

By Senator Perry

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1 A bill to be entitled
2 An act relating to nicotine products; reordering and
3 amending s. 569.31, F.S.; revising and defining terms
4 for purposes of part II of ch. 569, F.S.; creating s.
5 569.311, F.S.; requiring nicotine products
6 manufacturers to execute and deliver a form, under
7 penalty of perjury, to the Division of Alcoholic
8 Beverages and Tobacco of the Department of Business
9 and Professional Regulation for each product sold
10 within this state which meets certain criteria;
11 specifying requirements for the form prescribed by the
12 division; requiring manufacturers to submit certain
13 additional materials when submitting the form to the
14 division; requiring a manufacturer to notify the
15 division of certain events; requiring the division to
16 develop and maintain a directory listing certified
17 nicotine products manufacturers and certified nicotine
18 products by a specified date; specifying requirements
19 for the directory; providing procedures and notice to
20 manufacturers for removal of the manufacturer or any
21 of its products from the directory; providing for
22 administrative review of action by the division
23 regarding the directory; requiring manufacturers to
24 take certain actions upon a product's removal from the
25 directory; providing penalties for certain violations
26 by manufacturers; subjecting retail and wholesale
27 nicotine products dealers to inspections or audits to
28 ensure compliance; requiring the division to publish
29 findings of such inspections and audits and make them

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30 available to the public; authorizing the division to
31 adopt certain procedures by rule; creating s. 569.312,
32 F.S.; requiring specified manufacturers and dealers of
33 nicotine products to maintain certain records for a
34 specified timeframe; requiring such manufacturers and
35 dealers to timely comply with division requests to
36 produce records; authorizing the division to examine
37 such records for specified purposes; providing for
38 enforcement; authorizing the division to assess
39 administrative fines for noncompliance and to deposit
40 them into the General Revenue Fund; creating s.
41 569.313, F.S.; prohibiting the sale, shipment, or
42 distributing of certain nicotine products into this
43 state; providing a criminal penalty; authorizing the
44 division to assess fines and deposit them into the
45 General Revenue Fund; creating s. 569.316, F.S.;
46 requiring persons or entities that seek to deal or
47 sell certain nicotine products or dispensing devices
48 to retail dealers to obtain a wholesale nicotine
49 products dealer permit; specifying requirements and
50 limitations regarding the issuance of such permits;
51 specifying conditions under which the division may
52 refuse to issue a permit; providing requirements and
53 limitations for permitholders; providing construction;
54 creating s. 569.317, F.S.; requiring wholesale
55 nicotine products dealer permitholders to sell only
56 nicotine products listed in the division's directory;
57 authorizing the division to revoke or suspend a permit
58 if a violation is deemed to have occurred; authorizing

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59 the division to assess administrative penalties for
60 violations and to deposit them into the General
61 Revenue Fund; amending s. 569.32, F.S.; requiring that
62 retail nicotine products dealer permits be issued
63 annually; providing procedures for the renewal of
64 permits; requiring the division to levy a delinquent
65 fee under certain circumstances; requiring the
66 division to adopt by rule a certain procedure for the
67 submittal of applications; prohibiting the division
68 from granting exemptions from permit fees; making
69 technical changes; amending s. 569.33, F.S.; providing
70 that holders of a wholesale nicotine products dealer
71 permit must consent to certain inspections and
72 searches without a warrant; amending s. 569.34, F.S.;
73 providing criminal penalties for the unlawful sale or
74 dealing of unlisted nicotine products; providing
75 criminal penalties for the unauthorized purchase of
76 certain nicotine products; authorizing the division to
77 suspend or revoke a permit of a permitholder upon
78 sufficient cause of a violation of part II of ch. 569,
79 F.S.; authorizing the division to assess an
80 administrative penalty for violations and deposit them
81 into the General Revenue Fund; making technical
82 changes; creating s. 569.345, F.S.; providing for the
83 seizure and destruction of unlawful nicotine products
84 in accordance with the Florida Contraband Forfeiture
85 Act; requiring a court with jurisdiction to take
86 certain action; requiring the division to maintain
87 certain records; requiring that costs be borne by the

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88 person who held the seized products; amending s.
89 569.002, F.S.; conforming cross-references to changes
90 made by the act; providing an effective date.

