

**By** the Committee on Innovation, Industry, and Technology; and  
Senators Simmons, Cruz, Mayfield, and Broxson

580-03768-19

20191618c1

1                   A bill to be entitled  
2       An act relating to tobacco products; providing a short  
3       title; amending s. 210.095, F.S.; revising shipping  
4       documentation requirements for specified sales of  
5       tobacco products; providing criminal and noncriminal  
6       penalties; amending s. 322.056, F.S.; deleting  
7       provisions requiring driver license penalties for  
8       certain persons who commit tobacco-related offenses;  
9       amending s. 386.212, F.S.; revising the age under  
10      which it is unlawful to smoke in, on, or near school  
11      property; amending s. 569.002, F.S.; defining the  
12      terms "the minimum age for purchase" and "electronic  
13      smoking device"; redefining the term "tobacco  
14      products"; deleting exemptions relating to tobacco  
15      products for persons under a certain age who meet  
16      specified requirements related to disability of  
17      nonage, military service, emancipation by a court and  
18      release from parental care and responsibility, and  
19      acting within the scope of lawful employment with  
20      certain entities; amending s. 569.007, F.S.;  
21      conforming provisions relating to the sale of tobacco  
22      products to federal law; providing an exception to  
23      laws relating to the sale of tobacco products for  
24      establishments that prohibit persons under 21 years of  
25      age from being on the licensed premises; amending s.  
26      569.0075, F.S.; revising the age under which the gift  
27      of tobacco products to a person by certain entities is  
28      prohibited; amending s. 569.008, F.S.; revising  
29      legislative intent to reflect that the Legislature

580-03768-19

20191618c1

30 intends to prevent the sale of certain tobacco  
31 products to persons under a specified age; eliminating  
32 the division's authority to mitigate penalties imposed  
33 against a dealer for certain violations; amending s.  
34 569.101, F.S.; revising the age limitation that  
35 applies to the sale, delivery, bartering, furnishing,  
36 or giving of certain tobacco products; revising  
37 penalties for violations; conforming the age specified  
38 in provisions related to a complete defense for  
39 persons charged with certain violations; amending s.  
40 569.11, F.S.; deleting provisions prohibiting persons  
41 under 18 years of age from possessing tobacco  
42 products; conforming the age specified for  
43 misrepresentation of age to unlawfully acquire tobacco  
44 products; revising the penalties for certain persons  
45 who misrepresent their age; deleting a provision  
46 requiring a person participating in community service  
47 to be considered an employee of the state for certain  
48 purposes; conforming a provision to changes made by  
49 the act; amending ss. 569.12, 569.14, and 569.19,  
50 F.S.; conforming provisions to changes made by the  
51 act; repealing s. 877.112, F.S., relating to  
52 restrictions on the sale and delivery of nicotine  
53 products and nicotine dispensing devices; providing an  
54 effective date.

55  
56 Be It Enacted by the Legislature of the State of Florida:

57  
58 Section 1. This act may be cited as the "Tobacco 21 Act."

580-03768-19

20191618c1

59 Section 2. Subsection (5) and paragraphs (e) and (g) of  
60 subsection (8) of section 210.095, Florida Statutes, are amended  
61 to read:

62 210.095 Mail order, Internet, and remote sales of tobacco  
63 products; age verification.—

64 (5) Each person who mails, ships, or otherwise delivers  
65 tobacco products in connection with an order for a delivery sale  
66 must:

67 (a) Include as part of the shipping documents, in a clear  
68 and conspicuous manner, the following statement: "Tobacco  
69 Products: Florida law prohibits shipping cigars to individuals  
70 under 18 years of age, and prohibits shipping any other tobacco  
71 product to individuals under 21 years of age and requires the  
72 payment of all applicable taxes."

