

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Toledo offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (1), paragraphs (a) and (c) of subsection (2), paragraph (a) of subsection (3), paragraph (a) of subsection (4), paragraphs (a) and (b) of subsection (5), and paragraphs (a), (b), (e), and (g) of subsection (8) of section 210.095, Florida Statutes, are amended to read:

210.095 Mail order, Internet, and remote sales of tobacco products; age verification.-

(1) For purposes of this section, the term:

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14 ~~(a) "Adult" means an individual who is at least of the~~
15 ~~legal minimum purchase age for tobacco products.~~

16 (a)~~(b)~~ "Consumer" means a person in this state who comes
17 into possession of any tobacco product subject to the tax
18 imposed by this chapter and who, at the time of possession, is
19 not a distributor intending to sell or distribute the tobacco
20 product, a retailer, or a wholesaler.

21 (b)~~(e)~~ "Delivery sale" means any sale of tobacco products
22 to a consumer in this state for which:

23 1. The consumer submits the order for the sale by
24 telephonic or other voice transmission, mail, delivery service,
25 or the Internet or other online service; or

26 2. The tobacco products are delivered by use of mail or a
27 delivery service.

28 (c)~~(d)~~ "Delivery service" means any person engaged in the
29 commercial delivery of letters, packages, or other containers.

30 (d)~~(e)~~ "Legal minimum purchase age" means the minimum age
31 at which an individual may legally purchase tobacco products in
32 this state.

33 (e)~~(f)~~ "Mail" or "mailing" means the shipment of tobacco
34 products through the United States Postal Service.

35 (f)~~(g)~~ "Retailer" means any person who is not a licensed
36 distributor but who is in possession of tobacco products subject
37 to tax under this chapter for the purposes of selling the
38 tobacco products to consumers.

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39 ~~(g)-(h)~~ "Shipping container" means a container in which
40 tobacco products are shipped in connection with a delivery sale.

41 ~~(h)-(i)~~ "Shipping document" means a bill of lading,
42 airbill, United States Postal Service form, or any other
43 document used to verify the undertaking by a delivery service to
44 deliver letters, packages, or other containers.

45 ~~(i)-(j)~~ "Tobacco products" means all cigarettes, smoking
46 tobacco, snuff, fine-cut chewing tobacco, cut and granulated
47 tobacco, cavendish, and plug or twist tobacco.

48 (2)

49 (a) A sale of tobacco products constituting a delivery
50 sale pursuant to paragraph (1) (b) ~~(1)(e)~~ is a delivery sale
51 regardless of whether the person accepting the order for the
52 delivery sale is located inside or outside this state.

53 (c) A person may not make a delivery sale of tobacco
54 products to any individual who is not 21 years of age or older
55 ~~an adult~~.

56 (3) A person may not mail, ship, or otherwise deliver
57 tobacco products in connection with an order for a delivery sale
58 unless, before the first delivery to the consumer, the person
59 accepting the order for the delivery sale:

60 (a) Obtains from the individual submitting the order a
61 certification that includes:

62 1. Reliable confirmation that the individual is 21 years
63 of age or older ~~an adult~~; and

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64 2. A statement signed by the individual in writing and
65 under penalty of perjury which:

66 a. Certifies the address and date of birth of the
67 individual; and

68 b. Confirms that the individual wants to receive delivery
69 sales from a tobacco company and understands that, under the
70 laws of this state, the following actions are illegal:

71 (I) Signing another individual's name to the
72 certification;

73 (II) Selling tobacco products to individuals under the
74 legal minimum purchase age; and

75 (III) Purchasing tobacco products, if the person making
76 the purchase is under the legal minimum purchase age.

77

78 In addition to the requirements of this subsection, a person
79 accepting an order for a delivery sale may request that a
80 consumer provide an electronic mail address.

81 (4) The notice described in paragraph (3)(c) must include
82 prominent and clearly legible statements that sales of tobacco
83 products are:

84 (a) Illegal if made to individuals who are not 21 years of
85 age or older ~~adults~~.

86

87 The notice must include an explanation of how each tax has been,
88 or is to be, paid with respect to the delivery sale.

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

92 (a) Include as part of the shipping documents, in a clear
93 and conspicuous manner, the following statement: "Tobacco
94 Products: Florida law prohibits shipping to individuals under 21
95 ~~18~~ years of age and requires the payment of all applicable
96 taxes."

