Tab 1	**SB 530** by **Simon (CO-INTRODUCERS) Pizzo;** Identical to H 01401 State Lotteries

515854	A	S	RI, Simon	Delete L.87.	01/23 11:13 AM
707718	A	S	RI, Simon	Delete L.256 - 259:	01/23 11:13 AM

Tab 2	**SB 658** by **Burgess;** Compare to CS/H 00079 Water Safety Requirements for the Rental of Residential Property

553706	PCS	S	RI		01/25 02:47 PM

Tab 3	**SB 608** by **Smith;** Compare to CS/H 00079 Vacation Rentals

Tab 4	**SB 1708** by **Gaetz;** Similar to H 01509 Veterinary Licensure

Tab 5	**SB 680** by **Mayfield;** Identical to H 00653 Electric Vehicle Charging Taxation

129618	D	S	RI, Mayfield	Delete everything after	01/26 09:21 AM

Tab 6	**SB 980** by **Calatayud;** Similar to H 00843 Nicotine Dispensing Devices

381784	D	S	RI, Calatayud	Delete everything after	01/25 11:20 AM

Tab 7	**SB 204** by **Bradley;** Compare to CS/CS/H 00189 Gaming

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

REGULATED INDUSTRIES
Senator Bradley, Chair
Senator Pizzo, Vice Chair

MEETING DATE: Tuesday, January 27, 2026
TIME: 1:00—3:00 p.m.
PLACE: *Pat Thomas Committee Room,* 412 Knott Building

MEMBERS: Senator Bradley, Chair; Senator Pizzo, Vice Chair; Senators Bernard, Boyd, Bracy Davis, Brodeur, Burgess, Calatayud, and Mayfield

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	**SB 530** Simon (Identical H 1401)	State Lotteries; Revising the powers and duties of the Department of the Lottery; revising the information required to be provided to the department by persons who submit a bid, a proposal, or an offer to negotiate a contract for major procurement; authorizing the division's sworn law enforcement officers to purchase and present lottery tickets to a lottery retailer to claim a prize under certain circumstances; prohibiting certain false claims relating to state lottery tickets, etc. RI 01/27/2026 AEG FP	
2	**SB 658** Burgess (Compare CS/H 79, S 608)	Water Safety Requirements for the Rental of Residential Property; Requiring a landlord to equip certain rental properties with specified water safety features; requiring a public lodging establishment licensed as a vacation rental to equip certain rental units with specified water safety features, etc. RI 01/27/2026 CA RC	
3	**SB 608** Smith (Compare CS/H 79, S 658)	Vacation Rentals; Requiring applicants or licensees seeking to obtain or renew a license to operate a vacation rental to install a pool safety feature if a pool is located on the vacation rental property; authorizing the Department of Business and Professional Regulation to suspend or revoke a license and fine the licensee if a vacation rental is not in compliance, etc. RI 01/27/2026 CA RC	

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	**SB 1708** Gaetz (Similar H 1509)	Veterinary Licensure; Deleting the requirement for an applicant for licensure by endorsement to have held a valid active license to practice veterinary medicine in another state, the District of Columbia, or a territory of the United States for a specified amount of time; requiring applicants to hold a valid, active license in good standing to practice veterinary medicine in another state, the District of Columbia, or a territory of the United States, etc. RI 01/27/2026 AEG RC	
5	**SB 680** Mayfield (Identical H 653)	Electric Vehicle Charging Taxation; Revising the definition of the terms “distribution company” and “utility service”; revising the definition of the term “retail sale”, etc. RI 01/27/2026 FT AP	
6	**SB 980** Calatayud (Similar H 843)	Nicotine Dispensing Devices; Citing this act as the “Florida Age-Gate Act”; defining the term “non-FDA-authorized nicotine dispensing device”; requiring an applicant for a retail nicotine products dealer permit to consent to inspections and searches of the licensed premises by the Department of Law Enforcement for specified purposes; providing civil and criminal penalties for retail tobacco products dealers that advertise, promote, or display for sale non-FDA-authorized nicotine dispensing devices; requiring the department and the division to use the administrative fines assessed for specified purposes, etc. RI 01/27/2026 AEG FP	

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	**SB 204** Bradley (Compare CS/CS/H 189, H 591, S 1164)	Gaming; Requiring certain organizations, before purchasing, installing, or operating a game or machine on their premises, or that already have a game or machine installed on their premises, and are in doubt about whether such game or machine meets the definition of an amusement game or machine, to petition the Florida Gaming Control Commission for a declaratory statement on whether the operation of such game or machine is authorized or prohibited; prohibiting such organizations from purchasing or installing a game or machine until such declaratory statement is issued; providing criminal penalties for specified offenses relating to the manufacture, possession, and sale of slot machines or devices, etc. RI 01/27/2026 AEG RC	

Other Related Meeting Documents

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL:	SB 530
INTRODUCER:	Senator Simon
SUBJECT:	State Lotteries
DATE:	January 26, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Baird	Imhof	RI	**Pre-meeting**
2.			AEG	
3.			FP	

I. Summary:

SB 530 amends ch. 24, F.S., relating to the Department of the Lottery (Lottery), by making updates to the operational, security, and enforcement frameworks of the state's lottery system.

The bill introduces a formal definition for "ball machine" and refines the definitions for "retailer" by allowing the Lottery to become an authorized entity that can sell lottery tickets and "major procurement" by removing obsolete referencing to the startup of the Lottery. The bill makes other minor revisions that remove provisions dealing with the first year of ticket sales.

Notably, the bill authorizes the Lottery to adopt rules governing methods of payment for lottery tickets, including *the authorization of debit card use for lottery ticket purchases from vending machines*.

It also adjusts the Lottery's administrative duties, notably by revising the schedule for comprehensive security reports submitted to the Governor and the Legislature.

The bill removes the requirement that all lottery drawings and ticket validations be monitored and requires that only drawings where ball machines are used to select winning numbers be monitored.

The bill removes the requirement that the Lottery must lease all vending machines and removes the requirement that the Lottery require a performance bond for the duration of a contract with a retailer.

The bill increases the maximum bond amount for a lottery retailer and further authorizes the Lottery to maintain an interest-bearing account to secure retailer deposits.

The bill also authorizes sworn law enforcement officers the authority to purchase and present lottery tickets to claim prizes under specific investigative circumstances.

Finally, the bill establishes a penalty for persons who knowingly submit a false claim for payment to the Lottery and for any retailer or retailer employee who knowingly facilitates, participates in, or otherwise assists in the theft of a lottery ticket.

The bill provides an effective date of July 1, 2026.

II. Present Situation:

Overview of the Florida Lottery

In general gambling is illegal in Florida, however certain exceptions have been authorized.[1] In 1986, Florida voters approved an amendment to the Florida Constitution to allow the state to operate a lottery. Section 15 of Article X of the Florida Constitution provides as follows:

> Lotteries may be operated by the state…. On the effective date of this amendment, the lotteries shall be known as the Florida Education Lotteries. Net proceeds derived from the lotteries shall be deposited to a state trust fund, to be designated The State Education Lotteries Trust Fund, to be appropriated by the Legislature. The schedule may be amended by general law.

In 1987, the Legislature created the Florida Public Education Lottery Act (act),[2] which established a state lottery system intended primarily to generate revenue for public education of the state.[3]

The Lottery is charged with supervising and operating the lottery in accordance with the provisions of the act and rules adopted pursuant thereto.[4]

In 1988, the Lottery began offering lottery games with a $1 weekly drawing.[5] Since then, the Lottery has grown to include approximately 80 different scratch-off games available at over 13,000 retailer locations, with lottery ticket prices ranging from $1 to $50.[6]

The Lottery receives no funding from General Revenue and is fully funded through ticket sales. Proceeds from ticket sales are deposited into the Lottery's Operating Trust Fund.[7] After covering administrative and other operational costs, the remaining funds are transferred monthly to the Educational Enhancement Trust Fund (EETF) to help support public education improvements, including the funding of the Florida Bright Future Scholarship Program.[8]

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[1] Section 849.08, F.S.
[2] Subsections 24.101 – 24.124, F.S.
[3] Section 24.102, F.S.
[4] Section 24.105(2), F.S.
[5] Florida Lottery, *History*, available at http://www.flalottery.com/history (last visited Jan. 26, 2026).
[6] Florida Lottery, *Scratch Offs*, available at http://www.flalottery.com/scratch-offs?amount=30 (last visited Jan. 26, 2026).
[7] Section 24.121, F.S.
[8] *Id*.

The Lottery consistently ranks near the top among U.S. lotteries in total sales. During its 37 years of operation the Lottery has generated over $155 billion in revenues and transferred more than $46 billion to education.[9] During Fiscal Year 2024-25, the Lottery achieved $9.13 billion in sales and transferred over $2.16 billion to the EETF. Leading the nation in sales, the Lottery also maintains one of the lowest operating expense rates among state lotteries.[10]

The Lottery is required to supervise and administer the operation of the lottery in a manner that maximizes revenue for education while maintaining the dignity of the state and the welfare of its citizens. Some of the notable requirements of the Lottery are as follows:

- Must submit monthly and annual reports to the Governor, Chief Financial Officer, and the leadership of both legislative chambers, detailing total revenues, prize disbursements, and all other expenses.[11]
- Maintain weekly or more frequent records of lottery transactions, including ticket distribution to retailers, revenue received, and claims for prizes.[12]
- Conduct a "continuing study" to identify any defects in the law or rules that could result in abuses in the administration of the lottery.[13]
- Every two years the Lottery must engage an independent firm to conduct a comprehensive study and evaluation of all security procedures, including computer and security systems.[14]
- Every single lottery drawing must be witnessed by an accountant from an independent firm who must inspect the equipment both before and after the drawing.[15]

The Lottery maintains an accredited, fully operational state law enforcement agency known as the Division of Security (division), which is tasked with protecting the integrity of the lottery and ensuring compliance with all state gaming laws.[16]

Lottery Games

The Lottery is authorized to offer a diverse portfolio of gaming products, ranging from instant-win "scratch-off" tickets to terminal-generated draw games such as Powerball, Mega Millions, and the Florida Lotto.[17] For games that rely on a physical random selection process, the Lottery utilizes specialized equipment that is designed to mechanically mix a set of numbered balls and randomly draw from that mix to determine the winning numbers for a specific game.[18]

The term "major procurement" refers to any contract for the printing of lottery tickets, startup consultation services, or the goods and services involving the official recording of player selections or the use of ball machines.[19] Because of the sensitive nature of these contracts, the

[9] Florida Lottery, *Annual Report FY 2023-2024*, available at https://floridalottery.com/content/dam/flalottery-web/files/annual-reports/2024-annual-comprehensive-financial-report.pdf, (last visited Jan. 26, 2026).
[10] *Id*.
[11] Section 24.105(4), F.S.
[12] Section 24.105(6), F.S.
[13] Section 24.105(7), F.S.
[14] Section 24.108(7), F.S.
[15] Section 24.105(9), F.S.
[16] Section 24.108, F.S.
[17] Section 24.105(9)(a), F.S.
[18] Section 24.103(1), F.S.
[19] Section 24.103(2), F.S.

Lottery is mandated to investigate the financial responsibility, security, and integrity of every vendor submitting a bid or proposal.[20]

The Lottery has competitively procured the services of Thomas Howell Ferguson, P.A. in Tallahassee and their staff assists division employees in overseeing lottery draws.[21]

Lottery Retailers

The Lottery utilizes a vast network of more than 13,000 authorized retailers to bring lottery products to the public, selecting these business partners based on statutory criteria such as financial responsibility, integrity, reputation, and the security of their premises. The Lottery has the authority to enter any premises where lottery tickets are sold to perform their duties and may search and inspect these premises without a warrant if they have reason to believe a violation has occurred.[22] The Lottery is empowered to immediately suspend or terminate a retailer's contract for the commission of any fraud, deceit, or misrepresentation.[23]

Vending Machines

In 2012, the Lottery received authorization for vending machines to dispense draw-game tickets, scratch-off tickets, and to serve as full-service vending machines that sell both types of games.

The Lottery is currently required to *lease all vending machines* that dispense online lottery tickets, instant lottery tickets or both.[24] The owner of the vending machines must post a performance bond for the duration of the contract.[25]

Before a contract is signed, the Lottery must investigate the potential retailer's financial responsibility, integrity, reputation, and the security of their business premises.[26] Retailers using lottery vending must keep them in a direct line of sight to prevent sales to minors and ensure at least one employee is on duty during operation.[27] In addition to the line of sight and staffing requirements, every vending machine must be capable of being electronically deactivated for a period of at least five minutes.[28]

The lottery vending machines are prohibited from using video reels, mechanical reels, or any video depictions of slot machines or casino game themes for actual game play.[29] Retailers must post a clear and conspicuous sign on every player-activated machine stating that the sale of tickets to persons under 18 is against the law and that proof of age is required.[30]

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[20] Section 24.111(2), F.S.
[21] See Department of Lottery, *2026 Agency Legislative Bill Analysis for SB 530* (July 1, 2025) (on file with the Senate Regulated Industries Committee).
[22] Section 24.108(2), F.S.
[23] Section 24.112(5), F.S.
[24] Section 24.111(2)(h), F.S.
[25] Section 24.111(2)(i), F.S.
[26] Section 24.112(2), F.S.
[27] Section 24.112(15), F.S.
[28] Section 24.112(15)(a), F.S.
[29] Section 24.112(15)(d), F.S. The law does however allow casino-style themes and titles for their tickets or static signage.
[30] Section 24.1055(2), F.S.

Currently, the Legislature has capped the maximum number of authorized vending machines at 3,000 and there are currently 3,000 vending machines deployed across the state.

Section 24.112(15), F.S., also outlines specific requirements for a vending machine, including the requirement that a vending machine must "dispense a lottery ticket after a purchaser inserts a coin or currency in the machine." This statutory limitation contrasts with evolving financial behavior of consumers, who increasingly rely on electronic payment methods like debit cards and digital wallets for retail transactions.

Lottery vending machines are provided by the Lottery's gaming system vendor, International Game Technology (IGT).[31]

Enforcement of Lottery Crimes

Under current Florida law, lottery-specific theft and fraud are primarily addressed though a combination of administrative rules and general criminal statutes. Currently, s. 24.118, F.S., serves as the primary deterrent for fraud, classifying the knowing presentation of a counterfeit or altered lottery ticket as a felony of the third degree punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.[32] The division is the primary enforcement authority that deals with lottery crimes.

The division is headed by a director who must be qualified in law enforcement, and all investigators are designated as sworn law enforcement officers with the power to investigate and arrest for any violation of the act.[33] These officers are legally authorized to enter any premises where lottery tickets are sold, without a warrant, if they have reason to believe a violation of the law is occurring.[34]

There is uncertainty as to whether s. 24.118, F.S., captures all of the modern criminal schemes involved with the present-day lottery situation because the law focuses heavily on the physical tampering of tickets rather than the behavioral fraud committed by retailers, such as "micro-scratching" or deceiving a customer about a ticket's winning status.[35]

Additionally, officers and employees of the Lottery are prevented from purchasing a lottery ticket.[36] This limits the Lottery's ability to conduct undercover operations that involve officers purchasing lottery tickets to draw out criminal activity by retailers.

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 24.103, F.S., to define a "ball machine" as a device that mechanically mixes a set of numbered balls and then randomly draws from that mix to determine

[31] *Supra* at note 21.
[32] Section 24.118(3)(d), F.S.
[33] Section 24.108(1), F.S.
[34] Section 24.108(2), F.S.
[35] OPPAGA Report No. 23-02, "*Review of the Florida Lottery*" (2022-2024), stating in part that while security inspections have increased, "unauthorized activity" such as ticket alteration and retailer theft persists.
[36] Section 24.116(2), F.S.

the winning numbers for a specific game. The term "retailer" is amended to include the Lottery as an option of who can sell lottery tickets.

Section 2 of the bill amends s. 24.105, F.S., to authorize the Lottery to establish by rule the specific manner of payment as it relates to using non-credit type payments for purchasing lottery tickets.

The bill also amends s. 24.105, F.S., to clarify that lottery games involving the use of a ball machine must be witnessed by the public and an accountant employed by an independent certified accounting firm. Additionally, the bill removes obsolete language referencing the first year of ticket sales.

Section 3 of the bill amends s. 24.108, F.S., to enhance operational flexibility for the division in monitoring lottery draw games that do not use a ball machine.

This leaves in the stringent requirement that ball machine game drawings are still monitored but allows the division to *not* monitor games that do not involve a ball machine to select winning numbers.

Removes obsolete language pertaining to the Lottery start up and to provides for evaluation of security procedures to realign the Lottery's biennial independent comprehensive security audit beginning July 1, 2027.

Section 4 of the bill amends s. 24.111, F.S., relating to lottery vendors, to remove the requirement that the Lottery must lease all vending machines and that the Lottery must require a performance bond for the duration of any vendor contract.

Current law requires the Lottery to lease all vending machines, as opposed to purchasing the machines themselves, and requires that all contracts with vendors include a performance bond for the duration of the contract.

Section 5 of the bill amends s. 24.112, F.S., relating to retailers of lottery tickets and authorizing vending machines to dispense lottery tickets, by doing the following:

- Authorizes the Lottery to maintain an interest-bearing account for lottery retailers to deposit and maintain their securities.
- Increases the required retailer bond from twice to three times the average ticket sales and authorizes alternative deposit options.
- Broadens the scope of acceptable payment methods for full-service vending machines by modifying the definition of payment options to include non-credit, cashless, payment methods, specifically *allowing the use of debit cards*.

Section 6 of the bill amends s. 24.116, F.S., to authorize division employees, who are sworn law enforcement personnel, to purchase lottery tickets when such purchases are deemed necessary as part of an ongoing investigation, and compliance operations. This would keep the prohibition on officers not part of an ongoing investigation and employees and their family members from purchasing lottery tickets.

Section 7 of the bill amends s. 24.118, F.S., to establish a penalty for persons who knowingly and willfully submit a false claim for payment to the Lottery as a felony of the third degree punishable as provided in ss. 775.082, 775.083, and 775.084 F.S.[37]

Additionally, the bill establishes a penalty for any retailer or retailer employee who knowingly facilitates, participates in, or otherwise assists in the theft of a lottery ticket as a felony in the third degree.

The bill provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

[37] A third degree felony is punishable by a term of imprisonment not to exceed 5 years and up to a $5,000 fine.

C. Government Sector Impact:

The Lottery provided the following statement:[38]

> "The Lottery anticipates a significant positive fiscal impact related to increased transfers to the Educational Enhancement Trust Fund if the following provisions are enacted: (1) allowing lottery vending machines to accept debit cards.
>
> The Lottery also anticipates a positive fiscal impact from cost savings due to reduced time required by a third-party auditor, as well as increased flexibility and Division of Security personnel dedicated to monitoring promotional drawings."

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 24.103, 24.105, 24.108, 24.111, 24.112, 24.116, and 24.118.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

[38] *Supra* at note 21.

515854

LEGISLATIVE ACTION

Senate . House

. . . . .

The Committee on Regulated Industries (Simon) recommended the following:

Senate Amendment (with directory amendment)

Delete line 87.

====== D I R E C T O R Y C L A U S E A M E N D M E N T ======
And the directory clause is amended as follows:
Delete lines 60 - 65
and insert:
Section. 2. Paragraphs (a) and (d) of subsection (9) and subsection (17) of section 24.105, Florida Statutes, are amended

515854

to read:

707718

LEGISLATIVE ACTION

Senate . House

. . . . . .

The Committee on Regulated Industries (Simon) recommended the following:

Senate Amendment

Delete lines 256 - 259
and insert:
1. Dispense a lottery ticket following receipt of payment after a purchaser inserts a coin or currency in the machine.

By Senator Simon

3-00463C-26 2026530__

A bill to be entitled

An act relating to state lotteries; amending s. 24.103, F.S.; defining the term "ball machine"; revising the definitions of the terms "major procurement" and "retailer"; amending s. 24.105, F.S.; revising the powers and duties of the Department of the Lottery; amending s. 24.108, F.S.; revising the schedule for the department to have a certain report produced and submitted to the Governor and the Legislature; amending s. 24.111, F.S.; revising the information required to be provided to the department by persons who submit a bid, a proposal, or an offer to negotiate a contract for major procurement; amending s. 24.112, F.S.; revising the bond amount a retailer may be required to post for the period within which the retailer is required to remit lottery funds to the department; revising certain requirements relating to lottery vending machines; amending s. 24.116, F.S.; authorizing the division's sworn law enforcement officers to purchase and present lottery tickets to a lottery retailer to claim a prize under certain circumstances; amending s. 24.118, F.S.; revising certain prohibitions and penalties relating to presenting a counterfeit or altered state lottery ticket; prohibiting certain false claims relating to state lottery tickets; prohibiting a lottery retailer or an employee thereof from using such position to knowingly facilitate, participate in, or otherwise assist in the theft of a lottery ticket from a retail

3-00463C-26 2026530__

establishment, patron, or customer; providing criminal penalties; defining the terms "patron" and "customer"; providing an effective date.

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

Section 1. Present subsections (1) through (6) of section 24.103, Florida Statutes, are redesignated as subsections (2) through (7), respectively, a new subsection (1) is added to that section, and present subsections (2) and (4) of that section are amended, to read:

24.103 Definitions.—As used in this act:

(1) "Ball machine" means a device that mechanically mixes a set of numbered balls and then randomly draws from that mix to determine the winning numbers for a specific game.

(3)~~(2)~~ "Major procurement" means a procurement for a contract for the printing of tickets for use in any lottery game, ~~consultation services for the startup of the lottery,~~ any goods or services involving the official recording for lottery game play purposes of a player's selections in any lottery game involving player selections, any goods or services involving the receiving of a player's selection directly from a player in any lottery game involving player selections, any goods or services involving the drawing, determination, or generation of winners in any lottery game, the security report services provided for in this act, or any goods and services relating to marketing and promotion which exceed a value of $25,000.

(5)~~(4)~~ "Retailer" means the department or a person who sells lottery tickets on behalf of the department pursuant to a

contract.

Section 2. Present paragraphs (i) and (j) of subsection (9) of section 24.105, Florida Statutes, are redesignated as paragraphs (j) and (k), respectively, a new paragraph (i) is added to that subsection, and paragraphs (a) and (d) of subsection (9) and subsection (17) of that section are amended, to read:

24.105 Powers and duties of department.—The department shall:

(9) Adopt rules governing the establishment and operation of the state lottery, including:

(a) The type of lottery games to be conducted, except that:

1. The ~~No~~ name of an elected official may not ~~shall~~ appear on the ticket or play slip of any lottery game or on any prize or on any instrument used for the payment of prizes, unless such prize is in the form of a state warrant.

2. ~~No~~ Coins or currency may not ~~shall~~ be dispensed from any electronic computer terminal or device used in any lottery game.

3. Other than as specifically provided in s. 24.112, a ~~no~~ terminal or device may not be used for any lottery game which may be operated solely by the player without the assistance of the retailer.

(d) The method of selecting winning tickets. However, if a lottery game involves the use of a ball machine to conduct a drawing, the drawing must ~~shall~~ be public and witnessed by an accountant employed by an independent certified public accounting firm. The department shall inspect the equipment used in the drawing ~~shall be inspected~~ before and after the drawing.

(i) The acceptable forms of payment for ticket purchases.

(17) ~~Have the authority to~~ Enter into agreements with other states for the operation and promotion of a multistate lottery if such agreements are in the best interest of the state lottery. ~~The authority conferred by this subsection is not effective until 1 year after the first day of lottery ticket sales.~~

Section 3. Subsections (6) and (7) of section 24.108, Florida Statutes, are amended to read:

24.108 Division of Security; duties; security report.—

(6) The division shall monitor ticket validation and lottery drawings where ball machines are used to select winning numbers.

(7)(a) By July 1, 2027, and once every 2 years thereafter ~~After the first full year of sales of tickets to the public, or sooner if the secretary deems necessary~~, the department shall engage an independent firm experienced in security procedures, including, but not limited to, computer security and systems security, to conduct a comprehensive study and evaluation of all aspects of security in the operation of the department.

(b) The portion of the security report containing the overall evaluation of the department in terms of each aspect of security must ~~shall~~ be presented to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The portion of the security report containing specific recommendations is ~~shall be~~ confidential and must ~~shall~~ be presented only to the secretary, the Governor, and the Auditor General; however, upon certification that such information is necessary for the purpose of effecting legislative changes, such information must ~~shall~~ be disclosed to the President of the

Senate and the Speaker of the House of Representatives, who may disclose such information to members of the Legislature and legislative staff as necessary to effect such purpose. However, any person who receives a copy of such information or other information which is confidential pursuant to this act or rule of the department shall maintain its confidentiality. The confidential portion of the report is exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

~~(c) Thereafter, similar studies of security shall be conducted as the department deems appropriate but at least once every 2 years.~~

Section 4. Subsection (2) of section 24.111, Florida Statutes, is amended to read:

24.111 Vendors; disclosure and contract requirements.—

(2) The department shall investigate the financial responsibility, security, and integrity of each vendor with which it intends to negotiate a contract for major procurement. Such investigation may include an investigation of the financial responsibility, security, and integrity of any or all persons whose names and addresses are required to be disclosed pursuant to paragraph (a). Any person who submits a bid, a proposal, or an offer as part of a major procurement must, at the time of submitting such bid, proposal, or offer, provide the following:

(a) A disclosure of the vendor's name and address and, as applicable, the name and address and any additional disclosures necessary for an investigation of the financial responsibility, security, and integrity of the following:

1. If the vendor is a corporation, the officers, directors, and each stockholder in such corporation; except that, in the

case of owners of equity securities of a publicly traded corporation, only the names and addresses of those known to the corporation to own beneficially 5 percent or more of such securities need be disclosed.

2. If the vendor is a trust, the trustee and all persons entitled to receive income or benefit from the trust.

3. If the vendor is an association, the members, officers, and directors.

4. If the vendor is a partnership or joint venture, all of the general partners, limited partners, or joint venturers.

If the vendor subcontracts any substantial portion of the work to be performed to a subcontractor, the vendor must ~~shall~~ disclose all of the information required by this paragraph for the subcontractor as if the subcontractor were itself a vendor.

(b) A disclosure of all the states and jurisdictions in which the vendor does business and of the nature of that business for each such state or jurisdiction.

(c) A disclosure of all the states and jurisdictions in which the vendor has contracts to supply gaming goods or services, including, but not limited to, lottery goods and services, and of the nature of the goods or services involved for each such state or jurisdiction.

(d) A disclosure of all the states and jurisdictions in which the vendor has applied for, has sought renewal of, has received, has been denied, has pending, or has had revoked a gaming license or contract of any kind and of the disposition of such in each such state or jurisdiction. If any gaming license or contract has been revoked or has not been renewed or any

gaming license or contract application has been either denied or is pending and has remained pending for more than 6 months, all of the facts and circumstances underlying this failure to receive such a license must be disclosed.

(e) A disclosure of the details of any conviction or judgment of a state or federal court of the vendor of any felony or any other criminal offense other than a traffic violation.

(f) A disclosure of the details of any bankruptcy, insolvency, reorganization, or any pending litigation of the vendor.

(g) Such additional disclosures and information as the department may determine to be appropriate for the procurement involved.

~~(h) The department shall lease all vending machines that dispense online lottery tickets, instant lottery tickets, or both online and instant lottery tickets.~~

~~(i) The department will require a performance bond for the duration of the contract.~~

The department may ~~shall~~ not contract with any vendor who fails to make the disclosures required by this subsection, and any contract with a vendor who has failed to make the required disclosures is ~~shall be~~ unenforceable. Any contract with any vendor who does not comply with such requirements for periodically updating such disclosures during the tenure of such contract as may be specified in such contract may be terminated by the department. This subsection must ~~shall~~ be construed broadly and liberally to achieve the ends of full disclosure of all information necessary to allow for a full and complete

evaluation by the department of the competence, integrity, background, and character of vendors for major procurements.

Section 5. Subsection (9) and paragraph (a) of subsection (15) of section 24.112, Florida Statutes, are amended to read:

24.112 Retailers of lottery tickets; authorization of vending machines to dispense lottery tickets.—

(9)(a) The department may require every retailer to post an appropriate bond as determined by the department, using an insurance company acceptable to the department, in an amount not to exceed three times ~~twice~~ the average lottery ticket sales of the retailer for the period within which the retailer is required to remit lottery funds to the department. For the first 90 days of sales of a new retailer, the amount of the bond may not exceed three times ~~twice~~ the average estimated lottery ticket sales for the period within which the retailer is required to remit lottery funds to the department. This paragraph does ~~shall~~ not apply to lottery tickets which are prepaid by the retailer.

(b) In lieu of such bond, the department may do any of the following:

1. Purchase blanket bonds covering all or selected retailers.

2. ~~or may~~ Allow a retailer to deposit and maintain with the Chief Financial Officer securities that are interest bearing or accruing and that, with the exception of those specified in sub-subparagraphs a. and b. ~~subparagraphs 1. and 2.~~, are rated in one of the four highest classifications by an established nationally recognized investment rating service. Securities eligible under this subparagraph are ~~paragraph shall be~~ limited

to:

a.~~1.~~ Certificates of deposit issued by solvent banks or savings associations organized and existing under the laws of this state or under the laws of the United States and having their principal place of business in this state.

b.~~2.~~ United States bonds, notes, and bills for which the full faith and credit of the government of the United States is pledged for the payment of principal and interest.

c.~~3.~~ General obligation bonds and notes of any political subdivision of the state.

d.~~4.~~ Corporate bonds of any corporation that is not an affiliate or subsidiary of the depositor.

3. Allow a retailer to remit funds to the department for deposit in an interest-bearing bank account held by the department.

Such securities must ~~shall~~ be held in trust and ~~shall~~ have at all times a market value at least equal to an amount required by the department.

(15) A vending machine may be used to dispense ~~online lottery tickets, instant lottery tickets, or~~ both online and instant lottery tickets.

(a) The vending machine must:

1. Dispense a lottery ticket following receipt of payment from ~~after~~ a purchaser via ~~inserts a~~ coin, ~~or~~ currency, or a noncredit, cashless payment method authorized by the department; ~~in the machine.~~

2. Be capable of being electronically deactivated for a period of 5 minutes or more; and~~.~~

3. Be designed to prevent its use for any purpose other than dispensing a lottery ticket.

Section 6. Subsection (2) of section 24.116, Florida Statutes, is amended to read:

24.116 Unlawful purchase of lottery tickets; penalty.—

(2) An ~~No~~ officer or employee of the department or any relative living in the same household with such officer or employee may not purchase a lottery ticket. Sworn law enforcement officers employed by the Division of Security may purchase lottery tickets and present lottery tickets to a lottery retailer to claim a prize when such purchase or presentation of lottery tickets is necessary for the performance of the officers' official duties, including, but not limited to, compliance operations and investigations.

Section 7. Subsection (3) of section 24.118, Florida Statutes, is amended, and subsections (5) and (6) are added to that section, to read:

24.118 Other prohibited acts; penalties.—

(3) COUNTERFEIT OR ALTERED TICKETS.—A ~~Any~~ person who:

(a) Knowingly presents a counterfeit or altered state lottery ticket;

(b) Knowingly transfers a counterfeit or altered state lottery ticket to another to present for payment; or

(c) With intent to defraud, falsely makes, alters, forges, passes, or counterfeits a state lottery ticket; ~~or~~

~~(d) Files with the department a claim for payment based upon facts alleged by the claimant which facts are untrue and known by the claimant to be untrue when the claim is made;~~

commits ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) FALSE CLAIM.—A person may not, when presenting or causing to be presented any claim for payment or approval to an officer or employee of the department or to a lottery retailer, knowingly and willfully:

(a) Falsify or conceal a material fact;

(b) Make any false, fictitious, or fraudulent statement or representation relating to a material fact; or

(c) Make or use any false document, knowing the document contains a false, fictitious, or fraudulent statement or entry relating to a material fact.

A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) THEFT OF LOTTERY TICKET BY RETAILER.—

(a) A lottery retailer or an employee thereof may not use his or her position to knowingly facilitate, participate in, or otherwise assist in the theft of any lottery ticket from the retail establishment or from a patron or customer of the retail establishment.

(b) A person who violates paragraph (a) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) As used in this subsection, the terms "patron" and "customer" include a sworn law enforcement officer of the Division of Security presenting a lottery ticket to a lottery retailer to claim a prize during the performance of the law

enforcement officer's official duties.

Section 8. This act shall take effect July 1, 2026.

The Florida Senate

Committee Agenda Request

To: Senator Jennifer Bradley, Chair
Committee on Regulated Industries

Subject: Committee Agenda Request

Date: January 12, 2026

I respectfully request that Senate Bill # 530, relating to State Lotteries, be placed on the:

☐ Committee agenda at your earliest possible convenience.

☒ Next committee agenda.

