

Bill No. CS for SB 816

Barcode 100770

CHAMBER ACTION

Senate

House

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11 The Committee on Criminal Justice (Haridopolos) recommended
12 the following amendment:

14 **Senate Amendment**

15 On page 18, line 17, through page 19, line 26, delete
16 those lines

18 and insert: law enforcement agency.

19 (10) It shall be unlawful to sell or possess with the
20 intent to sell counterfeit cigarettes, as defined in s.
21 210.01(22).

22 (a) A person who either does not hold a permit, or
23 holds a retail permit under the provisions of this chapter,
24 who violates this subsection commits a felony of the third
25 degree, punishable as provided in s. 775.082, s. 775.083, or
26 s. 775.084, and is subject to the imposition of fines and
27 additional penalties as follows:

28 1. If the quantity of counterfeit cigarettes sold or
29 possessed with the intent to sell is less than two cartons or
30 the equivalent, the fine for a first violation shall not
31 exceed \$1,000 or five times the retail value of the

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1 counterfeit cigarettes, whichever is greater. A subsequent
 2 violation may result in the imposition of a fine not to exceed
 3 \$5,000 or five times the retail value of the counterfeit
 4 cigarettes, and shall result in revocation of the retail
 5 permit by the division.

6 2. If the quantity of counterfeit cigarettes sold or
 7 possessed with the intent to sell is two cartons or more, or
 8 the equivalent, the fine for a first violation shall not
 9 exceed \$2,000 or five times the retail value of the
 10 counterfeit cigarettes, whichever is greater. A subsequent
 11 violation may result in the imposition of a fine not to exceed
 12 \$50,000 or five times the retail value of the counterfeit
 13 cigarettes, whichever is greater, and shall result in
 14 revocation of the retail permit by the division.

15 (b) A person who holds a permit, other than a retail
 16 permit, under the provisions of this chapter, who violates
 17 this subsection commits a felony of the third degree,
 18 punishable as provided in s. 775.082, s. 775.083, or s.
 19 775.084, and is subject to the imposition of fines and
 20 additional penalties as follows:

21 1. If the quantity of counterfeit cigarettes sold or
 22 possessed with the intent to sell is less than ten cartons or
 23 the equivalent, the fine for a first violation shall not
 24 exceed \$1,000 or five times the retail value of the
 25 counterfeit cigarettes, whichever is greater. A subsequent
 26 violation may result in the imposition of a fine not to exceed
 27 \$5,000 or five times the retail value of the counterfeit
 28 cigarettes, and shall result in revocation of the permit by
 29 the division.

30 2. If the quantity of counterfeit cigarettes sold or
 31 possessed with the intent to sell is ten cartons or more, or

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1 the equivalent, the fine for a first violation shall not
2 exceed \$2,000 or five times the retail value of the
3 counterfeit cigarettes, whichever is greater. A subsequent
4 violation may result in the imposition of a fine not to exceed
5 \$50,000 or five times the retail value of the counterfeit
6 cigarettes, whichever is greater, and shall result in
7 revocation of the retail permit by the division.

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