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

99 1. The individual submitting the order for the delivery
100 sale or another individual who is 21 years of age or older ~~adult~~
101 who resides at the individual's address to sign his or her name
102 to accept delivery of the shipping container. Proof of the legal
103 minimum purchase age of the individual accepting delivery is
104 required only if the individual appears to be under 30 ~~27~~ years
105 of age.

106 2. Proof that the individual is either the addressee or
107 the individual who is 21 years of age or older ~~adult~~ designated
108 by the addressee, in the form of a valid, government-issued
109 identification card bearing a photograph of the individual who
110 signs to accept delivery of the shipping container.

111
112 If the person accepting a purchase order for a delivery sale
113 delivers the tobacco products without using a delivery service,

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114 the person must comply with all of the requirements of this
115 section which apply to a delivery service. Any failure to comply
116 with a requirement of this section constitutes a violation
117 thereof.

118 (8) (a) Except as otherwise provided in this section, a
119 violation of this section by a person other than an individual
120 who is not 21 years of age or older ~~an adult~~ is a misdemeanor of
121 the first degree, punishable as provided in s. 775.082 or s.
122 775.083, and:

123 1. For a first violation of this section, the person shall
124 be fined \$1,000 or five times the retail value of the tobacco
125 products involved in the violation, whichever is greater.

126 2. For a second or subsequent violation of this section,
127 the person shall be fined \$5,000 or five times the retail value
128 of the tobacco products involved in the violation, whichever is
129 greater.

130 (b) A person who is 21 years of age or older ~~an adult~~ and
131 knowingly submits a false certification under subsection (3)
132 commits a misdemeanor of the first degree, punishable as
133 provided in s. 775.082 or s. 775.083. For each offense, the
134 person shall be fined \$10,000 or five times the retail value of
135 the tobacco products involved in the violation, whichever is
136 greater.

137 (e) A person who, in connection with a delivery sale,
138 delivers tobacco products on behalf of a delivery service to an

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139 individual who is not 21 years of age or older ~~an adult~~ commits
140 a misdemeanor of the third degree, punishable as provided in s.
141 775.082 or s. 775.083.

142 (g) An individual who is not 21 years of age or older ~~an~~
143 ~~adult~~ and who knowingly violates any provision of this section
144 commits a misdemeanor of the third degree, punishable as
145 provided in s. 775.082 or s. 775.083.

146 Section 2. Paragraph (b) of subsection (1) of section
147 210.15, Florida Statutes, is amended to read:

148 210.15 Permits.—

149 (1)

150 (b) Permits shall be issued only to persons of good moral
151 character, who are not less than 21 ~~18~~ years of age. Permits to
152 corporations shall be issued only to corporations whose officers
153 are of good moral character and not less than 21 ~~18~~ years of
154 age. There shall be no exemptions from the permit fees herein
155 provided to any persons, association of persons, or corporation,
156 any law to the contrary notwithstanding.

157 Section 3. Subsections (1) and (3) of section 386.212,
158 Florida Statutes, are amended to read:

159 386.212 Smoking and vaping prohibited near school
160 property; penalty.—

161 (1) It is unlawful for any person under 21 ~~18~~ years of age
162 to smoke tobacco or vape in, on, or within 1,000 feet of the
163 real property comprising a public or private elementary, middle,

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164 or secondary school ~~between the hours of 6 a.m. and midnight.~~
165 This section does not apply to any person occupying a moving
166 vehicle or within a private residence.

167 (3) Any person issued a citation pursuant to this section
168 shall be deemed to be charged with a civil infraction punishable
169 by a maximum civil penalty not to exceed \$25, or 50 hours of
170 community service and, for persons under 18 years of age or,
171 ~~where available,~~ successful completion of a school-approved
172 anti-tobacco or anti-vaping "alternative to suspension" program.

173 Section 4. Subsections (3) through (6) of section 569.002,
174 Florida Statutes, are renumbered as subsections (4) through (7),
175 respectively, present subsections (6) and (7) are amended, a new
176 subsection (3) is added to that section, to read:

177 569.002 Definitions.—As used in this chapter, the term:

178 (3) "Liquid nicotine product" means a tobacco product in
179 liquid form composed of nicotine and other chemicals or
180 substances which is sold or offered for sale for use with a
181 vapor-generating electronic device.