Senator Corey Simon
Florida Senate, District 3

File signed original with committee office

S-020 (03/2004)

2026 AGENCY LEGISLATIVE BILL ANALYSIS
Department of the Lottery

BILL INFORMATION	
BILL NUMBER:	SB 530
BILL TITLE:	Department of the Lottery
BILL SPONSOR:	Senator Simon
EFFECTIVE DATE:	July 1, 2026

COMMITTEES OF REFERENCE
1) Regulated Industries
2) Appropriations Committee on Agriculture, Environment and General Government
3) Fiscal Policy
4)
5)

CURRENT COMMITTEE

SIMILAR BILLS	
BILL NUMBER:	
SPONSOR:	

PREVIOUS LEGISLATION	
BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

IDENTICAL BILLS	
BILL NUMBER:	1401
SPONSOR:	Persons-Mulicka

Is this bill part of an agency package?
Yes

BILL ANALYSIS INFORMATION	
DATE OF ANALYSIS:	December 4, 2025
LEAD AGENCY ANALYST:	Victoria Mohebpour, Director of Legislative Affairs
ADDITIONAL ANALYST(S):	
LEGAL ANALYST:	
FISCAL ANALYST:	

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

The bill amends various sections of Chapter 24, F.S., to make technical and conforming revisions and to remove obsolete provisions related to the establishment of the Florida Lottery. The bill authorizes the Department of Lottery to adopt rules governing methods of payment for lottery tickets, including the authorization of debit card use for lottery ticket purchases from vending machines. The bill further authorizes the department to maintain an interest-bearing account to secure retailer deposits. Additionally, the bill creates penalties for the submission of fraudulent claims for payment and for lottery ticket theft by retailers, courier services, or their employees.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

The Florida Lottery – Overview

Established in 1988, the Lottery operates as a self-funded, revenue-generating department with a statutory mission to support educational funding and to function efficiently like a business enterprise. The Lottery receives no funding from General Revenue and is fully funded through ticket sales. Proceeds from ticket sales are deposited into the Lottery's Operating Trust Fund (OTF). After covering administrative and other operational costs, the remaining funds are transferred monthly to the Educational Enhancement Trust Fund (EETF). The General Appropriations Act (GAA) authorizes the Lottery's operational budget from OTF.

During Fiscal Year (FY) 2024-25 the Lottery achieved $9.13 billion in sales and transferred over $2.16 billion to the EETF. Leading the nation in sales, the Lottery also maintains one of the lowest operating expense rates among state lotteries. Since its inception, the Lottery has contributed more than $49 billion to the EETF, including over $9.32 billion for the Bright Futures Scholarship Program. In FY 2024-25, Florida Lottery retailers received more than $556.21 million in commissions and bonuses. Cumulatively, Scratch-Off game total sales have surpassed $97.44 billion, with over $6.83 billion in sales in FY 2024-25. Draw and Terminal game total sales have exceeded $69.67 billion, including more than $2.29 billion in FY 2024-25.

Responsible Gaming

The Lottery maintains a firm commitment to responsible play of lottery games. Encouraging responsible play of games is a core component of the Lottery's advertising and marketing, including the award-winning Players Guide website. It is also an important component of the organizational culture, which includes yearly employee training on responsible play. All Florida Lottery retailers also participate in similar training on an annual basis to ensure responsible play is being reinforced all the way through to the point of purchase. The Lottery also prioritizes sharing resources available to players who develop an addiction, which includes the Florida Compulsive Gambling Addiction Program.

History and Governing Statutes

The department was authorized through a constitutional amendment and began selling tickets to the public in 1988. Section 20.317, F.S., the Lottery's organizational structure statute, has not been amended since it was created in 1987, and much of Chapter 24, F.S., the Lottery's governing statutes, was in place in 1987 and has not undergone much changes since.

Florida Lottery Retailers

Selling Tickets

Selling tickets is one of the top 2 business functions of the Lottery. The department contracts with over 13,500 retailers across the state to sell scratch-off and instant (i.e. draw) game tickets. Retailers receive the tickets on consignment and receive a 6% commission for the sale of tickets.

Retailers can sell tickets behind the counter with a flex terminal and a full-service vending machine. Any other sales are limited due to current statutory provisions, including s. 24.105(9)(a)3., F.S. – "*Other than as specifically provided in s. 24.112, no terminal or device may be used for any lottery game which may be operated solely by the player without the assistance of the retailer."* This statutory reference was originally established in Chapter 87-56, Laws of Florida.

Retailer Requirements

Statutorily, s. 24.112, F.S., provides rulemaking authority for contracting with retailers, criterion for selecting retailers, and preventing a limitation on the number of retailers, among other requirements. Retailers sell their tickets according to their contract and must follow all applicable rules and statutes.

Section 24.112(9)(a), F.S., also allows the department *"to require every retailer to post an appropriate bond as determined by the department, using an insurance company acceptable to the department, in an amount not to exceed twice the average lottery ticket sales of the retailer for the period within which the retailer is required to remit lottery funds to the department."* This is required to protect the financial interest of the department. In most cases, lottery retailers will open a certificate of deposit (CD) account to become a retailer. However, many banks no longer conveniently offer these types of accounts, which has created significant delays for retailers trying to open and operate their lottery businesses.

Retailer Network
With over 13,500 retailers, the Lottery has a diverse retailer base, which encompasses many different trade styles (majority of which are in convenience stores and grocery stores) and locations in all 67 counties.

Retailer Recruitment
The Lottery has historically made a concerted effort to grow the number of retailers since more retailers means increased ticket sales and transfers to the EETF. The Lottery does not target retailers to sell lottery products by demographic or ethnicity; rather, it is done by the sales potential and existing relationships with corporate accounts and independent retailers.

Lottery Vending Machines

In 2012, the department received authorization for vending machines to dispense draw-game tickets, scratch-off tickets, and to serve as full-service vending machines (FSVMs) that sell both types of games. Until 2020, the GAA limited the number of vending machines to 2,500 and specified the number of machines that sold only scratch-off tickets (1,000) and how many were FSVMs (1,500). Chapter 2020-111, Laws of Florida, and subsequent GAAs, have authorized all vending machines to be FSVMs. It should also be noted that under Chapter 2021-36, Laws of Florida, the number of authorized FSVMs increased from 2,500 to 3,000 and that maximum number has subsequently been maintained.

Presently, the department has 3,000 FSVMs that have been deployed at a retailer location. Since 3,000 is a small percentage of the overall retailer network (approximately 20%), the machines are placed in locations with high sales volume, so their impact is maximized.

Section 24.112(15), F.S., also outlines specific requirements for a vending machine, including the requirement that a vending machine must *"dispense a lottery ticket after a purchaser inserts a coin or currency in the machine."* Coin or currency narrowly limits the manner of payment a purchaser can make for a lottery ticket at a vending machine, especially with increased payment options now available to consumers in the marketplace, including increased use of debit cards.

Lottery vending machines are provided by the department's gaming system vendor, IGT.

Division of Security

Function and Purpose
Outlined in s. 24.108, F.S., the Division of Security (Division) is an accredited, fully authorized law enforcement agency that protects the integrity of the Lottery and ensures the statutory responsibilities in Chapter 24, F.S., are upheld. Specifically, the Division provides services to include, but are not limited to background investigations, criminal investigations, draw management, emergency management, facilities security, running a forensic laboratory, intelligence services, and safety services.

Several provisions in s. 24.108, F.S., outline coordination with other agencies, including other law enforcement agencies, in varying functions. Included by name is the Department of Business and Professional Regulation and Department of Revenue.

In addition, s. 24.108(7)(a), F.S., outlines the requirements for a biennial comprehensive study and evaluation of all aspects of security in the operation of the department. The study is completed by an independent firm, with the most recent study being completed in 2024.

Outlined in s. 24.116 (2), F.S., the Division is prohibited from purchasing a lottery ticket for the purpose of conducting field investigations.

Enforcing of Provisions in Chapter 24, F.S.
Personnel of the Division are charged with enforcing the provisions of Chapter 24, F.S., including s. 24.118, F.S. The section contains several unlawful acts with varying levels of punishment for each act. However, current statute does not adequately address several issues relating to protecting the integrity of the department.

Section 24.118, F.S., does not contain specific provisions addressing the theft of lottery tickets by retailers or by retailer employees while conducting lottery business. Currently, theft of lottery tickets by retailers, regardless of ticket value, is prosecuted as a misdemeanor pursuant under s. 812.014, F.S.

In addition, there is a lack of statutory language concerning filing a false claim (examples include taping together a torn apart ticket or forging a signature on the back of a ticket). Instead, such an offense is chargeable in s.24.118 (3), F.S., relating to counterfeit and altered tickets. According to the Division, the Offices of the State of Attorney have questioned the proper placement of this violation under s. 24.118(3), F.S, as these functions do not constitute counterfeit or forging tickets.

Lottery Games and Draw Procedures

Draw Games Portfolio
Draw games are an important component of the Lottery's product mix. In FY 2024-25 alone, the department experienced over $2.29 billion dollars in draw game sales. The department participates in multiple multi-state jackpot games, including Powerball, Mega Millions, and Cash4Life, and hosts several state draw games, including Lotto, Fantasy 5, Pick 2, Pick 3, Pick 4, Pick 5, Jackpot Triple Play, and the most recent addition, Cash Pop. The department also conducts 2nd Chance Promotional drawings at the Lottery Headquarters building. A schedule for all draws is located on the Lottery's website, along with the draw webcasts and winning numbers.

The department hosts the Powerball drawings (draws for Mega Millions and Cash4Life are conducted in other states) and conducts all state draw games at Headquarters. All draws, except for Cash Pop and 2nd Chance Promotional drawings, Cash Pop, and Bonus Play drawings are conducted by a random number generator (RNG), a machine that randomly generates the winning number for the lottery game.

Below is a summary of the total draws conducted by the department each week, excluding Bonus Play drawings:

Conducted By	Number
Ball Set	74
RNG	35
Total	109

Draw Game Procedures
All draws, whether conducted by a ball machine or RNG, follow the same statutory requirement. Section 24.105(9)(d), F.S., specifically outlines that if a lottery game has a drawing, *"…the drawing shall be public and witnessed by an accountant employed by an independent certified public accounting firm. The equipment used in the drawing shall be inspected before and after the drawing."* The department has competitively procured the services of Thomas Howell Ferguson, P.A. in Tallahassee and their staff assists Division employees in overseeing lottery draws.

Below is a summary of the draw oversight process for games conducted via a ball set and an RNG:

Ball Set	RNG
A department special agent (a sworn law enforcement officer) serves as the draw manager and an auditor from an independent auditing firm attends and participates in every single drawing. The draw equipment is located in a secure vault and is housed at the Lottery Headquarters building, which	The assembled department team (composition depends on if it is Cash Pop or Bonus Play Drawing) enter the room. The RNG randomly selects the winning number.

is a secure and limited access facility, monitored 24 hours per day by Security Officers and video surveillance. For the pre-draw procedures, the draw manager and independent auditor complete a lengthy checklist that thoroughly scrutinizes all aspects of each drawing. There are multiple draw machines and ball sets available for use at any particular drawing. The draw machine and ball set for each drawing is selected at random just prior to the drawing. Ball sets are weighed on certified electronic scales before and after each drawing to ensure that there has not been any tampering and a series of pre-tests are also conducted to ensure the machines are working properly. The special agent and auditor also monitor the actual draw to ensure the draw is conducted properly and fairly.	Everyone concurs all required steps were followed.

2. EFFECT OF THE BILL:

The bill makes the following statutory changes:

Defining Terms

- Amends s. 24. 103, F.S., to define a “ball machine game” as a game that uses a device to mechanically mix and randomly draw a set of numbered balls.

Generates Additional Revenues

- Amends s. 24.105, F.S., to authorize the Lottery to establish by rule the specific manner of payment as it relates to using non-credit type payments for purchasing lottery tickets.
- Amends s. 24.112, F.S., to broaden the scope of acceptable payment methods for full-service vending machines (FSVMs) by modifying the definition of payment options to include non-credit payment methods, specifically allowing the use of debit cards.

Creates Operational Efficiencies

- Amends s. 24.105, F.S., to clarify that lottery games involving the use of a ball machine must be witnessed by the public and an accountant employed by an independent certified accounting firm.
- Amends s. 24.108, F.S., to enhance operational flexibility for the Division of Security in monitoring lottery draw games that do not use a ball machine.
- Amends s. 24.112, F.S., to authorize the department to maintain an interest-bearing account for lottery retailers to deposit and maintain their securities.
- Amends s. 24.112, F.S., to increase required retailer bond from twice to three times average ticket sales and authorize alternative deposit options
- Amends s. 24.112. F.S., to remove obsolete language pertaining to the Lottery start up and to realign the Lottery’s biennial independent comprehensive security audit beginning July 1, 2027.

Strengthens the Integrity of Lottery Operations

- Amends s. 24.116, F.S., to authorize Division of Security employees who are sworn law enforcement personnel to purchase lottery tickets when such purchases are deemed necessary as part of an ongoing investigation.
- Amends s. 24.118, F.S., to establish a penalty for persons who knowingly submit a false claim for payment to the department.
- Amends s. 24.118, F.S., to establish a penalty for any retailer or retailer employee who knowingly facilitates, participates in, or otherwise assists in the theft of a lottery ticket.

Removes Obsolete Statutory Language

- Amends 24.103, 24.105, 24.108, 24.111, 24.112, 24.116, and 24.118, F. S., to remove obsolete provisions referencing the startup of the Lottery or the first year of ticket sales.

3. DOES THE LEGISLATION DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? YES.

If yes, explain:	The bill would allow the Lottery to accept noncredit, cashless, forms of payment for Lottery tickets. Rulemaking is the method through which the Lottery would establish the acceptable forms of noncredit, cashless payment.
What is the expected impact to the agency's core mission?	Increased transfers to EETF.
Rule(s) impacted (provide references to F.A.C., etc.):	Rule 53ER24-54, F.A.C., may need to be amended; alternatively, a new rule may be needed.

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

List any known proponents and opponents:	N/A
Provide a summary of the proponents' and opponents' positions:	

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? NO.

If yes, provide a description:	No.
Date Due:	N/A.
Bill Section Number(s):	N/A.

6. ARE THERE ANY GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSION, ETC. REQUIRED BY THIS BILL? NO.

Board:	N/A.
Board Purpose:	N/A.
Who Appoints:	N/A.
Appointee Term:	N/A.
Changes:	N/A.
Bill Section Number(s):	N/A.

FISCAL ANALYSIS

1. WHAT IS THE FISCAL IMPACT TO LOCAL GOVERNMENT?

Revenues:	N/A.
Expenditures:	N/A.

Does the legislation increase local taxes or fees?	N/A.
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	N/A.

2. WHAT IS THE FISCAL IMPACT TO STATE GOVERNMENT?

Revenues:	The Lottery anticipates a significant positive fiscal impact related to increased transfers to the Educational Enhancement Trust Fund if the following provisions are enacted: (1) allowing lottery vending machines to accept debit cards. The Lottery also anticipates a positive fiscal impact from cost savings due to reduced time required by a third-party auditor, as well as increased flexibility and Division of Security personnel dedicated to monitoring promotional drawings.
Expenditures:	N/A
Does the legislation contain a State Government appropriation?	N/A
If yes, was this appropriated last year?	N/A

3. WHAT IS THE FISCAL IMPACT TO THE PRIVATE SECTOR?

Revenues:	Indeterminate positive fiscal impact.
Expenditures:	N/A
Other:	N/

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?

Does the bill increase taxes, fees or fines?	N/A
Does the bill decrease taxes, fees or fines?	N/A
What is the impact of the increase or decrease?	N/A.
Bill Section Number:	N/A

TECHNOLOGY IMPACT

Does the legislation impact the agency's technology systems (i.e., IT support, licensing software, data storage, etc.)?	N/A

If yes, describe the anticipated impact to the agency including any fiscal impact.	N/A

FEDERAL IMPACT

Does the legislation have a federal impact (i.e. federal compliance, federal funding, federal agency involvement, etc.)?	N/A
If yes, describe the anticipated impact including any fiscal impact.	N/A

ADDITIONAL COMMENTS

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments and recommended action:	

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL:	SB's 658 & 608
INTRODUCER:	For consideration by the Regulated Industries Committee
SUBJECT:	Water Safety Requirements for the Rental of Residential and Vacation Properties
DATE:	January 26, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Baird	Imhof	RI	**Pre-meeting**

I. Summary:

SB 658 amends s. 83.51 and 509.211, F.S., to incorporate enhanced water safety provisions governing residential rental properties and vacation rental properties.

The bill would require a landlord and a vacation rental licensee to equip a property with a water safety feature if the property is within 150 feet of a water body or a swimming pool.

The water safety feature can either be:

- An exit alarm (that has a minimum sound pressure rating of 85 dB A at 10 feet) on all doors and windows providing direct access to the water body or swimming pool; or
- A self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor on all doors providing direct access to the exterior of the dwelling unit or to an indoor swimming pool within the dwelling unit.

A landlord or licensee that is not in compliance commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 of the Florida Statutes.

The landlord or licensee will not commit a misdemeanor if:

- The violation was due to the removal or modification of any required safety feature by the tenant or guest, a member of a tenant's or guest's family, or a person on the premises of the property with a tenant's or guest's consent;
- Such removal or modification occurred without the landlord or licensee's knowledge; and
- The landlord or licensee corrects the violation within 45 days of receiving actual knowledge thereof.

The bill gives authority to the Department of Business and Professional Regulation (DBPR) to suspend or revoke a license for a vacation home and fine the licensee for noncompliance.

The bill provides an effective date of July 1, 2026.

II. Present Situation:

Landlord and Tenant Relationship

Chapter 83, F.S., which governs landlord and tenant relations, is divided into three parts:
- Part I, which governs nonresidential tenancies not governed by Part II.[1]
- Part II, the Florida Residential Landlord and Tenant Act (act), which governs residential tenancies.[2]
- Part III, the Self-Storage Facility Act, which governs self-service storage spaces.[3]

Florida Residential Landlord and Tenant Act

The act governs the rights and responsibilities of both landlords and tenants in connection with the rental of dwelling units (i.e. residential tenancies).[4] For purposes of the act, "dwelling unit" means:
- A structure or part of a structure that is rented for use as a home, residence, or sleeping place by one person or by two or more persons who maintain a common household;
- A mobile home rented by a tenant; or
- A structure or part of a structure that is furnished, with or without rent, as an incident of employment for use as a home, residence, or sleeping place by one or more persons.[5]

Notably, the act does not apply to:
- Residency or detention in a facility, whether public or private, when residence or detention is incidental to the provision of medical, geriatric, educational, counseling, religious, or similar services.
- Occupancy under a contract of sale of a dwelling unit or the property of which it is a part, in which the buyer has paid at least 12 months' rent or a contract in which the buyer has paid at least one month's rent and a deposit of at least 5 percent of the purchase price of the property.
- Transient occupancy in a hotel, condominium, motel, rooming house, or similar public lodging, or in a mobile home park.
- Occupancy by a holder of a proprietary lease in a cooperative apartment.
- Occupancy by an owner of a condominium unit.[6]

Significant provisions of the act include provisions relating to:
- Unconscionable rental agreements or provisions.[7]
- Rent and duration of tenancies.[8]
- Prohibited provisions in rental agreements.[9]

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[1] Chapter 83, Part I, F.S. (encompassing ss. 83.001-83.251, F.S.); *see also* s. 83.001, F.S. (providing same).
[2] Chapter 83, Part II, F.S. (encompassing ss. 83.40-83.683, F.S.).
[3] Chapter 83, Part III, F.S. (encompassing ss. 83.801-83.809, F.S.).
[4] Section 83.41, F.S.; *but see* s. 83.42, F.S. (excluding from the act's scope certain kinds of residencies).
[5] Section 83.43(5), F.S.; *but see* s. 83.42, F.S. (excluding certain facilities and occupancies).
[6] Section 83.42, F.S.
[7] Section 83.45, F.S.
[8] Section 83.46, F.S.
[9] Section 83.47, F.S.

- The landlord's obligation to maintain the premises.[10]
- The tenant's obligation to maintain the dwelling unit.[11]
- The landlord's access to a dwelling unit.[12]
- Termination of the tenancy.[13]
- Enforcement, damages, and attorney fees.[14]

If a landlord fails to maintain the property according to applicable laws, codes, or the lease agreement, a tenant may withhold rent until the issue is corrected,[15] terminate the lease agreement,[16] or take civil action against the landlord.[17]

The Danger of Drowning

Drowning is one of the leading causes of accidental death among children. For all ages, the current annual global estimate is 295,000 drowning deaths, although this figure is thought to underreport fatal drownings, in particular boating and disaster related drowning mortality.

Drowning disproportionately impacts children and young people, with over half of all drowning deaths occurring among people younger than 25 years old. In many countries, children under five years of age record the highest rate of fatal and non-fatal drowning, with incidents commonly occurring in swimming pools and bathtubs in high income countries and in bodies of water in and around a home in low income contexts.[18]

Drowning Deaths in Florida

Drowning deaths in Florida have consistently ranged between 350 and 500 deaths per year in the state from 2005 to present at an average rate of approximately two deaths per 100,000 population.[19] Children aged four and under, however, drown nearly three times as often with a rate of approximately six per 100,000 population.[20] Comparably, children between the ages of one and seven drown at a rate of approximately five per 100,000 population and made up 87 out of 452, or nearly 20 percent, of the drowning deaths in Florida in 2024.[21]

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[10] Section 83.51, F.S.
[11] Section 83.52, F.S.
[12] Section 83.53, F.S.
[13] Section 83.46(2) or (3), F.S., (providing for the durations of rental agreements); s, 83.57, F.S., (providing for the termination of tenancies without specific terms); s. 83.56(4), F.S., (providing additional notice requirements); and s. 83.575(1), F.S. (providing for the termination of tenancies with specific terms).
[14] Section 83.54, F.S., (providing for the enforcement of rights and duties); s. 83.48, F.S., (providing for attorney fees); s. 83.55, F.S. (providing a right of recovery for damages).
[15] Section 83.60, F.S.
[16] Section 83.56, F.S.
[17] Section 83.54, F.S.
[18] Peden AE, Franklin RC. Learning to Swim: An Exploration of Negative Prior Aquatic Experiences among Children. Int J Environ Res Public Health, May 19, 2020, available at https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7277817/ (last visited Jan. 23, 2026).
[19] Florida Health Charts, Deaths from Unintentional Drowning, available at https://www.flhealthcharts.gov/ChartsDashboards/rdPage.aspx?rdReport=Death.DataViewer&cid=0105, (last visited Jan. 23, 2026).
[20] *Id.* (Rate type changed to "crude" and age range selected from "0 to 4").
[21] *Id.*

Swimming Safety Laws in Florida

In 2000, upon finding that drowning was the leading cause of death of young children in Florida, as well as a significant cause of death for medically frail elderly persons, the Legislature enacted ch. 515, F.S., the Residential Swimming Pool Safety Act (pool safety act).[22] The pool safety act provides that all new residential swimming pools, spas, and hot tubs must be equipped with at least one pool safety feature to protect children under age six, and medically frail elderly persons, defined as those who are at least 65 years of age with a medical problem that affects balance, vision, or judgment.[23]

In Florida, certain certified pool alarms were added in 2016 as a method to meet the required pool safety features for new residential swimming pools.[24] In addition, the Legislature exempted the following entities, pools, structures, and operations from the requirements of the pool safety act:

- Sumps, irrigation canals, or irrigation flood control or drainage works constructed or operated to store, deliver, or distribute water;
- Agricultural stock ponds, storage tanks, livestock operations, livestock watering troughs, or other structures;
- Public swimming pools;[25]
- Any political subdivision that has adopted or adopts a residential pool safety ordinance that is equal to or more stringent than the provisions of the pool safety act (ch. 515, F.S.);
- Any portable spa with a safety cover;[26] and
- Small, temporary pools without motors (*i.e.*, kiddie pools).

Requirements for Pool Safety Features for New Residential Swimming Pools

Section 515.27(1), F.S., provides the requirements a new residential swimming pool must meet in order to pass its final inspection and receive a certification of completion. At least one of the following pool safety features must be in place:

- The pool must be isolated from access to a home by an enclosure that meets certain pool barrier requirements (discussed below);
- The pool must be equipped with an approved safety pool cover;[27]

[22] *See* ch. 2000-143, Laws of Fla. (creating ch. 515, F.S., effective Oct. 1, 2000).
[23] Section 515.25, F.S. Such problems include, but are not limited to, a heart condition, diabetes, or Alzheimer's disease or any related disorder.
[24] *See* ch. 2016-129, s. 14, Laws of Fla.
[25] Section 515.25(9), F.S., defines "public swimming pool" to mean a swimming pool operated with or without charge for the use of the general public (but not a pool located on the grounds of a private residence), as defined in s. 514.011(2), F.S. For comparison, s. 514.011(3), F.S., defines a "private pool" to mean a facility used only by an individual, family, or living unit members and their guests which does not serve any type of cooperative housing or joint tenancy of five or more living units.
[26] The pool cover must comply with ASTM F1346-91 (Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs), issued by the American Society for Testing and Materials (ASTM). *See* https://www.astm.org/Standards/F1346.htm (last visited Jan. 23, 2026), which provides an abstract of the specification that is available for purchase from ASTM.
[27] An "approved safety pool cover" means a manually or power-operated pool cover that meets all of the standards of the American Society for Testing and Materials, in compliance with standard F1246-91. *See* s. 515.25(1), F.S.

- All doors and windows providing direct access from the home to the pool must be equipped with an exit alarm with a minimum sound pressure rating of 85 decibels at 10 feet;[28]
- All doors providing access from the home to the pool must have a self-closing, self-latching device, and the release mechanism must be more than 54 inches above the floor; or
- There is a pool alarm that, when placed in a pool, sounds an alarm upon detection of an accidental or unauthorized entrance into the water, and the alarm meets and is independently certified to meet safety specifications for residential pool alarms.[29] Personal swimming protection alarm devices (e.g., alarm devices that attach to a child and are triggered if a child exceeds a certain distance or becomes submerged in water), do not meet the pool alarm requirement.

Residential Swimming Pool Barrier Requirements

The term "barrier" is defined in s. 515.25(2), F.S., to mean a fence, dwelling wall, or non-dwelling wall, or any combination, which completely surrounds a swimming pool and obstructs access to the pool, especially access from the residence or from the yard outside the barrier.

Section 515.29(1), F.S., provides a residential swimming pool barrier must:
- Be at least 4 feet high on the outside;
- Not have any gaps or components that could allow a child under the age of six to crawl under, squeeze through, or climb over the barrier;
- Be placed around the pool's perimeter, separate from any fence, wall, or other enclosure surrounding the yard, unless the fence, wall, or other enclosure or any portion on the perimeter of the pool, is being used as part of the barrier, and meets all other barrier requirements; and
- Be placed sufficiently away from the water's edge to prevent a child under the age of six or a medically frail elderly person who may have managed to penetrate the barrier from immediately falling into the water.

Gates that provide access to residential swimming pools must:
- Open outward away from the pool and be self-closing; and
- Be equipped with a self-latching locking device, with a release mechanism on the pool side of the gate, placed that it cannot be reached by a child under the age of six, either over the top or through any opening or gap.[30]

A dwelling wall may be part of barrier if the wall has no door or window opening providing access to the pool, but a barrier may not be located in a way that allows any permanent structure, equipment, or similar object to be used for climbing the barrier.[31]

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[28] The exit alarm must make continuous alarm sounds when any door or window with access to the pool area is opened or left ajar; at a level of 85 decibels (85 dbA, using A-weighted sounds), the alarm would sound louder than a passing freight train passing 100 feet away, which has a typical sound level of 80 dbA. *See* s. 515.25(4), F.S., and https://www.osha.gov/dts/osta/otm/new_noise/index.html#decibles (last visited Jan. 23, 2026).

[29] The alarm must meet and be certified to ASTM Standard F2208, titled "Standard Safety Specification for Residential Pool Alarms" issued by the ASTM. *See* https://www.astm.org/Standards/F2208.htm (last visited Jan. 23, 2026), which provides an abstract of the specification that is available for purchase from ASTM.

[30] Section 515.29(3), F.S.

[31] Sections 515.29(4) and (5), F.S.

For an aboveground residential swimming pool, the barrier may be the pool's structure itself or may be mounted on top of the pool's structure, but any such barrier must meet all barrier requirements in s. 515.29, F.S., as described above.[32] In addition, any ladder or steps accessing an aboveground pool must be able to be secured, locked, or removed to prevent access or must themselves be surrounded by a barrier meeting all safety requirements.[33]

Penalties for Noncompliance with Requirements for Safety Features for New[34] Residential Swimming Pools

Section 515.27(2), F.S., provides that a person who fails to equip a new residential swimming pool with at least one of the required pool safety features commits a second degree misdemeanor.[35] No penalty may be imposed if, within 45 days after arrest or issuance of a summons or a notice to appear, the person equips the pool with one of the required safety features and has attended a drowning prevention education program, if such a program is offered, within 45 days of the citation.[36]

The drowning prevention education program required by s. 515.31, F.S., was adopted by rule of the Department of Health (DOH) in 2001 for persons in violation of the pool safety requirements in the 1995 American Red Cross Community Water Safety Course.[37] An updated course is available from the American Red Cross.[38] The DOH also adopted by rule the 1994 U.S. Consumer Product Safety Commission publication Number 362, Safety Barrier Guidelines for Residential Home Pools.[39]

Vacation Rentals

The Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR) is the state agency charged with enforcing the provisions of ch. 509, F.S., relating to the regulation of public lodging establishments and public food service establishments for the purpose of protecting the public health, safety, and welfare.

A public lodging establishment is classified as a hotel, motel, vacation rental, non-transient apartment, transient apartment, bed and breakfast inn, or timeshare project if the establishment satisfies specified criteria.[40]

A "vacation rental" is defined in s. 509.242(1)(c), F.S., as:

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[32] Section 515.29(2), F.S.
[33] *Id*.
[34] Chapter 2000-143, Laws of Fla., established the "Preston de Ibern/McKenzie Merriam Residential Swimming Pool Safety Act" with an effective date of October 1, 2000. Penalties apply to residential swimming pools built after that date.
[35] Section 775.082, F.S., provides a misdemeanor of the second degree is punishable by a term of imprisonment not to exceed 60 days. Section 775.083, F.S., provides a misdemeanor of the second degree is punishable by a fine not to exceed $500.
[36] *See* s. 515.27(2), F.S.
[37] *See* Fla. Admin. Code R. 64E-21.001 (2025) at https://www.flrules.org/gateway/ruleNo.asp?id=64E-21.001 (last visited Jan. 23, 2026).
[38] *See* https://www.nspf.org/training or https://www.redcross.org/get-help/how-to-prepare-for-emergencies/types-of-emergencies/water-safety/home-pool-safety.html (last visited Jan. 23, 2026).
[39] *See* Fla. Admin. Code R. 64E-21.001(2) (2025) at https://www.flrules.org/gateway/ruleNo.asp?id=64E-21.001 and https://www.cpsc.gov/s3fs-public/362%20Safety%20Barrier%20Guidelines%20for%20Pools.pdf (last visited Jan. 23, 2026).
[40] Section 509.242(1), F.S.

> …any unit or group of units in a condominium, cooperative, or timeshare plan or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but is not a timeshare project.

The DBPR licenses vacation rentals as condominiums, dwellings, or timeshare projects.[41] The division may issue a vacation rental license for "a single-family house, a townhouse, or a unit or group of units in a duplex, triplex, quad plex, or other dwelling unit that has four or less units collectively."[42]

According to the DBPR, there are a total of 168,983 licensed vacation rentals in Florida.[43]

Safety Requirements for Vacation Rentals

Vacation rentals must adhere to the safety regulations laid out in ch. 509, F.S., they are as follows:[44]

- At least one (1) approved locking device is required that cannot be opened by a non-master guest room key on all outside and connecting doors. Cannot be a sliding chain or hook and eye type of locking device.
- A current Certificate of Balcony Inspection (DBPR HR 7020) must be filed with the division every three years, unless exterior balconies and stairwells are "common" elements of a condominium. (For exemption to this requirement, the licensee must provide proof to the division that these areas are common elements.)[45]
- Railings shall be installed on all stairways and around all porches and steps.
- Heating and ventilation must be kept in good repair or installed to maintain a minimum of 68 degrees Fahrenheit throughout the building.
- Boiler Certificate required, if needed. (Not required if boiler is located in common area.) A water heating device is considered a boiler if it exceeds any one of the following limits: maximum heat input of 400,000 BTUH; water temperature of 210 degrees Fahrenheit; water capacity of 120 gallons.
- High hazard areas like boiler rooms and laundry rooms shall be kept clean and free of debris and flammables.
- Smoke alarms must be installed in every living unit.

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[41] Fla. Admin. Code R. 61C-1.002(4)(a)1.

[42] The division further classifies a vacation rental license as a single, group, or collective license. *See* Fla. Admin. Code R. 61C-1.002(4)(a)1. A single license may include one single-family house or townhouse, or a unit or group of units within a single building that are owned and operated by the same individual person or entity. A group license is a license issued by the division to a licensed agent to cover all units within a building or group of buildings in a single complex. A collective license is a license issued by the division to a licensed agent who represents a collective group of houses or units found on separate locations not to exceed 75 houses or units per license.

[43] Email from Sam Kerce, Chief of Staff, DBPR, to Steven Baird, Staff Attorney, Florida Senate, (Jan. 23, 2026) (on file with the Florida Senate Committee on Regulated Industries).

[44] The Division of Hotels and Restaurants, *Guide to Vacation Rentals and Timeshare Projects for Florida's Public Lodging Establishments*, Jan. 2022, available at https://www2.myfloridalicense.com/hr/forms/documents/5025_753.pdf (last visited Jan. 23, 2026).

[45] The balcony certificate is available from the Division of Hotels and Restaurants website at http://www.myfloridalicense.com/; by email request submitted at http://www.myfloridalicense.com/contactus/; or by phone request to 850.487.1395.

