

By Senator Holzendorf

2-1361-98

1                                   A bill to be entitled  
2           An act relating to tobacco products dealers;  
3           amending s. 569.006, F.S.; providing for  
4           administrative penalties against a tobacco  
5           products dealer when an employee, agent, or  
6           servant of the dealer has unlawfully sold or  
7           otherwise transferred tobacco products to a  
8           minor; repealing s. 569.008(5), F.S., relating  
9           to liability of dealers for unlawful acts by  
10          their employees, agents, or servants; providing  
11          an effective date.

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

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15           Section 1. Section 569.006, Florida Statutes, is  
16 amended to read:

17           569.006 Retail tobacco products dealers;  
18 administrative penalties.--The division may suspend or revoke  
19 the permit of the dealer upon sufficient cause appearing of  
20 the violation of any of the provisions of this chapter, by a  
21 dealer or by a dealer's agent or employee. The division may  
22 also assess and accept administrative fines of up to \$1,000  
23 against a dealer for each violation. In a proceeding to impose  
24 a penalty under this section, proof that an employee, agent,  
25 or servant of the dealer committed a violation of s. 569.101  
26 shall subject the dealer to liability, regardless of the  
27 dealer's lack of knowledge, intent, or negligence regarding  
28 the violation.The division shall deposit all fines collected  
29 into the General Revenue Fund as collected. An order imposing  
30 an administrative fine becomes effective 15 days after the  
31 date of the order. The division may suspend the imposition of

1 a penalty against a dealer, conditioned upon the dealer's  
2 compliance with terms the division considers appropriate.

3 Section 2. Subsection (5) of section 569.008, Florida  
4 Statutes, is repealed.

5 Section 3. This act shall take effect October 1, 1998.

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SENATE SUMMARY

9 Provides for the liability of a tobacco products dealer  
10 for administrative penalties when the dealer's employee,  
11 agent, or servant is shown to have unlawfully sold,  
12 delivered, bartered, furnished, or given tobacco products  
13 to a minor.

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