182 (7)(6) "Tobacco products" includes:

183 (a) Loose tobacco leaves, and products made from tobacco
184 leaves, in whole or in part, and cigarette wrappers, which can
185 be used for smoking, sniffing, or chewing; and

186 (b) Any nicotine product or vapor-generating electronic
187 device.

188 1. For the purposes of this paragraph, the term:

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189 a. "Vapor-generating electronic device" means any product
190 that employs an electronic, chemical, or mechanical means
191 capable of producing vapor or aerosol from a nicotine product or
192 any other substance, including, but not limited to, an
193 electronic cigarette, electronic cigar, electronic cigarillo,
194 electronic pipe, or other similar device or product; any
195 replacement cartridge for such device; and any other container
196 of nicotine in a solution or other substance form intended to be
197 used with or within an electronic cigarette, an electronic
198 cigar, an electronic cigarillo, an electronic pipe, a vape pen,
199 an electronic hookah, or other similar device or product. The
200 term includes any component, part, or accessory of the device
201 and also includes any substance intended to be aerosolized or
202 vaporized during the use of the device, whether or not the
203 substance contains nicotine.

204 b. "Nicotine product" means any product that contains
205 nicotine, including liquid nicotine, which is intended for human
206 consumption, whether inhaled, chewed, absorbed, dissolved, or
207 ingested by any means. The term includes vapor-generating
208 electronic devices.

209 2. The terms "vapor-generating electronic device" and
210 "nicotine product" do not include:

211 a. Tobacco products described in paragraph (a);

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212 b. Products regulated as a drug or device by the United
213 States Food and Drug Administration under Chapter V of the
214 Federal Food, Drug, and Cosmetic Act; or

215 c. Foods that contain incidental amounts of nicotine
216 including, but not limited to, tomatoes, potatoes, eggplants,
217 and cauliflower.

218 ~~(8)(7)~~ "Any person under the age of 21 ~~18~~" does not
219 include any person under the age of 21 ~~18~~ who:

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

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

224 ~~(c) Is otherwise emancipated by a court of competent~~
225 ~~jurisdiction and released from parental care and responsibility;~~
226 ~~or~~

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

230 Section 5. Paragraphs (b) and (c) of subsection (1) and
231 paragraph (a) of subsection (2) of section 569.003, Florida
232 Statutes, are amended to read:

233 569.003 Retail tobacco products dealer permits;
234 application; qualifications; fees; renewal; duplicates.—

235 (1)

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236 (b) Application for a permit must be made on a form
237 furnished by the division and must set forth the name under
238 which the applicant transacts or intends to transact business,
239 the address of the location of the applicant's place of business
240 within the state, and any other information the division
241 requires. If the applicant has or intends to have more than one
242 place of business dealing in tobacco products within this state,
243 a separate application must be made for each place of business.
244 If the applicant is a firm or an association, the application
245 must set forth the names and addresses of the persons
246 constituting the firm or association; if the applicant is a
247 corporation, the application must set forth the names and
248 addresses of the principal officers of the corporation. The
249 application must also set forth any other information prescribed
250 by the division for the purpose of identifying the applicant
251 firm, association, or corporation. The application must be
252 signed and verified by oath or affirmation by the owner, if a
253 sole proprietor, or, if the owner is a firm, association, or
254 partnership, by the members or partners thereof, or, if the
255 owner is a corporation, by an executive officer of the
256 corporation or by any person authorized by the corporation to
257 sign the application, together with the written evidence of this
258 authority. The application for a permit to deal, at retail, in
259 tobacco products described in s. 569.002(7) (a) must be
260 accompanied by the annual permit fee prescribed by the division.

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261 (c) Permits shall be issued annually, ~~upon payment of the~~
262 ~~annual permit fee prescribed by the division.~~ The division shall
263 fix the fee for a permit to deal, at retail, in tobacco products
264 described in s. 569.002(7) (a), in an amount sufficient to meet
265 the costs incurred by it in carrying out its permitting,
266 enforcement, and administrative responsibilities under this
267 chapter, but the fee may not exceed \$50. The proceeds of the fee
268 shall be deposited into the Alcoholic Beverage and Tobacco Trust
269 Fund.