73 (b) Use a method of mailing, shipping, or delivery which  
74 obligates the delivery service to require:

75 1. The individual submitting the order for the delivery  
76 sale or another adult who resides at the individual's address to  
77 sign his or her name to accept delivery of the shipping  
78 container. Proof of the legal minimum purchase age of the  
79 individual accepting delivery is required only if the individual  
80 appears to be under 27 years of age.

81 2. Proof that the individual is either the addressee or the  
82 adult designated by the addressee, in the form of a valid,  
83 government-issued identification card bearing a photograph of  
84 the individual who signs to accept delivery of the shipping  
85 container.

86 (c) Provide to the delivery service, if such service is  
87 used, evidence of full compliance with subsection (7).

580-03768-19

20191618c1

88

89 Any person who violates paragraph (a) commits a noncriminal  
90 violation and must serve at least 20 hours of community service.

91 Any person who violates paragraph (a) a second or subsequent  
92 time within 1 year of the first violation commits a noncriminal  
93 violation and must serve at least 40 hours of community service

94 ~~If the person accepting a purchase order for a delivery sale~~  
95 ~~delivers the tobacco products without using a delivery service,~~  
96 ~~the person must comply with all of the requirements of this~~  
97 ~~section which apply to a delivery service. Any failure to comply~~  
98 ~~with a requirement of this section constitutes a violation~~  
99 ~~thereof.~~

100 (8)

101 (e) A person who, in connection with a delivery sale,  
102 delivers tobacco products on behalf of a delivery service to an  
103 individual who is not an adult commits a misdemeanor of the  
104 second ~~third~~ degree, punishable as provided in s. 775.082 or s.  
105 775.083.

106 ~~(g) An individual who is not an adult and who knowingly~~  
107 ~~violates any provision of this section commits a misdemeanor of~~  
108 ~~the third degree, punishable as provided in s. 775.082 or s.~~  
109 ~~775.083.~~

110 Section 3. Section 322.056, Florida Statutes, is amended to  
111 read:

112 322.056 Mandatory revocation or suspension of, or delay of  
113 eligibility for, driver license for persons under age 18 found  
114 guilty of certain alcohol or, ~~drug, or tobacco~~ offenses;  
115 prohibition.-

116 (1) Notwithstanding ~~the provisions of~~ s. 322.055, if a

580-03768-19

20191618c1

117 person under 18 years of age is found guilty of or delinquent  
118 for a violation of s. 562.11(2), s. 562.111, or chapter 893,  
119 and:

120 (a) The person is eligible by reason of age for a driver  
121 license or driving privilege, the court shall direct the  
122 department to revoke or to withhold issuance of his or her  
123 driver license or driving privilege for a period of:

124 1. Not less than 6 months and not more than 1 year for the  
125 first violation.

126 2. Two years, for a subsequent violation.

127 (b) The person's driver license or driving privilege is  
128 under suspension or revocation for any reason, the court shall  
129 direct the department to extend the period of suspension or  
130 revocation by an additional period of:

131 1. Not less than 6 months and not more than 1 year for the  
132 first violation.

133 2. Two years, for a subsequent violation.

134 (c) The person is ineligible by reason of age for a driver  
135 license or driving privilege, the court shall direct the  
136 department to withhold issuance of his or her driver license or  
137 driving privilege for a period of:

138 1. Not less than 6 months and not more than 1 year after  
139 the date on which he or she would otherwise have become  
140 eligible, for the first violation.

141 2. Two years after the date on which he or she would  
142 otherwise have become eligible, for a subsequent violation.

143

144 However, the court may, ~~in its sound discretion,~~ direct the  
145 department to issue a license for driving privileges restricted

580-03768-19

20191618c1

146 to business or employment purposes only, as defined in s.  
147 322.271, if the person is otherwise qualified for such a  
148 license.

