

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Rodrigues, R. offered the following:

2
3 **Amendment to Amendment (738731) (with title amendment)**

4 Remove lines 236-314 and insert:

5 (b) Application for a permit must be made on a form
6 furnished by the division and must set forth the name under
7 which the applicant transacts or intends to transact business,
8 the address of the location of the applicant's place of business
9 within the state, and any other information the division
10 requires. If the applicant has or intends to have more than one
11 place of business dealing in tobacco products within this state,
12 a separate application must be made for each place of business.
13 If the applicant is a firm or an association, the application

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14 must set forth the names and addresses of the persons
15 constituting the firm or association; if the applicant is a
16 corporation, the application must set forth the names and
17 addresses of the principal officers of the corporation. The
18 application must also set forth any other information prescribed
19 by the division for the purpose of identifying the applicant
20 firm, association, or corporation. The application must be
21 signed and verified by oath or affirmation by the owner, if a
22 sole proprietor, or, if the owner is a firm, association, or
23 partnership, by the members or partners thereof, or, if the
24 owner is a corporation, by an executive officer of the
25 corporation or by any person authorized by the corporation to
26 sign the application, together with the written evidence of this
27 authority. The application must be accompanied by the annual
28 permit fee prescribed by the division. However, if an applicant
29 indicates on the application that the applicant is only going to
30 deal, at retail, in liquid nicotine products, nicotine products,
31 or vapor-generating electronic devices, or a combination
32 thereof, the division may not assess the annual permit fee and
33 shall issue the applicant a limited retail tobacco products
34 dealer permit upon the division's approval of the application.
35 Such applicant may not deal, at retail, in tobacco products
36 described in s. 569.002(7)(a) in this state. Any applicant that
37 pays the annual permit fee for a retail tobacco products dealer
38 permit may deal, at retail, in all tobacco products.

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39 (c) Permits shall be issued annually, upon payment of the
40 annual permit fee prescribed by the division. The division shall
41 fix the fee in an amount sufficient to meet the costs incurred
42 by it in carrying out its permitting, enforcement, and
43 administrative responsibilities under this chapter, but the fee
44 may not exceed \$50. The proceeds of the fee shall be deposited
45 into the Alcoholic Beverage and Tobacco Trust Fund. However, the
46 division may not fix or assess a fee for a limited retail
47 tobacco products dealer permit.

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

51 Section 6. Subsections (3), (4), and (5) of section
52 569.007, Florida Statutes, are renumbered as subsections (2),
53 (3), and (4), respectively, subsections (1) and (2) are amended,
54 and a new subsection (5) is added to that section, to read:

55 569.007 Sale or delivery of tobacco products;
56 restrictions.-

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

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

62 2. (b) Sales from a vending machine are prohibited under
63 subparagraph 1. ~~the provisions of paragraph (1) (a)~~ and are only

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64 | permissible from a machine that is located in an establishment
65 | that prohibits persons under 21 years of age on the licensed
66 | premises at all times.

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

71 | 1. Before accepting an order for delivery, verifies that
72 | the purchaser is at least 21 years of age using a commercially
73 | available database, or an aggregate of databases, which is
74 | regularly used for the purpose of age and identity verification;
75 | and

76 | 2. Employs a second-step age verification to secure
77 | delivery for every order by requiring the signature of the
78 | purchaser upon delivery and verifying that the credit card or
79 | debit card used for the purchase has been issued in the
80 | purchaser's name and that the delivery address is associated
81 | with the purchaser's credit card or debit card ~~equipped with an~~
82 | ~~operational lockout device which is under the control of the~~
83 | ~~dealer or the dealer's agent or employee who directly regulates~~
84 | ~~the sale of items through the machine by triggering the lockout~~
85 | ~~device to allow the dispensing of one tobacco product. The~~
86 | ~~lockout device must include a mechanism to prevent the machine~~
87 | ~~from functioning if the power source for the lockout device~~

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88 ~~fails or if the lockout device is disabled, and a mechanism to~~
89 ~~ensure that only one tobacco product is dispensed at a time.~~

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

93 (5) (a) A person may not sell, deliver, barter, furnish, or

94
95 -----

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

97 Between lines 600 and 601, insert:

98 prohibiting certain applicants from dealing, at
99 retail, in certain tobacco products under certain
100 circumstances;

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