

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee

3 Representative Rouson offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

9 569.0073 Retail Sale of Special provisions; smoking pipes
 10 and smoking devices; penalties.-

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

14 ~~(a) Has a retail tobacco products dealer permit under s.~~
 15 ~~569.003. The provisions of this chapter apply to any person that~~
 16 ~~offers for retail sale any of the items listed in subsection~~
 17 ~~(2); and~~

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

Amendment No. 1

21 ~~2. Derives no more than 25 percent of its annual gross~~
22 ~~revenues from the retail sale of the items listed in subsection~~
23 ~~(2).~~

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

26 (a) Metal, wooden, acrylic, glass, stone, plastic, or
27 ceramic smoking pipes, with or without screens, permanent
28 screens, or punctured metal bowls.

29 (b) Water pipes.

30 (c) Carburetion tubes and devices.

31 (d) Chamber pipes.

32 (e) Carburetor pipes.

33 (f) Electric pipes.

34 (g) Air-driven pipes.

35 (h) Chillums.

36 (i) Bonges.

37 (j) Ice pipes or chillers.

38 ~~(3)~~ (2) Any person who violates this section commits a
39 misdemeanor of the first degree, punishable as provided in s.
40 775.082 or s. 775.083, and upon a second or subsequent
41 violation, commits a felony of the third degree, punishable as
42 provided in s. 775.082, s. 775.083, or s. 775.084.

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

45 569.006 Retail tobacco products dealers; administrative
46 penalties.—The division may suspend or revoke the permit of the
47 dealer upon sufficient cause appearing of the violation of any
48 of the provisions of this chapter or s. 893.147, by a dealer or

Amendment No. 1

49 by a dealer's agent or employee. The division may also assess
50 and accept administrative fines of up to \$1,000 against a dealer
51 for each violation. The division shall deposit all fines
52 collected into the General Revenue Fund as collected. An order
53 imposing an administrative fine becomes effective 15 days after
54 the date of the order. The division may suspend the imposition
55 of a penalty against a dealer, conditioned upon the dealer's
56 compliance with terms the division considers appropriate.

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

58 -----

59 **T I T L E A M E N D M E N T**

60 Remove everything before the enacting clause and insert:

61 An act relating to the retail sale of smoking devices; amending
62 s. 569.0073, F.S.; prohibiting the retail sale of certain
63 smoking pipes and devices; providing penalties; amending s.
64 569.006, F.S.; authorizing the imposition of administrative
65 penalties upon retail tobacco products dealers who commit
66 certain offenses related to drug paraphernalia; providing an
67 effective date.