

FOR CONSIDERATION By the Committee on Finance and Tax

593-02847A-15

20157074pb

1 A bill to be entitled
2 An act relating to tobacco products other than
3 cigarettes or cigars; amending s. 210.25, F.S.;
4 defining the term "affiliate"; clarifying the
5 definitions of the terms "tobacco products" and
6 "wholesale sales price"; amending s. 951.22, F.S.;
7 conforming a cross-reference; providing that the act
8 is intended to clarify existing law; providing an
9 effective date.

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

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13 Section 1. Present subsections (1) and (2) of section
14 210.25, Florida Statutes, are redesignated as subsections (2)
15 and (3), respectively, a new subsection (1) is added to that
16 section, present subsection (3) of that section is redesignated
17 as subsection (5), present subsections (5) through (13) of that
18 section are redesignated as subsections (6) through (14),
19 respectively, and present subsections (11) and (13) of that
20 section are amended, to read:

21 210.25 Definitions.—As used in this part:

22 (1) "Affiliate" means a manufacturer or other person that
23 directly or indirectly, through one or more intermediaries,
24 controls or is controlled by a distributor or that is under
25 common control with a distributor.

26 (12)~~(11)~~ "Tobacco products" means ~~loose tobacco suitable~~
27 ~~for smoking;~~ snuff; snuff flour; loose tobacco; cavendish; plug
28 and twist tobacco; fine cuts ~~and other chewing tobaccos;~~ shorts;
29 refuse scraps; clippings, cuttings, and sweepings of tobacco;IT

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30 and all other kinds and forms of products, including wraps, made
31 in whole or in part from tobacco leaves for use ~~tobacco prepared~~
32 ~~in such manner as to be suitable for~~ chewing, smoking, or
33 sniffing. The term, but "tobacco products" does not include
34 cigarettes, as defined by s. 210.01(1), or cigars.

35 ~~(14)-(13)~~ "Wholesale sales price" means the sum of
36 paragraphs (a) and (b):

37 (a) The full price paid by the distributor to acquire the
38 tobacco products, including charges by the seller for the cost
39 of materials, cost of labor and service, charge for
40 transportation and delivery, the federal excise tax, and any
41 other charge, even if the charge is listed as a separate item on
42 the invoice paid by the established price for which a
43 ~~manufacturer sells a tobacco product to a distributor, exclusive~~
44 ~~of any diminution by volume or other discounts, including a~~
45 discount provided to a distributor by an affiliate.

46 (b) The federal excise tax paid by the distributor on the
47 tobacco products, if the tax is not included in the full price
48 under paragraph (a).

49 Section 2. Subsection (1) of section 951.22, Florida
50 Statutes, is amended to read:

51 951.22 County detention facilities; contraband articles.—

52 (1) It is unlawful, except through regular channels as duly
53 authorized by the sheriff or officer in charge, to introduce
54 into or possess upon the grounds of any county detention
55 facility as defined in s. 951.23 or to give to or receive from
56 any inmate of any such facility wherever said inmate is located
57 at the time or to take or to attempt to take or send therefrom
58 any of the following articles which are hereby declared to be

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59 contraband for the purposes of this act, to wit: Any written or
60 recorded communication; any currency or coin; any article of
61 food or clothing; any tobacco products as defined in s.
62 210.25(12) ~~(11)~~; any cigarette as defined in s. 210.01(1); any
63 cigar; any intoxicating beverage or beverage which causes or may
64 cause an intoxicating effect; any narcotic, hypnotic, or
65 excitative drug or drug of any kind or nature, including nasal
66 inhalators, sleeping pills, barbiturates, and controlled
67 substances as defined in s. 893.02(4); any firearm or any
68 instrumentality customarily used or which is intended to be used
69 as a dangerous weapon; and any instrumentality of any nature
70 that may be or is intended to be used as an aid in effecting or
71 attempting to effect an escape from a county facility.

72 Section 3. The amendment made by this act to s. 210.25,
73 Florida Statutes, is intended to clarify existing law.

74 Section 4. This act shall take effect July 1, 2015.