270 (2) (a) Permits may be issued only to persons who are 21 ~~18~~
271 years of age or older or to corporations the officers of which
272 are 21 ~~18~~ years of age or older.

273 Section 6. Subsections (1) and (2) of section 569.007,
274 Florida Statutes, are amended, and subsection (6) is added to
275 that section, to read:

276 569.007 Sale or delivery of tobacco products;
277 restrictions.—

278 (1) (a) In order to prevent persons under 21 ~~18~~ years of
279 age from purchasing or receiving tobacco products, the sale or
280 delivery of tobacco products is prohibited, except:

281 ~~1. (a)~~ When under the direct control or line of sight of
282 the dealer or the dealer's agent or employee; or

283 ~~2. (b)~~ Sales from a vending machine are prohibited under
284 subparagraph 1. ~~the provisions of paragraph (1) (a)~~ and are only
285 permissible from a machine that is located in an establishment

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286 that prohibits persons under 21 years of age on the licensed
287 premises at all times.

288 (b) Sales of vapor-generating electronic devices and
289 liquid nicotine products, other than as authorized under
290 subparagraph (a)1., are permissible only if a dealer implements
291 an age verification procedure that:

292 1. Before accepting an order for delivery, verifies that
293 the purchaser is at least 21 years of age using a commercially
294 available database, or an aggregate of databases, which is
295 regularly used for the purpose of age and identity verification;
296 and

297 2. Employs a second-step age verification to secure
298 delivery for every order by requiring the signature of the
299 purchaser upon delivery and verifying that the credit card or
300 debit card used for the purchase has been issued in the
301 purchaser's name and that the delivery address is associated
302 with the purchaser's credit card or debit card ~~equipped with an~~
303 ~~operational lockout device which is under the control of the~~
304 ~~dealer or the dealer's agent or employee who directly regulates~~
305 ~~the sale of items through the machine by triggering the lockout~~
306 ~~device to allow the dispensing of one tobacco product. The~~
307 ~~lockout device must include a mechanism to prevent the machine~~
308 ~~from functioning if the power source for the lockout device~~
309 ~~fails or if the lockout device is disabled, and a mechanism to~~
310 ~~ensure that only one tobacco product is dispensed at a time.~~

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

314 (6) (a) A person may not sell, deliver, barter, furnish, or
315 give, directly or indirectly, flavored liquid nicotine products
316 to any other person. For the purposes of this subsection, the
317 term "flavored liquid nicotine product" means a liquid nicotine
318 product containing a natural or artificial constituent or
319 additive that causes the liquid or its vapor to have a
320 distinguishable taste or aroma other than tobacco or menthol,
321 including, but not limited to, fruit, chocolate, vanilla, honey,
322 candy, cocoa, a dessert, an alcoholic beverage, an herb or a
323 spice, or any combination thereof.

324 (b) This subsection does not apply to the sale, shipment,
325 or transport of any product that receives a marketing order
326 issued by the United States Food and Drug Administration under
327 21 U.S.C. s. 387j.

328 Section 7. Section 569.101, Florida Statutes, is amended
329 to read:

330 569.101 Selling, delivering, bartering, furnishing, or
331 giving tobacco products to persons under 21 ~~18~~ years of age;
332 criminal penalties; defense.—

333 (1) It is unlawful to sell, deliver, barter, furnish, or
334 give, directly or indirectly, to any person who is under 21 ~~18~~
335 years of age, any tobacco product.

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336 (2) Any person who violates subsection (1) commits a
337 misdemeanor of the second degree, punishable as provided in s.
338 775.082 or s. 775.083. However, any person who violates
339 subsection (1) for a second or subsequent time within 1 year of
340 the first violation, commits a misdemeanor of the first degree,
341 punishable as provided in s. 775.082 or s. 775.083.

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

345 (a) The buyer or recipient falsely evidenced that she or
346 he was 21 ~~18~~ years of age or older;

347 (b) The appearance of the buyer or recipient was such that
348 a prudent person would believe the buyer or recipient to be 21
349 ~~18~~ years of age or older; and

350 (c) Such person carefully checked a driver license or an
351 identification card issued by this state or another state of the
352 United States, a passport, or a United States armed services
353 identification card presented by the buyer or recipient and
354 acted in good faith and in reliance upon the representation and
355 appearance of the buyer or recipient in the belief that the
356 buyer or recipient was 21 ~~18~~ years of age or older.