- Electrical wiring must be in good repair.
- A fire extinguisher must be present, properly charged and accessible.
- If present, fire alarm panel must have power and be maintained.
- Automatic fire sprinklers may be required in Vacation Rental condominiums if the majority of the rental units are located within a single building of three stories or more or greater than 75 feet in height. (If 50% or fewer of the units within the building are rented transiently, a fire sprinkler system is not required.)
- Specialized smoke alarms for the hearing impaired shall be available at a rate of one per every fifty rental units with a maximum of five required.
- Specialized smoke alarms for the hearing impaired shall be available upon request without charge.
- Must meet all local fire authority requirements.

Inspections of Vacation Rentals

The division must inspect each licensed public lodging establishment at least biannually, but must inspect transient and non-transient apartments at least annually. However, the division is not required to inspect vacation rentals, but vacation rentals must be available for inspection upon a request to the division.[46]

The division conducts inspections of vacation rentals in response to a consumer complaint. In Fiscal Year 2024-2025, the division received 252 consumer complaints regarding vacation rentals. In response to the complaints, the division's inspection confirmed a violation for 27 of the complaints.[47]

The division's inspection of vacation rentals includes matters of safety (for example, fire hazards, smoke detectors, and boiler safety), sanitation (for example, safe water sources, bedding, and vermin control), consumer protection (for example, unethical business practices, compliance with the Florida Clean Air Act, and maintenance of a guest register), and other general safety and regulatory matters.[48] The division must notify the local fire safety authority or the State Fire Marshal of any readily observable violation of a rule adopted under ch. 633, F.S.,[49] which relates to a public lodging establishment.[50] The rules of the State Fire Marshall provide fire safety standards for transient public lodging establishments, including occupancy limits for one and two family dwellings.[51]

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[46] Section 509.032(2)(a), F.S.
[47] DBPR, Division of Hotels and Restaurants Annual Report for FY 2024-2025 at page 14, available https://www2.myfloridalicense.com/hr/reports/annualreports/documents/ar2024_25.pdf, (last visited Jan. 23, 2026).
[48] *See* ss. 509.211 and 509.221, F.S., for the safety and sanitary regulations, respectively. *See also* Fla. Admin. Code R. 61C-1.002; *Lodging Inspection Report, DBPR Form HR 5022-014*, which details the safety and sanitation matters addressed in the course of an inspection. A copy of the Lodging Inspection Report is available at: https://www.flrules.org/Gateway/reference.asp?No=Ref-07062 (last visited Jan. 23, 2026).
[49] Chapter 633, F.S., relates to fire prevention and control, including the duties of the State Fire Marshal and the adoption of the Florida Fire Prevention Code.
[50] Section 509.032(2)(d), F.S.
[51] *See* Fla. Admin. Code R. 69A-43.018, relating to one and two family dwellings, recreational vehicles and mobile homes licensed as public lodging establishments.

Additionally, an applicant for a vacation rental license is required to submit with the license application a signed certificate evidencing the inspection of all balconies, platforms, stairways, railings, and railways, from a person competent to conduct such inspections.[52]

Preemption

Section 509.032(7)(a), F.S., provides that "the regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, inspections, training and testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state."

Current law does not preempt the authority of a local government or a local enforcement district to conduct inspections of public lodging establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.206, F.S.[53]

Section 509.032(7)(b), F.S., does not allow local laws, ordinances, or regulations that prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. However, this prohibition does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

III. Effect of Proposed Changes:

Landlord and Tenant

Section 1 of the bill amends s. 83.51, F.S., to include a new obligation that a landlord owes to a tenant in maintaining the premises.

A landlord will now need to ensure that, if there exists within 150 feet of the dwelling unit a water body or a swimming pool, either:

- All doors and windows providing direct access to the exterior of the dwelling unit or to an indoor swimming pool within the dwelling unit are equipped with an exit alarm that has a minimum sound pressure rating of 85 dB A at 10 feet; or
- All doors providing direct access to the exterior of the dwelling unit or to an indoor swimming pool within the dwelling unit are equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor.

A "swimming pool" has the same meaning as in s. 515.25, F.S., which means any structure, located in a residential area, that is intended for swimming or recreational bathing and contains water over 24 inches deep, including but not limited to, in-ground, above-ground, and on-ground swimming pools, hot tubs, and nonportable spas.

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[52] *See* ss. 509.211(3) and 509.2112, F.S., and form *DBPR HR-7020, Division of Hotels and Restaurants Certificate of Balcony Inspection*, available at: http://www.myfloridalicense.com/dbpr/hr/forms/documents/application_packet_for_vacation_rental_license.pdf (last visited Jan 22, 2026).

[53] Section 509.032(7)(a), F.S.

A "water body" means any water or body of water regularly at a depth of at least 24 inches at its deepest point. However, the term does not include underground water that cannot be accessed by individuals from an access point located within 150 feet of the dwelling unit.

A landlord who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, except that it is not a violation of this subsection if:

- The violation is due to the removal or modification of any safety feature required by paragraph (a) by the tenant, a member of the tenant's family, or a person on the premises with the tenant's consent;
- Such removal or modification occurred without the landlord's knowledge; and
- The landlord corrects the violation within 45 days of receiving actual knowledge thereof.

A landlord is not responsible to the tenant under this section for conditions created or caused by the negligent or wrongful act or omission of the tenant, a member of the tenant's family, or a other person on the premises with the tenant's consent, including the removal or modification of any safety features required by the tenant, a member of the tenant's family, or a person on the premises with the tenant's consent.

Vacation Rentals

Section 2 of the bill amends s. 509.211, F.S., to provide a new safety regulation that licensed vacation rental properties must adhere to.

A licensee of a vacation rental must ensure, if the vacation rental is within 150 feet of a water body or a swimming pool, that either:

- All doors and windows providing direct access to the exterior of the dwelling unit or to an indoor swimming pool within the dwelling unit are equipped with an exit alarm that has a minimum sound pressure rating of 85 dB A at 10 feet; or
- All doors providing direct access to the exterior of the dwelling unit or to an indoor swimming pool within the dwelling unit are equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor.

A "swimming pool" has the same meaning as in s. 515.25, F.S., which means any structure, located in a residential area, that is intended for swimming or recreational bathing and contains water over 24 inches deep, including but not limited to, in-ground, above-ground, and on-ground swimming pools, hot tubs, and nonportable spas.

A "water body" means any water or body of water regularly at a depth of at least 24 inches at its deepest point. However, the term does not include underground water that cannot be accessed by individuals from an access point located within 150 feet of the dwelling unit.

A licensee who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, F.S., except that it is not a violation of this subsection if:

- The violation is due to the removal or modification of any safety feature required by a guest, a member of a guest's family, or a person on the premises of the rental unit with a guest's consent;
- Such removal or modification occurred without the licensee's knowledge; and
- The licensee corrects the violation within 45 days of receiving actual knowledge thereof.

The bill gives authority to the Department of Business and Professional Regulation (DBPR) to suspend or revoke a license for a vacation home and fine the licensee for noncompliance.

Section 3 of the bill provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The proposed requirements may strain existing agency resources, possibly requiring additional budgetary allocations for enforcement and compliance monitoring.

The DBPR, through an email from Chief of Staff Sam Kerce on file with the Florida Senate Committee on Regulated Industries stated:

> "[t]here is an indeterminate, but sizeable number of vacation rentals that will need to follow these requirements. If even a small portion led to complaints, this will be a significant increase in inspections and potential administrative action needed. The Department estimates a need of two additional FTE to help offset the potential workload. A total of $137k recurring cost for S&B and an additional $32k non-recurring for the purchase of a vehicle for the inspector and other expenses."

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 83.51 and 509.211 of the Florida Statutes:

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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580-02099-26

Proposed Committee Substitute by the Committee on Regulated Industries

A bill to be entitled

An act relating to water safety requirements for the rental of residential and vacation properties; amending s. 83.51, F.S.; requiring a landlord to equip certain rental properties with specified water safety features; providing criminal penalties; providing an exception; defining the terms "swimming pool" and "water body"; conforming a provision to changes made by the act; amending s. 509.211, F.S.; requiring a public lodging establishment licensed as a vacation rental to equip certain rental units with specified water safety features; providing criminal penalties; providing an exception; defining terms; providing construction; providing an effective date.

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

Section 1. Present subsection (4) of section 83.51, Florida Statutes, is redesignated as subsection (5) and amended, and a new subsection (4) is added to that section, to read:

83.51 Landlord's obligation to maintain premises.—

(4)(a) At all times during a tenancy, if a water body that is not a swimming pool exists within 150 feet of the dwelling unit, the landlord must ensure that either:

1. All doors and windows providing direct access to the exterior of the dwelling unit are equipped with an exit alarm that has a minimum sound pressure rating of 85 dB A at 10 feet;

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or

2. All doors providing direct access to the exterior of the dwelling unit are equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor.

(b) If the dwelling unit has a swimming pool on its premises, the landlord must ensure that the dwelling unit is equipped with at least one pool safety feature as described in s. 515.27(1).

(c) A landlord who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, except that it is not a violation of this subsection if:

1. The violation is due to the removal or modification of any safety feature required in paragraph (a) by the tenant, a member of the tenant's family, or a person on the premises with the tenant's consent;

2. Such removal or modification occurred without the landlord's knowledge; and

3. The landlord corrects the violation within 45 days after receiving actual knowledge thereof.

(d) For the purposes of this subsection, the term:

1. "Swimming pool" has the same meaning as in s. 515.25.

2. "Water body" means any water or body of water regularly at a depth of at least 24 inches at its deepest point. The term does not include underground water that cannot be accessed by individuals from an access point located within 150 feet of the dwelling unit.

(5) ~~(4)~~ The landlord is not responsible to the tenant under

this section for conditions created or caused by the negligent or wrongful act or omission of the tenant, a member of the tenant's family, or a ~~other~~ person on the premises with the tenant's consent, including the removal or modification of any safety features required under subsection (4) by the tenant, a member of the tenant's family, or a person on the premises with the tenant's consent.

Section 2. Subsection (6) is added to section 509.211, Florida Statutes, to read:

509.211 Safety regulations.—

(6)(a) If a public lodging establishment licensed as a vacation rental has a water body within 150 feet of the rental unit which is not a swimming pool, the licensee must ensure that:

1. All doors and windows providing direct access to the exterior of the rental unit are equipped with an exit alarm that has a minimum sound pressure rating of 85 dB A at 10 feet; or

2. All doors providing direct access to the exterior of the rental unit are equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor.

(b) If a public lodging establishment licensed as a vacation rental has a swimming pool on its premises, the licensee must ensure that the rental unit is equipped with at least one pool safety feature as described in s. 515.27(1).

(c) The department may suspend or revoke the license and fine the licensee for noncompliance with this subsection.

(d) A licensee who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s.

775.082 or s. 775.083, except that it is not a violation of this subsection if:

1. The violation is due to the removal or modification of any safety feature required under paragraph (a) or paragraph (b) by a guest, a member of a guest's family, or a person on the premises of the rental unit with a guest's consent;

2. Such removal or modification occurred without the licensee's knowledge; and

3. The licensee corrects the violation within 45 days after receiving actual knowledge thereof.

(e) For the purposes of this subsection:

1. "Swimming pool" has the same meaning as in s. 515.25.

2. "Vacation rental" has the same meaning as in s. 509.242(1)(c).

3. "Water body" means any water or body of water regularly at a depth of at least 24 inches at its deepest point. The term does not include underground water that cannot be accessed by individuals from an access point located within 150 feet of the rental unit.

(f) This subsection may not be construed to prevent a local government from imposing additional requirements to those specified in this section.

Section 3. This act shall take effect July 1, 2026.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL:	SB 658
INTRODUCER:	Senator Burgess
SUBJECT:	Water Safety Requirements for the Rental of Residential Property
DATE:	January 26, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Baird	Imhof	RI	**Pre-meeting**
2.			CA	
3.			RC	

I. Summary:

SB 658 amends s. 83.51 and 509.211, F.S., to incorporate enhanced water safety provisions governing residential rental properties and vacation rental properties.

The bill would require a landlord and a vacation rental licensee to equip a property with a water safety feature if the property is within 150 feet of a water body or a swimming pool.

The water safety feature can either be:

- An exit alarm (that has a minimum sound pressure rating of 85 dB A at 10 feet) on all doors and windows providing direct access to the water body or swimming pool; or
- A self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor on all doors providing direct access to the exterior of the dwelling unit or to an indoor swimming pool within the dwelling unit.

A landlord or licensee that is not in compliance commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 of the Florida Statutes.

The landlord or licensee will not commit a misdemeanor if:

- The violation was due to the removal or modification of any required safety feature by the tenant or guest, a member of a tenant's or guest's family, or a person on the premises of the property with a tenant's or guest's consent;
- Such removal or modification occurred without the landlord or licensee's knowledge; and
- The landlord or licensee corrects the violation within 45 days of receiving actual knowledge thereof.

The bill provides an effective date of July 1, 2026.

II. Present Situation:

Landlord and Tenant Relationship

Chapter 83, F.S., which governs landlord and tenant relations, is divided into three parts:
- Part I, which governs nonresidential tenancies not governed by Part II.[1]
- Part II, the Florida Residential Landlord and Tenant Act (act), which governs residential tenancies.[2]
- Part III, the Self-Storage Facility Act, which governs self-service storage spaces.[3]

Florida Residential Landlord and Tenant Act

The act governs the rights and responsibilities of both landlords and tenants in connection with the rental of dwelling units (i.e. residential tenancies).[4] For purposes of the act, "dwelling unit" means:
- A structure or part of a structure that is rented for use as a home, residence, or sleeping place by one person or by two or more persons who maintain a common household;
- A mobile home rented by a tenant; or
- A structure or part of a structure that is furnished, with or without rent, as an incident of employment for use as a home, residence, or sleeping place by one or more persons.[5]

Notably, the act does not apply to:
- Residency or detention in a facility, whether public or private, when residence or detention is incidental to the provision of medical, geriatric, educational, counseling, religious, or similar services.
- Occupancy under a contract of sale of a dwelling unit or the property of which it is a part, in which the buyer has paid at least 12 months' rent or a contract in which the buyer has paid at least one month's rent and a deposit of at least 5 percent of the purchase price of the property.
- Transient occupancy in a hotel, condominium, motel, rooming house, or similar public lodging, or in a mobile home park.
- Occupancy by a holder of a proprietary lease in a cooperative apartment.
- Occupancy by an owner of a condominium unit.[6]

Significant provisions of the act include provisions relating to:
- Unconscionable rental agreements or provisions.[7]
- Rent and duration of tenancies.[8]
- Prohibited provisions in rental agreements.[9]

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[1] Chapter 83, Part I, F.S. (encompassing ss. 83.001-83.251, F.S.); *see also* s. 83.001, F.S. (providing same).
[2] Chapter 83, Part II, F.S. (encompassing ss. 83.40-83.683, F.S.).
[3] Chapter 83, Part III, F.S. (encompassing ss. 83.801-83.809, F.S.).
[4] Section 83.41, F.S.; *but see* s. 83.42, F.S. (excluding from the act's scope certain kinds of residencies).
[5] Section 83.43(5), F.S.; *but see* s. 83.42, F.S. (excluding certain facilities and occupancies).
[6] Section 83.42, F.S.
[7] Section 83.45, F.S.
[8] Section 83.46, F.S.
[9] Section 83.47, F.S.

- The landlord's obligation to maintain the premises.[10]
- The tenant's obligation to maintain the dwelling unit.[11]
- The landlord's access to a dwelling unit.[12]
- Termination of the tenancy.[13]
- Enforcement, damages, and attorney fees.[14]

If a landlord fails to maintain the property according to applicable laws, codes, or the lease agreement, a tenant may withhold rent until the issue is corrected,[15] terminate the lease agreement,[16] or take civil action against the landlord.[17]

The Danger of Drowning

Drowning is one of the leading causes of accidental death among children. For all ages, the current annual global estimate is 295,000 drowning deaths, although this figure is thought to underreport fatal drownings, in particular boating and disaster related drowning mortality.

Drowning disproportionately impacts children and young people, with over half of all drowning deaths occurring among people younger than 25 years old. In many countries, children under five years of age record the highest rate of fatal and non-fatal drowning, with incidents commonly occurring in swimming pools and bathtubs in high income countries and in bodies of water in and around a home in low-income contexts.[18]

Drowning Deaths in Florida

Drowning deaths in Florida have consistently ranged between 350 and 500 deaths per year in the state from 2005 to present at an average rate of approximately two deaths per 100,000 population.[19] Children aged four and under, however, drown nearly three times as often with a rate of approximately six per 100,000 population.[20] Comparably, children between the ages of one and seven drown at a rate of approximately five per 100,000 population and made up 87 out of 452, or nearly 20 percent, of the drowning deaths in Florida in 2024.[21]

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[10] Section 83.51, F.S.
[11] Section 83.52, F.S.
[12] Section 83.53, F.S.
[13] Section 83.46(2) or (3), F.S., (providing for the durations of rental agreements); s, 83.57, F.S., (providing for the termination of tenancies without specific terms); s. 83.56(4), F.S., (providing additional notice requirements); and s. 83.575(1), F.S. (providing for the termination of tenancies with specific terms).
[14] Section 83.54, F.S., (providing for the enforcement of rights and duties); s. 83.48, F.S., (providing for attorney fees); s. 83.55, F.S. (providing a right of recovery for damages).
[15] Section 83.60, F.S.
[16] Section 83.56, F.S.
[17] Section 83.54, F.S.
[18] Peden AE, Franklin RC. Learning to Swim: An Exploration of Negative Prior Aquatic Experiences among Children. Int J Environ Res Public Health, May 19, 2020, available at https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7277817/ (last visited Jan. 23, 2026).
[19] Florida Health Charts, Deaths from Unintentional Drowning, available at https://www.flhealthcharts.gov/ChartsDashboards/rdPage.aspx?rdReport=Death.DataViewer&cid=0105, (last visited Jan. 23, 2026).
[20] *Id.* (Rate type changed to "crude" and age range selected from "0 to 4").
[21] *Id.*

Swimming Safety Laws in Florida

In 2000, upon finding that drowning was the leading cause of death of young children in Florida, as well as a significant cause of death for medically frail elderly persons, the Legislature enacted ch. 515, F.S., the Residential Swimming Pool Safety Act (pool safety act).[22] The pool safety act provides that all new residential swimming pools, spas, and hot tubs must be equipped with at least one pool safety feature to protect children under age six, and medically frail elderly persons, defined as those who are at least 65 years of age with a medical problem that affects balance, vision, or judgment.[23]

In Florida, certain certified pool alarms were added in 2016 as a method to meet the required pool safety features for new residential swimming pools.[24] In addition, the Legislature exempted the following entities, pools, structures, and operations from the requirements of the pool safety act:

- Sumps, irrigation canals, or irrigation flood control or drainage works constructed or operated to store, deliver, or distribute water;
- Agricultural stock ponds, storage tanks, livestock operations, livestock watering troughs, or other structures;
- Public swimming pools;[25]
- Any political subdivision that has adopted or adopts a residential pool safety ordinance that is equal to or more stringent than the provisions of the pool safety act (ch. 515, F.S.);
- Any portable spa with a safety cover;[26] and
- Small, temporary pools without motors (*i.e.*, kiddie pools).

Requirements for Pool Safety Features for New Residential Swimming Pools

Section 515.27(1), F.S., provides the requirements a new residential swimming pool must meet in order to pass its final inspection and receive a certification of completion. At least one of the following pool safety features must be in place:

- The pool must be isolated from access to a home by an enclosure that meets certain pool barrier requirements (discussed below);
- The pool must be equipped with an approved safety pool cover;[27]

[22] *See* ch. 2000-143, Laws of Fla. (creating ch. 515, F.S., effective Oct. 1, 2000).
[23] Section 515.25, F.S. Such problems include, but are not limited to, a heart condition, diabetes, or Alzheimer's disease or any related disorder.
[24] *See* ch. 2016-129, s. 14, Laws of Fla.
[25] Section 515.25(9), F.S., defines "public swimming pool" to mean a swimming pool operated with or without charge for the use of the general public (but not a pool located on the grounds of a private residence), as defined in s. 514.011(2), F.S. For comparison, s. 514.011(3), F.S., defines a "private pool" to mean a facility used only by an individual, family, or living unit members and their guests which does not serve any type of cooperative housing or joint tenancy of five or more living units.
[26] The pool cover must comply with ASTM F1346-91 (Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs), issued by the American Society for Testing and Materials (ASTM). *See* https://www.astm.org/Standards/F1346.htm (last visited Jan. 23, 2026), which provides an abstract of the specification that is available for purchase from ASTM.
[27] An "approved safety pool cover" means a manually or power-operated pool cover that meets all of the standards of the American Society for Testing and Materials, in compliance with standard F1246-91. *See* s. 515.25(1), F.S.

- All doors and windows providing direct access from the home to the pool must be equipped with an exit alarm with a minimum sound pressure rating of 85 decibels at 10 feet;[28]
- All doors providing access from the home to the pool must have a self-closing, self-latching device, and the release mechanism must be more than 54 inches above the floor; or
- There is a pool alarm that, when placed in a pool, sounds an alarm upon detection of an accidental or unauthorized entrance into the water, and the alarm meets and is independently certified to meet safety specifications for residential pool alarms.[29] Personal swimming protection alarm devices (e.g., alarm devices that attach to a child and are triggered if a child exceeds a certain distance or becomes submerged in water), do not meet the pool alarm requirement.

Residential Swimming Pool Barrier Requirements

The term "barrier" is defined in s. 515.25(2), F.S., to mean a fence, dwelling wall, or nondwelling wall, or any combination, which completely surrounds a swimming pool and obstructs access to the pool, especially access from the residence or from the yard outside the barrier.

Section 515.29(1), F.S., provides a residential swimming pool barrier must:

- Be at least 4 feet high on the outside;
- Not have any gaps or components that could allow a child under the age of six to crawl under, squeeze through, or climb over the barrier;
- Be placed around the pool's perimeter, separate from any fence, wall, or other enclosure surrounding the yard, unless the fence, wall, or other enclosure or any portion on the perimeter of the pool, is being used as part of the barrier, and meets all other barrier requirements; and
- Be placed sufficiently away from the water's edge to prevent a child under the age of six or a medically frail elderly person who may have managed to penetrate the barrier from immediately falling into the water.

Gates that provide access to residential swimming pools must:

- Open outward away from the pool and be self-closing; and
- Be equipped with a self-latching locking device, with a release mechanism on the pool side of the gate, placed that it cannot be reached by a child under the age of six, either over the top or through any opening or gap.[30]

[28] The exit alarm must make continuous alarm sounds when any door or window with access to the pool area is opened or left ajar; at a level of 85 decibels (85 dbA, using A-weighted sounds), the alarm would sound louder than a passing freight train passing 100 feet away, which has a typical sound level of 80 dbA. *See* s. 515.25(4), F.S., and https://www.osha.gov/dts/osta/otm/new_noise/index.html#decibles (last visited Jan. 23, 2026).

[29] The alarm must meet and be certified to ASTM Standard F2208, titled "Standard Safety Specification for Residential Pool Alarms" issued by the ASTM. *See* https://www.astm.org/Standards/F2208.htm (last visited Jan. 23, 2026), which provides an abstract of the specification that is available for purchase from ASTM.

[30] Section 515.29(3), F.S.

A dwelling wall may be part of barrier if the wall has no door or window opening providing access to the pool, but a barrier may not be located in a way that allows any permanent structure, equipment, or similar object to be used for climbing the barrier.[31]

For an aboveground residential swimming pool, the barrier may be the pool's structure itself or may be mounted on top of the pool's structure, but any such barrier must meet all barrier requirements in s. 515.29, F.S., as described above.[32] In addition, any ladder or steps accessing an aboveground pool must be able to be secured, locked, or removed to prevent access or must themselves be surrounded by a barrier meeting all safety requirements.[33]

Penalties for Noncompliance with Requirements for Safety Features for New[34] Residential Swimming Pools

Section 515.27(2), F.S., provides that a person who fails to equip a new residential swimming pool with at least one of the required pool safety features commits a second degree misdemeanor.[35] No penalty may be imposed if, within 45 days after arrest or issuance of a summons or a notice to appear, the person equips the pool with one of the required safety features and has attended a drowning prevention education program, if such a program is offered, within 45 days of the citation.[36]

The drowning prevention education program required by s. 515.31, F.S., was adopted by rule of the Department of Health (DOH) in 2001 for persons in violation of the pool safety requirements in the 1995 American Red Cross Community Water Safety Course.[37] An updated course is available from the American Red Cross.[38] The DOH also adopted by rule the 1994 U.S. Consumer Product Safety Commission publication Number 362, Safety Barrier Guidelines for Residential Home Pools.[39]

Vacation Rentals

The Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR) is the state agency charged with enforcing the provisions of ch. 509, F.S., relating to the regulation of public lodging establishments and public food service establishments for the purpose of protecting the public health, safety, and welfare.

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[31] Sections 515.29(4) and (5), F.S.
[32] Section 515.29(2), F.S.
[33] *Id*.
[34] Chapter 2000-143, Laws of Fla., established the "Preston de Ibern/McKenzie Merriam Residential Swimming Pool Safety Act" with an effective date of October 1, 2000. Penalties apply to residential swimming pools built after that date.
[35] Section 775.082, F.S., provides a misdemeanor of the second degree is punishable by a term of imprisonment not to exceed 60 days. Section 775.083, F.S., provides a misdemeanor of the second degree is punishable by a fine not to exceed $500.
[36] *See* s. 515.27(2), F.S.
[37] *See* Fla. Admin. Code R. 64E-21.001 (2025) at https://www.flrules.org/gateway/ruleNo.asp?id=64E-21.001 (last visited Jan. 23, 2026).
[38] *See* https://www.nspf.org/training or https://www.redcross.org/get-help/how-to-prepare-for-emergencies/types-of-emergencies/water-safety/home-pool-safety.html (last visited Jan. 23, 2026).
[39] *See* Fla. Admin. Code R. 64E-21.001(2) (2025) at https://www.flrules.org/gateway/ruleNo.asp?id=64E-21.001 and https://www.cpsc.gov/s3fs-public/362%20Safety%20Barrier%20Guidelines%20for%20Pools.pdf (last visited Jan. 23, 2026).

A public lodging establishment is classified as a hotel, motel, vacation rental, non-transient apartment, transient apartment, bed and breakfast inn, or timeshare project if the establishment satisfies specified criteria.[40]

A "vacation rental" is defined in s. 509.242(1)(c), F.S., as:

> …any unit or group of units in a condominium, cooperative, or timeshare plan or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but is not a timeshare project.

The DBPR licenses vacation rentals as condominiums, dwellings, or timeshare projects.[41] The division may issue a vacation rental license for "a single-family house, a townhouse, or a unit or group of units in a duplex, triplex, quad plex, or other dwelling unit that has four or less units collectively."[42]

According to the DBPR, there are a total of 168,983 licensed vacation rentals in Florida.[43]

Safety Requirements for Vacation Rentals

Vacation rentals must adhere to the safety regulations laid out in ch. 509, F.S., they are as follows:[44]

- At least one (1) approved locking device is required that cannot be opened by a non-master guest room key on all outside and connecting doors. Cannot be a sliding chain or hook and eye type of locking device.
- A current Certificate of Balcony Inspection (DBPR HR 7020) must be filed with the division every three years, unless exterior balconies and stairwells are "common" elements of a condominium. (For exemption to this requirement, the licensee must provide proof to the division that these areas are common elements.)[45]
- Railings shall be installed on all stairways and around all porches and steps.
- Heating and ventilation must be kept in good repair or installed to maintain a minimum of 68 degrees Fahrenheit throughout the building.

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[40] Section 509.242(1), F.S.
[41] Fla. Admin. Code R. 61C-1.002(4)(a)1.
[42] The division further classifies a vacation rental license as a single, group, or collective license. *See* Fla. Admin. Code R. 61C-1.002(4)(a)1. A single license may include one single-family house or townhouse, or a unit or group of units within a single building that are owned and operated by the same individual person or entity. A group license is a license issued by the division to a licensed agent to cover all units within a building or group of buildings in a single complex. A collective license is a license issued by the division to a licensed agent who represents a collective group of houses or units found on separate locations not to exceed 75 houses or units per license.
[43] Email from Sam Kerce, Chief of Staff, DBPR, to Steven Baird, Staff Attorney, Florida Senate, (Jan. 23, 2026) (on file with the Florida Senate Committee on Regulated Industries).
[44] The Division of Hotels and Restaurants, *Guide to Vacation Rentals and Timeshare Projects for Florida's Public Lodging Establishments*, Jan. 2022, available at https://www2.myfloridalicense.com/hr/forms/documents/5025_753.pdf (last visited Jan. 23, 2026).
[45] The balcony certificate is available from the Division of Hotels and Restaurants website at http://www.myfloridalicense.com/; by email request submitted at http://www.myfloridalicense.com/contactus/; or by phone request to 850.487.1395.

- Boiler Certificate required, if needed. (Not required if boiler is located in common area.) A water heating device is considered a boiler if it exceeds any one of the following limits: maximum heat input of 400,000 BTUH; water temperature of 210 degrees Fahrenheit; water capacity of 120 gallons.
- High hazard areas like boiler rooms and laundry rooms shall be kept clean and free of debris and flammables.
- Smoke alarms must be installed in every living unit.
- Electrical wiring must be in good repair.
- A fire extinguisher must be present, properly charged and accessible.
- If present, fire alarm panel must have power and be maintained.
- Automatic fire sprinklers may be required in Vacation Rental condominiums if the majority of the rental units are located within a single building of three stories or more or greater than 75 feet in height. (If 50% or fewer of the units within the building are rented transiently, a fire sprinkler system is not required.)
- Specialized smoke alarms for the hearing impaired shall be available at a rate of one per every fifty rental units with a maximum of five required.
- Specialized smoke alarms for the hearing impaired shall be available upon request without charge.
- Must meet all local fire authority requirements.

Inspections of Vacation Rentals

The division must inspect each licensed public lodging establishment at least biannually, but must inspect transient and non-transient apartments at least annually. However, the division is not required to inspect vacation rentals, but vacation rentals must be available for inspection upon a request to the division.[46]

The division conducts inspections of vacation rentals in response to a consumer complaint. In Fiscal Year 2024-2025, the division received 252 consumer complaints regarding vacation rentals. In response to the complaints, the division's inspection confirmed a violation for 27 of the complaints.[47]

The division's inspection of vacation rentals includes matters of safety (for example, fire hazards, smoke detectors, and boiler safety), sanitation (for example, safe water sources, bedding, and vermin control), consumer protection (for example, unethical business practices, compliance with the Florida Clean Air Act, and maintenance of a guest register), and other general safety and regulatory matters.[48] The division must notify the local fire safety authority or the State Fire Marshal of any readily observable violation of a rule adopted under ch. 633, F.S.,[49]

[46] Section 509.032(2)(a), F.S.
[47] DBPR, Division of Hotels and Restaurants Annual Report for FY 2024-2025 at page 14, available https://www2.myfloridalicense.com/hr/reports/annualreports/documents/ar2024_25.pdf, (last visited Jan. 23, 2026).
[48] *See* ss. 509.211 and 509.221, F.S., for the safety and sanitary regulations, respectively. *See also* Fla. Admin. Code R. 61C-1.002; *Lodging Inspection Report, DBPR Form HR 5022-014*, which details the safety and sanitation matters addressed in the course of an inspection. A copy of the Lodging Inspection Report is available at: https://www.flrules.org/Gateway/reference.asp?No=Ref-07062 (last visited Jan. 23, 2026).
[49] Chapter 633, F.S., relates to fire prevention and control, including the duties of the State Fire Marshal and the adoption of the Florida Fire Prevention Code.

which relates to a public lodging establishment.[50] The rules of the State Fire Marshall provide fire safety standards for transient public lodging establishments, including occupancy limits for one and two family dwellings.[51]
Additionally, an applicant for a vacation rental license is required to submit with the license application a signed certificate evidencing the inspection of all balconies, platforms, stairways, railings, and railways, from a person competent to conduct such inspections.[52]

Preemption

Section 509.032(7)(a), F.S., provides that "the regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, inspections, training and testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state."

Current law does not preempt the authority of a local government or a local enforcement district to conduct inspections of public lodging establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.206, F.S.[53]

Section 509.032(7)(b), F.S., does not allow local laws, ordinances, or regulations that prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. However, this prohibition does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

III. Effect of Proposed Changes:

Landlord and Tenant

Section 1 of the bill amends s. 83.51, F.S., to include a new obligation that a landlord owes to a tenant in maintaining the premises.

A landlord will now need to ensure that, if there exists within 150 feet of the dwelling unit a water body or a swimming pool, either:

- All doors and windows providing direct access to the exterior of the dwelling unit or to an indoor swimming pool within the dwelling unit are equipped with an exit alarm that has a minimum sound pressure rating of 85 dB A at 10 feet; or
- All doors providing direct access to the exterior of the dwelling unit or to an indoor swimming pool within the dwelling unit are equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor.

[50] Section 509.032(2)(d), F.S.
[51] *See* Fla. Admin. Code R. 69A-43.018, relating to one and two family dwellings, recreational vehicles and mobile homes licensed as public lodging establishments.
[52] *See* ss. 509.211(3) and 509.2112, F.S., and form *DBPR HR-7020, Division of Hotels and Restaurants Certificate of Balcony Inspection*, available at: http://www.myfloridalicense.com/dbpr/hr/forms/documents/application_packet_for_vacation_rental_license.pdf (last visited Jan 22, 2026).
[53] Section 509.032(7)(a), F.S.