149 ~~(2) If a person under 18 years of age is found by the court~~  
150 ~~to have committed a noncriminal violation under s. 569.11 or s.~~  
151 ~~877.112(6) or (7) and that person has failed to comply with the~~  
152 ~~procedures established in that section by failing to fulfill~~  
153 ~~community service requirements, failing to pay the applicable~~  
154 ~~fine, or failing to attend a locally available school-approved~~  
155 ~~anti-tobacco program, and:~~

156 ~~(a) The person is eligible by reason of age for a driver~~  
157 ~~license or driving privilege, the court shall direct the~~  
158 ~~department to revoke or to withhold issuance of his or her~~  
159 ~~driver license or driving privilege as follows:~~

160 ~~1. For the first violation, for 30 days.~~

161 ~~2. For the second violation within 12 weeks of the first~~  
162 ~~violation, for 45 days.~~

163 ~~(b) The person's driver license or driving privilege is~~  
164 ~~under suspension or revocation for any reason, the court shall~~  
165 ~~direct the department to extend the period of suspension or~~  
166 ~~revocation by an additional period as follows:~~

167 ~~1. For the first violation, for 30 days.~~

168 ~~2. For the second violation within 12 weeks of the first~~  
169 ~~violation, for 45 days.~~

170 ~~(c) The person is ineligible by reason of age for a driver~~  
171 ~~license or driving privilege, the court shall direct the~~  
172 ~~department to withhold issuance of his or her driver license or~~  
173 ~~driving privilege as follows:~~

174 ~~1. For the first violation, for 30 days.~~

580-03768-19

20191618c1

175 ~~2. For the second violation within 12 weeks of the first~~  
176 ~~violation, for 45 days.~~

177  
178 ~~Any second violation of s. 569.11 or s. 877.112(6) or (7) not~~  
179 ~~within the 12-week period after the first violation will be~~  
180 ~~treated as a first violation and in the same manner as provided~~  
181 ~~in this subsection.~~

182 ~~(3) If a person under 18 years of age is found by the court~~  
183 ~~to have committed a third violation of s. 569.11 or s.~~  
184 ~~877.112(6) or (7) within 12 weeks of the first violation, the~~  
185 ~~court must direct the Department of Highway Safety and Motor~~  
186 ~~Vehicles to suspend or withhold issuance of his or her driver~~  
187 ~~license or driving privilege for 60 consecutive days. Any third~~  
188 ~~violation of s. 569.11 or s. 877.112(6) or (7) not within the~~  
189 ~~12-week period after the first violation will be treated as a~~  
190 ~~first violation and in the same manner as provided in subsection~~  
191 ~~(2).~~

192 ~~(2)(4)~~ A penalty imposed under this section shall be in  
193 addition to any other penalty imposed by law.

194 ~~(5) The suspension or revocation of a person's driver~~  
195 ~~license imposed pursuant to subsection (2) or subsection (3),~~  
196 ~~shall not result in or be cause for an increase of the convicted~~  
197 ~~person's, or his or her parent's or legal guardian's, automobile~~  
198 ~~insurance rate or premium or result in points assessed against~~  
199 ~~the person's driving record.~~

200 Section 4. Subsection (1) of section 386.212, Florida  
201 Statutes, is amended to read:

202 386.212 Smoking prohibited near school property; penalty.-

203 (1) It is unlawful for any person under 18 years of age to

580-03768-19

20191618c1

204 smoke a cigar, or any person under 21 years of age to smoke any  
205 other tobacco product, in, on, or within 1,000 feet of the real  
206 property comprising a public or private elementary, middle, or  
207 secondary school between the hours of 6 a.m. and midnight. This  
208 section does not apply to any person occupying a moving vehicle  
209 or within a private residence.

