CS/CS/HB 49 2013

A bill to be entitled

An act relating to retail sale of smoking devices;

amending s. 569.0073, F.S.; prohibiting the retail

sale of certain smoking pipes and devices; providi

penalties; amending s. 569.006, F.S.; authorizing

amending s. 569.0073, F.S.; prohibiting the retail sale of certain smoking pipes and devices; providing penalties; amending s. 569.006, F.S.; authorizing the imposition of administrative penalties upon retail tobacco products dealers who commit certain offenses

related to drug paraphernalia; providing an effective

date.

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

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

569.0073 <u>Retail sale of Special provisions;</u> smoking pipes and smoking devices; <u>penalties</u>.—

- (1) It is unlawful for any person to offer for sale at retail any of the <u>following</u> items <del>listed in subsection (2)</del> unless such person:
- (a) Has a retail tobacco products dealer permit under s. 569.003. The provisions of this chapter apply to any person that offers for retail sale any of the items listed in subsection (2); and
- (b) 1. Derives at least 75 percent of its annual gross revenues from the retail sale of cigarettes, cigars, and other tobacco products; or
- 2. Derives no more than 25 percent of its annual gross revenues from the retail sale of the items listed in subsection

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- (2) The following smoking pipes and smoking devices are subject to the provisions of this section:
- (a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic smoking pipes, with or without screens, permanent screens, or punctured metal bowls.
  - (b) Water pipes.
  - (c) Carburetion tubes and devices.
  - (d) Chamber pipes.
    - (e) Carburetor pipes.
    - (f) Electric pipes.
    - (g) Air-driven pipes.
    - (h) Chillums.
    - (i) Bongs.
    - (j) Ice pipes or chillers.
- (2)(3) Any person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and upon a second or subsequent violation commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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