A "swimming pool" has the same meaning as in s. 515.25, F.S., which means any structure, located in a residential area, that is intended for swimming or recreational bathing and contains water over 24 inches deep, including but not limited to, in-ground, above-ground, and on-ground swimming pools, hot tubs, and nonportable spas.

A "water body" means any water or body of water regularly at a depth of at least 24 inches at its deepest point. However, the term does not include underground water that cannot be accessed by individuals from an access point located within 150 feet of the dwelling unit.

A landlord who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, except that it is not a violation of this subsection if:

- The violation is due to the removal or modification of any safety feature required by paragraph (a) by the tenant, a member of the tenant's family, or a person on the premises with the tenant's consent;
- Such removal or modification occurred without the landlord's knowledge; and
- The landlord corrects the violation within 45 days of receiving actual knowledge thereof.

A landlord is not responsible to the tenant under this section for conditions created or caused by the negligent or wrongful act or omission of the tenant, a member of the tenant's family, or a other person on the premises with the tenant's consent, including the removal or modification of any safety features required by the tenant, a member of the tenant's family, or a person on the premises with the tenant's consent.

Vacation Rentals

Section 2 of the bill amends s. 509.211, F.S., to provide a new safety regulation that licensed vacation rental properties must adhere to.

A licensee of a vacation rental must ensure, if the vacation rental is within 150 feet of a water body or a swimming pool, that either:

- All doors and windows providing direct access to the exterior of the dwelling unit or to an indoor swimming pool within the dwelling unit are equipped with an exit alarm that has a minimum sound pressure rating of 85 dB A at 10 feet; or
- All doors providing direct access to the exterior of the dwelling unit or to an indoor swimming pool within the dwelling unit are equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor.

A "swimming pool" has the same meaning as in s. 515.25, F.S., which means any structure, located in a residential area, that is intended for swimming or recreational bathing and contains water over 24 inches deep, including but not limited to, in-ground, above-ground, and on-ground swimming pools, hot tubs, and nonportable spas.

A "water body" means any water or body of water regularly at a depth of at least 24 inches at its deepest point. However, the term does not include underground water that cannot be accessed by individuals from an access point located within 150 feet of the dwelling unit.

A licensee who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, F.S., except that it is not a violation of this subsection if:

- The violation is due to the removal or modification of any safety feature required by a guest, a member of a guest's family, or a person on the premises of the rental unit with a guest's consent;
- Such removal or modification occurred without the licensee's knowledge; and
- The licensee corrects the violation within 45 days of receiving actual knowledge thereof.

Section 3 of the bill provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The proposed requirements may strain existing agency resources, possibly requiring additional budgetary allocations for enforcement and compliance monitoring.

The DBPR, through an email from Chief of Staff Sam Kerce on file with the Florida Senate Committee on Regulated Industries stated:

> "[t]here is an indeterminate, but sizeable number of vacation rentals that will need to follow these requirements. If even a small portion led to complaints, this will be a significant increase in inspections and potential administrative action needed. The Department estimates a need of two additional FTE to help offset the potential workload. A total of $137k recurring cost for S&B and an additional $32k non-recurring for the purchase of a vehicle for the inspector and other expenses."

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 83.51 and 509.211 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Burgess

23-00372A-26 2026658__

A bill to be entitled

An act relating to water safety requirements for the rental of residential property; amending s. 83.51, F.S.; requiring a landlord to equip certain rental properties with specified water safety features; providing criminal penalties; providing an exception; defining the terms "swimming pool" and "water body"; amending s. 509.211, F.S.; requiring a public lodging establishment licensed as a vacation rental to equip certain rental units with specified water safety features; providing criminal penalties; providing an exception; defining terms; providing an effective date.

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

Section 1. Present subsection (4) of section 83.51, Florida Statutes, is redesignated as subsection (5) and amended, and a new subsection (4) is added to that section, to read:

83.51 Landlord's obligation to maintain premises.—

(4)(a) At all times during a tenancy, if there exists within 150 feet of the dwelling unit a water body or a swimming pool, the landlord must ensure that either:

1. All doors and windows providing direct access to the exterior of the dwelling unit or to an indoor swimming pool within the dwelling unit are equipped with an exit alarm that has a minimum sound pressure rating of 85 dB A at 10 feet; or

2. All doors providing direct access to the exterior of the dwelling unit or to an indoor swimming pool within the dwelling

23-00372A-26 2026658__

unit are equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor.

(b) A landlord who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, except that it is not a violation of this subsection if:

1. The violation is due to the removal or modification of any safety feature required by paragraph (a) by the tenant, a member of the tenant's family, or a person on the premises with the tenant's consent;

2. Such removal or modification occurred without the landlord's knowledge; and

3. The landlord corrects the violation within 45 days of receiving actual knowledge thereof.

(c) For the purposes of this subsection:

1. "Swimming pool" has the same meaning as in s. 515.25.

2. "Water body" means any water or body of water regularly at a depth of at least 24 inches at its deepest point. However, the term does not include underground water that cannot be accessed by individuals from an access point located within 150 feet of the dwelling unit.

(5) The landlord is not responsible to the tenant under this section for conditions created or caused by the negligent or wrongful act or omission of the tenant, a member of the tenant's family, or a ~~other~~ person on the premises with the tenant's consent, including the removal or modification of any safety features required by subsection (4) by the tenant, a member of the tenant's family, or a person on the premises with

the tenant's consent.

Section 2. Subsection (6) is added to section 509.211, Florida Statutes, to read:

509.211 Safety regulations.—

(6)(a) If a public lodging establishment licensed as a vacation rental has within 150 feet of the rental unit a water body or a swimming pool, the licensee must ensure that:

1. All doors and windows providing direct access to the exterior of the rental unit or to an indoor swimming pool within the rental unit are equipped with an exit alarm that has a minimum sound pressure rating of 85 dB A at 10 feet; or

2. All doors providing direct access to the exterior of the rental unit or to an indoor swimming pool within the rental unit are equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor.

(b) A licensee who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, except that it is not a violation of this subsection if:

1. The violation is due to the removal or modification of any safety feature required by paragraph (a) by a guest, a member of a guest's family, or a person on the premises of the rental unit with a guest's consent;

2. Such removal or modification occurred without the licensee's knowledge; and

3. The licensee corrects the violation within 45 days of receiving actual knowledge thereof.

(c) For the purposes of this subsection:

1. "Swimming pool" has the same meaning as in s. 515.25.

2. "Vacation rental" has the same meaning as in s. 509.242(1)(c).

3. "Water body" means any water or body of water regularly at a depth of at least 24 inches at its deepest point. However, the term does not include underground water that cannot be accessed by individuals from an access point located within 150 feet of the rental unit.

Section 3. This act shall take effect July 1, 2026.

The Florida Senate

Committee Agenda Request

To: Senator Jennifer Bradley, Chair
Committee on Regulated Industries

Subject: Committee Agenda Request

Date: December 30, 2025

I respectfully request that **Senate Bill # 658**, relating to Water Safety Requirements, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Danny Burgess
Florida Senate, District 23

CC: Booter Imhof, Staff Director
CC: Susan Datres, Committee Administrative Assistant

File signed original with committee office

S-020 (03/2004)

Datres, Susan

From: Baird, Steven
Sent: Monday, January 26, 2026 8:50 AM
To: Datres, Susan
Subject: FW: Vacation Rentals

From: Kerce, Sam <Sam.Kerce@myfloridalicense.com>
Sent: Friday, January 23, 2026 4:10 PM
To: Baird, Steven <baird.steven@flsenate.gov>
Cc: Oglesby, Emilie <Emilie.Oglesby@myfloridalicense.com>; Fazekas, Christie <Christie.Fazekas@myfloridalicense.com>; Bonenfant, Adam <Adam.Bonenfant@myfloridalicense.com>
Subject: Vacation Rentals

Steven,
Here is some background on the concept of vacation rentals and pool safety requirements.

Below are vacation rentals stats provided by DBPR's Division of Hotels and Restaurants (DHR):

- Total of 168,983 licensed vacation rental properties.
- During FY 2024-25, vacation rental complaints accounted for 1.54% of all complaints received by DHR. This is 245 out of 15,872 complaints.
- If the legislation sticks strictly to setting up a course of civil action, there will be no substantial impact to the Department. If the bill requires the Department to investigate complaints related to the failure to comply with water safety requirements there will be an impact to the Department. There is an indeterminate, but sizeable number of vacation rentals that will need to follow these requirements. If even a small portion led to complaints, this will be a significant increase in inspections and potential administrative action needed. The Department estimates a need of two additional FTE to help offset the potential workload. A total of $137k recurring cost for S&B and an additional $32k non-recurring for the purchase of a vehicle for the inspector and other expenses.

Please let us know if you have any questions.

Best,
Sam

dbpr

Sam Kerce
Chief of Staff

Florida Department of Business & Professional Regulation

Office: (850) 717-1579
Sam.Kerce@MyFloridaLicense.com

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL:	SB 608
INTRODUCER:	Senator Smith
SUBJECT:	Vacation Rentals
DATE:	January 26, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Baird	Imhof	RI	**Pre-meeting**
2.			CA	
3.			RC	

I. Summary:

SB 608 requires applicants seeking to obtain or renew a license to operate a vacation rental to install a pool safety feature if a swimming pool is located on the vacation rental property.

The bill gives authority to the Department of Business and Professional Regulation (DBPR) to suspend or revoke a license for a vacation home and fine the licensee for noncompliance.

The bill also gives the DBPR the authority to adopt rules to implement the bill.

The bill has an effective date of July 1, 2026.

II. Present Situation:

Vacation Rentals

The Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR) is the state agency charged with enforcing the provisions of ch. 509, F.S., relating to the regulation of public lodging establishments and public food service establishments for the purpose of protecting the public health, safety, and welfare.

A public lodging establishment is classified as a hotel, motel, vacation rental, non-transient apartment, transient apartment, bed and breakfast inn, or timeshare project if the establishment satisfies specified criteria.[1]

A "vacation rental" is defined in s. 509.242(1)(c), F.S., as:

[1] Section 509.242(1), F.S.

> …any unit or group of units in a condominium, cooperative, or timeshare plan or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but is not a timeshare project.

The DBPR licenses vacation rentals as condominiums, dwellings, or timeshare projects.[2] The division may issue a vacation rental license for "a single-family house, a townhouse, or a unit or group of units in a duplex, triplex, quad plex, or other dwelling unit that has four or less units collectively."[3]

According to the DBPR, there are a total of 168,983 licensed vacation rentals in Florida.[4]

Safety Requirements for Vacation Rentals

Vacation rentals must adhere to the safety regulations laid out in ch. 509, F.S., which are as follows:[5]

- At least one (1) approved locking device is required that cannot be opened by a non-master guest room key on all outside and connecting doors (cannot be a sliding chain or hook and eye type of locking device).
- A current Certificate of Balcony Inspection (DBPR HR 7020) must be filed with the division every three years, unless exterior balconies and stairwells are "common" elements of a condominium. (For exemption to this requirement, the licensee must provide proof to the division that these areas are common elements.)[6]
- Railings shall be installed on all stairways and around all porches and steps.
- Heating and ventilation must be kept in good repair or installed to maintain a minimum of 68 degrees Fahrenheit throughout the building.
- A Boiler Certificate is required, if needed, though not required if the boiler is located in common area. A water heating device is considered a boiler if it exceeds any one of the following limits: maximum heat input of 400,000 BTUH; water temperature of 210 degrees Fahrenheit; water capacity of 120 gallons.
- High hazard areas like boiler rooms and laundry rooms shall be kept clean and free of debris and flammables.
- Smoke alarms must be installed in every living unit.

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[2] Fla. Admin. Code R. 61C-1.002(4)(a)1.

[3] The division further classifies a vacation rental license as a single, group, or collective license. *See* Fla. Admin. Code R. 61C-1.002(4)(a)1. A single license may include one single-family house or townhouse, or a unit or group of units within a single building that are owned and operated by the same individual person or entity. A group license is a license issued by the division to a licensed agent to cover all units within a building or group of buildings in a single complex. A collective license is a license issued by the division to a licensed agent who represents a collective group of houses or units found on separate locations not to exceed 75 houses or units per license.

[4] Email from Sam Kerce, Chief of Staff, DBPR, to Steven Baird, Staff Attorney, Florida Senate, (Jan. 23, 2026) (on file with the Florida Senate Committee on Regulated Industries).

[5] The Division of Business and Professional Regulation, *Guide to Vacation Rentals and Timeshare Projects for Florida's Public Lodging Establishments*, Jan. 2022, available at https://www2.myfloridalicense.com/hr/forms/documents/5025_753.pdf (last visited Jan. 23, 2026).

[6] The balcony certificate is available from the Division of Hotels and Restaurants website at http://www.myfloridalicense.com/; by email request submitted at http://www.myfloridalicense.com/contactus/; or by phone request to 850.487.1395.

- Electrical wiring must be in good repair.
- A fire extinguisher must be present, properly charged, and accessible.
- If present, a fire alarm panel must have power and be maintained.
- Automatic fire sprinklers may be required in vacation rental condominiums if the majority of the rental units are located within a single building of three stories or more or greater than 75 feet in height. (If 50% or fewer of the units within the building are rented transiently, a fire sprinkler system is not required.)
- Specialized smoke alarms for the hearing impaired shall be available at a rate of one per every fifty rental units with a maximum of five required.
- Specialized smoke alarms for the hearing impaired shall be available upon request without charge.
- Must meet all local fire authority requirements.

Inspections of Vacation Rentals

The division must inspect each licensed public lodging establishment at least biannually, but must inspect transient and non-transient apartments at least annually. Though, the division is not required to inspect them, vacation rentals must be available for inspection upon a request to the division, typically this occurs through a complaint process.[7]

The division conducts inspections of vacation rentals in response to a consumer complaint. In Fiscal Year 2024-2025, the division received 252 consumer complaints regarding vacation rentals. In response to the complaints, the division's inspection confirmed a violation for 27 of the complaints.[8]

The division's inspection of vacation rentals includes matters of safety (for example, fire hazards, smoke detectors, and boiler safety), sanitation (for example, safe water sources, bedding, and vermin control), consumer protection (for example, unethical business practices, compliance with the Florida Clean Air Act, and maintenance of a guest register), and other general safety and regulatory matters.[9] The division must notify the local fire safety authority or the State Fire Marshal of any readily observable violation of a rule adopted under ch. 633, F.S.,[10] which relates to a public lodging establishment.[11] The rules of the State Fire Marshall provide fire safety standards for transient public lodging establishments, including occupancy limits for one and two family dwellings.[12]

[7] Section 509.032(2)(a), F.S.
[8] Department of Business and Professional Regulation, Division of Hotels and Restaurants Annual Report for FY 2024-2025, available https://www2.myfloridalicense.com/hr/reports/annualreports/documents/ar2024_25.pdf, (last visited Jan. 23, 2026).
[9] *See* ss. 509.211 and 509.221, F.S., for the safety and sanitary regulations, respectively. *See also* Fla. Admin. Code R. 61C-1.002; *Lodging Inspection Report, DBPR Form HR 5022-014*, which details the safety and sanitation matters addressed in the course of an inspection. A copy of the Lodging Inspection Report is available at: https://www.flrules.org/Gateway/reference.asp?No=Ref-07062 (last visited Jan. 23, 2026).
[10] Chapter 633, F.S., relates to fire prevention and control, including the duties of the State Fire Marshal and the adoption of the Florida Fire Prevention Code.
[11] Section 509.032(2)(d), F.S.
[12] *See* Fla. Admin. Code R. 69A-43.018, relating to one and two family dwellings, recreational vehicles and mobile homes licensed as public lodging establishments.

Additionally, an applicant for a vacation rental license is required to submit with the license application a signed certificate evidencing the inspection of all balconies, platforms, stairways, railings, and railways, from a person competent to conduct such inspections.[13]

The Danger of Drowning

Drowning is one of the leading causes of accidental death among children. For all ages, the current annual global estimate is 295,000 drowning deaths, although this figure is thought to underreport fatal drownings, in particular boating and disaster related drowning mortality.

Drowning disproportionately impacts children and young people, with over half of all drowning deaths occurring among people younger than 25 years old. In many countries, children under five years of age record the highest rate of fatal and non-fatal drowning, with incidents commonly occurring in swimming pools and bathtubs in high income countries and in bodies of water in and around a home in low income contexts.[14]

Drowning Deaths in Florida

Drowning deaths in Florida have consistently ranged between 350 and 500 deaths per year in the state from 2005 to present at an average rate of approximately two deaths per 100,000 population.[15] Children aged four and under, however, drown nearly three times as often with a rate of approximately six per 100,000 population.[16] Comparably, children between the ages of one and seven drown at a rate of approximately five per 100,000 population and made up 87 out of 452, or nearly 20 percent, of the drowning deaths in Florida in 2024.[17]

Swimming Safety Laws in Florida

In 2000, upon finding that drowning was the leading cause of death of young children in Florida, as well as a significant cause of death for medically frail elderly persons, the Legislature enacted ch. 515, F.S., the Residential Swimming Pool Safety Act (the act).[18] The act provides that all new residential swimming pools, spas, and hot tubs must be equipped with at least one pool safety feature to protect children under age six, and medically frail elderly persons, defined as those who are at least 65 years of age with a medical problem that affects balance, vision, or judgment.[19]

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[13] *See* ss. 509.211(3) and 509.2112, F.S., and form *DBPR HR-7020, Division of Hotels and Restaurants Certificate of Balcony Inspection*, available at: http://www.myfloridalicense.com/dbpr/hr/forms/documents/application_packet_for_vacation_rental_license.pdf (last visited Jan 22, 2026).

[14] Peden AE, Franklin RC. Learning to Swim: An Exploration of Negative Prior Aquatic Experiences among Children. Int J Environ Res Public Health, May 19, 2020, available at https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7277817/ (last visited Jan. 23, 2026).

[15] Florida Health Charts, Deaths from Unintentional Drowning, available at https://www.flhealthcharts.gov/ChartsDashboards/rdPage.aspx?rdReport=Death.DataViewer&cid=0105, (last visited Jan. 23, 2026).

[16] *Id.* (Rate type changed to "crude" and age range selected from "0 to 4").

[17] *Id.*

[18] *See* ch. 2000-143, Laws of Fla. (creating ch. 515, F.S., effective Oct. 1, 2000).

[19] Section 515.25, F.S. Such problems include, but are not limited to, a heart condition, diabetes, or Alzheimer's disease or any related disorder.

In Florida, certain certified pool alarms were added in 2016 as a method to meet the required pool safety features for new residential swimming pools.[20] In addition, the Legislature exempted the following entities, pools, structures, and operations from the requirements of the act:

- Sumps, irrigation canals, or irrigation flood control or drainage works constructed or operated to store, deliver, or distribute water;
- Agricultural stock ponds, storage tanks, livestock operations, livestock watering troughs, or other structures;
- Public swimming pools;[21]
- Any political subdivision that has adopted or adopts a residential pool safety ordinance that is equal to or more stringent than the provisions of the act (ch. 515, F.S.);
- Any portable spa with a safety cover;[22] and
- Small, temporary pools without motors (*i.e.*, kiddie pools).

Requirements for Pool Safety Features for New Residential Swimming Pools

Section 515.27(1), F.S., provides the requirements a new residential swimming pool must meet in order to pass its final inspection and receive a certification of completion. At least one of the following pool safety features must be in place:

- The pool must be isolated from access to a home by an enclosure that meets certain pool barrier requirements (discussed below);
- The pool must be equipped with an approved safety pool cover;[23]
- All doors and windows providing direct access from the home to the pool must be equipped with an exit alarm with a minimum sound pressure rating of 85 decibels at 10 feet;[24]
- All doors providing access from the home to the pool must have a self-closing, self-latching device, and the release mechanism must be more than 54 inches above the floor; or
- There is a pool alarm that, when placed in a pool, sounds an alarm upon detection of an accidental or unauthorized entrance into the water, and the alarm meets and is independently certified to meet safety specifications for residential pool alarms.[25] Personal swimming protection alarm devices (e.g., alarm devices that attach to a child and are triggered if a child exceeds a certain distance or becomes submerged in water), do not meet the pool alarm requirement.

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[20] *See* ch. 2016-129, s. 14, Laws of Fla.

[21] Section 515.25(9), F.S., defines "public swimming pool" to mean a swimming pool operated with or without charge for the use of the general public (but not a pool located on the grounds of a private residence), as defined in s. 514.011(2), F.S. For comparison, s. 514.011(3), F.S., defines a "private pool" to mean a facility used only by an individual, family, or living unit members and their guests which does not serve any type of cooperative housing or joint tenancy of five or more living units.

[22] The pool cover must comply with ASTM F1346-91 (Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs), issued by the American Society for Testing and Materials (ASTM). *See* https://www.astm.org/Standards/F1346.htm (last visited Jan. 23, 2026), which provides an abstract of the specification that is available for purchase from ASTM.

[23] An "approved safety pool cover" means a manually or power-operated pool cover that meets all of the standards of the ASTM, in compliance with standard F1246-91. *See* s. 515.25(1), F.S.

[24] The exit alarm must make continuous alarm sounds when any door or window with access to the pool area is opened or left ajar; at a level of 85 decibels (85 dbA, using A-weighted sounds), the alarm would sound louder than a passing freight train passing 100 feet away, which has a typical sound level of 80 dbA. *See* s. 515.25(4), F.S., and https://www.osha.gov/dts/osta/otm/new_noise/index.html#decibles (last visited Jan. 23, 2026).

[25] The alarm must meet and be certified to ASTM Standard F2208, titled "Standard Safety Specification for Residential Pool Alarms" issued by the ASTM. *See* https://www.astm.org/Standards/F2208.htm (last visited Jan. 23, 2026), which provides an abstract of the specification that is available for purchase from ASTM.

Residential Swimming Pool Barrier Requirements

The term "barrier" is defined in s. 515.25(2), F.S., to mean a fence, dwelling wall, or nondwelling wall, or any combination, which completely surrounds a swimming pool and obstructs access to the pool, especially access from the residence or from the yard outside the barrier.

Section 515.29(1), F.S., provides a residential swimming pool barrier must:

- Be at least 4 feet high on the outside;
- Not have any gaps or components that could allow a child under the age of six to crawl under, squeeze through, or climb over the barrier;
- Be placed around the pool's perimeter, separate from any fence, wall, or other enclosure surrounding the yard, unless the fence, wall, or other enclosure or any portion on the perimeter of the pool, is being used as part of the barrier, and meets all other barrier requirements; and
- Be placed sufficiently away from the water's edge to prevent a child under the age of six or a medically frail elderly person who may have managed to penetrate the barrier from immediately falling into the water.

Gates that provide access to residential swimming pools must:

- Open outward away from the pool and be self-closing; and
- Be equipped with a self-latching locking device, with a release mechanism on the pool side of the gate, placed so that it cannot be reached by a child under the age of six, either over the top or through any opening or gap.[26]

A dwelling wall may be part of a barrier if the wall has no door or window opening providing access to the pool, but a barrier may not be located in a way that allows any permanent structure, equipment, or similar object to be used for climbing the barrier.[27]

For an aboveground residential swimming pool, the barrier may be the pool's structure itself or may be mounted on top of the pool's structure, but any such barrier must meet all barrier requirements in s. 515.29, F.S., as described above.[28] In addition, any ladder or steps accessing an aboveground pool must be able to be secured, locked, or removed to prevent access or must themselves be surrounded by a barrier meeting all safety requirements.[29]

Penalties for Noncompliance with Requirements for Safety Features for New[30] Residential Swimming Pools

Section 515.27(2), F.S., provides that a person who fails to equip a new residential swimming pool with at least one of the required pool safety features commits a second degree

[26] Section 515.29(3), F.S.
[27] Sections 515.29(4) and (5), F.S.
[28] Section 515.29(2), F.S.
[29] *Id*.
[30] Chapter 2000-143, Laws of Fla., established the "Preston de Ibern/McKenzie Merriam Residential Swimming Pool Safety Act" with an effective date of October 1, 2000. Penalties apply to residential swimming pools built after that date.

misdemeanor.[31] No penalty may be imposed if, within 45 days after arrest or issuance of a summons or a notice to appear, the person equips the pool with one of the required safety features and has attended a drowning prevention education program, if such a program is offered, within 45 days of the citation.[32]

The drowning prevention education program required by s. 515.31, F.S., was adopted by rule of the Department of Health (DOH) in 2001 for persons in violation of the pool safety requirements in the 1995 American Red Cross Community Water Safety Course.[33] An updated course is available from the American Red Cross.[34] The DOH also adopted by rule the 1994 U.S. Consumer Product Safety Commission publication Number 362, Safety Barrier Guidelines for Residential Home Pools.[35]

III. Effect of Proposed Changes:

The bill requires applicants seeking to obtain or renew a license to operate a vacation rental to install at least one pool safety feature, as described in s. 515.27(1), F.S., if a swimming pool is located on the vacation rental property.

The bill gives authority to the Department of Business and Professional Regulation (DBPR) to suspend or revoke a license for a vacation home and fine the licensee for noncompliance.

The bill also gives the DBPR the authority to adopt rules to implement the bill.

The bill has an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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[31] Section 775.082, F.S., provides a misdemeanor of the second degree is punishable by a term of imprisonment not to exceed 60 days. Section 775.083, F.S., provides a misdemeanor of the second degree is punishable by a fine not to exceed $500.
[32] *See* s. 515.27(2), F.S.
[33] *See* Fla. Admin. Code R. 64E-21.001 (2025) at https://www.flrules.org/gateway/ruleNo.asp?id=64E-21.001 (last visited Jan. 23, 2026).
[34] *See* https://www.nspf.org/training or https://www.redcross.org/get-help/how-to-prepare-for-emergencies/types-of-emergencies/water-safety/home-pool-safety.html (last visited Jan. 23, 2026).
[35] *See* Fla. Admin. Code R. 64E-21.001(2) (2025) at https://www.flrules.org/gateway/ruleNo.asp?id=64E-21.001 and https://www.cpsc.gov/s3fs-public/362%20Safety%20Barrier%20Guidelines%20for%20Pools.pdf (last visited Jan. 23, 2026).

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The proposed requirements may strain existing agency resources, possibly requiring additional budgetary allocations for enforcement and compliance monitoring.

The DBPR, through an email from Chief of Staff Sam Kerce on file with the Florida Senate Committee on Regulated Industries stated:

> "[t]here is an indeterminate, but sizeable number of vacation rentals that will need to follow these requirements. If even a small portion led to complaints, this will be a significant increase in inspections and potential administrative action needed. The Department estimates a need of two additional FTE to help offset the potential workload. A total of $137k recurring cost for S&B and an additional $32k non-recurring for the purchase of a vehicle for the inspector and other expenses."

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 509.243 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Smith

17-00279A-26 2026608__

A bill to be entitled

An act relating to vacation rentals; creating s. 509.243, F.S.; requiring applicants or licensees seeking to obtain or renew a license to operate a vacation rental to install a pool safety feature if a pool is located on the vacation rental property; authorizing the Department of Business and Professional Regulation to suspend or revoke a license and fine the licensee if a vacation rental is not in compliance; authorizing the department to adopt rules; providing an effective date.

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

Section 1. Section 509.243, Florida Statutes, is created to read:

509.243 Vacation rentals; pool safety compliance; penalties.—

(1) An applicant seeking to obtain, or a licensee seeking to renew, a license to operate a vacation rental as described in s. 509.242(1)(c) must install at least one pool safety feature as described in s. 515.27(1) if a swimming pool is located on the vacation rental property.

(2) The department may suspend or revoke the license and fine the licensee for noncompliance with this section.

(3) The department may adopt rules to implement this section.

Section 2. This act shall take effect July 1, 2026.

The Florida Senate

Committee Agenda Request

To: Senator Jennifer Bradley, Chair
Committee on Regulated Industries

Subject: Committee Agenda Request

Date: December 10, 2025

I respectfully request that **Senate Bill #608**, relating to Vacation Rentals, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Carlos Guillermo Smith
Florida Senate, District 17

File signed original with committee office

S-020 (03/2004)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL:	SB 1708
INTRODUCER:	Senator Gaetz
SUBJECT:	Veterinary Licensure
DATE:	January 26, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Baird	Imhof	RI	**Pre-meeting**
2.			AEG	
3.			RC	

I. Summary:

SB 1708 changes the licensure by endorsement process for applicants seeking to be licensed in Florida as a veterinarian by removing the requirement that the applicant has held a valid and active license to practice veterinary medicine in another jurisdiction for the 3 years immediately preceding the application for licensure.

The bill also clarifies that an applicant must be in good standing in their current jurisdiction to be granted a licensure by endorsement.

The bill takes effect July 1, 2026.

II. Present Situation:

Practice of Veterinary Medicine

The Board of Veterinary Medicine (board) within the Department of Business and Professional Regulation (DBPR) implements the provisions of ch. 474, F.S., relating to veterinary medical practice (practice act). The purpose of the practice act is to ensure that every veterinarian practicing in this state meets minimum requirements for safe practices to protect public health and safety.[1]

A "veterinarian" is a health care practitioner licensed by the board to engage in the practice of veterinary medicine in Florida[2] and they are subject to disciplinary action from the board for various violations of the practice act.[3]

[1] Section 474.201, F.S.
[2] Section 474.202(11), F.S.
[3] Sections 474.213 and 474.214, F.S.

The practice of "veterinary medicine" is the diagnosis of medical conditions of animals, and the prescribing or administering of medicine and treatment to animals for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease, or holding oneself out as performing any of these functions.[4]

Veterinary medicine includes, with respect to animals:[5]

- Surgery;
- Acupuncture;
- Obstetrics;
- Dentistry;
- Physical therapy;
- Radiology;
- Theriogenology (reproductive medicine); and
- Other branches or specialties of veterinary medicine.

Any permanent or mobile establishment where a licensed veterinarian practices must have a premises permit issued by the DBPR.[6] Each person to whom a veterinary license or premises permit is issued must conspicuously display such document in her or his office, place of business, or place of employment in a permanent or mobile veterinary establishment or clinic.[7]

By virtue of accepting a license to practice veterinary medicine in Florida, a veterinarian consents to:

- Render a handwriting sample to an agent of the DBPR and, further, to have waived any objections to its use as evidence against her or him.
- Waive the confidentiality and authorize the preparation and release of medical reports pertaining to the mental or physical condition of the licensee when the DBPR has reason to believe that a violation of this chapter has occurred and when the DBPR issues an order, based on the need for additional information, to produce such medical reports for the time period relevant to the complaint.[8]

For Fiscal Year 2023-2024, there were 13,392 actively licensed veterinarians in Florida. The DBPR received 611 complaints, which resulted in 44 disciplinary actions.[9]

Exemptions

Ten categories of persons are exempt from complying with ch. 474, F.S.:[10]

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[4] Section 474.202(9), F.S. Also included is the determination of the health, fitness, or soundness of an animal, and the performance of any manual procedure for the diagnosis or treatment of pregnancy or fertility or infertility of animals.
[5] Section 474.202(13), F.S. Section 474.202(1), F.S., defines "animal" as "any mammal other than a human being or any bird, amphibian, fish, or reptile, wild or domestic, living or dead."
[6] Section 474.215(1), F.S.
[7] Section 474.216, F.S.
[8] Section 474.2185, F.S.
[9] Department of Business and Professional Regulation, *Division of Professions Annual Report Fiscal Year 2023-2024*, https://www2.myfloridalicense.com/os/documents/Division%20Annual%20Report%20FY%2023-24.pdf, (last visited January 22, 2026).
[10] Section 474.203, F.S.

- Faculty veterinarians with assigned teaching duties at accredited[11] institutions;
- Intern/resident veterinarians at accredited institutions who are graduates of an accredited institution, but only until they complete or terminate their training;
- Students in a school or college of veterinary medicine who perform assigned duties by an instructor (no accreditation of the institution is required), or work as preceptors[12] (if the preceptorship is required for graduation from an accredited institution);
- Doctors of veterinary medicine employed by a state agency or the United States Government while actually engaged in the performance of official duties at the installations for which the services were engaged;
- Persons or their employees caring for the persons' own animals, as well as part-time or temporary employees, or independent contractors, who are hired by an owner to help with herd management and animal husbandry tasks (excluding immunization or treatment of diseases that are communicable to humans and significant to public health) for herd/flock animals, with certain limitations; however, the exemption is not available to a person licensed as a veterinarian in another state and temporarily practicing in Florida, or convicted of violating ch. 828, F.S., on animal cruelty, or of any similar offense in another jurisdiction, and employment may not be provided for the purpose of circumventing ch. 474, F.S.;
- Certain entities or persons[13] that conduct experiments and scientific research on animals as part of the development of pharmaceuticals, biologicals, serums, or treatment methods or techniques to diagnose or treat human ailments, or in the study and development of methods and techniques applicable to the practice of veterinary medicine;
- Veterinary aides, nurses, laboratory technicians, preceptors, or other employees of a licensed veterinarian, who administer medication or provide help or support under the responsible supervision of a licensed veterinarian;
- Certain non-Florida veterinarians who are licensed and actively practicing veterinary medicine in another state, are board certified in a specialty recognized by the board and are assisting upon request of a Florida-licensed veterinarian to consult on the treatment of a specific animal or on the treatment on a specific case of the animals of a single owner;
- Employees, agents, or contractors of public or private animal shelters, humane organizations, or animal control agencies operated by a humane organization, county, municipality, or

[11] Sections 474.203(1) and (2), F.S., provide that accreditation of a school or college must be granted by the American Veterinary Medical Association (AVMA) Council on Education, or the AVMA Commission for Foreign Veterinary Graduates. The AVMA Council on Education is recognized by the Council for Higher Education Accreditation (CHEA) as the accrediting body for schools and programs that offer the professional Doctor of Veterinary Medicine degree (or its equivalent) in the United States and Canada, and may also approve foreign veterinary colleges. *See* https://www.avma.org/professionaldevelopment/education/accreditation/colleges/pages/coe-pp-overview-of-the-coe.aspx (last visited January 22, 2026). The AVMA Commission for Foreign Veterinary Graduates assists graduates of foreign, non-accredited schools to meet the requirement of most states that such foreign graduates successfully complete an educational equivalency assessment certification program. *See* https://www.avma.org/professionaldevelopment/education/foreign/pages/ecfvg-about-us.aspx (last visited January 22, 2026). In turn, the CHEA, a national advocate for regulation of academic quality through accreditation, is an association of degree-granting colleges and universities. *See* http://chea.org/about (last visited January 22, 2026).

