

By Senator Constantine

22-00411-09

2009806__

1 A bill to be entitled

2 An act relating to novelty lighters; prohibiting the
3 sale or distribution of novelty lighters; providing a
4 definition; providing an exception; providing
5 penalties; providing an effective date.
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7 Be It Enacted by the Legislature of the State of Florida:
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9 Section 1. (1) Novelty lighters may not be sold at retail,
10 given away, or otherwise distributed to the public in this
11 state.

12 (2) As used in this act, the term "novelty lighter" means a
13 mechanical device that uses a flammable gas or liquid or an
14 electrical current to commonly ignite cigarettes, cigars, or
15 pipes and that resembles any item that is typically appealing to
16 or intended to be used by children 10 years of age or younger,
17 including, but not limited to, a lighter that resembles a
18 cartoon character, animal, toy, gun, watch, musical instrument,
19 vehicle, food, or beverage, or that plays sounds or musical
20 notes or displays flashing lights or other visual effects.

21 (3) This act does not apply to lighters manufactured before
22 January 1, 1980, or lighters that are considered collectables.

23 (4) A first violation of this section is a misdemeanor of
24 the second degree, punishable as provided in s. 775.082 or s.
25 775.083, Florida Statutes. A second or subsequent violation is a
26 misdemeanor of the first degree, punishable as provided in s.
27 775.082 or s. 775.083, Florida Statutes.

28 Section 2. This act shall take effect July 1, 2009.