

By the Committee on Finance and Tax

593-03584-15

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1 A bill to be entitled
 2 An act relating to tobacco products other than
 3 cigarettes or cigars; amending s. 210.25, F.S.;
 4 defining the term "affiliate"; clarifying the
 5 definitions of the terms "tobacco products" and
 6 "wholesale sales price"; amending s. 951.22, F.S.;
 7 conforming a cross-reference; providing an effective
 8 date.

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

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 12 Section 1. Present subsections (1) and (2) of section
 13 210.25, Florida Statutes, are redesignated as subsections (2)
 14 and (3), respectively, a new subsection (1) is added to that
 15 section, present subsection (3) of that section is redesignated
 16 as subsection (5), present subsections (5) through (13) of that
 17 section are redesignated as subsections (6) through (14),
 18 respectively, and present subsections (11) and (13) of that
 19 section are amended, to read:

20 210.25 Definitions.—As used in this part:

21 (1) "Affiliate" means a manufacturer or other person that
 22 directly or indirectly, through one or more intermediaries,
 23 controls or is controlled by a distributor or that is under
 24 common control with a distributor.

25 (12) ~~(11)~~ "Tobacco products" means ~~loose tobacco suitable~~
 26 ~~for smoking;~~ snuff; snuff flour; loose tobacco; cavendish; plug
 27 and twist tobacco; fine cuts and ~~other chewing tobaccos;~~ shorts;
 28 refuse scraps; clippings, cuttings, and sweepings of tobacco; ~~and~~
 29 and all other kinds and forms of products, including wraps, made

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30 in whole or in part from tobacco leaves for use ~~tobacco prepared~~
31 ~~in such manner as to be suitable for~~ chewing, smoking, or
32 sniffing. ~~The term; but "tobacco products"~~ does not include
33 cigarettes, as defined by s. 210.01(1), or cigars.

34 (14) ~~(13)~~ "Wholesale sales price" means the sum of
35 paragraphs (a) and (b):

36 (a) The full price paid by the distributor to acquire the
37 tobacco products, including charges by the seller for the cost
38 of materials, cost of labor and service, charge for
39 transportation and delivery, the federal excise tax, and any
40 other charge, even if the charge is listed as a separate item on
41 the invoice paid by the ~~established price for which a~~
42 ~~manufacturer sells a tobacco product to a distributor, exclusive~~
43 ~~of any diminution by volume or other discounts, including a~~
44 ~~discount provided to a distributor by an affiliate.~~

45 (b) The federal excise tax paid by the distributor on the
46 tobacco products, if the tax is not included in the full price
47 under paragraph (a).

48 Section 2. Subsection (1) of section 951.22, Florida
49 Statutes, is amended to read:

50 951.22 County detention facilities; contraband articles.—

51 (1) It is unlawful, except through regular channels as duly
52 authorized by the sheriff or officer in charge, to introduce
53 into or possess upon the grounds of any county detention
54 facility as defined in s. 951.23 or to give to or receive from
55 any inmate of any such facility wherever said inmate is located
56 at the time or to take or to attempt to take or send therefrom
57 any of the following articles which are hereby declared to be
58 contraband for the purposes of this act, to wit: Any written or

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59 recorded communication; any currency or coin; any article of
60 food or clothing; any tobacco products as defined in s.
61 210.25(12)~~(11)~~; any cigarette as defined in s. 210.01(1); any
62 cigar; any intoxicating beverage or beverage which causes or may
63 cause an intoxicating effect; any narcotic, hypnotic, or
64 excitative drug or drug of any kind or nature, including nasal
65 inhalators, sleeping pills, barbiturates, and controlled
66 substances as defined in s. 893.02(4); any firearm or any
67 instrumentality customarily used or which is intended to be used
68 as a dangerous weapon; and any instrumentality of any nature
69 that may be or is intended to be used as an aid in effecting or
70 attempting to effect an escape from a county facility.

71 Section 3. This act shall take effect July 1, 2015.