[12] A preceptor is a skilled practitioner or faculty member, who directs, teaches, supervises, and evaluates students in a clinical setting to allow practical experience with patients. *See* https://www.merriam-Webster.com/dictionary/preceptor#medicalDictionary (last visited January 22, 2026).

[13] *See* s. 474.203(6), F.S., which states that the exemption applies to "[s]tate agencies, accredited schools, institutions, foundations, business corporations or associations, physicians licensed to practice medicine and surgery in all its branches, graduate doctors of veterinary medicine, or persons under the direct supervision thereof . . . ."

incorporated political subdivision, whose work is confined solely to implanting radio frequency identification device microchips in dogs and cats in accordance with s. 823.15, F.S.;[14] and

- Paramedics or emergency medical technicians providing emergency medical care to a police canine[15] injured in the line of duty while at the scene of the emergency or while the police canine is being transported to a veterinary clinic or similar facility.

Licensure by Endorsement

Licensure by endorsement is the most common alternative to licensure by examination in Florida. Licensure by endorsement is an expedited licensure process which allows an applicant to become licensed in Florida based upon holding a substantially equivalent professional license from another state. Under current Florida law, the DBPR is required to issue a license by endorsement to applicants who meet specific requirements demonstrating their qualifications in other jurisdictions.[16] The board is responsible for determining if the applicant has demonstrated knowledge of the laws and rules governing the practice of veterinary medicine in Florida.[17]

The applicant must either:

- Hold, and has held for the *3 years immediately preceding* the application for licensure, a valid, active license to practice veterinary medicine in another state of the United States, the District of Columbia, or a territory of the United States, provided that the applicant has successfully completed a state, regional, national, or other examination that is equivalent to or more stringent than the examination required by the board[18]; **or**
- Have graduated from a college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education; or Graduated from a college of veterinary medicine listed in the American Veterinary Medical Association Roster of Veterinary Colleges of the World and obtained a certificate from the Education Commission for Foreign Veterinary Graduates or the Program for the Assessment of Veterinary Education Equivalence; and
- Have successfully completed a state, regional, national, or other examination which is equivalent to or more stringent than the examination given by the DBPR and passed the board's clinical competency examination or another clinical competency examination specified by rule of the board.[19]

The DBPR is prohibited from issuing a license by endorsement to any applicant who is under investigation in any state, territory, or the District of Columbia for an act which would constitute

[14] Section 823.15(5), F.S., which authorizes such persons to perform microchipping of dogs and cats.
[15] Section 401.254, F.S., defines the term "police canine" as "any canine that is owned, or the service of which is employed, by a state or local law enforcement agency, a correctional agency, a fire department, a special fire district, or the State Fire Marshal for the principal purpose of aiding in the detection of criminal activity, flammable materials, or missing persons; the enforcement of laws; the investigation of fires; or the apprehension of offenders." A paramedic or an emergency medical technician who acts in good faith to provide emergency medical care to an injured police canine is immune from criminal or civil liability.
[16] Section 474.217(1), F.S.
[17] *Id*.
[18] Section 474.217(b)(1), F.S.
[19] Section 474.217(b)(2), F.S.

a violation of this chapter until the investigation is complete and disciplinary proceedings have been terminated.[20]

III. Effect of Proposed Changes:

SB 1708 amends s. 474.217, F.S., to remove the requirement that an applicant for a veterinarian license by endorsement must hold an active veterinarian license in another jurisdiction for the 3 years immediately preceding the application for licensure.

The bill also adds to the requirements for licensure by endorsement that the applicant be in "good standing" with the jurisdiction where the applicant's current license is active.

This would allow applicants who have been granted licensure in other jurisdictions who have had their license for less than 3 years apply for a license by endorsement.

The bill provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

[20] Section 474.217(2), F.S.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 474.217 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Gaetz

1-00917-26 20261708__

A bill to be entitled

An act relating to veterinary licensure; amending s. 474.217, F.S.; deleting the requirement for an applicant for licensure by endorsement to have held a valid active license to practice veterinary medicine in another state, the District of Columbia, or a territory of the United States for a specified amount of time; requiring applicants to hold a valid, active license in good standing to practice veterinary medicine in another state, the District of Columbia, or a territory of the United States; reenacting s. 474.2125(1), F.S., related to temporary license to provide veterinary services, to incorporate the amendment made to s. 474.217, F.S., in a reference thereto; providing an effective date.

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

Section 1. Subsection (1) of section 474.217, Florida Statutes, is amended to read:

474.217 Licensure by endorsement.—

(1) The department shall issue a license by endorsement to any applicant who, upon applying to the department and remitting a fee set by the board, demonstrates to the board that she or he:

(a) Has demonstrated, in a manner designated by rule of the board, knowledge of the laws and rules governing the practice of veterinary medicine in this state; and

(b)1. Holds~~, and has held for the 3 years immediately~~

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~~preceding the application for licensure,~~ a valid, active license in good standing to practice veterinary medicine in another state of the United States, the District of Columbia, or a territory of the United States, provided that the applicant has successfully completed a state, regional, national, or other examination that is equivalent to or more stringent than the examination required by the board; or

2. Meets the qualifications of s. 474.207(2)(b) and has successfully completed a state, regional, national, or other examination which is equivalent to or more stringent than the examination given by the department and has passed the board's clinical competency examination or another clinical competency examination specified by rule of the board.

Section 2. For the purpose of incorporating the amendment made by this act to section 474.217, Florida Statutes, in a reference thereto, subsection (1) of section 474.2125, Florida Statutes, is reenacted to read:

474.2125 Temporary license.—

(1) The board shall adopt rules providing for the issuance of a temporary license to a licensed veterinarian of another state for the purpose of enabling her or him to provide veterinary medical services in this state for the animals of a specific owner or, as may be needed in an emergency as defined in s. 252.34(4), for the animals of multiple owners, provided the applicant would qualify for licensure by endorsement under s. 474.217. No temporary license shall be valid for more than 30 days after its issuance, and no license shall cover more than the treatment of the animals of one owner except in an emergency as defined in s. 252.34(4). After the expiration of 30 days, a

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

new license is required.

Section 3. This act shall take effect July 1, 2026.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate

Committee Agenda Request

To: Senator Jennifer Bradley, Chair
Committee on Regulated Industries

Subject: Committee Agenda Request

Date: January 20, 2026

I respectfully request that **Senate Bill #1708**, relating to Veterinary Licensure, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Don Gaetz
Florida Senate, District 1

File signed original with committee office

S-020 (03/2004)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL:	SB 680
INTRODUCER:	Senator Mayfield
SUBJECT:	Electric Vehicle Charging Taxation
DATE:	January 26, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Schrader	Imhof	RI	**Pre-meeting**
2.			FT	
3.			AP	

I. Summary:

SB 680 amends the state's tax code as it relates to power purchased from electric utilities by persons owning or operating electric vehicle charging stations. For gross receipts, the bill amends the definition of "distribution company" to exclude a person owning or operating electric vehicle charging stations as defined in s. 366.94(2)(a), F.S. The bill also amends the definition of "utility service" to exclude the sale of electricity to the public by an operator of an electric vehicle charging station operating under s. 366.94, F.S.

For sales tax, the bill amends the definition of "retail sale" or "sale at retail" to state that a sale for resale includes a sale of electricity to the operator of an electric vehicle charging station used in providing electric vehicle charging to the public pursuant to s. 366.94, F.S.

The bill also makes the changes to gross receipts tax and sales tax retroactive to January 1, 2019, and the bill takes effect upon becoming law.

II. Present Situation:

Electric Vehicles

The U.S. Department of Energy's Alternative Fuels Data Center (AFDC) uses the term, "electric-drive vehicles," as referring collectively to hybrid electric vehicles (HEV), plug-in hybrid electric vehicles (PHEV), and all-electric vehicles (EV)—which are also known as battery electric vehicles (or BEVs).[1] According to the AFDC:

- HEVs are primarily powered by an internal combustion engine that runs on conventional or alternative fuel and an electric motor using energy stored in a battery. The battery is charged

[1] U.S. Dept. Energy, AFDC, *Hybrid and Plug-In Electric Vehicles*, https://afdc.energy.gov/vehicles/electric.html (last visited Jan. 23, 2026).

through regenerative braking and the internal combustion engine, not by plugging in to charge.

- PHEVs are powered by an internal combustion engine and an electric motor using energy stored in a battery. They can operate in all-electric mode through a larger battery, which can be plugged into an electric power source to charge. Most can travel between 20 and 40 miles on electricity alone and then will operate solely on gasoline—similar to a conventional hybrid.

EVs use a battery to store the electric energy that is charged by plugging the vehicle into charging equipment. EVs always operate in all-electric mode and have typical driving ranges from 150 to 400 miles.[2]

The primary difference between an EV and a traditional internal combustion engine (ICE) vehicle lies in their drive trains. The main components of an EV power train are its battery, a motor, and ancillary systems. The main components of an ICE power train are its liquid fuel storage, combustion chambers and related cooling system, transmission, and an exhaust system.[3]

For purposes of vehicle registration, Florida law currently defines the term "electric vehicle" to mean "a motor vehicle that is powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, or other sources of electrical current."[4]

Increased interest in EVs has been driven by higher gas prices and greenhouse gas emission concerns.[5] However, limited EV range (and the related range anxiety[6]), limitations in charging infrastructure, charging speed as it compares to time to refuel a traditional gasoline vehicle, and EV cost are some of the factors negatively impacting EV adoption.[7]

Electric Vehicle Charging Stations

EVs need access to charging stations. For most EV users, charging starts at home or at fleet facilities. Charging stations at other commonly-visited locations, however, such as work, public destinations, and along roadways, can offer more flexible fueling charging opportunities. While most EV owners do the majority of their charging at home, the growth of charging stations has made longer distance travel with EVs more feasible and has helped grow the market for EVs.[8]

There are three general types of chargers:

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[2] *Id*.
[3] Brandon S. Tracy, Cong. Research Serv., R47227, *Critical Minerals in Electric Vehicle Batteries*, (2022) (available at https://crsreports.congress.gov/product/pdf/R/R47227).
[4] Section 320.01(36), F.S.
[5] Javier Colato and Lindsey Ice, *Charging into the future: the transition to electric vehicles*, U.S. Bureau of Labor Statistics: Beyond the Numbers, (Feb. 2023) (available at https://www.bls.gov/opub/btn/volume-12/charging-into-the-future-the-transition-to-electric-vehicles.htm).
[6] Range anxiety is the feeling an EV driver has when the battery charge is low, and the usual sources of electricity are unavailable, striking a fear of being stranded. J.D. Power, *What is Range Anxiety with Electric Vehicles?*, Nov. 3, 2020, https://www.jdpower.com/cars/shopping-guides/what-is-range-anxiety-with-electric-vehicles (last visited Jan. 23, 2026).
[7] EV Connect, *Top Factors Affecting EV Adoption*, October 9, 2023 (available at https://www.evconnect.com/blog/top-factors-affecting-ev-adoption/).
[8] U.S. Dept. of Energy, *Developing Infrastructure to Charge Electric Vehicles,* https://afdc.energy.gov/fuels/electricity-stations (Jan. 24, 2024).

- Level 1: Level 1 chargers use a standard 120-volt home outlet (i.e. a standard wall socket). These are the slowest types of chargers and, on average, provide about five miles of driving distance per hour of charging.
- Level 2: Level 2 chargers use a 240-volt outlet. Such outlets are often used for larger home appliances with greater power needs, such as electric ovens and clothes dryers. To use such chargers at home, homeowners may need a professional to install a 240-volt outlet in a vehicle-accessible location and additional equipment installation may be necessary. Level 2 chargers can also be found in some public charging stations. Level 2 chargers, on average, provide about 25 miles of driving distance per hour of charging.
- Direct Charge Fast Chargers (DCFC): DCFC are the fastest types of chargers. These are not typically found in homes. However, they are available at public charging stations and along roadways and highway routes. They work by supplying high levels of electricity directly to the EV's battery—bypassing the typical EV equipment that converts alternating current (AC)[9] to direct current (DC). These types of chargers provide approximately 100 to 300 miles of driving for a 30-minute charge; some DCFC can charge even faster than this.[10]

EV Charging in Florida

Since the current regulatory structure of electric utilities in Florida includes exclusive service territories, the sale of electricity to retail, or end-use customers by a third party is not permitted.[11] In 2012 the Florida Legislature created an exemption for EV charging, under s. 366.94(4), F.S., declaring that the provision of electric vehicle charging to the public by a non-utility is not considered a retail sale of electricity under ch. 366, F.S. The rates, terms, and conditions of EV charging by a non-utility are not subject to Florida Public Service Commission (PSC) regulation.[12]

Statistics provided by the U.S. Department of Energy show that Florida has the third largest EV charging infrastructure in the country, behind California and New York.[13] As of January 14, 2022, Florida has the following numbers of charging infrastructure:[14]

- Station locations – 4,111
- EV supply equipment ports – 13,792
- Level 1 chargers - 21
- Level 2 chargers – 9,389
- DCFC – 4,382

[9] AC is the type of main power supplied through the electric distribution grid to residential, commercial, and industrial customers.
[10] Environmental Protection Agency, *Plug-in Electric Vehicle Charging: The Basics*, https://www.epa.gov/greenvehicles/plug-electric-vehicle-charging-basics (last visited Jan. 23, 2026).
[11] FDOT, *EV Infrastructure Master Plan* (July 2021), p. 16, https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/planning/fto/fdotevmp.pdf (last visited Jan. 23, 2026).
[12] Section 366.94(1), F.S.
[13] United States Department of Energy, *Alternative Fuels Data Center: Alternative Fueling Station Counts by State,* https://afdc.energy.gov/stations/states (last visited Jan. 23, 2026).
[14] *Id*.

Florida Public Service Commission

The PSC is an arm of the legislative branch of government.[15] The role of the PSC is to ensure Florida's consumers receive utility services, including electric, natural gas, telephone, water, and wastewater, in a safe and reliable manner and at fair prices.[16] In order to do so, the PSC exercises authority over utilities in one or more of the following areas: rate base or economic regulation; competitive market oversight; and monitoring of safety, reliability, and service issues.[17]

Electric Utilities

The PSC monitors the safety and reliability of the electric power grid[18] and may order the addition or repair of infrastructure as necessary.[19] The PSC has broad jurisdiction over the rates and service of investor-owned electric and gas utilities[20] (defined as "public utilities" under ch. 366, F.S.).[21] However, the PSC does not fully regulate municipal electric utilities (utilities owned or operated on behalf of a municipality) or rural electric cooperatives. The PSC does have jurisdiction over these types of utilities with regard to rate structure, territorial boundaries, and bulk power supply operations and planning.[22] Municipally-owned utility rates and revenues are regulated by their respective local governments or local utility boards. Rates and revenues for a cooperative utility are regulated by its governing body elected by the cooperative's membership.

Municipal Electric Utilities in Florida

A municipal electric is an electric or gas utility owned and operated by a municipality. Chapter 366, F.S., provides the majority of electric and gas utility regulations for Florida. While ch. 366, F.S., does not provide a definition, per se, for a "municipal utility," variations of this terminology and the concept of these types of utilities appear throughout the chapter. Currently, Florida has 33 municipal electric utilities that serve over 14 percent of the state's electric utility customers.[23]

Rural Electric Cooperatives in Florida

At present, Florida has 18 rural electric cooperatives, with 16 of these cooperatives being distribution cooperatives and two being generation and transmission cooperatives.[24] These cooperatives operate in 57 of Florida's 67 counties and have more than 2.7 million customers.[25] Florida rural electric cooperatives serve a large percentage of area, but have a low customer density. Specifically, Florida cooperatives serve approximately 10 percent of Florida's total electric utility customers, but their service territory covers 60 percent of Florida's total land

[15] Section 350.001, F.S.
[16] *See* Florida Public Service Commission, *Florida Public Service Commission Homepage*, http://www.psc.state.fl.us (last visited Jan. 23, 2026).
[17] Florida Public Service Commission, *About the PSC*, https://www.psc.state.fl.us/about (last visited Jan. 23, 2026).
[18] Section 366.04(5) and (6), F.S.
[19] Section 366.05(1) and (8), F.S.
[20] Section 366.05, F.S.
[21] Section 366.02(8), F.S.
[22] Florida Public Service Commission, *About the PSC*, *supra* note 17.
[23] Florida Municipal Electric Association, *About Us,* https://www.flpublicpower.com/about-us (last visited Jan. 23, 2026).
[24] Florida Electric Cooperative Association, *Members*, https://feca.com/members/ (last visited Jan. 23, 2026).
[25] Florida Electric Cooperative Association, *Our History*, https://feca.com/our-history/ (last visited Jan. 23, 2026).

mass. Each cooperative is governed by a board of cooperative members elected by the cooperative's membership.[26]

Public Electric and Gas Utilities in Florida

There are four investor-owned electric utility companies (electric IOUs) in Florida: Florida Power & Light Company (FPL), Duke Energy Florida (Duke), Tampa Electric Company (TECO), and Florida Public Utilities Corporation (FPUC).[27] Electric IOU and gas IOU rates and revenues are regulated by the PSC, and the utilities must file periodic earnings reports. This allows the PSC to monitor earnings levels on an ongoing basis and adjust customer rates quickly if a company appears to be overearning.[28] If a utility believes it is earning below a reasonable level, it can petition the PSC for a change in rates.[29]

Section 366.041(2), F.S., requires public utilities to provide adequate service to customers. As compensation for fulfilling that obligation, s. 366.06, F.S., requires the PSC to allow the IOUs to recover honestly and prudently invested costs of providing service, including investments in infrastructure and operating expenses used to provide electric service.[30]

General Overview of Taxation on Electrical Power

Florida levies on sales of electrical power or energy the sales and use tax at a rate of 4.35 percent;[31] on charges for, or the use of, electrical power or energy subject to the sales and use tax a gross receipts tax at a rate of 2.6 percent;[32] and on utility services a gross receipts tax at a rate of 2.5 percent.[33]

If a transaction or use is exempt from sales tax, it is also exempt from the 2.6 percent tax on gross receipts.[34] Examples of exempt electricity include sales of utilities and fuel to residential households or owners of residential models by utility companies who pay the 2.5 percent gross receipts tax; [35] electricity used exclusively at a data center;[36] and electricity used directly or indirectly for production, packing, or processing of agricultural products on the farm or used directly or indirectly in a packinghouse, only if the electricity used for the exempt purpose is separately metered.[37]

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[26] *Id.*
[27] Florida Public Service Commission, *2025 Facts and Figures of the Florida Utility Industry*, p. 4, https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/FactsAndFigures/April%202025.pdf (last visited Jan. 23, 2026).
[28] PSC, *2024 Annual Report*, p. 6, (available at: https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/AnnualReports/2024.pdf) (last visited Jan. 23, 2026).
[29] *Id.*
[30] *Id*.
[31] Section 212.05(1)(e)1.c., F.S.
[32] Section 203.01(1)(b)3., F.S.
[33] Section 203.01(1)(b)1., F.S.
[34] Section 203.01(1)(a)3., F.S.
[35] Section 212.08(7)(j), F.S.
[36] Section 212.08(5)(r), F.S.
[37] Section 212.08(5)(e)2., F.S.

A seller of electrical power or energy may collect a combined rate of 6.95 percent[38], which consists of the 4.35 percent sales and use tax[39] and 2.6 percent gross receipts tax.[40]

Sales tax is levied on the sale or rental of tangible personal property unless specifically exempted.[41] "Tangible personal property" means, in part, personal property which may be seen, weighed, measured, or touched or is in any manner perceptible to the senses, including electric power.[42] Sales tax is added to the price of the taxable good or service and collected from the purchaser at the time of sale.[43]

The governing body of a county and school boards are authorized to levy local discretionary sales surtaxes in addition to the state sales tax.[44] A surtax applies to "all transactions … subject to the state tax … on sales, use, services, rentals, admissions, and other transactions …."[45] Generally, surtax is not levied on the sales amount above $5,000; however, in the case of utility services, the entire amount of the charge is subject to the surtax.[46] In counties with discretionary sales surtaxes, the combined county and school board rates range from 0.5 to 2 percent.[47] Two counties, Citrus and Collier, have no discretionary sales surtax levies.

The 2.6 percent gross receipts tax is due and payable at the same time as sales tax, and the laws governing the administration of the sales and use tax govern the administration and enforcement of the gross receipts tax. [48]

Gross Receipts Tax for Utility Services

As mentioned, the gross receipts tax rate applied to utility services is 2.5 percent[49] and is levied against the total amount of gross receipts received by a distribution company for its sale of utility services if the utility service is delivered to the retail consumer by a distribution company and the retail consumer pays the distribution company a charge for utility service which includes a charge for both the electricity and the transportation of electricity to the retail consumer.[50] If a payment is not subject to the aforementioned method of taxation, the distribution company's

[38] Sections 203.0011, F.S. and 212.05011, F.S.
[39] Section 212.05(1)(e)1.c., F.S.
[40] Section 203.01(1)(b)4., F.S.
[41] Section 212.21, F.S.
[42] Section 212.02(19), F.S.
[43] Section 212.07(2), F.S.
[44] Section 212.055, F.S.
[45] Section 212.054(2)(a), F.S.
[46] Section 212.054(2(b), F.S.
[47] FLA. DEP'T OF REVENUE, *Discretionary Sales Surtax Information for Calendar Year 2026,* available at https://floridarevenue.com/Pages/forms_index.aspx#discretionary, see DR-15DSS New for 2026, (last visited January 20, 2026).
[48] Section 203.01(1)(a)3., F.S.
[49] Section 203.01(1)(b)1., F.S.
[50] Section 203.01(c)1., F.S.

receipts for the delivery of electricity shall be determined by multiplying the number of kilowatt hours delivered by the index price[51] and applying the rate of 2.5 percent.[52]

"Distribution company" means any person owning or operating local electric or natural or manufactured gas utility distribution facilities within this state for the transmission, delivery, and sale of electricity or natural or manufactured gas. The term does not include natural gas transmission companies that are subject to the jurisdiction of the Federal Energy Regulatory Commission.[53]

"Utility service" means electricity for light, heat, or power; and natural or manufactured gas for light, heat, or power, including transportation, delivery, transmission, and distribution of the electricity or natural or manufactured gas. This does not broaden the definition of utility service to include separately stated charges for tangible personal property or services which are not charges for the electricity or natural or manufactured gas or the transportation, delivery, transmission, or distribution of electricity or natural or manufactured gas.[54]

Sale for Resale under Sales Tax

Florida law proclaims that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state.[55] A "retail sale" or a "sale at retail" means a sale to a consumer or to any person for any purpose other than for resale in the form of tangible personal property or services taxable under this chapter and includes all such transactions that may be made in lieu of retail sales or sales at retail.[56] Such person must file with the Department of Revenue (DOR) an application for a certificate of registration. Upon receipt of the application, the DOR must grant a certificate of registration and an annual resale certificate, which provides a dealer with the necessary documentation to purchase goods exempt from tax.[57]

A retail sale includes the sale, use, storage, or consumption of tangible personal property, including machinery and equipment or parts thereof, purchased electricity, and fuels used to power machinery, when such items are used and dissipated in fabricating, converting, or processing tangible personal property for sale, even though they may become ingredients or components of the tangible personal property for sale through accident, wear, tear, erosion, corrosion, or similar means.[58]

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[51] According to s. 203.01(d)2., F.S., the index price is the Florida price per kilowatt hour for retail consumers in the previous calendar year, as published in the United States Energy Information Administration Electric Power Monthly and announced by the Department of Revenue on June 1 of each year to be effective for the 12-month period beginning July 1 of that year. For each residential, commercial, and industrial customer class, the applicable index posted for residential, commercial, and industrial shall be applied in calculating the gross receipts to which the tax applies. If publication of the indices is delayed or discontinued, the last posted index shall be used until a current index is posted or the department adopts a comparable index by rule.
[52] Section 203.01(d)1., F.S.
[53] Section 203.012(1), F.S.
[54] Section 203.012(3), F.S.
[55] Section 212.05, F.S.
[56] Section 212.02(14)(a), F.S.
[57] Section 212.18(3), F.S.
[58] Section 212.02(14)(c), F.S.

A retail sale does not include materials, containers, labels, sacks, bags, or similar items intended to accompany a product sold to a customer without which delivery of the product would be impracticable because of the character of the contents and be used one time only for packaging tangible personal property for sale or for the convenience of the customer or for packaging in the process of providing a service taxable.[59]

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 203.012, F.S., to revise the definitions relating to the state's gross receipt tax code under ch. 203, F.S. Specifically, it amends the definition of "distribution company"[60] to exclude a person owning or operating electric vehicle charging stations as defined in s. 366.94(2)(a), F.S. The bill also amends the definition of "utility service" to exclude the sale of electricity to the public by an operator of an electric vehicle charging station operating under s. 366.94, F.S.

Section 2 of the bill amends s. 212.02, F.S., to revise definitions relating to the state's sales tax law. Specifically, the bill amends the definition of "retail sale" or "sale at retail" to state that a sale for resale includes a sale of electricity to the operator of an electric vehicle charging station used in providing electric vehicle charging to the public pursuant to s. 366.94, F.S.

The bill also makes the changes to gross receipts tax and sales tax retroactive to January 1, 2019.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18 of the Florida Constitution governs the passage of laws that require counties and municipalities to spend funds, limit the ability of counties and municipalities to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

Article VII, s. 18(b)of the Florida Constitution provides that except upon approval of each house of the Legislature by two-thirds vote of the membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, the mandates

[59] Section 212.02(14)(c), F.S.
[60] Presently, s. 203.012, F.S., defines a distribution company as, "any person owning or operating local electric or natural or manufactured gas utility distribution facilities within this state for the transmission, delivery, and sale of electricity or natural or manufactured gas. The term does not include natural gas transmission companies that are subject to the jurisdiction of the Federal Energy Regulatory Commission."

requirements do not apply to laws having an insignificant impact,[61] which is $2.4 million or less for Fiscal Year 2026-2027.[62]

The Revenue Estimating Conference has not analyzed SB 680. The bill may reduce the authority for counties and municipalities to raise revenue through local option sales taxes. If SB 680 reduces the authority to raise revenue in an amount that exceeds the threshold for an insignificant impact, the mandates provision of section 18 of Article VII of the Florida Constitution may apply.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Article VII, s. 19 of the Florida Constitution requires legislation pass each chamber by a 2/3 vote and be contained in a separate bill with no other subject if the legislation imposes, authorizes an imposition, increases, or authorizes an increase in a state tax or fee or if it decreases or eliminates a state tax or fee exemption or credit.

The bill does not affect the imposition or increasing of a state tax or fee nor decreases or eliminates a state tax or fee exemption or credit. Thus, the constitutional requirements do not apply.

E. Other Constitutional Issues:

Section 3 of the bill specifies that the revisions to the state's gross receipts tax and sales tax code provided in the bill apply retroactively to January 1, 2019.

Under Florida law, statutes are presumed to operate prospectively, not retroactively. In other words, statutes generally apply only to actions that occur on or after the effective date of the legislation, not before the legislation becomes effective.

The Florida Supreme Court has noted that, under the rules of statutory construction, if statutes are to operate retroactively, the Legislature must clearly express such an intent for the statute to be valid.[63] When statutes that are expressly retroactive have been litigated and appealed, the courts have been asked to determine whether the statute

[61] An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by $0.10. *See* FLA. SENATE COMM. ON COMTY. AFFAIRS, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf (last visited Jan. 20, 2026).
[62] Based on the Demographic Estimating Conference's estimated population adopted on June 30, 2025, https://edr.state.fl.us/Content/conferences/population/archives/250630demographic.pdf (last visited Jan. 20, 2026).
[63] *Walker & LaBerge, Inc., v. Halligan*, 344 So. 2d 239 (Fla. 1977).

applies to cases that were pending at the time the statute went into effect. The conclusion often turns on whether the statute is procedural or substantive.

The Florida Supreme Court has acknowledged that "[t]he distinction between substantive and procedural law is neither simple nor certain."[64] The Court further acknowledged that its previous pronouncements regarding the retroactivity of procedural laws have been less than precise and have been unclear.[65]

Courts, however, have invalidated the retroactive application of a statute if the statute impairs vested rights, creates new obligations, or imposes new penalties.[66] Still, in other cases, the courts have permitted statutes to be applied retroactively if they do not create new, or take away, vested rights, but only operate to further a remedy or confirm rights that already exist.[67]

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference has not estimated the bill. The bill may reduce state and local revenue from sales tax and may reduce distributions to the Public Education Capital Outlay and Debt Service Trust Fund from the gross receipts tax.

B. Private Sector Impact:

This bill will reduce the taxes paid on transactions related to electricity for EV charging station.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 203.012 and 212.02

[64] *Love v. State,* 286 So. 3d 177, 183 (Fla. 2019) quoting *Caple v. Tuttle's Design-Build, Inc*., 753 So. 2d 49, 53 (Fla. 2000).
[65] *Love, supra* note 64 at 184.
[66] *R.A.M. of South Florida, Inc. v. WCI Communities, Inc.,* 869 So. 2d 1210 (Fla. 2004).
[67] *Ziccardi v. Strother*, 570 So. 2d 1319 (Fla. 1990).

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

129618

LEGISLATIVE ACTION

Senate . House

. . . . .

The Committee on Regulated Industries (Mayfield) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraph (ffff) is added to subsection (7) of section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following

129618

are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(ffff) *Electricity sold to an owner or operator of an electric vehicle charging station.*—

1. Electricity, including electricity used for necessary supporting equipment and infrastructure, is exempt from the tax imposed by this chapter if the electricity is sold to an owner or operator of an electric vehicle charging station and used for the primary purpose of providing electric vehicle charging to a consumer or any person pursuant to s. 366.94.

2. This exemption applies only if the electricity used for

129618

the exempt purpose specified in subparagraph 1. is separately metered at the point of delivery from the electric utility to the owner or operator of the electric vehicle charging station. If claiming an exemption pursuant to this paragraph, the owner or operator of the electric vehicle charging station must furnish the electric utility with an affidavit, on a form adopted by department rule, attesting that the electricity is used for the exempt purpose specified in subparagraph 1. If the electricity is not separately metered at the point of delivery from the electric utility to the owner or operator, it is conclusively presumed that some portion of the electricity is used for a nonexempt purpose, and all such electricity is taxable.

3. Any person that furnishes a false affidavit to the electric utility for the purpose of evading payment of any tax imposed under this chapter shall be subject to the penalties set forth in s. 212.085 and as otherwise provided by law.

4. Possession by an electric utility of an affidavit furnished pursuant to this paragraph by an owner or operator of an electric vehicle charging station relieves the electric utility of the responsibility of collecting the tax on the sale of the electricity from which the exemption is claimed, and the department shall look solely to the owner or operator for recovery of the tax if it determines that the owner or operator was not entitled to the exemption.

5. As used in this paragraph, the term:

a. "Electric utility" has the same meaning as in s. 366.02.

b. "Electric vehicle charging station" has the same meaning as in s. 366.94(2).

129618

c. "Necessary supporting equipment and infrastructure" means equipment and infrastructure reasonably necessary for the safe and efficient operation of an electric vehicle charging station. The term does not include equipment or facilities primarily used for commercial purposes unrelated to electric vehicle charging. The term includes all of the following:

(I) Lighting and other public safety-related systems.

(II) User interface and payment systems.

(III) Advertising media and informational signage relating to the electric vehicle charging station and located within the immediate vicinity of the station.

(IV) Equipment used for electric vehicle charging, including conductors, connectors, attachment plugs, energy storage and management systems, communication and control systems, and personnel protection systems.

(V) All other fittings, electrical infrastructure, devices, power outlets, or apparatuses installed specifically for the purpose of transferring energy between the premise's wiring and an electric vehicle.

6. The department must adopt rules governing the form for the affidavit specified in subparagraph 2.

Section 2. The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, to implement the amendments made by this act to s. 212.08, Florida Statutes.