210 Section 5. Present subsections (3), (4), and (5) of section  
211 569.002, Florida Statutes, are redesignated as subsections (5),  
212 (6), and (7), respectively, present subsections (6) and (7) of  
213 that section are amended, and new subsections (3) and (4) are  
214 added to that section, to read:

215 569.002 Definitions.—As used in this chapter, the term:

216 (3) "Electronic smoking device" means any device that can  
217 be used to deliver aerosolized or vaporized nicotine to the  
218 person inhaling from the device, including, but not limited to,  
219 an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. The term  
220 includes any component, part, or accessory of such a device,  
221 sold separately or with the device, and includes any substance  
222 intended to be aerosolized or vaporized during the use of the  
223 device. The term does not include drugs, devices, or combination  
224 products authorized for sale by the United States Food and Drug  
225 Administration, as those terms are defined in the Federal Food,  
226 Drug, and Cosmetic Act.

227 (4) "The minimum age for purchase" means 18 years of age  
228 for cigars and 21 years of age for any other tobacco product.

229 (8)~~(6)~~ "Tobacco products" means any product that is made  
230 from or derived from tobacco or that contains nicotine and is  
231 intended for human consumption or is likely to be consumed,  
232 whether smoked, heated, chewed, absorbed, dissolved, inhaled, or



580-03768-19

20191618c1

233 ingested by any other means, including, but not limited to, a  
234 cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or  
235 snus. The term includes electronic smoking devices and any  
236 component or accessory used in the consumption of a tobacco  
237 product, such as filters, rolling papers, pipes, and liquids  
238 used in electronic smoking devices, whether or not they contain  
239 nicotine. The term does not include drugs, devices, or  
240 combination products authorized for sale by the United States  
241 Food and Drug Administration, as those terms are defined in the  
242 Federal Food, Drug, and Cosmetic Act ~~includes loose tobacco~~  
243 ~~leaves, and products made from tobacco leaves, in whole or in~~  
244 ~~part, and cigarette wrappers, which can be used for smoking,~~  
245 ~~sniffing, or chewing.~~

246 ~~(7) "Any person under the age of 18" does not include any~~  
247 ~~person under the age of 18 who:~~

248 ~~(a) Has had his or her disability of nonage removed under~~  
249 ~~chapter 743;~~

250 ~~(b) Is in the military reserve or on active duty in the~~  
251 ~~Armed Forces of the United States;~~

252 ~~(c) Is otherwise emancipated by a court of competent~~  
253 ~~jurisdiction and released from parental care and responsibility;~~  
254 ~~or~~

255 ~~(d) Is acting in his or her scope of lawful employment with~~  
256 ~~an entity licensed under the provisions of chapter 210 or this~~  
257 ~~chapter.~~

258 Section 6. Subsections (3) through (5) of section 569.007,  
259 Florida Statutes, are redesignated as subsections (2) through  
260 (4), respectively, and subsection (1) and present subsection (2)  
261 of that section are amended, to read:

580-03768-19

20191618c1

262           569.007 Sale or delivery of tobacco products;  
263 restrictions.-

264           (1) In order to prevent persons under the minimum age for  
265 purchase 18 years of age from purchasing or receiving tobacco  
266 products, the sale or delivery of tobacco products is  
267 prohibited, except when the tobacco products are sold from  
268 behind a counter and are required to be retrieved and hand  
269 delivered by an employee to the consumer. Sales from a vending  
270 machine are prohibited. This section does not apply to an  
271 establishment that prohibits persons under 21 years of age on  
272 the licensed premises;

273           ~~(a) When under the direct control or line of sight of the~~  
274 ~~dealer or the dealer's agent or employee; or~~

275           ~~(b) Sales from a vending machine are prohibited under the~~  
276 ~~provisions of paragraph (1)(a) and are only permissible from a~~  
277 ~~machine that is equipped with an operational lockout device~~  
278 ~~which is under the control of the dealer or the dealer's agent~~  
279 ~~or employee who directly regulates the sale of items through the~~  
280 ~~machine by triggering the lockout device to allow the dispensing~~  
281 ~~of one tobacco product. The lockout device must include a~~  
282 ~~mechanism to prevent the machine from functioning if the power~~  
283 ~~source for the lockout device fails or if the lockout device is~~  
284 ~~disabled, and a mechanism to ensure that only one tobacco~~  
285 ~~product is dispensed at a time.~~

