

CS/HB 615

2012

1 A bill to be entitled
2 An act relating to the sale of tobacco products;
3 amending s. 210.01, F.S.; revising the definition of
4 the term "manufacturer" to include persons that
5 provide for the use or lease of cigarette
6 manufacturing machines at retail establishments;
7 amending s. 210.16, F.S.; authorizing credit for the
8 sale of tobacco products to be extended to a retail
9 dealer under specified conditions; providing for the
10 suspension of the sale of tobacco products to retail
11 dealers delinquent in their credit payments; amending
12 s. 210.181, F.S.; conforming a cross-reference;
13 providing an effective date.

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

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17 Section 1. Subsection (21) of section 210.01, Florida
18 Statutes, is amended to read:

19 210.01 Definitions.—When used in this part the following
20 words shall have the meaning herein indicated:

21 (21) "Manufacturer" means any domestic person or entity
22 with a valid permit under 26 U.S.C. s. 5712 that manufactures,
23 fabricates, assembles, processes, or labels a finished cigarette
24 or provides for the use of, or leases, a machine at a retail
25 establishment that enables any person to fabricate, assemble, or
26 process at that establishment tobacco products as defined in s.
27 210.25(11) into a roll or tube for smoking.

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28 Section 2. Subsections (4) and (5) of section 210.16,
29 Florida Statutes, are renumbered as subsections (5) and (6),
30 respectively, and a new subsection (4) is added to that section
31 to read:

32 210.16 Revocation or suspension of permit.—

33 (4) At the discretion of the wholesale dealer making the
34 sale, credit for the sale of tobacco products may be extended to
35 a retail dealer that has been issued a permit pursuant to
36 chapter 569. Upon submission of proof to the division by a
37 wholesale dealer, the division shall suspend or deny the renewal
38 of a retail permit to any person or, if a corporation, to any
39 officer or stockholder of the corporation who has failed to
40 satisfy the terms of a civil judgment obtained against the
41 person, corporation, officer, or stockholder for failure to pay
42 for tobacco products purchased from a wholesale dealer. The
43 license shall remain suspended until the retail dealer submits
44 proof to the division that it has entered into an agreed payment
45 plan with the wholesale dealer or satisfied the civil judgment
46 in full.

47 Section 3. Subsection (1) of section 210.181, Florida
48 Statutes, is amended to read:

49 210.181 Civil penalties.—

50 (1) Except as provided in s. 210.16(6) ~~210.16(5)~~, whoever
51 knowingly omits, neglects, or refuses to comply with any duty
52 imposed upon him or her by this part, or to do or cause to be
53 done any of the things required by this part, or does anything
54 prohibited by this part shall, in addition to any other penalty
55 provided in this part, be liable for a fine of \$1,000 or five

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56 | times the retail value of the cigarettes involved, whichever is
57 | greater.

58 | Section 4. This act shall take effect July 1, 2012.