Section 3. This act shall take effect July 1, 2026.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

129618

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to electric vehicle charging taxation; amending s. 212.08, F.S.; exempting certain electricity sold to owners or operators of an electric vehicle charging station from the sales and use tax; providing applicability; requiring owners or operators of electric vehicle charging stations to furnish a specified affidavit under certain circumstances; providing a presumption relating to the purpose and taxation of certain electricity; providing civil and criminal penalties; specifying that possession of a specified affidavit relieves electric utilities of certain responsibilities; requiring the Department of Revenue to look solely to owners or operators for recovery of the tax under certain circumstances; defining terms; requiring the department to adopt rules; authorizing the department to adopt emergency rules; providing an effective date.

By Senator Mayfield

19-00649-26 2026680__

A bill to be entitled

An act relating to electric vehicle charging taxation; amending s. 203.012, F.S.; revising the definition of the terms "distribution company" and "utility service"; amending s. 212.02, F.S.; revising the definition of the term "retail sale"; providing retroactive applicability; providing an effective date.

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

Section 1. Subsections (1) and (3) of section 203.012, Florida Statutes, are amended to read:

203.012 Definitions.—As used in this chapter:

(1) "Distribution company" means any person owning or operating local electric or natural or manufactured gas utility distribution facilities within this state for the transmission, delivery, and sale of electricity or natural or manufactured gas. The term does not include natural gas transmission companies that are subject to the jurisdiction of the Federal Energy Regulatory Commission. The term does not include a person owning or operating electric vehicle charging stations as defined in s. 366.94(2)(a).

(3) "Utility service" means electricity for light, heat, or power; and natural or manufactured gas for light, heat, or power, including transportation, delivery, transmission, and distribution of the electricity or natural or manufactured gas. This subsection does not broaden the definition of utility service to include separately stated charges for tangible

19-00649-26 2026680__

personal property or services which are not charges for the electricity or natural or manufactured gas or the transportation, delivery, transmission, or distribution of electricity or natural or manufactured gas. The term does not include the sale of electricity to the public by an operator of an electric vehicle charging station operating under s. 366.94.

Section 2. Paragraph (a) of subsection (14) of section 212.02, Florida Statutes, is amended to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(14)(a) "Retail sale" or a "sale at retail" means a sale to a consumer or to any person for any purpose other than for resale in the form of tangible personal property or services taxable under this chapter, and includes all such transactions that may be made in lieu of retail sales or sales at retail. A sale for resale includes a sale of qualifying property. As used in this paragraph, the term "qualifying property" means tangible personal property, other than electricity, which is used or consumed by a government contractor in the performance of a qualifying contract as defined in s. 212.08(17)(c), to the extent that the cost of the property is allocated or charged as a direct item of cost to such contract, title to which property vests in or passes to the government under the contract. The term "government contractor" includes prime contractors and subcontractors. As used in this paragraph, a cost is a "direct item of cost" if it is a "direct cost" as defined in 48 C.F.R. s. 9904.418-30(a)(2), or similar successor provisions, including

costs identified specifically with a particular contract. A sale for resale also includes a sale of electricity to the operator of an electric vehicle charging station used in providing electric vehicle charging to the public pursuant to s. 366.94.

Section 3. The amendments made by this act to ss. 203.012 and 212.02, Florida Statutes, apply retroactively to January 1, 2019.

Section 4. This act shall take effect upon becoming a law.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR DEBBIE MAYFIELD
19th District

COMMITTEES:
Governmental Oversight and Accountability, *Chair*
Environment and Natural Resources, *Vice Chair*
Appropriations Committee on Transportation, Tourism, and Economic Development
Commerce and Tourism
Finance and Tax
Fiscal Policy
Regulated Industries

SELECT COMMITTEE:
Joint Select Committee on Collective Bargaining, Alternating *Chair*

JOINT COMMITTEE:
Joint Committee on Public Counsel Oversight

December 19, 2025

Senator Jennifer Bradley, Chair
Committee on Regulated Industries
Room 406, Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Bradley,

I respectfully request that you place Senate Bill 680 – Electric Vehicle Charging Taxation on the agenda for your next committee meeting.

Under current law, operators of EV charging stations are charged sales tax twice on the same electricity. The first tax is levied when the charging station purchases electricity from the power company, then a second tax is levied when the electricity is transferred to the consumer. SB 680 addresses this double taxation.

Additionally, I wanted to inform you that I am working with staff to prepare a strike-all amendment to offer in Regulated Industries to more effectively solve the problem.

Thank you for your consideration of this request.

Sincerely,

Debbie Mayfield,
State Senator, District 19

CC: Booter Imhof, Staff Director
Susan Datres, Committee Administrative Assistant
Mary Lee, Legislative Aide

REPLY TO:
❒ 900 East Strawbridge Avenue, Room 408, Melbourne, Florida 32901 (321) 409-2025
❒ 302 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5019

Senate's Website: *www.flsenate.gov*

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL:	SB 980
INTRODUCER:	Senator Calatayud
SUBJECT:	Nicotine Dispensing Devices
DATE:	January 26, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	RI	**Pre-meeting**
2.			AEG	
3.			FP	

I. Summary:

SB 980 provides that the act may be cited as the "Florida Age Gate Act." The bill provides restrictions on the sale, advertising, promotion, and displaying for sale of non-FDA-authorized nicotine dispensing devices, which the bill defines as "any nicotine dispensing device, including any single use device, nonrefillable closed system cartridge device, or disposable device, which has not received a marketing authorization under 21 U.S.C. s. 387j from the United States Food and Drug Administration (FDA)."

21 U.S.C. s. 387j requires manufacturers of tobacco products that were on the market as of August 8, 2016, to submit a premarket application (PMTA) to the FDA by September 9, 2020, in order to be authorized to continue to legally market the product. Nicotine dispensing devices that contain nicotine not made or derived from tobacco, such as synthetic nicotine, must also receive a marketing authorization from the FDA. This market authorization does not apply to "pre-existing tobacco product," i.e., "grandfathered tobacco products" that were commercially marketed in the United States as of February 15, 2007.

The bill prohibits retail nicotine products dealers (dealers) who sell non-FDA-authorized nicotine dispensing devices and who allow persons younger than 21 years of age inside the licensed premises from advertising, promoting, or displaying for sale such devices in any open display unit inside the licensed location or that is visible to persons outside of the licensed premises. These advertising and display restrictions would not apply to nicotine dispensing devices that have received a marketing authorization from the FDA under 21 U.S.C. s. 387j.

The bill provides that an applicant for a retail nicotine products dealer permit or a retail tobacco products dealer permit, by accepting the permit, agrees that the place or premises covered by the permit is subject to inspection and search of the premises without a search warrant by the Department of Law Enforcement (FDLE) in addition to the Division of Alcoholic Beverages and Tobacco (division) within the Department of Business and Professional Regulation (DBPR) or

its authorized assistants, and by sheriffs, deputy sheriffs, and police officers currently authorized to determine compliance with this part.

Under the bill, the division must conduct regular inspections of the licensed premises of dealers who sell nonapproved disposable devices to ensure compliance with this part.

The bill authorizes the division to assess the following administrative penalties for each violation involving the unlawful advertising, promotion, or display for sale of non-FDA-authorized nicotine dispensing devices:

- For a first violation, an administrative fine between $500 and $1,000, and an order requiring corrective action within 15 days;
- For a second violation, an administrative fine of $1,000 to $2,500, and an order requiring corrective action within 3 days; or
- For a third violation, an administrative fine between $2,500 to $5,000, and suspension of the dealer's permit for 30 days;
- For a fourth violation, an administrative fine of no less than $5,000, and suspension of the dealer's permit for 90 days;
- For a fifth or subsequent violation, revocation of the dealer's permit.

The bill also provides that, if a dealer, or a dealer's agent or employee, commits a third or subsequent violation within 12 weeks after the first violation, that person commits a misdemeanor of the second degree.

The bill requires that the division deposit all fines collected into the Professional Regulation Trust Fund of the DBPR. Under the bill, administrative fines must be used by the division and FDLE to increase enforcement personnel, fund compliance inspections and investigations, and develop and implement public awareness campaigns to reduce nicotine use by persons younger than 21 years of age.

The bill requires the division to adopt by rule guidelines for compliance audits and enforcement actions pertaining to the sale, advertising, promotion, and display for sale of non-FDA-authorized nicotine dispensing devices. The bill also requires that the annual report of the DBPR must list the number of dealers cited for violations of the restrictions in the bill on the advertising, promotion, or display of prohibited non-FDA-authorized nicotine dispensing devices, and the penalties imposed.

The bill takes effect July 1, 2026.

II. Present Situation:

Florida Regulation of Tobacco Products and Nicotine Dispensing Devises

The Division of Alcoholic Beverages and Tobacco (division) within the Department of Business and Professional Regulation (DBPR) is the state agency responsible for the regulation and enforcement of tobacco products under part I of ch. 569, F.S., and nicotine products under part II of ch. 569, F.S.

Retail Tobacco Products Dealer Permits

A person must obtain a retail tobacco products[1] dealer permit from the division for each place of business where tobacco products are sold, including sales made through a vending machine.[2] The fee for an annual permit is established by the division in rule at an amount to cover the regulatory costs of the program, not to exceed $50. The fees are deposited into the Alcoholic Beverage and Tobacco Trust Fund within the DBPR.[3]

Retail Nicotine Products Dealer Permit

A retail nicotine products dealer permit from the division is required for each place of business where nicotine products are sold, including sales made through a vending machine.[4] There is no fee for the permit. A person must be 21 years of age to qualify for a retail nicotine products dealer permit.[5]

Nicotine Products

Section 569.31(3), F.S., defines the term "nicotine dispensing device" to mean:

> any product that employs an electronic, chemical, or mechanical means to produce vapor or aerosol from a nicotine product, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product, any replacement cartridge for such device, and any other container of nicotine in a solution or other form intended to be used with or within an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product.

Section 569.31(4), F.S., defines the term "nicotine product" to mean:

> any product that contains nicotine, including liquid nicotine, which is intended for human consumption, whether inhaled, chewed, absorbed, dissolved, or ingested by any means. The term also includes any nicotine dispensing device. The term does not include a:
> (a) Tobacco product, as defined in s. 569.002;
> (b) Product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act; or
> (c) Product that contains incidental nicotine.

Nicotine products, including nicotine dispensing devises such as electronic cigarettes (also commonly known as "vapes"), may contain nicotine, which comes from tobacco, but they do not contain tobacco. It is a non-tobacco "e-liquid" that is heated and aerosolized for inhalation by the user of the device.[6]

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[1] *See* s. 569.002(6), F.S., defining the term "tobacco products."
[2] Section 569.003, F.S.
[3] Section 569.003(1)(c), F.S.
[4] Section 569.32, F.S.
[5] Section 569.32(2)(a), F.S.
[6] American Cancer Society, E-cigarettes and Vaping at: https://www.cancer.org/cancer/risk-prevention/tobacco/e-cigarettes-vaping/what-do-we-know-about-e-cigarettes.html (last visited Jan. 23, 2026).

Consent to Inspection and Search without Warrant

Applicants for a retail tobacco dealer permit, by accepting the permit when issued, agree that the place or premises covered by the permit is subject to inspection and search without a search warrant by the division or its authorized assistants, and by sheriffs, deputy sheriffs, or police officers, to determine compliance with ch. 569, F.S. The implied consent also applies to inspections for compliance with regulation of the retail sale nicotine products under part II of ch. 569, F.S., including nicotine products sold by a vending machine to be located on the applicant's premises.[7]

An applicant for a retail nicotine products dealer permit, by accepting the permit when issued, agrees that the place or premises covered by the permit is subject to inspection and search without a search warrant by the division or its authorized assistants, and by sheriffs, deputy sheriffs, or police officers, to determine compliance with part II of ch. 569, F.S. Current law does not state that the purpose of the inspection may be to determine compliance with part I of ch. 569, F.S., relating to tobacco products.[8]

Taxation of Tobacco Products Other than Cigarettes or Cigars

Part II of ch. 210, F.S., imposes a tax and a surcharge tax on tobacco products other than cigarettes or cigars. Cigarettes are taxed under part I of ch. 210, F.S. Cigars are not subject to a tax.

Restrictions on Sales to Minors

The sale, delivery, bartering, furnishing, or giving of tobacco products and nicotine products to persons under the age of 21 is prohibited.[9] A violation of this prohibition is a misdemeanor of the second degree.[10] A second violation within one year of the first violation is a first degree misdemeanor.[11] A third or subsequent violation of the prohibition against selling or giving a nicotine product to a person under 21 years of age is a felony of the third degree.[12]

It is a complete defense to a person charged with a violation of s. 569.101, F.S., if the buyer or recipient falsely evidenced that he or she was 21 years of age or older, a prudent person would

[7] Section 569.004, F.S.
[8] Section 569.33, F.S.
[9] Sections 569.101 and 569.41, F.S., providing the prohibitions against the sale of tobacco products and nicotine products to persons under 21 years of age, respectively.
[10] Section 775.082, F.S., provides that a misdemeanor of the second degree is punishable by a term of imprisonment not to exceed 60 days. Section 775.083, F.S. provides that a misdemeanor of the second degree is punishable by a fine not to exceed $500.
[11] Section 775.082, F.S., provides that the penalty for a misdemeanor of the first degree is punishable by a term of imprisonment not exceeding one year. Section 775.083, F.S., provides that the penalty for a misdemeanor of the first degree is punishable by a fine not to exceed $1,000.
[12] Section 775.082, F.S., provides that a felony of the third degree is punishable by a term of imprisonment not to exceed five years. Section 775.083, F.S., provides that a felony of the third degree is punishable by a fine not to exceed $5,000.

believe the buyer or recipient to be 21 years of age or older, and the buyer or recipient presented false identification[13] upon which the person relied in good faith.[14]

Persons under the age of 21 years are prohibited from possessing, directly or indirectly, any tobacco products or nicotine products:[15]

- A first violation of this prohibition is a non-criminal violation with a penalty of 16 hours of community service or a $25 fine, and attendance at a school-approved anti-tobacco program, if locally available.
- A second or subsequent violation within 12 weeks of the first violation is punishable with a $25 fine.
- Any second or subsequent violation not within the 12-week time period after the first violation is punishable as a first violation.

The term "any person under the age of 21" does not include any person under age 21 who:[16]

- Is in the military reserve or on active duty in the Armed Forces of the United States;
- Is acting in his or her scope of lawful employment, including with an entity licensed under the provisions of ch. 210, F.S., relating to taxation of cigarettes and other tobacco products, or ch. 569, F.S., relating to tobacco products.

To prevent persons under 21 years of age from purchasing or receiving tobacco products and nicotine devices, the sale or delivery of such products is prohibited, except when those products are under the direct control or line of sight of the dealer or the dealer's agent or employee. If a tobacco product is sold from a vending machine, the vending machine must have: [17]

- An operational lock-out device which is under the control of the dealer or the dealer's agent or employee who directly regulates the sale of items through the machine by triggering the lock-out device to allow the dispensing of one tobacco product;
- A mechanism on the lock-out device to prevent the machine from functioning if the power source for the lock-out device fails or if the lock-out device is disabled; and
- A mechanism to ensure that only one tobacco product is dispensed at a time.

These requirements for the sale of tobacco products do not apply to an establishment that prohibits persons under 21 years of age on the premises.[18]

Retail tobacco products dealers and retail nicotine product dealers (retailers) must post a clear and conspicuous sign that the sale of tobacco products is prohibited to persons under the age of 21 and that proof of age is required for purchase. The division is required to make the signs

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[13] *Supra* n. 8. Identification includes carefully checking "a driver license or an identification card issued by this state or another state of the United States, a passport, or a United States armed services identification card presented by the buyer or recipient and acted in good faith and in reliance upon the representation and appearance of the buyer or recipient in the belief that the buyer or recipient was 21 years of age or older." *See* s. 569.101(3)(c), F.S.

[14] *Supra* n. 8.

[15] Sections 569.11(1) and 569.42(1), F.S., providing the prohibitions against the procession of tobacco products and nicotine products by persons under 21 years of age, respectively.

[16] Section 569.002(9) and 569.31(12), F.S., defining the term "any person under the age of 21" in the context of the regulation of tobacco products and nicotine products, respectively.

[17] Sections 569.007 and 569.37, F.S., relating to restrictions on the sale or delivery of tobacco products and nicotine products, respectively.

[18] *Id.*

available to retailers. Retailers must also have instructional material in the form of a calendar or similar format to assist in determining the age of the person attempting to purchase a tobacco product.[19]

Section 386.212, F.S., in the Florida Clean Indoor Air Act,[20] prohibits any person under the age of 21 from smoking tobacco within 1,000 feet of a public or private elementary, middle, or secondary school between the hours of 6:00 a.m. and midnight.[21] A violation of this prohibition is punishable by a maximum noncriminal civil penalty not to exceed $25, or 50 hours of community service or, where available, successful completion of a school-approved anti-tobacco "alternative to suspension" program.[22]

Administrative Penalties

A retail tobacco dealer permit-holder can be disciplined under the division's penalty guidelines. For a violation of the prohibition in s. 569.06, F.S., against the sale of tobacco products to persons under 21 years of age, the guidelines provide:

- 1st occurrence -- $500 fine.
- 2nd occurrence -- $1,000 fine.
- 3rd occurrence -- $2,000 fine and a 20-day suspension of the dealer permit.
- 4th occurrence -- revocation of the dealer permit.

These penalties are based on a single violation in which the permit-holder committed or knew about the violation; or a pattern of at least three violations on different dates within a 12-week period by employees, independent contractors, agents, or patrons on the licensed premises or in the scope of employment in which the permit-holder did not participate; or violations which were occurring in an open and notorious manner on the licensed premises.[23]

Section 569.008, F.S., provides a process for a retail tobacco products dealer to mitigate penalties imposed against a dealer because of an employee's illegal sale of a tobacco product to a person under 21 years of age.[24] The process encourages retail tobacco products dealers to comply with responsible practices. The division may mitigate penalties if:

- The dealer is qualified as a responsible dealer having established and implemented specified practices designed to ensure that the dealer's employees comply with ch. 569, F.S., such as employee training;
- The dealer had no knowledge of that employee's violation at the time of the violation and did not direct, approve, or participate in the violation; and
- If the sale was made through a vending machine, it was equipped with an operational lock-out device.[25]

[19] Sections 569.14 and 569.43, F.S., providing requirements for the posting of notices by retail tobacco products dealers and retail nicotine product dealers, respectively.
[20] Part II of ch. 386, F.S.
[21] Section 386.212(1), F.S.
[22] Section 386.212(3), F.S.
[23] Fla. Admin. Code R. 61A-2.022(1) (2019).
[24] The Florida Responsible Vendor Act in ss. 561.701 - 561.706, F.S., provides a comparable process for mitigation of penalties against vendors of alcoholic beverages.
[25] Section 569.008(3), F.S.

DBPR Annual Report

The DBPR is required to submit an annual report to the Governor, the President of the Senate, and the Speaker of the House regarding the enforcement of tobacco products, including:[26]

- The number and results of compliance visits by the division;
- The number of violations for failure of a retailer to hold a valid license;
- The number of violations for selling tobacco products to anyone under the age of 21 and the results of administrative hearings on such violations; and
- The number of people under the age of 21 cited, including sanctions imposed as a result of citation.

The DBPR is required to submit a comparable annual report to the Legislature regarding compliance with the age restriction on the sale of nicotine dispensing devices.[27]

Federal Regulation of Tobacco Products

The Family Smoking Prevention and Tobacco Control Act of 2009 (Tobacco Control Act) gives the U.S. Food and Drug Administration (FDA) authority to regulate the manufacture, distribution, and marketing of tobacco products to protect the public health. The Tobacco Control Act provides advertising and labeling guidelines, provides standards for tobacco products, and requires face-to-face transactions for tobacco sales with certain exceptions.[28]

On August 8, 2016, the FDA extended the definition of the term "tobacco product" regulated under the Tobacco Control Act to include "electronic nicotine delivery systems" (ENDS). ENDS include nicotine delivery devices such as e-cigarettes, e-cigars, e-hookah, vape pens, personal vaporizers, and electronic pipes. The definition of tobacco products also includes components and parts such as e-liquids, tanks, cartridges, pods, wicks, and atomizers. On April 14, 2022, the FDA's authority was further expanded to include products containing nicotine from any source, including synthetic nicotine.[29]

Federal law preempts states from providing additional or different requirements for tobacco products in regard to "standards, premarket review, adulteration, misbranding, labeling, registration, good manufacturing standards, or modified risk tobacco products." However, federal law explicitly preserves the right of states, or any political subdivision of a state, to enact laws, rules, regulations or other measures related to prohibiting the sale, distribution, possession, exposure to, access to, advertising and promotion of tobacco products which are more stringent than federal requirements.[30]

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[26] Section 569.19, F.S.
[27] Section 569.44, F.S.
[28] Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 351 *et seq*; 15 U.S.C. s. 1333, s. 1335; 21 U.S.C. s. 387g, s. 387f.
[29] U.S. Food and Drug Administration, "*Regulation and Enforcement of Non-Tobacco Nicotine (NTN) Products."* "NTN" is the term used to describe nicotine that did not come from a tobacco plant. NTN includes 'synthetic' nicotine." U.S. Food and Drug Administration. *Regulation and Enforcement of Non-Tobacco Nicotine (NTN) Products*, www.fda.gov/tobacco-products/products-ingredients-components/regulation-and-enforcement-non-tobacco-nicotine-ntn-products (last visited Jan. 20, 2026).
[30] 21 U.S.C. § 387p.

Registration by Manufacturers

Under federal law, tobacco product manufacturers[31] are required initially and annually thereafter to register with the FDA the name,[32] places of business, and all such establishments of that manufacturer in any state.[33] These manufacturers are required to register any additional places which they own or operate and start to manufacture, prepare, compound, or process a tobacco product or tobacco products.[34]

FDA Premarket Review Application Process for Tobacco Products

21 U.S.C. § 387j requires the manufacturer of a new tobacco product[35] to submit a marketing application to the FDA and receive authorization[36] before it can be distributed into interstate commerce. These applications are reviewed by the FDA to determine whether the product meets the proper requirements to receive marketing authorization. Marketing authorization can be achieved through a Premarket Tobacco Product Application (PMTA), Substantial Equivalence (SE) Report, or Exemption from Substantial Equivalence Request (EX REQ).[37]

The FDA may issue a marketing granted order, temporarily suspend a marketing order, withdraw a marketing granted order, or issue a marketing denial order.[38] If exempt, the FDA would issue a "found exempt order."[39]

Preexisting tobacco products, i.e., tobacco products that were commercially marketed in the U.S. as of Feb. 15, 2007, or the modification of a tobacco product where the modified product was commercially marketed in the U.S. before Feb. 15, 2007, could voluntarily apply to the FDA by May 14, 2022,[40] to receive a determination that the product is a pre-existing tobacco product. A tobacco manufacturer may challenge the FDA's determination.[41] Manufactures must hold onto records that show their tobacco products are legally on the market.

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[31] The term "manufacture, preparation, compounding, or processing" includes "the repackaging or otherwise changing the container, wrapper, or labeling of any tobacco product package in furtherance of the distribution of the tobacco product from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer or user." 21 U.S.C. § 387e(a)(1).

[32] The term "name" includes the name of each partner in the case of a partnership and, in the case of a corporation, the name of each corporate officer and director, and the State of incorporation." 21 U.S.C. § 387e(a)(2).

[33] 21 U.S.C. § 387e(b)(c).

[34] 21 U.S.C. § 387e(d).

[35] "A 'new tobacco product' is defined as any product not commercially marketed in the United States as of February 15, 2007, or the modification of a tobacco product where the modified product was commercially marketed in the U.S. after February 15, 2007." 21 U.S.C. § 387j(1).

[36] U.S. Food and Drug Administration, *Market and Distribute a Tobacco Product*, www.fda.gov/tobacco-products/products-guidance-regulations/market-and-distribute-tobacco-product (last visited Jan. 20, 2026).

[37] *Id.*

[38] 21 U.S.C. § 387j.

[39] *See* U.S. Food and Drug Administration, *Searchable Tobacco Products Database Additional Information, Database Terminology*, defining EXREQ – Found Exempt Order, https://www.fda.gov/tobacco-products/market-and-distribute-tobacco-product/searchable-tobacco-products-database-additional-information#rfr (last visited Jan. 20, 2026).

[40] U.S. Food and Drug Administration, *Reminder: Electronic Submission of Premarket Applications for Non-Tobacco Nicotine Products due May 14*, https://www.fda.gov/tobacco-products/ctp-newsroom/reminder-electronic-submission-premarket-applications-non-tobacco-nicotine-products-due-may-14 (last visited Jan. 20, 2026).

[41] *See* U.S. Food and Drug Administration, *Pre-Existing Tobacco Products*, June 15, 2023, at https://www.fda.gov/tobacco-products/market-and-distribute-tobacco-product/pre-existing-tobacco-products (last visited Jan. 20, 2026).

September 9, 2020, was the deadline for submitting a PMTA application for other new deemed tobacco products that were on the market as of August 8, 2016.[42]

An applicant may submit a PMTA to demonstrate that a new tobacco product meets the requirements to receive a marketing granted order.[43] The PMTA must contain information[44] for the FDA to ascertain whether there are any applicable grounds for a marketing denial order. To receive a "marketing granted" order:

> A PMTA must demonstrate the new tobacco product would be appropriate for the protection of the public health and takes into account the increased or decreased likelihood that existing users of tobacco products will stop using such products, as well as the increased or decreased likelihood that those who do not use tobacco products will start using such products.[45]

A Substantially Equivalent Report can be submitted by the tobacco manufacturer to seek an FDA substantially equivalent order. The applicant must provide information on the new tobacco product's characteristics and compare its characteristics to another tobacco product.[46] The SE Report must contain information to allow the FDA to determine whether the new tobacco product is substantially equivalent to a tobacco product that was commercially marketed in the United States as of February 15, 2007.[47]

The FDA may exempt, from the requirements relating to the demonstration that a tobacco product is substantially equivalent, tobacco products that are modified by adding or deleting a tobacco additive, or increasing or decreasing the quantity of an existing tobacco additive if certain conditions are met. A tobacco product may only receive an exemption from the requirement of showing a substantial equivalence (Ex Req) if it is for a minor modification to a tobacco product that can legally be sold as a legally marketed tobacco product.[48]

By January 14,, 2025, the FDA made determinations on more than 26 million PMTA applications, including 99.5 percent of the higher-market share e-cigarette products. It issued marketing denial orders for more than 65,000 non-tobacco flavored e-cigarette product applications.[49]

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[42] U.S. Food and Drug Administration, *Premarket Tobacco Product Applications* at: https://www.fda.gov/tobacco-products/market-and-distribute-tobacco-product/premarket-tobacco-product-applications (last visited Jan. 20, 2026).
[43] 21 CFR 1114.5.
[44] The PMTA must include information, such as, full reports of investigations of health risks, effect on the population as a whole, product formulation, statement of compliance and certification, and manufacturing. *See* 21 CFR § 1114.7(a).
[45] *Supra* n. 35.
[46] *See* 21 CFR 1107.16 and 21 CFR 1107.18.
[47] 21 CFR 1107.18.
[48] 21 CFR 1107.1.
[49] U.S. Food and Drug Administration, *A Year in Review: FDA's Progress on Tobacco Product Regulation in 2024*, https://www.fda.gov/tobacco-products/ctp-newsroom/year-review-fdas-progress-tobacco-product-regulation-2024 (last visited Jan. 20, 2026); and U.S. Food and Drug Administration, *Premarket Tobacco Product Marketing Granted Orders,*" updated as of Mar. 28, 2024, www.fda.gov/tobacco-products/premarket-tobacco-product-applications/premarket-tobacco-product-marketing-granted-orders (last visited Jan. 20, 2026).

In 2024, the FDA issued several marketing orders for non-tobacco flavored e-cigarette products.[50]

The FDA provides a searchable database on its website for tobacco products, including e-cigarettes that may be legally marketed.[51] The FDA also maintains a printable, one-page flyer of authorized e-cigarettes indicating that only 17 e-cigarette products from three manufacturers have been authorized for sale.[52]

Legal Challenges to the FDA's PMTA Process

However, the FDA tobacco premarket application process has been challenged. In 2022, the Eleventh Circuit Court of Appeals set aside FDA marketing order denials as arbitrary and capricious because the FDA failed to consider relevant factors in evaluating the applications submitted by the six tobacco companies for flavored e-cigarettes.[53] In 2024, the Fifth Circuit Court of Appeals stated, in reference to the tobacco premarketing application process, that over several years, the FDA had "sent manufacturers of flavored e-cigarette products on a wild goose chase."[54] The FDA subsequently appealed the Fifth Circuit decision to the United State Supreme Court, which heard oral arguments on December 2, 2024.[55]

Regarding the PMTA process, the FDA's was also successfully challenged by a group of retailers based in Texas and Mississippi and a North Carolina-based company whose PMTA was denied by the FDA for a menthol-flavored e-cigarette product and the FDA appealed to the Fifth Circuit Court of Appeals, which is based in Louisiana. The Fifth Circuit rejected the FDA motion to move the case to the D.C. Circuit in Washington D.C.[56] The FDA subsequently appealed to the United States Supreme Court, which held oral arguments in January 2025 on the jurisdictional issue of "whether a manufacturer may file a petition for review in a circuit (other than the U.S. Court of Appeals for the District of Columbia Circuit) where it neither resides nor has its principal place of business, if the petition is joined by a seller of the manufacturer's products that is located within that circuit."[57]

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[50] *Id.*
[51] U.S. Food and Drug Administration, *Searchable Tobacco Products Database*, https://www.accessdata.fda.gov/scripts/searchtobacco/ (last visited Jan. 20, 2026).
[52] U.S. Food and Drug Administration, *FDA Authorized E-Cigarette Products*, https://digitalmedia.hhs.gov/tobacco/print_materials/CTP-250?locale=en (last visited Jan. 20, 2026).
[53] *See*, *Bidi Vapor LLC v. U.S. Food & Drug Admin*., 47 F.4th 1191, 1205 (11th Cir. 2022), in which the FDA issued marketing denial orders that specifically stated that it did not consider the marketing or sales-access-restriction plans in the PMTSs submitted by six tobacco companies which included their proposed marketing and sales-access restrictions in their applications.
[54] *Wages & White Lion Investments, L.L.C. v. Food & Drug Admin*., 90 F.4th 357 (5th Cir. 2024) (the court held that the FDA's denial of marketing orders was arbitrary and capricious because the FDA failed to give manufacturers fair notice of the rules, did not explain or admit a change in position regarding application requirements, and disregarded the tobacco manufacturers' good faith reliance on previous FDA guidance).
[55] *Wages & White Lion Investments, L.L.C. v. Food & Drug Admin*., 144 S.Ct. 2714 (2024), *cert. granted.*
[56] *Food and Drug Administration, v. R.J. Reynolds Vapor Co.*, 2024 WL 1945307 (5th Cir. 2024).
[57] *Food and Drug Administration, v. R.J. Reynolds Vapor Co.*, 145 S.Ct. 116 (2024), *cert. granted*; and Petition for Writ of Certiorari in *Food and Drug Administration, v. R.J. Reynolds Vapor Co.*, No. 23-1187, May 5, 2024, WL 1995213.

Federal Enforcement Efforts

In October 2024, FDA and U.S. Customs and Border Protection (CBP), seized $76 million in unauthorized e-cigarettes, including popular, youth-appealing, foreign-owned brands. In April 2024, the U.S. Marshals Service seized unauthorized e-cigarettes valued at more than $700,000 at a warehouse in California.

In addition, the FDA made compliance and enforcement actions against unauthorized tobacco products in 2024, especially those most appealing to youth, including issuing warning letters to more than 50 manufacturers and distributors and more than 430 retailers for selling unauthorized tobacco products. In 2024, the CBP also filed civil money penalty complaints for unauthorized products consisting of 44 complaints against manufacturers and more than 100 complaints against retailers.[58]

Florida Directory of Nicotine Products that are Attractive to Children

Enacted during the 2024 Regular Session, s. 569.311, F.S.,[59] authorizes the Florida Attorney General to adopt rules to create a directory of nicotine dispensing devices that the Attorney General has determined to be "attractive to minors," thereby removing those products from the market. Under the section, the term "nicotine dispensing devices" includes e-cigarettes, vapes, and other similar products. Each individual stock keeping unit is considered a separate nicotine dispensing device. Open systems in which a consumer fills a vial or other containers with a nicotine solution are exempted from the provisions of s. 569.311, F.S.

To determine that a product is "attractive to minors," the Attorney General must consider several factors, including:[60]

- Surveys or other data sources indicating that a nicotine dispensing device is being used by minors at a higher rate than other nicotine dispensing devices.
- Complaints, reports, or other information related to the use of a nicotine dispensing device by minors from other minors, from parents, teachers, school employees, school boards, and law enforcement officers, retailers, and other industry officials as compared to other nicotine dispensing devices.
- The extent to which the product is designed and marketed to be attractive to minors (e.g., use of bright colors or cartoon characters, ease of use for minors, resemblance to a food product, and uniquely marketed to minors).
- Use of actual intellectual property that resemble consumer food products that are popular with minors.
- Any reports of physical harm to minors from using the nicotine dispensing device or evidence that the nicotine dispensing device presents unique risks to minors.
- Whether the manufacturer of the nicotine dispensing device submitted a timely filed premarket tobacco product application for the nicotine dispensing device pursuant to 21 U.S.C. s. 387j.

[58] *Supra* note 49.
[59] Chapter 2024-127, Laws of Fla.
[60] Section 569.311(3), F.S.

- Decisions by the U.S. Food and Drug Administration (FDA) regarding the product, including the extent to which the FDA's decision was predicated, in whole or part, on the risks to minors outweighing other benefits of the nicotine dispensing device.