286           ~~(2) The provisions of subsection (1) shall not apply to an~~  
287 ~~establishment that prohibits persons under 18 years of age on~~  
288 ~~the licensed premises.~~

289           Section 7. Section 569.0075, Florida Statutes, is amended  
290 to read:

580-03768-19

20191618c1

291           569.0075 Gift of sample tobacco products prohibited.—The  
292 gift of sample tobacco products to any person under the minimum  
293 age for purchase ~~of 18~~ by an entity licensed or permitted under  
294 ~~the provisions of~~ chapter 210 or this chapter, or by an employee  
295 of such entity, is prohibited and is punishable as provided in  
296 s. 569.101.

297           Section 8. Subsections (1), (2), and (3) of section  
298 569.008, Florida Statutes, are amended to read:

299           569.008 Responsible retail tobacco products dealers;  
300 qualifications; mitigation of disciplinary penalties; diligent  
301 management and supervision; presumption.—

302           (1) The Legislature intends to prevent the sale of tobacco  
303 products to persons under the minimum age for purchase ~~18 years~~  
304 ~~of age~~ and to encourage retail tobacco products dealers to  
305 comply with responsible practices in accordance with this  
306 section.

307           (2) To qualify as a responsible retail tobacco products  
308 dealer, the dealer must establish and implement procedures  
309 designed to ensure that the dealer's employees comply with ~~the~~  
310 ~~provisions of~~ this chapter. The dealer must provide a training  
311 program for the dealer's employees which addresses the use and  
312 sale of tobacco products and which includes at least the  
313 following topics:

314           (a) Laws covering the sale of tobacco products.

315           (b) Methods of recognizing and handling customers under the  
316 minimum age for purchase ~~18 years of age~~.

317           (c) Procedures for proper examination of identification  
318 cards in order to verify that customers are not under the  
319 minimum age for purchase ~~18 years of age~~.

580-03768-19

20191618c1

320 (d) The use of the age audit identification function on  
321 electronic point-of-sale equipment, where available.

322 ~~(3) In determining penalties under s. 569.006, the division~~  
323 ~~may mitigate penalties imposed against a dealer because of an~~  
324 ~~employee's illegal sale of a tobacco product to a person under~~  
325 ~~18 years of age if the following conditions are met:~~

326 ~~(a) The dealer is qualified as a responsible dealer under~~  
327 ~~this section.~~

328 ~~(b) The dealer provided the training program required under~~  
329 ~~subsection (2) to that employee before the illegal sale~~  
330 ~~occurred.~~

331 ~~(c) The dealer had no knowledge of that employee's~~  
332 ~~violation at the time of the violation and did not direct,~~  
333 ~~approve, or participate in the violation.~~

334 ~~(d) If the sale was made through a vending machine, the~~  
335 ~~machine was equipped with an operational lock-out device.~~

336 Section 9. Section 569.101, Florida Statutes, is amended to  
337 read:

338 569.101 Selling, delivering, bartering, furnishing, or  
339 giving tobacco products to persons under the minimum age for  
340 purchase ~~18 years of age~~; criminal penalties; defense.-

341 (1) It is unlawful to sell, deliver, barter, furnish, or  
342 give, directly or indirectly, to any person who is under the  
343 minimum age for purchase ~~18 years of age~~, any tobacco product.

344 (2) Any person who violates subsection (1) commits a  
345 noncriminal violation punishable by a fine of not more than \$500  
346 ~~misdemeanor of the second degree, punishable as provided in s.~~  
347 ~~775.082 or s. 775.083.~~ However, any person who violates  
348 subsection (1) for a second or subsequent time within 1 year of

580-03768-19

20191618c1

349 the first violation, commits a noncriminal violation punishable  
 350 by a fine of not more than \$1,000 misdemeanor of the first  
 351 degree, punishable as provided in s. 775.082 or s. 775.083.