91

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

93

94 Section 1. Section 569.31, Florida Statutes, is reordered
95 and amended to read:

96 569.31 Definitions.—As used in this part, the term:

97 (2)~~(1)~~ "Dealer" is synonymous with the term "retail
98 nicotine products dealer."

99 (3)~~(2)~~ "Division" means the Division of Alcoholic Beverages
100 and Tobacco of the Department of Business and Professional
101 Regulation.

102 (4) "FDA" means the United States Food and Drug
103 Administration.

104 (5)~~(3)~~ "Nicotine dispensing device" means any product that
105 employs an electronic, chemical, or mechanical means to produce
106 vapor or aerosol from a nicotine product, including, but not
107 limited to, an electronic cigarette, electronic cigar,
108 electronic cigarillo, electronic pipe, or other similar device
109 or product, any replacement cartridge for such device, and any
110 other container of nicotine in a solution or other form intended
111 to be used with or within an electronic cigarette, electronic
112 cigar, electronic cigarillo, electronic pipe, or other similar
113 device or product.

114 (6)~~(4)~~ "Nicotine product" means any product that contains
115 nicotine, including liquid nicotine, which is intended for human
116 consumption, whether inhaled, chewed, absorbed, dissolved, or

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117 ingested by any means. The term also includes any nicotine
118 dispensing device. For purposes of this definition, each
119 individual stock keeping unit is considered a separate nicotine
120 product. The term does not include a:

121 (a) Tobacco product, as defined in s. 569.002;

122 (b) Product regulated as a drug or device by the United
123 States Food and Drug Administration under Chapter V of the
124 Federal Food, Drug, and Cosmetic Act; or

125 (c) Product that contains incidental nicotine.

126 (7) "Nicotine products manufacturer" means any person that
127 manufactures nicotine products.

128 (8)~~(5)~~ "Permit" is synonymous with the term "retail
129 nicotine products dealer permit."

130 (9)~~(6)~~ "Retail nicotine products dealer" means the holder
131 of a retail nicotine products dealer permit.

132 (10)~~(7)~~ "Retail nicotine products dealer permit" means a
133 permit issued by the division under s. 569.32.

134 (11)~~(8)~~ "Self-service merchandising" means the open display
135 of nicotine products, whether packaged or otherwise, for direct
136 retail customer access and handling before purchase without the
137 intervention or assistance of the dealer or the dealer's owner,
138 employee, or agent. An open display of such products and devices
139 includes the use of an open display unit.

140 (12) "Wholesale nicotine products dealer" means the holder
141 of a wholesale nicotine products dealer permit who purchases
142 nicotine dispensing devices or nicotine products from any
143 nicotine products manufacturer.

144 (13) "Wholesale nicotine products dealer permit" means a
145 permit issued by the division under s. 569.316.

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146 (1)~~(9)~~ "Any person under the age of 21" does not include
147 any person under the age of 21 who:

148 (a) Is in the military reserve or on active duty in the
149 Armed Forces of the United States; or

150 (b) Is acting in his or her scope of lawful employment.

151 Section 2. Section 569.311, Florida Statutes, is created to
152 read:

153 569.311 Nicotine product directory.-

154 (1) Every nicotine products manufacturer that sells
155 nicotine products in this state shall execute and deliver a
156 form, prescribed by the division, under penalty of perjury for
157 each nicotine product sold that meets either of the following
158 criteria:

159 (a) A nicotine product which contains nicotine derived from
160 a tobacco source and was on the market in the United States as
161 of August 8, 2016, and the manufacturer has applied for a
162 marketing order pursuant to 21 U.S.C. s. 387j for the nicotine
163 product by submitting a premarket tobacco product application on
164 or before September 9, 2020, to the FDA, or the nicotine product
165 contains nicotine derived from a non-tobacco source and was on
166 the market in the United States as of April 14, 2022, and the
167 manufacturer has applied for a marketing order pursuant to 21
168 U.S.C. s. 387j for the nicotine product containing nicotine
169 derived from a non-tobacco source by submitting a premarket
170 tobacco product application on or before May 14, 2022, and:

