



330146

CHAMBER ACTION

Senate

House

.
.
.
.
.

1 The Committee on Commerce (Justice) recommended the following
2 amendment:

3
4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause
6 and insert:

7
8 Section 1. Toxic substances in children's products;
9 limitations on use of toxic substance; exceptions; civil fines;
10 criminal penalties.--

11 (1) As used in this section, the term:

12 (a) "Child" means an individual who is 7 years of age or
13 younger.

14 (b) "Child care article" means a product designed or
15 intended by the manufacturer to facilitate the sleep,

Bill No. SB 886



330146

16 relaxation, or feeding of a child or to help a child with
17 sucking or teething.

18 (c) "Consumer" means an individual; a child, by and
19 through its parent or legal guardian; or a business, firm,
20 association, joint venture, partnership, estate, trust, business
21 trust, syndicate, fiduciary, corporation, any commercial entity,
22 however denominated, or any other group or combination.

23 (d) "Person" has the same meaning as provided in s. 1.01,
24 Florida Statutes.

25 (e) "Toxic substance" means a substance that contains
26 lead, or a coating on an item that contains lead, so that the
27 lead content is more than 0.06 percent of the total weight. The
28 term does not include glass or crystal decorative components.

29 (f) "Toy" means an article designed and made for the
30 amusement of a child or for the child's use in play.

31 (2) (a) A person may not use or apply a toxic substance in
32 or on any toy or child care article in this state.

33 (b) A person may not manufacture, sell, offer for sale, or
34 distribute a toy or child care article in this state which
35 contains a toxic substance.

36 (c) This section does not apply to the sale of a
37 collectible toy that is not marketed to or intended to be used
38 by a minor.

39 (3) Except as otherwise provided in subsection (4), if a
40 person who is not an individual consumer violates subsection
41 (2), that person is liable for a civil fine of not more than:

42 (a) One hundred dollars per item, not to exceed \$5,000,
43 for the first violation.



330146

44 (b) Five hundred dollars per item, not to exceed \$25,000,
45 for a second violation.

46 (c) One thousand dollars per item, not to exceed \$50,000,
47 for a third or subsequent violation.

48 (4) A civil fine imposed under subsection (3) must be
49 waived if the person acted in good faith to comply with this
50 section, pursued compliance with due diligence, and promptly
51 corrected any noncompliance after discovering the violation.

52 (5) If a person who is not an individual consumer
53 knowingly and intentionally violates subsection (2), that
54 person:

55 (a) Commits a felony of the third degree, punishable as
56 provided in s. 775.082, s. 775.083, or s. 775.084, Florida
57 Statutes; and

58 (b) Is liable for a civil fine of not more than \$3,000 per
59 item, not to exceed \$150,000 for the intentional violation.

60 Section 2. This act shall take effect July 1, 2008.

61
62 ===== T I T L E A M E N D M E N T =====

63 And the title is amended as follows:

64 Delete everything before the enacting clause
65 and insert:

66
67 A bill to be entitled
68 An act relating to toxic substances in children's
69 products; providing definitions; prohibiting a person from
70 using or applying a toxic substance in or on any toy or
71 child care article in this state; prohibiting a person

Bill No. SB 886



330146

72 | from manufacturing, selling, offering for sale, or
73 | distributing a toy or child care article that contains a
74 | toxic substance; providing an exception; providing civil
75 | fines for manufacturing, selling, offering for sale, or
76 | distributing a toy or child care article that contains a
77 | toxic substance; requiring that certain civil fines be
78 | waived under specified circumstances; providing that a
79 | knowing and intentional violation of the act is a felony
80 | of the third degree; providing criminal penalties;
81 | providing an effective date.