357 (4) A person must verify by means of identification
358 specified in paragraph (3)(c) that a person purchasing a tobacco
359 product is not under 21 years of age. Such verification is not
360 required for any person over the age of 29.

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361 Section 8. Section 569.11, Florida Statutes, is amended to
362 read:

363 569.11 Possession, misrepresenting age ~~or military service~~
364 to purchase, and purchase of tobacco products by persons under
365 21 ~~18~~ years of age prohibited; penalties; jurisdiction;
366 disposition of fines.-

367 (1) It is unlawful for any person under 21 ~~18~~ years of age
368 to knowingly possess any tobacco product. Any person under 21 ~~18~~
369 years of age who violates this subsection commits a noncriminal
370 violation as provided in s. 775.08(3), punishable by:

371 (a) For a first violation, 16 hours of community service
372 or, instead of community service, a \$25 fine. In addition, if
373 the person is under 18 years of age, the person must attend a
374 school-approved anti-vaping or anti-tobacco program, ~~if locally~~
375 ~~available;~~ or

376 (b) For a second or subsequent violation within 12 weeks
377 after the first violation, a \$25 fine.

378
379 Any second or subsequent violation not within the 12-week period
380 after the first violation is punishable as provided for a first
381 violation.

382 (2) It is unlawful for any person under 21 ~~18~~ years of age
383 to misrepresent his or her age ~~or military service~~ for the
384 purpose of inducing a dealer or an agent or employee of the
385 dealer to sell, give, barter, furnish, or deliver any tobacco

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386 product, or to purchase, or attempt to purchase, any tobacco
387 product from a person or a vending machine. Any person under 21
388 ~~18~~ years of age who violates this subsection commits a
389 noncriminal violation as provided in s. 775.08(3), punishable
390 by:

391 (a) For a first violation, 16 hours of community service
392 or, instead of community service, a \$25 fine and, in addition,
393 if the person is under 18 years of age, the person must attend a
394 school-approved anti-vaping or anti-tobacco program, ~~if~~
395 ~~available~~; or

396 (b) For a second or subsequent violation within 12 weeks
397 after the first violation, a \$25 fine.

398
399 Any second or subsequent violation not within the 12-week period
400 after the first violation is punishable as provided for a first
401 violation.

402 (3) Any person under 21 ~~18~~ years of age cited for
403 committing a noncriminal violation under this section must sign
404 and accept a civil citation indicating a promise to appear
405 before the county court or comply with the requirement for
406 paying the fine and, if the person is under 18 years of age,
407 must attend a school-approved anti-vaping or anti-tobacco
408 ~~program, if locally available~~. If a fine is assessed for a
409 violation of this section, the fine must be paid within 30 days

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410 after the date of the citation or, if a court appearance is
411 mandatory, within 30 days after the date of the hearing.

412 (4) A person charged with a noncriminal violation under
413 this section must appear before the county court or comply with
414 the requirement for paying the fine. The court, after a hearing,
415 shall make a determination as to whether the noncriminal
416 violation was committed. If the court finds the violation was
417 committed, it shall impose an appropriate penalty as specified
418 in subsection (1) or subsection (2). A person who participates
419 in community service shall be considered an employee of the
420 state for the purpose of chapter 440, for the duration of such
421 service.

422 (5) (a) If a person under 21 ~~18~~ years of age is found by
423 the court to have committed a noncriminal violation under this
424 section and that person has failed to complete community
425 service, pay the fine as required by paragraph (1) (a) or
426 paragraph (2) (a), or, if the person is under 18 years of age,
427 attend a school-approved anti-vaping or anti-tobacco program,~~if~~
428 ~~locally available,~~ the court may direct the Department of
429 Highway Safety and Motor Vehicles to withhold issuance of or
430 suspend the driver license or driving privilege of that person
431 for a period of 30 consecutive days.

432 (b) If a person under 21 ~~18~~ years of age is found by the
433 court to have committed a noncriminal violation under this
434 section and that person has failed to pay the applicable fine as

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435 required by paragraph (1) (b) or paragraph (2) (b), the court may
436 direct the Department of Highway Safety and Motor Vehicles to
437 withhold issuance of or suspend the driver license or driving
438 privilege of that person for a period of 45 consecutive days.