352 (3) A person charged with a violation of subsection (1) has  
 353 a complete defense if, at the time the tobacco product was sold,  
 354 delivered, bartered, furnished, or given:

355 (a) The buyer or recipient falsely evidenced that she or he  
 356 was the minimum age for purchase ~~18 years of age~~ or older;

357 (b) The appearance of the buyer or recipient was such that  
 358 a prudent person would believe the buyer or recipient to be the  
 359 minimum age for purchase ~~18 years of age~~ or older; and

360 (c) Such person carefully checked a driver license or an  
 361 identification card issued by this state or another state of the  
 362 United States, a passport, or a United States armed services  
 363 identification card presented by the buyer or recipient and  
 364 acted in good faith and in reliance upon the representation and  
 365 appearance of the buyer or recipient in the belief that the  
 366 buyer or recipient was 21 ~~18~~ years of age or older.

367 Section 10. Section 569.11, Florida Statutes, is amended to  
 368 read:

369 569.11 ~~Possession, Misrepresenting age or military service~~  
 370 ~~to purchase, and purchasing~~ purchase of tobacco products by  
 371 persons under the minimum age for purchase ~~18 years of age~~  
 372 prohibited; penalties; jurisdiction; disposition of fines.—

373 ~~(1) It is unlawful for any person under 18 years of age to~~  
 374 ~~knowingly possess any tobacco product. Any person under 18 years~~  
 375 ~~of age who violates the provisions of this subsection commits a~~  
 376 ~~noncriminal violation as provided in s. 775.08(3), punishable~~  
 377 ~~by:~~

580-03768-19

20191618c1

378       ~~(a) For a first violation, 16 hours of community service~~  
379 ~~or, instead of community service, a \$25 fine. In addition, the~~  
380 ~~person must attend a school-approved anti-tobacco program, if~~  
381 ~~locally available;~~

382       ~~(b) For a second violation within 12 weeks of the first~~  
383 ~~violation, a \$25 fine; or~~

384       ~~(c) For a third or subsequent violation within 12 weeks of~~  
385 ~~the first violation, the court must direct the Department of~~  
386 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~  
387 ~~suspend or revoke the person's driver license or driving~~  
388 ~~privilege, as provided in s. 322.056.~~

389  
390 ~~Any second or subsequent violation not within the 12-week time~~  
391 ~~period after the first violation is punishable as provided for a~~  
392 ~~first violation.~~

393       ~~(1)(2)~~ It is unlawful for any person under the minimum age  
394 for purchase 18 years of age to misrepresent his or her age ~~or~~  
395 ~~military service~~ for the purpose of inducing a dealer or an  
396 agent or employee of the dealer to sell, give, barter, furnish,  
397 or deliver any tobacco product, or to purchase, or attempt to  
398 purchase, any tobacco product from a person or a vending  
399 machine. ~~Any person under 18 years of age who violates a~~  
400 ~~provision of this subsection commits a noncriminal violation as~~  
401 ~~provided in s. 775.08(3), punishable by:~~

402       ~~(a) For a first violation, 16 hours of community service~~  
403 ~~or, instead of community service, a \$25 fine and, in addition,~~  
404 ~~the person must attend a school-approved anti-tobacco program,~~  
405 ~~if available;~~

406       ~~(b) For a second violation within 12 weeks of the first~~

580-03768-19

20191618c1

407 violation, a \$25 fine; or

408 ~~(c) For a third or subsequent violation within 12 weeks of~~  
409 ~~the first violation, the court must direct the Department of~~  
410 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~  
411 ~~suspend or revoke the person's driver license or driving~~  
412 ~~privilege, as provided in s. 322.056.~~

413

414 ~~Any second or subsequent violation not within the 12-week time~~  
415 ~~period after the first violation is punishable as provided for a~~  
416 ~~first violation.~~

