

1                                   A bill to be entitled  
 2           An act relating to the retail sale of smoking devices;  
 3           amending s. 569.0073, F.S.; prohibiting the retail  
 4           sale of certain smoking pipes and devices; providing  
 5           penalties; amending s. 569.006, F.S.; authorizing the  
 6           imposition of administrative penalties upon retail  
 7           tobacco products dealers who commit certain offenses  
 8           related to drug paraphernalia; providing an effective  
 9           date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13           Section 1. Section 569.0073, Florida Statutes, is amended  
 14 to read:

15           569.0073 Retail sale of Special provisions; smoking pipes  
 16 and smoking devices; penalties.-

17           (1) It is unlawful for any person to offer for sale at  
 18 retail any of the following items ~~listed in subsection (2)~~  
 19 ~~unless such person:~~

20           ~~(a) Has a retail tobacco products dealer permit under s.~~  
 21 ~~569.003. The provisions of this chapter apply to any person that~~  
 22 ~~offers for retail sale any of the items listed in subsection~~  
 23 ~~(2); and~~

24           ~~(b)1. Derives at least 75 percent of its annual gross~~  
 25 ~~revenues from the retail sale of cigarettes, cigars, and other~~  
 26 ~~tobacco products; or~~

27           ~~2. Derives no more than 25 percent of its annual gross~~  
 28 ~~revenues from the retail sale of the items listed in subsection~~

29 ~~(2).~~

30 ~~(2) The following smoking pipes and smoking devices are~~  
 31 ~~subject to the provisions of this section:~~

32 (a) Metal, wooden, acrylic, glass, stone, plastic, or  
 33 ceramic smoking pipes, with or without screens, permanent  
 34 screens, or punctured metal bowls.

35 (b) Water pipes.

36 (c) Carburetion tubes and devices.

37 (d) Chamber pipes.

38 (e) Carburetor pipes.

39 (f) Electric pipes.

40 (g) Air-driven pipes.

41 (h) Chillums.

42 (i) Bonges.

43 (j) Ice pipes or chillers.

44 (2)~~(3)~~ Any person who violates this section commits a  
 45 misdemeanor of the first degree, punishable as provided in s.  
 46 775.082 or s. 775.083, and upon a second or subsequent violation  
 47 commits a felony of the third degree, punishable as provided in  
 48 s. 775.082, s. 775.083, or s. 775.084.

49 Section 2. Section 569.006, Florida Statutes, is amended  
 50 to read:

51 569.006 Retail tobacco products dealers; administrative  
 52 penalties.—The division may suspend or revoke the permit of the  
 53 dealer upon sufficient cause appearing of the violation of any  
 54 of the provisions of this chapter or s. 893.147 by a dealer or  
 55 by a dealer's agent or employee. The division may also assess  
 56 and accept administrative fines of up to \$1,000 against a dealer

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57 | for each violation. The division shall deposit all fines  
58 | collected into the General Revenue Fund as collected. An order  
59 | imposing an administrative fine becomes effective 15 days after  
60 | the date of the order. The division may suspend the imposition  
61 | of a penalty against a dealer, conditioned upon the dealer's  
62 | compliance with terms the division considers appropriate.

63 |       Section 3. This act shall take effect October 1, 2013.