439 (6) Eighty percent of all civil penalties received by a
440 county court pursuant to this section shall be remitted by the
441 clerk of the court to the Department of Revenue for transfer to
442 the Department of Education to provide for teacher training and
443 for research and evaluation to reduce and prevent the use of
444 tobacco products by children. The remaining 20 percent of civil
445 penalties received by a county court pursuant to this section
446 shall remain with the clerk of the county court to cover
447 administrative costs.

448 Section 9. Section 877.112, Florida Statutes, is repealed.

449 Section 10. Section 569.0075, Florida Statutes, is amended
450 to read:

451 569.0075 Gift of sample tobacco products prohibited.—The
452 gift of sample tobacco products to any person under the age of
453 21 ~~18~~ by an entity licensed or permitted under the provisions of
454 chapter 210 or this chapter, or by an employee of such entity,
455 is prohibited and is punishable as provided in s. 569.101.

456 Section 11. Subsection (1), paragraphs (b) and (c) of
457 subsection (2), and subsection (3) of section 569.008, Florida
458 Statutes, are amended to read:

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459 569.008 Responsible retail tobacco products dealers;
460 qualifications; mitigation of disciplinary penalties; diligent
461 management and supervision; presumption.—

462 (1) The Legislature intends to prevent the sale of tobacco
463 products to persons under 21 ~~18~~ years of age and to encourage
464 retail tobacco products dealers to comply with responsible
465 practices in accordance with this section.

466 (2) To qualify as a responsible retail tobacco products
467 dealer, the dealer must establish and implement procedures
468 designed to ensure that the dealer's employees comply with the
469 provisions of this chapter. The dealer must provide a training
470 program for the dealer's employees which addresses the use and
471 sale of tobacco products and which includes at least the
472 following topics:

473 (b) Methods of recognizing and handling customers under 21
474 ~~18~~ years of age.

475 (c) Procedures for proper examination of identification
476 cards in order to verify that customers are not under 21 ~~18~~
477 years of age.

478 (3) In determining penalties under s. 569.006, the
479 division may mitigate penalties imposed against a dealer because
480 of an employee's illegal sale of a tobacco product to a person
481 under 21 ~~18~~ years of age if the following conditions are met:

482 (a) The dealer is qualified as a responsible dealer under
483 this section.

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484 (b) The dealer provided the training program required
485 under subsection (2) to that employee before the illegal sale
486 occurred.

487 (c) The dealer had no knowledge of that employee's
488 violation at the time of the violation and did not direct,
489 approve, or participate in the violation.

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

492 Section 12. Paragraph (b) of subsection (2), subsection
493 (3), and paragraph (g) of subsection (4) of section 569.12,
494 Florida Statutes, are amended to read:

495 569.12 Jurisdiction; tobacco product enforcement officers
496 or agents; enforcement.—

497 (2)

498 (b) A tobacco product enforcement officer is authorized to
499 issue a citation to a person under the age of 21 ~~18~~ when, based
500 upon personal investigation, the officer has reasonable cause to
501 believe that the person has committed a civil infraction in
502 violation of s. 386.212 or s. 569.11.

503 (3) A correctional probation officer as defined in s.
504 943.10(3) is authorized to issue a citation to a person under
505 the age of 21 ~~18~~ when, based upon personal investigation, the
506 officer has reasonable cause to believe that the person has
507 committed a civil infraction in violation of s. 569.11.

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508 (4) A citation issued to any person violating the
509 provisions of s. 569.11 shall be in a form prescribed by the
510 Division of Alcoholic Beverages and Tobacco of the Department of
511 Business and Professional Regulation and shall contain:

512 (g) The procedure for the person to follow in order to
513 contest the citation, perform the required community service,
514 attend the required anti-vaping or anti-tobacco program, or to
515 pay the civil penalty.

516 Section 13. Section 569.14, Florida Statutes, is amended
517 to read:

518 569.14 Posting of a sign stating that the sale of tobacco
519 products to persons under 21 ~~18~~ years of age is unlawful;
520 enforcement; penalty.—

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

524
525 THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER THE AGE
526 OF 21 ~~18~~ IS AGAINST FLORIDA LAW. PROOF OF AGE IS
527 REQUIRED FOR PURCHASE.

