

A bill to be entitled

An act relating to drug paraphernalia; amending s. 893.147, F.S.; prohibiting the retail sale of certain drug paraphernalia; providing penalties; amending s. 569.006, F.S.; authorizing the imposition of administrative penalties upon retail tobacco products dealers who commit certain offenses related to drug paraphernalia; repealing s. 569.0073, F.S., relating to the retail sale of certain smoking pipes and smoking devices; providing an effective date.

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

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

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

(6) RETAIL SALE OF DRUG PARAPHERNALIA.—

(a) It is unlawful for any person to sell or offer for sale at retail any drug paraphernalia described in s. 893.145(12)(a)-(c) or (g)-(m).

(b) Any person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and, upon a second or subsequent violation, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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28 Section 2. Section 569.006, Florida Statutes, is amended
29 to read:

30 569.006 Retail tobacco products dealers; administrative
31 penalties.—The division may suspend or revoke the permit of the
32 dealer upon sufficient cause appearing of the violation of any
33 of the provisions of this chapter or s. 893.147, by a dealer or
34 by a dealer's agent or employee. The division may also assess
35 and accept administrative fines of up to \$1,000 against a dealer
36 for each violation. The division shall deposit all fines
37 collected into the General Revenue Fund as collected. An order
38 imposing an administrative fine becomes effective 15 days after
39 the date of the order. The division may suspend the imposition
40 of a penalty against a dealer, conditioned upon the dealer's
41 compliance with terms the division considers appropriate.

42 Section 3. Section 569.0073, Florida Statutes, is
43 repealed.

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