
 14 after receipt of the ~~such~~ notice, the department or the  
 15 Division of Hotels and Restaurants or the Division of  
 16 Alcoholic Beverages and Tobacco of the Department of Business  
 17 and Professional Regulation ~~division~~ shall assess a civil  
 18 penalty against the person of not less than \$250 and ~~him or~~  
 19 ~~her~~ not to exceed ~~\$750~~ \$100 for the first violation and not  
 20 less than \$500 and not to exceed ~~\$2,000~~ \$500 for each  
 21 subsequent violation. The imposition of the ~~such~~ fine must  
 22 ~~shall~~ be in accordance with ~~the provisions of~~ chapter 120. If  
 23 a person refuses to comply with this part ss. 386.205 and  
 24 386.206, after having been assessed such penalty, the  
 25 department or the Division of Hotels and Restaurants or the  
 26 Division of Alcoholic Beverages and Tobacco of the Department  
 27 of Business and Professional Regulation ~~division~~ may file a  
 28 complaint in the circuit court of the county in which the  
 29 enclosed indoor workplace ~~such public place~~ is located to  
 30 require compliance.

31 (3) ~~A person may request an exemption from ss. 386.205~~

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1 ~~and 386.206 by applying to the department or the division.~~  
2 ~~The department or the division may grant exemptions on a~~  
3 ~~case-by-case basis where it determines that substantial good~~  
4 ~~faith efforts have been made to comply or that emergency or~~  
5 ~~extraordinary circumstances exist.~~

6 (4) All fine moneys collected pursuant to this section  
7 shall be used by the department for children's medical  
8 services programs pursuant to the provisions of part I of  
9 chapter 391.

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