528
529 ~~(2) A dealer that sells tobacco products and nicotine~~
530 ~~products or nicotine dispensing devices, as defined in s.~~
531 ~~877.112, may use a sign that substantially states the following:~~
532

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533 ~~THE SALE OF TOBACCO PRODUCTS, NICOTINE PRODUCTS, OR~~
534 ~~NICOTINE DISPENSING DEVICES TO PERSONS UNDER THE AGE~~
535 ~~OF 18 IS AGAINST FLORIDA LAW. PROOF OF AGE IS REQUIRED~~
536 ~~FOR PURCHASE.~~

537
538 ~~A dealer that uses a sign as described in this subsection meets~~
539 ~~the signage requirements of subsection (1) and s. 877.112.~~

540 ~~(2)(3)~~ The division shall make available to dealers of
541 tobacco products signs that meet the requirements of subsection
542 (1) ~~or subsection (2)~~.

543 ~~(3)(4)~~ Any dealer that sells tobacco products shall
544 provide at the checkout counter in a location clearly visible to
545 the dealer or the dealer's agent or employee instructional
546 material in a calendar format or similar format to assist in
547 determining whether a person is of legal age to purchase tobacco
548 products. This point of sale material must contain substantially
549 the following language:

550
551 IF YOU WERE NOT BORN BEFORE THIS DATE
552 (insert date and applicable year)
553 YOU CANNOT BUY TOBACCO PRODUCTS.

554
555 Upon approval by the division, in lieu of a calendar a dealer
556 may use card readers, scanners, or other electronic or automated
557 systems that can verify whether a person is of legal age to

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558 purchase tobacco products. Failure to comply with the provisions
559 contained in this subsection shall result in imposition of
560 administrative penalties as provided in s. 569.006.

561 ~~(4)-(5)~~ The division, through its agents and inspectors,
562 shall enforce this section.

563 ~~(5)-(6)~~ Any person who fails to comply with subsection (1)
564 is guilty of a misdemeanor of the second degree, punishable as
565 provided in s. 775.082 or s. 775.083.

566 Section 14. Subsections (3) and (4) of section 569.19,
567 Florida Statutes, are amended to read:

568 569.19 Annual report.—The division shall report annually
569 with written findings to the Legislature and the Governor by
570 December 31, on the progress of implementing the enforcement
571 provisions of this chapter. This must include, but is not
572 limited to:

573 (3) The number of violations for selling tobacco products
574 to persons under age 21 ~~18~~, and the results of administrative
575 hearings on the above and related issues.

576 (4) The number of persons under age 21 ~~18~~ cited for
577 violations of s. 569.11 and sanctions imposed as a result of
578 citation.

579 Section 15. This act shall take effect January 1, 2021.
580
581
582 -----

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

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to the use of tobacco products and nicotine products; amending s. 210.095, F.S.; deleting the definition of the term "adult"; amending s. 210.15, F.S.; requiring permits to be issued to persons or corporations whose officers are not less than 21 years of age; amending s. 386.212, F.S.; providing that it is unlawful for persons under 21 years of age to smoke tobacco in, on, or within 1,000 feet of the real property comprising a public or private elementary, middle, or secondary school during specified hours; providing penalties; amending s. 569.002, F.S.; revising and providing definitions; amending s. 569.003, F.S.; specifying that fees for a retail tobacco products dealer permit only apply to retailers dealing in certain tobacco products; revising the age limits for retail tobacco products dealer permits; amending s. 569.007, F.S.; revising prohibitions on the sale of tobacco products from vending machines; providing requirements for the delivery of vapor-generating electronic devices and liquid nicotine products; conforming provisions to federal law; prohibiting a person from selling,

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608 delivering, bartering, furnishing, or giving flavored
609 liquid nicotine products to any other person; defining
610 the term "flavored liquid nicotine product"; providing
611 applicability; amending s. 569.101, F.S.; requiring
612 that the age of persons purchasing tobacco products be
613 verified under certain circumstances; amending s.
614 569.11, F.S.; revising civil penalties; conforming
615 provisions to federal law; repealing s. 877.112, F.S.,
616 relating to nicotine products and nicotine dispensing
617 devices; amending ss. 569.0075, 569.008, 569.12,
618 569.14, and 569.19, F.S.; conforming provisions to
619 federal law; conforming provisions to changes made by
620 the act; providing an effective date.

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