

By the Committee on Commerce; and Senator Constantine

577-02951-09

2009806c1

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.  
6

7 Be It Enacted by the Legislature of the State of Florida:  
8

9 Section 1. (1) Novelty lighters may not be sold at retail,  
10 given away, or otherwise distributed to anyone in this state.

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

20 (3) This section does not apply to lighters manufactured  
21 before January 1, 1980.

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

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