The Department of Legal Affairs must also develop and maintain a directory listing all of the nicotine product manufacturers that sell nicotine dispensing devices in Florida, which the Attorney General has deemed attractive to minors. The department must make the directory available January 1, 2025, for public inspection on its website.[61]

The Attorney General's decision to include a product in the directory is subject to review under the Florida Administrative Procedure Act under ch. 120, F.S.[62] After a product is included in the directory, retailers and wholesale dealers have 60 days from the date the directory is made public to sell or otherwise discard the products.[63]

Section 569.312(1), F.S., provides that a nicotine product manufacturer, a retail nicotine products dealer, a wholesaler, or a distributor may not sell, ship, or otherwise distribute a nicotine dispensing device in this state for eventual retail sale to a consumer in this state that is listed on the directory. A person who knowingly sells, ships, or receives for retail sale a prohibited nicotine dispensing device commits a misdemeanor of the first degree.[64] A violation is also deemed to be a deceptive trade practice and may be enforced by the Attorney General. The DBPR may impose a civil penalty of up to $1,000 per prohibited device sold.[65]

Products that are listed in the directory are contraband and are subject to seizure under the Florida Contraband Forfeiture Act.[66] A court having jurisdiction must order contraband nicotine dispensing devices forfeited upon a showing that, by a preponderance of the evidence, the devices were sold, delivered, possessed, or distributed contrary to any provision of ch. 569, F.S., relating to tobacco and nicotine products. Once any administrative proceedings under ch. 120, F.S., related to such devices have been completed, the court must order seized nicotine dispensing devices to be destroyed, except as provided by applicable court orders. The department is required to keep specified records of all nicotine dispensing devices seized under the act.[67]

As of March 6, 2025, the Attorney General's Nicotine Dispensing Devises Directory lists approximately 640 nicotine dispensing devices, which are identified by the product's stock keeping unit (SKU), as attractive to minors.[68]

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[61] Section 569.311(9), F.S.
[62] Section 569.311(5), F.S.
[63] Section 569.311(10), F.S.
[64] Section 775.082, F.S., provides that a misdemeanor of the first degree is punishable by a term of imprisonment not to exceed one year. Section 775.083, F.S. provides that a misdemeanor of the first degree is punishable by a fine not to exceed $1,000.
[65] Section 569.312, F.S.
[66] *See* ss. 932.701-932.7062, F.S.
[67] Section 569.345, F.S.
[68] *See* Florida Attorney General, *Nicotine Dispensing Devices*, https://www.myfloridalegal.com/NDD (last visited Jan. 20, 2026).

III. Effect of Proposed Changes:

Section 1 of the bill provides that the act may be cited as the "Florida Age Gate Act."

Definition

The bill amends s. 569.31, F.S., to define the term "non-FDA-authorized nicotine dispensing device" to mean any nicotine dispensing device, including any single use device, nonrefillable closed system cartridge device, or disposable device, which has not received a marketing authorization under 21 U.S.C. s. 387j from the United States Food and Drug Administration.[69]

Consent to Inspection and Search without a Warrant

The bill amends s. 569.33, F.S., to provide that an applicant for a retail nicotine products dealer permit, by accepting the permit, also agrees that the place or premises covered by the permit is subject to inspection and search without a search warrant by the Department of Law Enforcement to determine compliance with part II of ch. 569, F.S., relating to the unlawful sale, advertising, promotion, or display for sale of non-FDA-authorized nicotine dispensing devices.

Under the bill, the division must conduct regular inspections of the licensed premises of dealers who sell non-FDA-authorized nicotine dispensing devices to ensure compliance with part II of ch. 569, F.S.

Criminal and Administrative Penalties

The bill amends s. 569.35, F.S., to authorize the division to assess administrative penalties for each violation involving the unlawful advertising, promotion, or display for sale of non-FDA-authorized nicotine dispensing devices as provided in s. 569.37(3), F.S.

The bill authorizes the division to impose the following penalties:

- For a first violation, an administrative fine between $500 and $1,000, and an order requiring that corrective action within 15 days.
- For a second violation, an administrative fine of $1,000 to $2,500, and an order requiring corrective action within 3 days.
- For a third violation, an administrative fine between $2,500 to $5,000, and suspension of the dealer's permit for 30 days.
- For a fourth violation, an administrative fine of no less than $5,000, and suspension of the dealer's permit for 90 days.
- For a fifth or subsequent violation, revocation of the dealer's permit.

In addition to any administrative penalties, the bill also provides that a dealer, or a dealer's agent or employee, who commits a third or subsequent violation within 12 weeks after the first

[69] The bill references the Food and Drug Administration instead of the agency's full title of the United States Food and Drug Administration.

violation commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, F.S.[70]

Under the bill, any second or subsequent violation outside the 12-week period after the first violation is punishable as a first violation. It is not clear where the funds will be deposited.

Under the bill, administrative fines must be used by the division and FDLE to:
- Increase enforcement personnel;
- Fund compliance inspections and investigations; and
- Develop and implement public awareness campaigns to reduce nicotine use by persons under the age of 21.

Advertisement, Promotion, or Display for Sale of Nonapproved Disposable Devices

The bill creates s. 569.37(5)(a), F.S., to provide that products manufactured by a company that has received at least one marketing authorization order under 21 U.S.C. s. 387j are not subject to the age-related sale restrictions in this section, provided such products are sold exclusively in compliance with the related age restrictions of this state.

Section 569.37(5)(b), F.S., provides that the exemption to the age restrictions in subsection (a) extend to all:
- Stock-keeping units marketed by such manufacturer under the same brand family as the authorized product; and
- Closed-system, replaceable-cartridge devices designed exclusively for use with a proprietary, reusable, rechargeable device for which a marketing authorization order has been granted.

The bill creates s. 569.37(3)(a), F.S., to prohibit a dealer who allows persons younger than 21 years of age on the licensed premises, and who sells non-FDA-authorized nicotine dispensing devices from advertising, promoting, or displaying such devices in any location that is visible to:
- Any person outside of the dealer's licensed premises; and
- Any person younger than 21 years of age, including any open display unit.

Under s. 569.37(3)(b), F.S., a dealer who prohibits persons younger than 21 years of age on the licensed premises, and who sells a nicotine dispensing device that has received a marketing authorization order under 21 U.S.C. s. 387j, may advertise, promote, or display for sale such devices in areas visible inside or outside the licensed premises.

Section 569.37(3)(c), F.S., provides that, notwithstanding the restrictions in paragraph (a), products manufactured by a company with at least one FDA marketing authorization order issued under 21 U.S.C. s. 387j are not restricted under this subsection, provided such products are sold exclusively in compliance with state age restrictions requirements. For purposes of this paragraph, the exemption also applies to all:
- Stock-keeping units within the same brand family as the authorized product; and

[70] Section 775.082, F.S., provides that a misdemeanor of the second degree is punishable by a term of imprisonment not to exceed 60 days. Section 775.083, F.S. provides that a misdemeanor of the second degree is punishable by a fine not to exceed $500.

- Closed-system, replaceable-cartridge devices designed exclusively for use with a proprietary, reusable, rechargeable device for which a marketing authorization order has been granted.

The provisions in s. 569.37(3) and s. 569.37(5)(c), F.S., are duplicative.

The bill also amends s. 569.37(6), F.S., relating to provide that the provisions in s. 569.37(3), F.S., do not apply to an establishment that prohibits persons younger than 21 years of age on the licensed premises. This provision is inconsistent with s. 569.37(3), F.S., which includes restrictions on the sale, promotion, and display for sale in licensed premises that prohibit persons younger than 21 years of age on the licensed premises and that sell a nicotine dispensing device that has received a marketing authorization order under 21 U.S.C. s. 387j.

There may be nicotine dispensing devices that are not required to receive a marketing order under 21 U.S.C. s. 387j, such as a pre-existing tobacco product, which is any tobacco product (including those products in test markets) that was commercially marketed in the United States on, or as of, February 15, 2007, or was a modification of a tobacco product that was commercially marketed in the U.S. before Feb. 15, 2007. A manufacturer of such a product may voluntarily apply to the FDA for a marketing order but is not required to apply. Such devices would be subject to the advertising and display restrictions provided in the bill.

Rulemaking

The bill amends s. 569.39, F.S., to require the division to adopt by rule guidelines for compliance audits and enforcement actions pertaining to the sale, advertising, promotion, and display for sale of non-FDA-authorized nicotine dispensing devices. Such rules must expressly authorize establishments that prohibit persons younger than 21 years of age on the licensed premises to sell single-use nicotine dispensing devices that have not received a marketing authorization order issued under 21 U.S.C. s. 387j, consistent with s. 569.37(5), F.S.

DBPR Annual Report

The bill amends s. 569.44, F.S., to require that the annual report of the DBPR list the number of dealers cited for violations for any of the restrictions in the bill on the advertising, promotion, or display of non-FDA-authorized nicotine dispensing devices, and the penalties imposed.

Effective Date

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

All nicotine products dealer permit holders will subject to the restriction in the bill for the sale, advertising, promotion, and display for sale of non-FDA-authorized nicotine dispensing devices.

C. Government Sector Impact:

The DBPR has not provided a fiscal analysis for this bill.

VI. Technical Deficiencies:

The bill amends s. 569.31, F.S., to define the term "non-FDA-authorized nicotine dispensing device" and reference a marketing authorization under 21 U.S.C. s. 387j from the "Food and Drug Administration." The reference to "Food and Drug Administration" should be revised to read "United States Food and Drug Administration."

The provisions in s. 569.37(3) and s. 569.37(5)(c), F.S., are duplicative.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 569.31, 569.33, 569.35, 569.37, 569.39, and 569.44.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

381784

LEGISLATIVE ACTION

Senate . House

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The Committee on Regulated Industries (Calatayud) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. This act may be cited as the "Florida Age-Gate Act."

Section 2. Section 569.31, Florida Statutes, is reordered and amended to read:

569.31 Definitions.—As used in this part, the term:

(2)~~(1)~~ "Dealer" is synonymous with the term "retail

381784

nicotine products dealer."

(3)~~(2)~~ "Division" means the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation.

(4)~~(3)~~ "FDA" means the United States Food and Drug Administration.

(5)~~(4)~~ "Nicotine dispensing device" means any product that employs an electronic, chemical, or mechanical means to produce vapor or aerosol from a nicotine product, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product, any replacement cartridge for such device, and any other container of nicotine in a solution or other form intended to be used with or within an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product. For purposes of this definition, each individual stock keeping unit is considered a separate nicotine dispensing device.

(6)~~(5)~~ "Nicotine product" means any product that contains nicotine, including liquid nicotine, which is intended for human consumption, whether inhaled, chewed, absorbed, dissolved, or ingested by any means. The term also includes any nicotine dispensing device. The term does not include a:

(a) Tobacco product, as defined in s. 569.002;

(b) Product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act; or

(c) Product that contains incidental nicotine.

(7)~~(6)~~ "Nicotine products manufacturer" means any person or

entity that manufactures nicotine products.

(8) "Non-FDA-authorized nicotine dispensing device" means any nicotine dispensing device, including any single-use device, nonrefillable closed system cartridge device, or disposable device, which has not received a marketing authorization order under 21 U.S.C. s. 387j from the United States Food and Drug Administration.

(9)~~(7)~~ "Permit" is synonymous with the term "retail nicotine products dealer permit."

(10)~~(8)~~ "Retail nicotine products dealer" means the holder of a retail nicotine products dealer permit.

(11)~~(9)~~ "Retail nicotine products dealer permit" means a permit issued by the division under s. 569.32.

(12)~~(10)~~ "Self-service merchandising" means the open display of nicotine products, whether packaged or otherwise, for direct retail customer access and handling before purchase without the intervention or assistance of the dealer or the dealer's owner, employee, or agent. An open display of such products and devices includes the use of an open display unit.

(13)~~(11)~~ "Sell" or "sale" means, in addition to its common usage meaning, any sale, transfer, exchange, barter, gift, or offer for sale and distribution, in any manner or by any means.

(1)~~(12)~~ "Any person under the age of 21" does not include any person under the age of 21 who:

(a) Is in the military reserve or on active duty in the Armed Forces of the United States; or

(b) Is acting within the scope of ~~in~~ his or her ~~scope of~~ lawful employment.

Section 3. Section 569.33, Florida Statutes, is amended to

read:

569.33 Consent to inspection and search without warrant.—

(1) An applicant for a retail nicotine products dealer permit, by accepting the permit when issued, agrees that the place or premises covered by the permit is subject to inspection and search without a search warrant by the division or its authorized assistants, and by sheriffs, deputy sheriffs, or police officers, to determine compliance with this part.

(2) In addition to subsection (1), an applicant consents to inspection and search without a search warrant of the licensed premises by the Department of Law Enforcement for violations involving the unlawful sale, advertising, promotion, or display for sale of non-FDA-authorized nicotine dispensing devices as defined in s. 569.31.

(3) The division shall conduct regular inspections of the licensed premises of dealers that sell non-FDA-authorized nicotine dispensing devices to ensure compliance with this part.

Section 4. Section 569.35, Florida Statutes, is amended to read:

569.35 Retail nicotine product dealers; administrative penalties.—

(1) The division may suspend or revoke the permit of a dealer, including the retail tobacco products dealer permit of a retail tobacco products dealer as defined in s. 569.002 ~~s. 569.002(4)~~, upon sufficient cause appearing of the violation of any of the provisions of this part, by a dealer, or by a dealer's agent or employee.

(2)(a) Except as provided in paragraph (b), the division may also assess and accept an administrative fine of up to

381784

$1,000 against a dealer for each violation. Except as provided in paragraph (b), the division shall deposit all fines collected into the General Revenue Fund as collected.

(b) For each violation of s. 569.37(3) involving the sale of a non-FDA-authorized nicotine dispensing device, or the advertising, promoting, or displaying for sale of such device, the division may impose the following penalties:

1. For a first violation, an administrative fine not to exceed $1,000 but not less than $500, a 7-day suspension of the dealer's permit, and an order requiring corrective action within 15 days.

2. For a second violation within 36 months after the first violation, an administrative fine not to exceed $5,000 but not less than $2,500, a 14-day suspension of the dealer's permit, and an order requiring corrective action within 3 days.

3. For a third violation within 36 months after the first violation, an administrative fine not to exceed $20,000, but not less than $5,000, and revocation of the dealer's permit.

(3) A dealer, or a dealer's agent or employee, who commits a third or subsequent violation within 12 weeks after the first violation commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(4) An order imposing an administrative fine becomes effective 15 days after the date of the order. The division may suspend the imposition of a penalty against a dealer, conditioned upon the dealer's compliance with terms the division considers appropriate.

(5) The division shall deposit all fines collected under paragraph (2)(b) into the Alcoholic Beverage and Tobacco Trust

381784

Fund. The division and the Department of Law Enforcement shall use the administrative fines assessed pursuant to subsection (2) to:

(a) Increase enforcement personnel;

(b) Fund compliance inspections and investigations; and

(c) Develop and implement public awareness campaigns to reduce nicotine use by persons younger than 21 years of age.

Section 5. Section 569.37, Florida Statutes, is amended to read:

569.37 Sale or delivery of nicotine products; restrictions; exemptions.—

(1) In order to prevent persons younger than ~~under~~ 21 years of age from purchasing or receiving nicotine products, the sale or delivery of nicotine products is prohibited, except:

(a) When under the direct control or line of sight of the dealer or the dealer's agent or employee; or

(b) Sales from a vending machine are prohibited under paragraph (a) and are only permissible from a machine that is equipped with an operational lockout device that is under the control of the dealer or the dealer's agent or employee who directly regulates the sale of items through the machine by triggering the lockout device to allow the dispensing of one nicotine product. The lockout device must include a mechanism to prevent the machine from functioning if the power source for the lockout device fails or if the lockout device is disabled and a mechanism to ensure that only one nicotine product is dispensed at a time.

(2)(a) A dealer that sells nicotine products may not sell, permit to be sold, offer for sale, or display for sale such

381784

products or devices by means of self-service merchandising.

(b) A dealer that sells nicotine products may not place such products or devices in an open display unit unless the unit is located in an area that is inaccessible to customers.

(3)(a) A dealer that allows persons younger than 21 years of age on the licensed premises, and that sells a non-FDA-authorized nicotine dispensing device, may not advertise, promote, or display for sale such devices in a manner that is visible to:

1. Any person outside the licensed premises; or

2. Any person younger than 21 years of age who is inside the licensed premises, including any open display unit.

(b) A dealer that prohibits persons younger than 21 years of age on the licensed premises, and that sells a nicotine dispensing device that has received a marketing authorization order under 21 U.S.C. s. 387j, may advertise, promote, or display for sale such devices in areas visible inside or outside the licensed premises.

(c) Paragraph (a) does not apply to a nicotine dispensing device that has received an FDA marketing authorization order issued under 21 U.S.C. s. 387j, sold in compliance with this section, including:

1. Each stock-keeping unit marketed by the manufactured within the same brand family as the authorized product; and

2. A closed-system, replaceable-cartridge devices designed exclusively for use with a proprietary, reusable, rechargeable device for which a marketing authorization order has been granted.

(5)~~(3)~~ ~~The provisions of~~ Subsections (1) and (2) do not


381784

~~shall not~~ apply to an establishment that prohibits persons younger than ~~under~~ 21 years of age on the licensed premises.

(4) A dealer or a dealer's agent or employee shall ~~must~~ require proof of age of a purchaser of a nicotine product before selling the product to that person, unless the purchaser appears to be 30 years of age or older.

Section 6. Section 569.39, Florida Statutes, is amended to read:

569.39 Rulemaking authority.—The division shall adopt rules to administer and enforce this part. The rules must include guidelines for compliance audits and enforcement actions pertaining to the advertising, promoting, or displaying for sale of any non-FDA-authorized nicotine dispensing devices and must expressly authorize establishments that prohibit persons younger than 21 years of age on the licensed premises to sell single-use nicotine dispensing devices that have not received a marketing authorization order issued under 21 U.S.C. s. 387j, consistent with s. 569.37(3).

Section 7. Present subsection (3) of section 569.44, Florida Statutes, is redesignated as subsection (4) and amended, and a new subsection (3) is added to that section, to read:

569.44 Annual report.—The division shall report annually with written findings to the Legislature and the Governor by December 31 on the progress of implementing the enforcement provisions of this part. This must include, but is not limited to:

(3) The number of dealers cited for violations of s. 569.37(3) for advertising, promoting, or displaying for sale a non-FDA-authorized nicotine dispensing device, and the penalties

381784

imposed.

(4)~~(3)~~ The number of violations for selling nicotine products to persons younger than ~~under age~~ 21 years of age and the results of administrative hearings on the above and related issues.

Section 8. This act shall take effect July 1, 2026.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to nicotine dispensing devices; creating a short title; reordering and amending s. 569.31, F.S.; defining the term "non-FDA-authorized nicotine dispensing device"; amending s. 569.33, F.S.; requiring an applicant for a retail nicotine products dealer permit to consent to inspections and searches of the licensed premises by the Department of Law Enforcement for specified purposes; requiring the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to conduct regular inspections of licensed premises of dealers that sell non-FDA-authorized nicotine dispensing devices to ensure compliance; amending s. 569.35, F.S.; providing civil and criminal penalties for retail tobacco products dealers that sell or advertise, promote, or display for sale non-FDA-authorized nicotine dispensing devices; requiring the

381784

division to deposit all fines collected into the Alcoholic Beverage and Tobacco Trust Fund; requiring the division and the Department of Law Enforcement to use the administrative fines assessed for specified purposes; conforming a cross-reference; amending s. 569.37, F.S.; prohibiting certain dealers that sell non-FDA-authorized nicotine dispensing devices from advertising, promoting, or displaying such devices if such dealers do not prohibit persons younger than 21 years of age on the licensed premises; providing applicability; conforming cross-references; amending s. 569.39, F.S.; revising the rules to be adopted by the division; amending s. 569.44, F.S.; revising the requirements of the division's annual report to the Legislature and the Governor; providing an effective date.

By Senator Calatayud

38-00602-26 2026980__

A bill to be entitled

An act relating to nicotine dispensing devices; creating a short title; reordering and amending s. 569.31, F.S.; defining the term "non-FDA-authorized nicotine dispensing device"; amending s. 569.33, F.S.; requiring an applicant for a retail nicotine products dealer permit to consent to inspections and searches of the licensed premises by the Department of Law Enforcement for specified purposes; requiring the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to conduct regular inspections of licensed premises of dealers that sell non-FDA-authorized nicotine dispensing devices to ensure compliance; amending s. 569.35, F.S.; providing civil and criminal penalties for retail tobacco products dealers that advertise, promote, or display for sale non-FDA-authorized nicotine dispensing devices; requiring the department and the division to use the administrative fines assessed for specified purposes; conforming a cross-reference; reordering and amending s. 569.37, F.S.; prohibiting certain dealers that sell non-FDA-authorized nicotine dispensing devices from advertising, promoting, or displaying such devices if such dealers do not prohibit persons younger than 21 years of age on the licensed premises; providing exemptions; conforming cross-references; amending s. 569.39, F.S.; revising the rules to be adopted by the division; amending s. 569.44, F.S.; revising the

38-00602-26 2026980__

requirements of the division's annual report to the Legislature and the Governor; providing an effective date.

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

Section 1. This act may be cited as the "Florida Age-Gate Act."

Section 2. Section 569.31, Florida Statutes, is reordered and amended to read:

569.31 Definitions.—As used in this part, the term:

(2)~~(1)~~ "Dealer" is synonymous with the term "retail nicotine products dealer."

(3)~~(2)~~ "Division" means the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation.

(4)~~(3)~~ "FDA" means the United States Food and Drug Administration.

(5)~~(4)~~ "Nicotine dispensing device" means any product that employs an electronic, chemical, or mechanical means to produce vapor or aerosol from a nicotine product, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product, any replacement cartridge for such device, and any other container of nicotine in a solution or other form intended to be used with or within an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product. For purposes of this definition, each individual stock keeping unit is considered a separate nicotine

dispensing device.

(6) ~~(5)~~ "Nicotine product" means any product that contains nicotine, including liquid nicotine, which is intended for human consumption, whether inhaled, chewed, absorbed, dissolved, or ingested by any means. The term also includes any nicotine dispensing device. The term does not include a:

(a) Tobacco product, as defined in s. 569.002;

(b) Product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act; or

(c) Product that contains incidental nicotine.

(7) ~~(6)~~ "Nicotine products manufacturer" means any person or entity that manufactures nicotine products.

(8) "Non-FDA-authorized nicotine dispensing device" means any nicotine dispensing device, including any single-use device, nonrefillable closed system cartridge device, or disposable device, which has not received a marketing authorization order under 21 U.S.C. s. 387j from the Food and Drug Administration.

(9) ~~(7)~~ "Permit" is synonymous with the term "retail nicotine products dealer permit."

(10) ~~(8)~~ "Retail nicotine products dealer" means the holder of a retail nicotine products dealer permit.

(11) ~~(9)~~ "Retail nicotine products dealer permit" means a permit issued by the division under s. 569.32.

(12) ~~(10)~~ "Self-service merchandising" means the open display of nicotine products, whether packaged or otherwise, for direct retail customer access and handling before purchase without the intervention or assistance of the dealer or the dealer's owner, employee, or agent. An open display of such

products and devices includes the use of an open display unit.

(13) ~~(11)~~ "Sell" or "sale" means, in addition to its common usage meaning, any sale, transfer, exchange, barter, gift, or offer for sale and distribution, in any manner or by any means.

(1) ~~(12)~~ "Any person under the age of 21" does not include any person under the age of 21 who:

(a) Is in the military reserve or on active duty in the Armed Forces of the United States; or

(b) Is acting within the scope of ~~in~~ his or her ~~scope of~~ lawful employment.

Section 3. Section 569.33, Florida Statutes, is amended to read:

569.33 Consent to inspection and search without warrant.—

(1) An applicant for a retail nicotine products dealer permit, by accepting the permit when issued, agrees that the place or premises covered by the permit is subject to inspection and search without a search warrant by the division or its authorized assistants, and by sheriffs, deputy sheriffs, or police officers, to determine compliance with this part.

(2) In addition to subsection (1), an applicant consents to inspection and search without a search warrant of the licensed premises by the Department of Law Enforcement for violations involving the unlawful sale, advertising, promotion, or display for sale of non-FDA-authorized nicotine dispensing devices as defined in s. 569.31.

(3) The division shall conduct regular inspections of the licensed premises of dealers that sell non-FDA-authorized nicotine dispensing devices to ensure compliance with this part.

Section 4. Section 569.35, Florida Statutes, is amended to

read:

569.35 Retail nicotine product dealers; administrative penalties.—

(1) The division may suspend or revoke the permit of a dealer, including the retail tobacco products dealer permit of a retail tobacco products dealer as defined in s. 569.002 ~~s. 569.002(4)~~, upon sufficient cause appearing of the violation of any of the provisions of this part, by a dealer, or by a dealer's agent or employee.

(2)(a) The division may also assess and accept an administrative fine of up to $1,000 against a dealer for each violation. The division shall deposit all fines collected into the General Revenue Fund as collected.

(b) For each violation involving the sale of a non-FDA-authorized nicotine dispensing device, or the advertising, promoting, or displaying for sale of such device, the division may impose the following penalties:

1. For a first violation, an administrative fine between $500 to $1,000 and an order requiring corrective action within 15 days.

2. For a second violation, an administrative fine between $1,000 to $2,500 and an order requiring corrective action within 3 days.

3. For a third violation, an administrative fine between $2,500 to $5,000 and suspension of the dealer's permit for 30 days.

4. For a fourth violation, an administrative fine of no less than $5,000 and suspension of the dealer's permit for 90 days.

5. For a fifth or subsequent violation, revocation of the dealer's permit.

(3) In addition to any administrative penalties under subparagraph (b)3., a dealer, or a dealer's agent or employee, who commits a third or subsequent violation within 12 weeks after the first violation commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(4) An order imposing an administrative fine becomes effective 15 days after the date of the order. The division may suspend the imposition of a penalty against a dealer, conditioned upon the dealer's compliance with terms the division considers appropriate.

(5) The division and the Department of Law Enforcement shall use the administrative fines assessed pursuant to subsection (2) to:

(a) Increase enforcement personnel;

(b) Fund compliance inspections and investigations; and

(c) Develop and implement public awareness campaigns to reduce nicotine use by persons younger than 21 years of age.

Section 5. Section 569.37, Florida Statutes, is reordered and amended to read:

569.37 Sale or delivery of nicotine products; restrictions; exemptions.—

(1) In order to prevent persons younger than ~~under~~ 21 years of age from purchasing or receiving nicotine products, the sale or delivery of nicotine products is prohibited, except:

(a) When under the direct control or line of sight of the dealer or the dealer's agent or employee; or

(b) Sales from a vending machine are prohibited under

paragraph (a) and are only permissible from a machine that is equipped with an operational lockout device that is under the control of the dealer or the dealer's agent or employee who directly regulates the sale of items through the machine by triggering the lockout device to allow the dispensing of one nicotine product. The lockout device must include a mechanism to prevent the machine from functioning if the power source for the lockout device fails or if the lockout device is disabled and a mechanism to ensure that only one nicotine product is dispensed at a time.

(2)(a) A dealer that sells nicotine products may not sell, permit to be sold, offer for sale, or display for sale such products or devices by means of self-service merchandising.

(b) A dealer that sells nicotine products may not place such products or devices in an open display unit unless the unit is located in an area that is inaccessible to customers.

(6)~~(3)~~ ~~The provisions of~~ Subsections (1), (2), and (3) do not ~~(2) shall not~~ apply to an establishment that prohibits persons younger than ~~under~~ 21 years of age on the licensed premises.

(4) A dealer or a dealer's agent or employee shall ~~must~~ require proof of age of a purchaser of a nicotine product before selling the product to that person, unless the purchaser appears to be 30 years of age or older.

(5)(a) Notwithstanding this part, products manufactured by a company that has received at least one marketing authorization order under 21 U.S.C. s. 387j are not restricted under this section, provided such products are sold exclusively in compliance with the related age restrictions of this state.

(b) For purposes of this section, the exemption extends to all:

1. Stock-keeping units marketed by such manufacturer under the same brand family as the authorized product; and

2. Closed-system, replaceable-cartridge devices designed exclusively for use with a proprietary, reusable, rechargeable device for which a marketing authorization order has been granted.

(3)(a) A dealer that allows persons younger than 21 years of age on the licensed premises, and that sells a non-FDA-authorized nicotine dispensing device, may not advertise, promote, or display for sale such devices in a manner that is visible to:

1. Any person outside the licensed premises; or

2. Any person younger than 21 years of age who is inside the licensed premises, including any open display unit.

(b) A dealer that prohibits persons younger than 21 years of age on the licensed premises, and that sells a nicotine dispensing device that has received a marketing authorization order under 21 U.S.C. s. 387j, may advertise, promote, or display for sale such devices in areas visible inside or outside the licensed premises.

(c) Notwithstanding paragraph (a), products manufactured by a company with at least one FDA marketing authorization order issued under 21 U.S.C. s. 387j are not restricted under this subsection, provided such products are sold exclusively in compliance with state age restrictions requirements. For purposes of this paragraph, the exemption also applies to all:

1. Stock-keeping units within the same brand family as the

authorized product; and

2. Closed-system, replaceable-cartridge devices designed exclusively for use with a proprietary, reusable, rechargeable device for which a marketing authorization order has been granted.

Section 6. Section 569.39, Florida Statutes, is amended to read:

569.39 Rulemaking authority.—The division shall adopt rules to administer and enforce this part. The rules must include guidelines for compliance audits and enforcement actions pertaining to the advertising, promoting, or displaying for sale of any non-FDA-authorized nicotine dispensing devices and must expressly authorize establishments that prohibit persons younger than 21 years of age on the licensed premises to sell single-use nicotine dispensing devices that have not received a marketing authorization order issued under 21 U.S.C. s. 387j, consistent with s. 569.37(5).

Section 7. Present subsection (3) of section 569.44, Florida Statutes, is redesignated as subsection (4) and amended, and a new subsection (3) is added to that section, to read:

569.44 Annual report.—The division shall report annually with written findings to the Legislature and the Governor by December 31 on the progress of implementing the enforcement provisions of this part. This must include, but is not limited to:

(3) The number of dealers cited for violations of s. 569.37(3) for advertising, promoting, or displaying for sale a non-FDA-authorized nicotine dispensing device, and the penalties imposed.

(4)~~(3)~~ The number of violations for selling nicotine products to persons younger than ~~under age~~ 21 years of age and the results of administrative hearings on the above and related issues.

Section 8. This act shall take effect July 1, 2026.

The Florida Senate

Committee Agenda Request

To: Senator Jennifer Bradley, Chair
Committee on Regulated Industries

Subject: Committee Agenda Request

Date: January 13, 2026

I respectfully request that **Senate Bill #980**, relating to Nicotine Dispensing Devices, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Alexis Calatayud

Senator Alexis Calatayud
Florida Senate, District 38

File signed original with committee office

S-020 (03/2004)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL:	SB 204
INTRODUCER:	Senator Bradley
SUBJECT:	Gaming
DATE:	January 26, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Baird	Imhof	RI	**Pre-meeting**
2.			AEG	
3.			RC	

I. Summary:

SB 204 specifies a process for certain veterans' service organizations (VSOs) to ask the Florida Gaming Control Commission (FGCC), if a machine meets the definition of an amusement game or machine under Florida law, before installing a game or machine on their premises or if they currently have a machine or game on their premise.

The process only applies to VSOs that have been granted a federal charter under Title 36, U.S.C., or to a division, department, post, or chapter of such organization, for which an alcoholic beverage license has been issued.

SB 204 allows the qualifying VSOs to petition the FGCC before they purchase an amusement game or machine if in doubt whether the game or machine meets the definition and is authorized under s. 546.10, F.S., and the VSO may also petition the FGCC if there is a game or machine currently on the premises of the VSO.

SB 204 prohibits VSOs from petitioning the FGCC for a declaratory statement if they are the subject of an ongoing criminal investigation or if the game or machine is the subject of an ongoing criminal investigation.

The FGCC shall issue a declaratory statement within 60 days after receiving a petition requesting such statement. The FGCC may not deny a petition that is validly requested. VSOs are not required to request or obtain a declaratory statement in order to operate if lawful under s. 546.10, F.S.

SB 204 also defines the following terms:

- "Ownership interest" to mean a person who is an officer, a director, or a managing member of any business, establishment, premises, or other location; and

- "Person of authority" to mean a person who at any business, establishment, premises, or other location at which a slot machine or device is offered to play has:
  - Actual authority to act on behalf of the business, establishment, premises, or other location; or
  - Any ownership interest in the business, establishment, premises or other location.

SB 204 elevates the penalty for a person of authority at the time of the violation to a felony of the third degree for violations of s. 849.15, F.S.

Finally, SB 204 provides a legal "safe harbor" for all shipments of legal gaming devices, including legal slot machines, to Indian lands located within this state. The shipments are to be deemed legal shipments, provided that such Indian lands are held in federal trust for the benefit of a federally recognized Indian tribe that is a party to a tribal-state compact with the state pursuant to the IGRA.

The bill provides an effective date of July 1, 2026.

