

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: 06/15/2001

Received By: gibsom

Wanted: Soon

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters: rmarchan

Subject: Trade Regulation - other

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

SDC:.....Keckhaver - CN1122,

Topic:

Private cause of action under unfair sale act relating to tobacco products

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite	hhagen					
	06/16/2001	06/17/2001					
	gibsom						
	06/17/2001						
	rmarchan						
	06/17/2001						

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1?	rkite	1 hmk 6/17/01	kgj 6/18	kgj/le 6/18			

FE Sent For:

<END>

Agency: Agriculture, Trade and Consumer Protection

caucus number 1122

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description:
other notes

Description2: Create a private cause of action for violations of the Unfair Sales Act relating to the cigarette wholesale industry. Adopt with the following language:

Any person who is injured or threatened with injury as a result of a sale or purchase of cigarettes or other tobacco products in violation of this section may bring an action against the person who violated this section for temporary or permanent injunctive relief or an action against the person for 3 times the amount of any monetary loss sustained or an amount equal to \$2,000, whichever is greater, multiplied by each day of continued violation, together with costs, including accounting fees and reasonable attorney fees, notwithstanding s. 814.04(1). An association of cigarette wholesalers may bring the action on behalf of the person injured or threatened with injury and be entitled to the same relief as the person injured or threatened with injury.

drafting instructions:
more instructions:

Agency: **Agriculture, Trade and Consumer Protection**

Number of Amendments: 1

~~RAN~~ RAN

CN/122

GENERAL PROVISIONS

Create a private cause of action for violations of the Unfair Sales Act relating to the cigarette wholesale industry.

~~SD~~

RPN

2001

Date (time) needed

SOON

LRB b 1000 1/1

AMDT TO BUDGET SUB AMDT

MCG + RSM: hml

See form AMENDMENTS — COMPONENTS & ITEMS.

SENATE AMENDMENT
TO SENATE AMENDMENT
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55

At the locations indicated, amend the substitute amendment ~~amendment~~ as follows:

#. Page 890, line 16: after line ^{that} insert

INSERT A

#. Page, line:

#. Page, line:

#. Page, line:

#. Page, line:

#. Page, line:

Lead

INSSA

2430L
CC SEC #. CR; 100.30(5r):

III. Create 100.30 (5r) as follows: *CS*

100.30 ^(b) **PRIVATE CAUSE OF ACTION:** Any person who is injured or threatened with injury as a result of a sale or purchase of cigarettes or other tobacco products in violation of this section may bring an action against the person who violated this section for temporary or permanent injunctive relief or an action against the person for 3 times the amount of any monetary loss sustained or an amount equal to \$2,000, whichever is greater, multiplied by each day of continued violation, together with costs, including accounting fees and reasonable attorney fees, notwithstanding s. 814.04(1). An association of cigarette wholesalers may bring the action on behalf of the person injured or threatened with injury and be entitled to the same relief as the person injured or threatened with injury.))

; sale of tobacco products

West

SDC:.....Keckhaver – CN1122, Private cause of action under unfair sale act
relating to tobacco products

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 890, line 16: after that line insert:

3 “**SECTION 2430L.** 100.30 (5r) of the statutes is created to read:

4 100.30 (5r) PRIVATE CAUSE OF ACTION; SALE OF TOBACCO PRODUCTS. Any person
5 who is injured or threatened with injury as a result of a sale or purchase of cigarettes
6 or other tobacco products in violation of this section may bring an action against the
7 person who violated this section for temporary or permanent injunctive relief or an
8 action against the person for 3 times the amount of any monetary loss sustained or
9 an amount equal to \$2,000, whichever is greater, multiplied by each day of continued
10 violation, together with costs, including accounting fees and reasonable attorney

1 fees, notwithstanding s. 814.04 (1). An association of cigarette wholesalers may
2 bring the action on behalf of the person injured or threatened with injury and be
3 entitled to the same relief as the person injured or threatened with injury.”

4 (END)