

By Senator Stargel

15-00372A-13

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1 A bill to be entitled
2 An act relating to drug paraphernalia; amending s.
3 893.147, F.S.; prohibiting the retail sale of certain
4 drug paraphernalia; providing criminal penalties;
5 amending s. 569.006, F.S.; authorizing the imposition
6 of administrative penalties upon retail tobacco
7 products dealers who commit certain offenses related
8 to drug paraphernalia; making a technical change;
9 repealing s. 569.0073, F.S., relating to the retail
10 sale of certain smoking pipes and smoking devices;
11 providing an effective date.

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

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16 Section 1. Subsection (6) is added to section 893.147,
17 Florida Statutes, to read:

18 893.147 Use, possession, manufacture, delivery,
19 transportation, ~~or~~ advertisement, or retail sale of drug
20 paraphernalia.—

21 (6) RETAIL SALE OF DRUG PARAPHERNALIA.—

22 (a) It is unlawful for a person to knowingly and willfully
23 sell or offer for sale at retail any drug paraphernalia
24 described in s. 893.145(12) (a)-(c) or (g)-(m), other than a
25 wooden pipe.

26 (b) A person who violates paragraph (a) commits a
27 misdemeanor of the first degree, punishable as provided in s.
28 775.082 or s. 775.083, and, upon a second or subsequent
29 violation, commits a felony of the third degree, punishable as

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30 provided in s. 775.082, s. 775.083, or s. 775.084.

31 Section 2. Section 569.006, Florida Statutes, is amended to
32 read:

33 569.006 Retail tobacco products dealers; administrative
34 penalties.—The division may suspend or revoke the permit of the
35 dealer upon sufficient cause appearing of the violation of ~~any~~
36 ~~of the provisions of this chapter or s. 893.147,~~ by a dealer or
37 by a dealer's agent or employee. The division may also assess
38 and accept administrative fines of up to \$1,000 against a dealer
39 for each violation. The division shall deposit all fines
40 collected into the General Revenue Fund as collected. An order
41 imposing an administrative fine becomes effective 15 days after
42 the date of the order. The division may suspend the imposition
43 of a penalty against a dealer, conditioned upon the dealer's
44 compliance with terms the division considers appropriate.

45 Section 3. Section 569.0073, Florida Statutes, is repealed.

46 Section 4. This act shall take effect October 1, 2013.