II. Present Situation:

Background

In general, gambling is illegal in Florida.[1] Chapter 849, F.S., prohibits keeping a gambling house,[2] running a lottery,[3] or the manufacture, sale, lease, play, or possession of slot machines.[4] However, the following gaming activities are authorized by law and regulated by the state:

- Pari-mutuel[5] wagering at licensed greyhound and horse tracks and jai alai facilities;[6]
- Slot machine gaming at certain licensed pari-mutuel locations in Miami-Dade County and Broward County;[7]
- Cardrooms[8] at certain pari-mutuel facilities;[9]
- The state lottery authorized by section 15 of Article X of the State Constitution and established under ch. 24, F.S.;[10]
- Skill-based amusement games and machines at specified locations as authorized by s. 546.10, F.S, the Family Amusement Games Act (the Act);[11] and

[1] *See* s. 849.08, F.S.
[2] *See* s. 849.01, F.S.
[3] *See* s. 849.09, F.S.
[4] *See* s. 849.16, F.S.
[5] Section 550.002(22), F.S., defines "pari-mutuel" as "a system of betting on races or games in which the winners divide the total amount bet, after deducting management expenses and taxes, in proportion to the sums they have wagered individually and with regard to the odds assigned to particular outcomes."
[6] *See* ch. 550, F.S., relating to the regulation of pari-mutuel activities.
[7] *See* FLA. CONST., art. X, s. 23, and ch. 551, F.S.
[8] Section 849.086(2)(c), F.S., defines "cardroom" to mean "a facility where authorized card games are played for money or anything of value and to which the public is invited to participate in such games and charged a fee for participation by the operator of such facility."
[9] *See* The FGCC, *Annual Report Fiscal Year 2023-2024* (Annual Report), at https://flgaming.gov/pmw/annual-reports/docs/2023-2024-FGCC-Annual-Report.pdf (last visited Jan 26, 2026).
[10] Chapter 24, F.S., was enacted by ch. 87-65, Laws of Fla., to establish the state lottery; s. 24.102, F.S., states the legislative purpose and intent for the operations of the state lottery.
[11] *See* s. 546.10, F.S.

- The following activities, if conducted as authorized under ch. 849, F.S., relating to Gambling, under specific and limited conditions:
  - Penny-ante games;[12]
  - Bingo;[13]
  - Charitable drawings;[14]
  - Game promotions (sweepstakes);[15] and
  - Bowling tournaments.[16]

A license to offer pari-mutuel wagering, slot machine gambling, or a cardroom at a pari-mutuel facility is a privilege granted by the state.[17]

The 1968 State Constitution states that "[l]otteries, other than the types of pari-mutuel pools authorized by law as of the effective date of this constitution . . ." are prohibited.[18] A constitutional amendment approved by the voters in 1986 authorized state-operated lotteries. Net proceeds of the lottery are deposited to the Educational Enhancement Trust Fund (EETF) and appropriated by the Legislature. Lottery operations are self-supporting and function as an entrepreneurial business enterprise.[19]

Enforcement of Gaming Laws and Florida Gaming Control Commission

In 202l, the Legislature updated Florida law for authorized gaming in the state, and for enforcement of the gambling laws and other laws relating to authorized gaming.[20] The Office of Statewide Prosecution in the Department of Legal Affairs is authorized to investigate and prosecute, in addition to gambling offenses, any violation of ch. 24, F.S., (State Lotteries), part II of ch. 285, F.S., (Gaming Compact), ch. 546, F.S., (Amusement Facilities), ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S., (Gambling), which are referred to the Office of Statewide Prosecution by the FGCC.[21]

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[12] *See* s. 849.085, F.S.
[13] *See* s. 849.0931, F.S.
[14] *See* s. 849.0935, F.S.
[15] Section 849.094, F.S., authorizes game promotions in connection with the sale of consumer products or services.
[16] *See* s. 849.141, F.S.
[17] Section 550.1625(1), F.S., "…legalized pari-mutuel betting at dog tracks is a privilege and is an operation that requires strict supervision and regulation in the best interests of the state." *See also, Solimena v. State,* 402 So.2d 1240, 1247 (Fla. 3d DCA 1981), *review denied*, 412 So.2d 470, which states "Florida courts have consistently emphasized the special nature of legalized racing, describing it as a privilege rather than as a vested right," citing *State ex rel. Mason v. Rose,* 122 Fla. 413, 165 So. 347 (1936).
[18] The pari-mutuel pools that were authorized by law on the effective date of the State Constitution, as revised in 1968, include horseracing, greyhound racing, and jai alai games. The revision was ratified by the electorate on November 5, 1968.
[19] The Department of the Lottery is authorized by s. 15, Art. X of the State Constitution. Chapter 24, F.S., was enacted by ch. 87-65, Laws of Fla., to establish the state lottery. Section 24.102, F.S., states the legislative purpose and intent for the operations of the state lottery.
[20] *See* ch. 2021-268, Laws of Fla., (Implementation of 2021 Gaming Compact between the Seminole Tribe of Florida and the State of Florida); ch. 2021-269, Laws of Fla., (Gaming Enforcement), ch. 2021-270, Laws of Fla., (Public Records and Public Meetings), and 2021-271, Laws of Fla., (Gaming), as amended by ch. 2022-179, Laws of Fla., (Florida Gaming Control Commission). Conforming amendments are made to the section in ch. 2022-7, Laws of Fla., (Reviser's Bill) and ch. 2023-8, Laws of Fla., (Reviser's Bill).
[21] Section 16.56(1)(a), F.S.

In addition to the enhanced authority of the Office of Statewide Prosecution, the FGCC was created[22] within the Department of Legal Affairs. The FGCC has two divisions, the Division of Gaming Enforcement (DGE), and the Division of Pari-mutuel Wagering (DPMW) which was transferred from the Department of Business and Professional Regulation (DBPR), effective July 1, 2022 (as discussed below).

The FGCC must do all of the following:[23]

- Exercise all of the regulatory and executive powers of the state with respect to gambling, including pari-mutuel wagering, cardrooms, slot machine facilities, oversight of gaming compacts executed by the state pursuant to the Federal Indian Gaming Regulatory Act, and any other forms of gambling authorized by the State Constitution or law, excluding state lottery games as authorized by the State Constitution.
- Establish procedures consistent with ch. 120, F.S., the Administrative Procedure Act, to ensure adequate due process in the exercise of the FGCC's regulatory and executive functions.
- Ensure that the laws of this state are not interpreted in any manner that expands the activities authorized in ch. 24, F.S. (State Lotteries), part II of ch. 285, F.S. (Gaming Compact), ch. 546, F.S. (Amusement Facilities), ch. 550, F.S. (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S. (Gambling).
- Review the rules and regulations promulgated by the Seminole Tribal Gaming Commission for the operation of sports betting and propose to the Seminole Tribe Gaming Commission any additional consumer protection measures it deems appropriate. The proposed consumer protection measures may include, but are not limited to, the types of advertising and marketing conducted for sports betting, the types of procedures implemented to prohibit underage persons from engaging in sports betting, and the types of information, materials, and procedures needed to assist patrons with compulsive or addictive gambling problems.
- Evaluate, as the state compliance agency or as the FGCC, information that is reported by sports governing bodies or other parties to the FGCC relating to:
  - Any abnormal betting activity or patterns that may indicate a concern about the integrity of a sports event or events;
  - Any other conduct with the potential to corrupt a betting outcome of a sports event for purposes of financial gain, including, but not limited to, match fixing; suspicious or illegal wagering activities, including the use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, use of agents to place wagers, or use of false identification; and
  - The use of data deemed unacceptable by the FGCC or the Seminole Tribal Gaming Commission.
- Provide reasonable notice to state and local law enforcement, the Seminole Tribal Gaming Commission, and any appropriate sports governing body of non-proprietary information that may warrant further investigation of nonproprietary information by such entities to ensure the integrity of wagering activities in the state.
- Review any matter within the scope of the jurisdiction of the DPMW.
- Review the regulation of licensees, permitholders, or persons regulated by the DPMW and the procedures used by that division to implement and enforce the law.

[22] Section 16.71, F.S.

[23] Section 16.712, F.S. The FGCC also administers the Pari-mutuel Wagering Trust Fund. *See* s. 16.71(6), F.S.

- Review the procedures of the DPMW which are used to qualify applicants applying for a license, permit, or registration.
- Receive and review violations reported by a state or local law enforcement agency, the Department of Law Enforcement, the Department of Legal Affairs, the Department of Agriculture and Consumer Services, the DBPR, the Department of the Lottery, the Seminole Tribe of Florida, or any person licensed under ch. 24, F.S. (State Lotteries), part II of ch. 285, F.S. (Gaming Compact), ch. 546, F.S. (Amusement Facilities), ch. 550, F.S. (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S. (Gambling), and determine whether such violation is appropriate for referral to the Office of Statewide Prosecution.
- Refer criminal violations of ch. 24, F.S., (State Lotteries), part II of ch. 285, F.S., (Gaming Compact), ch. 546, F.S., (Amusement Facilities), ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S., (Gambling) to the appropriate state attorney or to the Office of Statewide Prosecution, as applicable.
- Exercise all other powers and perform any other duties prescribed by the Legislature, and adopt rules to implement the above.

Commissioners

As set forth in s. 16.71, F.S., of the five commissioners appointed as members of the FGCC, at least one member must have at least 10 years of experience in law enforcement and criminal investigations, at least one member must be a certified public accountant licensed in this state with at least 10 years of experience in accounting and auditing, and at least one member must be an attorney admitted and authorized to practice law in this state for the preceding 10 years. All members serve four-year terms, but may not serve more than 12 years.

Division of Gaming Enforcement

Section 16.711, F.S., sets forth the duties of the DGE within the FGCC.[24] The DGE is a criminal justice agency, as defined in s. 943.045, F.S. The commissioners must appoint a director of the DGE who is qualified by training and experience in law enforcement or security to supervise, direct, coordinate, and administer all activities of the DGE.[25]

The DGE director and all investigators employed by the DGE must meet the requirements for employment and appointment provided by s. 943.13, F.S., and must be certified as law enforcement officers, as defined in s. 943.10(1), F.S. The DGE director and such investigators must be designated law enforcement officers and must have the power to detect, apprehend, and arrest for any alleged violation of ch. 24, F.S., (State Lotteries), part II of ch. 285, F.S., (Gaming Compact), ch. 546, F.S., (Amusement Facilities), ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S., (Gambling), and any rule adopted pursuant thereto, and any law of this state.[26]

The law enforcement officers may enter upon any premises at which gaming activities are taking place in the state for the performance of their lawful duties and may take with them any

[24] For a summary of DGE investigations and actions in Fiscal Year 2022-2023, s*ee* Annual Report, *supra* n. 11 at p.5.
[25] Section 16.711(2), F.S.
[26] Section 16.711(3), F.S.

necessary equipment, and such entry does not constitute a trespass. In any instance in which there is reason to believe that a violation has occurred, such officers have the authority, without warrant, to search and inspect any premises where the violation is alleged to have occurred or is occurring.[27]

Further, any officer may, consistent with the United States and Florida Constitutions, seize or take possession of any papers, records, tickets, currency, or other items related to any alleged violation. Investigators employed by the FGCC also have access to, and the right to inspect, premises licensed by the FGCC, to collect taxes and remit them to the officer entitled to them, and to examine the books and records of all persons licensed by the FGCC.[28]

The DGE and its investigators are specifically authorized to seize any contraband in accordance with the Florida Contraband Forfeiture Act. The term "contraband" has the same meaning as the term "contraband article" in s. 932.701(2)(a)2., F.S.[29] The DGE is specifically authorized to store and test any contraband that is seized in accordance with the Florida Contraband Forfeiture Act and may authorize any of its staff to implement this provision. The authority of any other person authorized by law to seize contraband is not limited by these provisions.[30]

Section 16.711(5), F.S., requires the Florida Department of Law Enforcement (FDLE) to provide assistance in obtaining criminal history information relevant to investigations required for honest, secure, and exemplary gaming operations, and such other assistance as may be requested by the FGCC's executive director and agreed to by FDLE's executive director. Any other state agency, including the DBPR and the Department of Revenue, must, upon request, provide the FGCC with any information relevant to any investigation conducted as described above, and the FGCC must reimburse any agency for the actual cost of providing any such assistance.[31]

Veterans' Service Organizations

VSOs that are granted a federal charter under Title 36, U.S.C., are groups that have been formally recognized by Congress. While recognized federally, these groups are private, non-profit entities that must maintain a specific standard of service and submit an annual report to Congress. Examples of these VSOs are groups like The American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, the American Veterans, and Paralyzed Veterans of America. Some VSOs chose to operate facilities with a valid alcoholic beverage license.

If certain requirements are met, alcohol licenses for VSOs are issued by the Division of Alcoholic Beverages and Tobacco within the DBPR.

Under Florida law, VSOs operating with alcoholic beverage licenses receive certain gaming privileges; notably, s. 546.10(6)(a), F.S., provides specific exemptions regarding amusement games or machines. These and similar provisions exempt licensed VSOs from certain limitations

[27] *Id*.
[28] *Id*.
[29] Section 16.711(4), F.S.
[30] *Id*.
[31] Section 16.711(5), F.S.

on amusement machine operations, authorizing them to facilitate gaming activities that support their charitable missions.

Slot Machine or Amusement Machine?

At any location other than licensed pari-mutuel facilities[32] and Seminole tribe facilities[33], it is a violation to "manufacture, own, store, keep, possess, sell, rent, lease, let on shares, lend or give away, transport, or expose for sale or lease, or to offer to sell, rent, lease, let on shares, lend or give away, or permit the operation of any slot machine or device or any part thereof."[34]

The legal community in general has spent decades trying to find the right balance in defining and differentiating a slot machine from an amusement machine. Because of this, amusement games or machines are primarily governed by a tension between the Act and Florida's prohibition on slot machines.

Florida law prohibits slot machines in VSOs but allows certain types of amusement machines or games.

In Florida, a slot machine is defined as a machine or device that:[35]

- Is activated by inserting something of value (money, coin, account number, code, or other object or information);
- Is caused to operate or be operated by a user by application of skill, element of chance, or other outcome that is unpredictable to the user; and
- The user receives or is entitled to receive something of value or additional chances or rights to use the device or machine.

A person who violates the prohibitions[36] against manufacturing, selling, or possessing slot machines or devices commits a:[37]

- Second degree misdemeanor upon a first conviction.[38]
- First degree misdemeanor upon a second conviction.[39]
- Third degree felony upon a third or subsequent conviction, and the person is deemed a "common offender."[40]

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[32] Section 32 of Art. X of the State Constitution, adopted pursuant to a 2004 initiative petition, authorized slot machines in licensed pari-mutuel facilities in Broward and Miami-Dade counties, if approved by county referendum.
[33] Florida allows only a few operators of slot machines; certain Seminole tribal facilities and eight pari-mutuel facilities located in Miami-Dade and Broward counties. The FGCC, *FAQ's 'Are slot machines legal in Florida?'*, available at https://flgaming.gov/faq/#:~:text=Are%20slot%20machines%20legal%20in,at%20certain%20Indian%20tribal%20facilities, (last visited Jan. 26, 2026).
[34] Section 849.15(1)(a), F.S.
[35] Section 849.16(1), F.S.
[36] Sections 849.15, F.S. – 849.22, F.S.
[37] Section 849.23, F.S.
[38] A second degree misdemeanor is punishable by up to 60 days in county jail and a $500 fine. Sections 775.082 or 775.083, F.S.
[39] A first degree misdemeanor is punishable by up to one year in county jail and a $1,000 fine. Sections 775.082 or 775.083, F.S.
[40] A third degree felony is punishable by up to five years in prison and a $5,000 fine. Sections 775.082, 775.083, or 775.084, F.S.

There is a rebuttable presumption that a device, system, or network is a prohibited slot machine or device if it is used to display images of games of chance and is part of a scheme involving any payment or donation of money or its equivalent and awarding anything of value.[41]

In recent years, legal discussion has existed over slot machine and amusement machine distinctions including the "material element of chance" test; if a machine's outcome can be influenced by factors outside the player's immediate skill – such as a predetermined win/loss ratio or invisible game logic – the device is legally classified as a slot machine under s. 849.16, F.S.[42]

Amusement Games or Machines

In 2015, the Legislature created s. 546.10, F.S., in an attempt to regulate the operation of skill-based amusement games or machines at specified locations to prevent expansion of casino-style gambling in the state.[43] To differentiate between slot machines, which are generally prohibited, and amusement machines there is a lengthy definition of what includes an amusement game or machine and what does not constitute an amusement game or machine.

An "amusement game or machine" is defined in s. 546.10(3)(a), F.S., as:

> …a game or machine operated only for the bona fide entertainment of the general public which a person activates by inserting or using currency or a coin, card, coupon, slug, token, or similar device, and, *by the application of skill, with no material element of chance* inherent in the game or machine, the person playing or operating the game or machine controls the outcome of the game.
>
> The term does not include:

- Any game or machine that uses mechanical slot reels, video depictions of slot machine reels or symbols, or video simulations or video representations of any other casino game, including, but not limited to, any banked or banking card game, poker, bingo, pull-tab, lotto, roulette, or craps.
- A game in which the player does not control the outcome of the game through skill or a game where the outcome is determined by factors not visible, known, or predictable to the player.
- A video poker game or any other game or machine that may be construed as a gambling device under the laws of this state.
- Any game or device defined as a gambling device in 15 U.S.C. s. 1171, unless excluded under 15 U.S.C. s. 1178.

Florida law further distinguishes amusement machines or games into three types of machines, Type A, Type B, and Type C.

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[41] Section 849.16(3), F.S.
[42] *See Gator Coin II, Inc. v Dep't Bus. & Prof'l Reg.*, 254 So. 3d 114 (Fla. 1st DCA 2018), where the "material element of chance" issue is discussed.
[43] *See* Ch. 2015-93 s. 1, Laws of Fla. (creating s. 546.10(2), F.S, effective July 1, 2015).

A Type A amusement game or machine is a game or machine that offers no prizes, or any other thing of value other than free replays so long as:

- The amusement game or machine can accumulate and react to no more than 15 such replays;
- The amusement game or machine can be discharged of accumulated replays only by reactivating the game or device for one additional play for each accumulated replay;
- The amusement game or machine cannot make a permanent record, directly or indirectly, of any free replay;
- The amusement game or machine does not entitle the player to receive anything of value other than a free replay;
- An unused free replay may not be exchanged for anything of value, including merchandise or a coupon or a point that may be redeemed for merchandise; and
- The amusement game or machine does not contain any device that awards a credit and contains a circuit, meter, or switch capable of removing and recording the removal of a credit if the award of a credit is dependent upon chance.[44]

A Type B amusement game or machine is a game or machine that, upon activation and game play, entitles or enables a person to receive a coupon or a point that *may be redeemed onsite for merchandise* and the coupon or point:

- Has no value other than for redemption onsite for merchandise;
- The redemption value that a person receives for a single game played does not exceed the maximum value determined under s. 546.10(7), F.S. The maximum value was set at $5.25 in 2016 and is adjusted annually by the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items by the Department of Revenue. The current maximum value is $7.10.[45] However, a player may accumulate coupons or points to redeem onsite for a single item of merchandise that has a wholesale cost of not more than 100 times the maximum value, or for a prize consisting of more than one item, unit, or part, only if the aggregate wholesale cost of all items, units, or parts does not exceed 100 times the maximum value; and
- The redemption value that a person receives for playing multiple games simultaneously or competing against others in a multiplayer game does not exceed the maximum value.[46]

A Type B amusement game or machine may only be operated at:

- A facility as defined in s. 721.05(17), F.S., that is under the control of a timeshare plan;
- A public lodging establishment or public food service establishment licensed pursuant to ch. 509, F.S.;
- The following premises, if the owner or operator of the premises has a current license issued by the DBPR pursuant to ch. 509, ch. 561, ch. 562, ch. 563, ch. 564, ch.565, ch. 567, or ch. 568, of Florida Statutes;
- An arcade amusement center;
- A bowling center, as defined in s. 849.141, F.S.; or
- A truck stop.[47]

[44] Section 546.10(5)(a), F.S.
[45] See https://floridarevenue.com/Forms_library/current/brochure/gt800020.pdf (last visited January 25, 2026).
[46] Section 546.10(5)(b), F.S.
[47] *Id*.

A Type C amusement game or machine is a game or machine that allows the player to manipulate a claw or similar device within an enclosure that entitles or enables a person to receive merchandise directly from the game or machine, if the wholesale cost of the merchandise does not exceed 10 times the maximum value determined under s. 546.10(7), F.S.

A type C amusement game or machine may only be operated at:

- A facility as defined in s. 721.05(17), F.S., that is under the control of a timeshare plan;
- An arcade amusement center;
- A bowling center, as defined in s. 849.141, F.S.;
- The premises of a retailer, as defined in s. 212.02, F.S.;
- A public lodging establishment or public food service establishment licensed pursuant to ch. 509, F.S.;
- A truck stop; or
- The premises of a veterans' service organization granted a federal charter under Title 36, U.S.C., or a division, department, post, or chapter of such organization, for which an alcoholic beverage license has been issued.[48]

Regulatory Efforts by the FGCC

The FGCC employs approximately 18 sworn law enforcement officers.[49] The FGCC reported seizing around $14.47 million and over 6,700 slot machines in 2025, more than doubling its enforcement totals from the previous year.[50]

One of the greatest challenges for the FGCC currently, is that often times, the penalties for the criminals do not raise to the level for local law enforcement and state attorneys/prosecutors to justify spending time and resources pursuing convictions of ch. 849, F.S., violations.

Chapter 120 Declaratory Statement Process

As a matter of general policy, a declaratory statement serves as an administrative tool designed to resolve regulatory uncertainty. Under the Florida Administrative Procedure Act, a declaratory statement is a formal mechanism that allows any "substantially affected person" to obtain an agency's opinion regarding the applicability of a statutory provision, rule, or order to their specific set of circumstances.[51]

The petitioning party must state their particular circumstances with specificity and identify the exact law or regulation they believe applies to that situation.[52] Upon receiving a petition, an agency is required to give notice of the filing in the Florida Administrative Register and must either issue the statement or deny the petition within 90 days.[53]

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[48] Section 546.10(5)(c), F.S.
[49] The FGCC, available at https://flgaming.gov/enforcement (last visited Jan. 26, 2026).
[50] Casino.Org, *Florida Gaming Regulator Doubles Down on Illegal Gambling Raids*, available at https://www.casino.org/news/florida-gaming-regulator-doubles-down-on-illegal-gambling-raids/ (last visited Jan. 26, 2026).
[51] Section 120.565(1), F.S.
[52] Section 120.565(2), F.S.
[53] Section 120.565(3), F.S.

Once issued, a declaratory statement constitutes a "final agency action," making it a legally binding interpretation that provides the petitioner with a definitive regulatory position upon which they can rely.[54]

IGRA and Indian Tribes ability to Transport Slot Machines

Gambling on Indian lands is regulated by the Indian Gaming Regulatory Act of 1988 (IGRA), which generally preempts state law on tribal land.[55]

Under the IGRA, gaming is categorized in three classes:

- **Class I** gaming means social games for minimal value or traditional forms of Indian gaming engaged in by individuals for tribal ceremonies or celebrations;
- **Class II** gaming includes bingo and pull-tabs, lotto, punch boards, tip jars, instant bingo, other games similar to bingo, and certain non-banked card games if not explicitly prohibited by the laws of the state and if played in conformity with state law; and
- **Class III** gaming includes all forms of gaming that are not Class I or Class II gaming, such as banked card games such as baccarat, chemin de fer, and blackjack (21), casino games such as craps and roulette, electronic or electromechanical facsimiles of games of chance, slot machines, and pari-mutuel wagering.[56]

Under the IGRA, Class III gaming is lawful on Indian lands only if conducted pursuant to a tribal-state compact that has been ratified by the state and approved by the United States Secretary of the Interior.[57]

The Seminole Tribe of Florida is the only Indian tribe in Florida to have a legally binding compact recognized by the IGRA, and therefore is the only Indian tribe allowed to offer Class III gaming. The Miccosukee Tribe of Indians of Florida offers Class II type of gaming and is prohibited from offering Class III type of gaming, like slot machines.

Because shipments of slot machines for Indian casinos physically travel through the state and not exclusively on tribal lands, there is some potential ambiguity as to whether the general prohibition on transporting slot machines in s. 849.15, F.S., applies to devices destined for tribal lands.

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 546.10, F.S., relating to amusement games or machines, by specifying a declaratory statement process regarding the legality of an amusement game or machine. The process only applies to VSOs that have been granted a federal charter under Title 36, U.S.C., or to a division, department, post, or chapter of such organization, for which an alcoholic beverage license has been issued.

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[54] *Id*.
[55] *See* Pub. L. 100-497, 102 Stat. 2467, codified at 18 U.S.C. ss. 1166-1168 and 25 U.S.C. s. 2701 *et seq*.
[56] *See* 25 U.S.C. s. 2703.
[57] 25 U.S.C. s. 2710(d).

The bill allows the qualifying VSOs to petition the FGCC before they purchase an amusement game or machine if in doubt whether the game or machine meets the definition in and is authorized under s. 546.10, F.S. The VSO may also petition the FGCC if there is a game or machine currently on the premises of the VSO.

The bill prohibits VSOs from petitioning the FGCC for a declaratory statement if they are the subject of an ongoing criminal investigation or if the game or machine is the subject of an ongoing criminal investigation.

The FGCC shall issue a declaratory statement within 60 days after receiving a petition requesting such statement. The FGCC may not deny a petition that is validly requested pursuant to this section and s. 120.565, F.S.

A petition made under this section must provide enough information for the FGCC to issue the declaratory statement and must be accompanied by the exact specifications for the type of game or machine which the organization will purchase or install or currently has on the premises. The declaratory statement is valid only for the game or machine for which it is requested and is invalid if the specifications for the game or machine have been changed.

The bill provides that the declaratory statement is binding on the FGCC and may be introduced in any subsequent proceedings as evidence of a good faith effort to comply with s. 546.10, F.S., or ch. 849, F.S.

The bill does not prevent law enforcement from detecting, apprehending, or arresting a person for any alleged violation of the gaming statutes.

The bill does not require an owner or an operator of an amusement game or machine under this section to request or obtain a declaratory statement in order to operate, if lawful under s. 546.10, F.S.

Section 2 of the bill amends 849.15, F.S., regarding the manufacture, sale, and possession of slot machines, by defining the terms:

- "Ownership interest" to mean a person who is an officer, a director, or a managing member of any business, establishment, premises, or other location; and
- "Person of authority" to mean a person who, at any business, establishment, premises, or other location at which a slot machine or device is offered to play has:
  - Actual authority to act on behalf of the business, establishment, premises, or other location; or
  - Any ownership interest in the business, establishment, premises or other location.

The bill also increases the penalty for a person of authority at the time of the violation to a felony of the third degree for violations of s. 849.15, F.S.

Finally, the bill provides a legal "safe harbor" for all shipments of legal gaming devices, including legal slot machines to Indian lands located within this state, deeming them legal shipments, provided that such Indian lands are held in federal trust for the benefit of a federally

recognized Indian tribe that is a party to a tribal-state compact with the state pursuant to the IGRA.

The bill provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 546.10 and 849.15 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Bradley

6-00178-26 2026204__

A bill to be entitled

An act relating to gaming; amending s. 546.10, F.S.; requiring certain organizations, before purchasing, installing, or operating a game or machine on their premises, or that already have a game or machine installed on their premises, and are in doubt about whether such game or machine meets the definition of an amusement game or machine, to petition the Florida Gaming Control Commission for a declaratory statement on whether the operation of such game or machine is authorized or prohibited; prohibiting such organizations from purchasing or installing a game or machine until such declaratory statement is issued; prohibiting such organizations from petitioning the commission if the game, machine, premises, or organization in question is the subject of a criminal investigation; requiring the commission to issue a declaratory statement within a specified timeframe; prohibiting the commission from denying a petition if it was validly requested; specifying the information that must be included in a petition; providing that the declaratory statement is valid only for the game or machine for which it is requested and is invalid if the specifications for the game or machine have been changed; providing that the declaratory statement is binding on the commission and may be introduced as evidence in subsequent proceedings; providing construction; amending s. 849.15, F.S.; defining terms; providing criminal penalties for specified

6-00178-26 2026204__

offenses relating to the manufacture, possession, and sale of slot machines or devices; providing that shipments of legal gaming devices to Indian lands are deemed legal shipments under certain circumstances; providing an effective date.

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

Section 1. Present subsections (8) and (9) of section 546.10, Florida Statutes, are redesignated as subsections (9) and (10), respectively, and a new subsection (8) is added to that section, to read:

546.10 Amusement games or machines.—

(8)(a)1. Before purchasing a game or machine and installing it on the premises of any veterans' service organization granted a federal charter under Title 36, U.S.C., or a division, department, post, or chapter of such organization, for which an alcoholic beverage license has been issued, if the organization is in doubt about whether the game or machine meets the definition of an amusement game or machine under this section, the organization must petition the Florida Gaming Control Commission for a declaratory statement pursuant to s. 120.565 on whether the operation of the game or machine would be authorized under this section or would be a violation of this section or chapter 849. An organization awaiting such declaratory statement from the commission may not purchase or install the game or machine until the declaratory statement is issued.

2. If there is a game or machine currently on the premises of any veterans' service organization granted a federal charter

under Title 36, U.S.C., or a division, department, post, or chapter of such organization, for which an alcoholic beverage license has been issued, and the veterans' service organization is in doubt about whether the game or machine meets the definition of an amusement game or machine under this section, the organization, before operating the game or machine, must petition the commission for a declaratory statement pursuant to s. 120.565 on whether the operation of the game or machine would be authorized under this section or would be a violation of this section or chapter 849. If the game, machine, premises, or organization is the subject of an ongoing criminal investigation, the organization may not petition the commission for a declaratory statement under this subsection.

3. The commission shall issue a declaratory statement within 60 days after receiving a petition requesting such statement. The commission may not deny a petition that is validly requested pursuant to this subsection and s. 120.565.

(b) A petition made under this subsection must provide enough information for the commission to issue the declaratory statement and must be accompanied by the exact specifications for the type of game or machine which the organization will purchase or install or currently has on the premises. The declaratory statement is valid only for the game or machine for which it is requested and is invalid if the specifications for the game or machine have been changed.

(c) The declaratory statement is binding on the commission and may be introduced in any subsequent proceedings as evidence of a good faith effort to comply with this section or chapter 849.

(d) This subsection does not prevent the commission or any other criminal justice agency as defined in s. 943.045 from detecting, apprehending, and arresting a person for any alleged violation of this chapter, chapter 24, part II of chapter 285, chapter 550, chapter 551, or chapter 849, or any rule adopted pursuant thereto, or of any law of this state.

(e) This subsection does not require an owner or an operator of an amusement game or machine under this section to request or obtain a declaratory statement in order to operate pursuant to this section.

Section 2. Section 849.15, Florida Statutes, is amended to read:

849.15 Manufacture, sale, possession, etc., of slot machines or devices prohibited.—

(1) As used in this section, the term:

(a) "Ownership interest" means a person who is an officer, a director, or a managing member of any business, establishment, premises, or other location.

(b) "Person of authority" means a person who, at any business, establishment, premises, or other location at which a slot machine or device is offered for play, has:

1. Actual authority to act on behalf of the business, establishment, premises, or other location; or

2. Any ownership interest in the business, establishment, premises, or other location.

(2)~~(1)~~ It is unlawful:

(a) To manufacture, own, store, keep, possess, sell, rent, lease, let on shares, lend or give away, transport, or expose for sale or lease, or to offer to sell, rent, lease, let on

shares, lend or give away, or permit the operation of, or for any person to permit to be placed, maintained, or used or kept in any room, space, or building owned, leased or occupied by the person or under the person's management or control, any slot machine or device or any part thereof; or

(b) To make or to permit to be made with any person any agreement with reference to any slot machine or device, pursuant to which the user thereof, as a result of any element of chance or other outcome unpredictable to him or her, may become entitled to receive any money, credit, allowance, or thing of value or additional chance or right to use such machine or device, or to receive any check, slug, token or memorandum entitling the holder to receive any money, credit, allowance or thing of value.

(3) Notwithstanding s. 849.23, a person who violates subsection (2) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she was a person of authority at the time of the violation.

(4)~~(2)~~ Pursuant to section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, the State of Florida, acting by and through the duly elected and qualified members of its Legislature, does hereby in this section, and in accordance with and in compliance with the provisions of section 2 of such chapter of Congress, declare and proclaim that any county of the State of Florida within which slot machine gaming is authorized pursuant to chapter 551 is exempt from the

provisions of section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," designated as 15 U.S.C. ss. 1171-1177, approved January 2, 1951. All shipments of gaming devices, including slot machines, into any county of this state within which slot machine gaming is authorized pursuant to chapter 551 and the registering, recording, and labeling of which have been duly performed by the manufacturer or distributor thereof in accordance with sections 3 and 4 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, shall be deemed legal shipments thereof into this state provided the destination of such shipments is an eligible facility as defined in s. 551.102 or the facility of a slot machine manufacturer or slot machine distributor as provided in s. 551.109(2)(a).

(5) All shipments of legal gaming devices, including legal slot machines, to Indian lands located within this state shall be deemed legal shipments thereof, provided that such Indian lands are held in federal trust for the benefit of a federally recognized Indian tribe that is a party to a tribal-state compact with the state pursuant to the federal Indian Gaming Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168 and 25 U.S.C. ss. 2701 et seq.

Section 3. This act shall take effect July 1, 2026.