417 ~~(3) Any person under 18 years of age cited for committing a~~  
418 ~~noncriminal violation under this section must sign and accept a~~  
419 ~~civil citation indicating a promise to appear before the county~~  
420 ~~court or comply with the requirement for paying the fine and~~  
421 ~~must attend a school approved anti-tobacco program, if locally~~  
422 ~~available. If a fine is assessed for a violation of this~~  
423 ~~section, the fine must be paid within 30 days after the date of~~  
424 ~~the citation or, if a court appearance is mandatory, within 30~~  
425 ~~days after the date of the hearing.~~

426 (2)~~(4)~~ A person charged with a noncriminal violation under  
427 this section must appear before the county court ~~or comply with~~  
428 ~~the requirement for paying the fine.~~ The court, after a hearing,  
429 shall make a determination as to whether the noncriminal  
430 violation was committed. If the court finds the violation was  
431 committed, it shall impose an appropriate penalty as specified  
432 in subsection (3).

433 (3) Any person who violates subsection (1) commits a  
434 noncriminal violation and must serve at least 20 hours of  
435 community service. Any person who violates subsection (1) a

580-03768-19

20191618c1

436 second or subsequent time within 1 year of the first violation  
437 commits a noncriminal violation and must serve at least 40 hours  
438 of community service ~~(1) or subsection (2)~~. A person who  
439 ~~participates in community service shall be considered an~~  
440 ~~employee of the state for the purpose of chapter 440, for the~~  
441 ~~duration of such service.~~

442 ~~(5)(a) If a person under 18 years of age is found by the~~  
443 ~~court to have committed a noncriminal violation under this~~  
444 ~~section and that person has failed to complete community~~  
445 ~~service, pay the fine as required by paragraph (1)(a) or~~  
446 ~~paragraph (2)(a), or attend a school-approved anti-tobacco~~  
447 ~~program, if locally available, the court must direct the~~  
448 ~~Department of Highway Safety and Motor Vehicles to withhold~~  
449 ~~issuance of or suspend the driver license or driving privilege~~  
450 ~~of that person for a period of 30 consecutive days.~~

451 ~~(b) If a person under 18 years of age is found by the court~~  
452 ~~to have committed a noncriminal violation under this section and~~  
453 ~~that person has failed to pay the applicable fine as required by~~  
454 ~~paragraph (1)(b) or paragraph (2)(b), the court must direct the~~  
455 ~~Department of Highway Safety and Motor Vehicles to withhold~~  
456 ~~issuance of or suspend the driver license or driving privilege~~  
457 ~~of that person for a period of 45 consecutive days.~~

458 ~~(6) Eighty percent of all civil penalties received by a~~  
459 ~~county court pursuant to this section shall be remitted by the~~  
460 ~~clerk of the court to the Department of Revenue for transfer to~~  
461 ~~the Department of Education to provide for teacher training and~~  
462 ~~for research and evaluation to reduce and prevent the use of~~  
463 ~~tobacco products by children. The remaining 20 percent of civil~~  
464 ~~penalties received by a county court pursuant to this section~~



580-03768-19

20191618c1

465 shall remain with the clerk of the county court to cover  
466 administrative costs.

467 Section 11. Paragraph (b) of subsection (2) and subsection  
468 (3) of section 569.12, Florida Statutes, are amended to read:

469 569.12 Jurisdiction; tobacco product enforcement officers  
470 or agents; enforcement.—

471 (2)

472 (b) A tobacco product enforcement officer is authorized to  
473 issue a citation to a person under the minimum age for purchase  
474 ~~of 18~~ when, based upon personal investigation, the officer has  
475 reasonable cause to believe that the person has committed a  
476 civil infraction in violation of s. 386.212 or s. 569.11.

477 (3) A correctional probation officer as defined in s.  
478 943.10(3) is authorized to issue a citation to a person under  
479 the minimum age for purchase ~~of 18~~ when, based upon personal  
480 investigation, the officer has reasonable cause to believe that  
481 the person has committed a civil infraction in violation of s.  
482 569.11.

483 Section 12. Section 569.14, Florida Statutes, is amended to  
484 read:

485 569.14 Posting of a sign stating that the sale of tobacco  
486 products to persons under the minimum age for purchase ~~18 years~~  
487 ~~of age~~ is unlawful; enforcement; penalty.—

488 (1) A dealer that sells tobacco products shall post a clear  
489 and conspicuous sign in each place of business where such  
490 products are sold which substantially states the following:

491

492 THE SALE OF CIGARS TO PERSONS UNDER THE AGE OF 18, OR  
493 ANY OTHER TOBACCO PRODUCTS TO PERSONS UNDER THE AGE OF

580-03768-19

20191618c1

494 21, ~~18~~ IS AGAINST FLORIDA LAW. PROOF OF AGE IS  
 495 REQUIRED FOR PURCHASE.

496  
 497 ~~(2) A dealer that sells tobacco products and nicotine~~  
 498 ~~products or nicotine dispensing devices, as defined in s.~~  
 499 ~~877.112, may use a sign that substantially states the following:~~

500  
 501 ~~THE SALE OF TOBACCO PRODUCTS, NICOTINE PRODUCTS, OR~~  
 502 ~~NICOTINE DISPENSING DEVICES TO PERSONS UNDER THE AGE~~  
 503 ~~OF 18 IS AGAINST FLORIDA LAW. PROOF OF AGE IS REQUIRED~~  
 504 ~~FOR PURCHASE.~~

505  
 506 ~~A dealer that uses a sign as described in this subsection meets~~  
 507 ~~the signage requirements of subsection (1) and s. 877.112.~~

508 (2)~~(3)~~ The division shall make available to dealers of  
 509 tobacco products signs that meet the requirements of subsection  
 510 (1) ~~or subsection (2)~~.

511 (3)~~(4)~~ Any dealer that sells tobacco products shall provide  
 512 at the checkout counter in a location clearly visible to the  
 513 dealer or the dealer's agent or employee instructional material  
 514 in a calendar format or similar format to assist in determining  
 515 whether a person is of legal age to be sold ~~purchase~~ tobacco  
 516 products. This point of sale material must contain substantially  
 517 the following language:

518  
 519 IF YOU WERE NOT BORN BEFORE THIS DATE  
 520 (insert date and applicable year)  
 521 YOU CANNOT BE SOLD ANY CIGARS.

522

580-03768-19

20191618c1

523 IF YOU WERE NOT BORN BEFORE THIS DATE  
524 (insert date and applicable year)  
525 YOU CANNOT BE SOLD ANY OTHER ~~BUY~~ TOBACCO PRODUCTS.  
526

527 Upon approval by the division, in lieu of a calendar a dealer  
528 may use card readers, scanners, or other electronic or automated  
529 systems that can verify whether a person is of legal age to  
530 purchase tobacco products. Failure to comply with the provisions  
531 contained in this subsection shall result in imposition of  
532 administrative penalties as provided in s. 569.006.

533 (4) ~~(5)~~ The division, through its agents and inspectors,  
534 shall enforce this section.

535 (5) ~~(6)~~ Any person who fails to comply with subsection (1)  
536 is guilty of a misdemeanor of the second degree, punishable as  
537 provided in ~~s. 775.082~~ or s. 775.083.

538 Section 13. Subsection (4) of section 569.19, Florida  
539 Statutes, is amended to read:

540 569.19 Annual report.—The division shall report annually  
541 with written findings to the Legislature and the Governor by  
542 December 31, on the progress of implementing the enforcement  
543 provisions of this chapter. This must include, but is not  
544 limited to:

545 (4) The number of persons under the minimum age for  
546 purchase ~~is~~ cited for violations of s. 569.11 and sanctions  
547 imposed as a result of citation.

548 Section 14. Section 877.112, Florida Statutes, is repealed.

549 Section 15. This act shall take effect October 1, 2019.