171 1. The premarket tobacco product application for the
172 nicotine product remains under review by the FDA, and neither a
173 marketing authorization nor a marketing denial order has been
174 issued; or

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175 2. The FDA issued a marketing denial order for the nicotine
176 product, but the FDA or a federal court issued a stay or an
177 injunction during the pendency of the manufacturer's appeal of
178 the marketing denial order or either the order has been appealed
179 to the FDA or a challenge to the order has been filed with a
180 federal court and the appeal or challenge is still pending.

181 (b) The nicotine products manufacturer has received a
182 marketing authorization or other authorization under 21 U.S.C.
183 s. 387j for the nicotine product from the FDA.

184 (2) The form prescribed by the division pursuant to
185 subsection (1) must require each nicotine products manufacturer
186 to set forth the name under which the nicotine products
187 manufacturer transacts or intends to transact business, the
188 address of the location of the nicotine products manufacturer's
189 principal place of business, the nicotine products
190 manufacturer's e-mail address, and any other information the
191 division requires. The division may allow a nicotine products
192 manufacturer to group its nicotine products on its
193 certification.

194 (3) In addition to completing the form prescribed by the
195 division pursuant to subsection (1), each nicotine products
196 manufacturer shall provide a copy of the cover page of the
197 premarket tobacco application with evidence of the receipt of
198 the application by the FDA, or a copy of the cover page of the
199 marketing authorization or other authorization issued pursuant
200 to 21 U.S.C. s. 387j, whichever is applicable.

201 (4) Any nicotine products manufacturer submitting a
202 certification pursuant to subsection (1) shall notify the
203 division within 30 days after any material change to the

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204 certification, including, but not limited to, issuance by the
205 FDA of any of the following:

206 (a) A market authorization or authorization pursuant to 21
207 U.S.C. s. 387j;

208 (b) An order requiring a nicotine products manufacturer to
209 remove a product from the market either temporarily or
210 permanently;

211 (c) Any notice of action taken by the FDA affecting the
212 ability of the nicotine product to be introduced or delivered in
213 this state for commercial distribution;

214 (d) Any change in policy which results in a nicotine
215 product no longer being exempt from federal enforcement
216 oversight; or

217 (e) Any other change deemed material by the division
218 pursuant to a rule of the division.

219 (5) The division shall develop and maintain a directory
220 listing all nicotine products manufacturers and the nicotine
221 products certified with the division which comply with this
222 section. The division shall make the directory available January
223 1, 2025, on its or the Department of Business and Professional
224 Regulation's website. The division shall update the directory as
225 necessary.

226 (6) The division shall provide a nicotine products
227 manufacturer notice and an opportunity to cure deficiencies
228 before removing the manufacturer or its nicotine product from
229 the directory.

230 (a) The division may not remove the nicotine products
231 manufacturer or its nicotine product from the directory until at
232 least 15 days after the nicotine products manufacturer has been

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233 given notice of an intended action. Notice is sufficient and
234 deemed immediately received by a nicotine products manufacturer
235 if the notice is sent either electronically or by facsimile to
236 an e-mail address or facsimile number provided by the nicotine
237 products manufacturer in its most recent certification filed
238 under subsection (1).

239 (b) The nicotine products manufacturer has 15 days from the
240 date of service of the notice of the division's intended action
241 to establish that the nicotine products manufacturer or its
242 nicotine product should be included in the directory.

243 (c) A determination by the division not to include or to
244 remove from the directory a nicotine products manufacturer or
245 nicotine product is subject to review under chapter 120. If a
246 nicotine products manufacturer seeks review of removal from the
247 directory, the division must keep the nicotine product on the
248 directory until conclusion of the hearing.

249 (d) If a nicotine product is removed from the directory,
250 each retailer and wholesaler has 21 days from the day such
251 product is removed from the directory to remove the product from
252 its inventory and return the product to the manufacturer. Each
253 nicotine products manufacturer shall provide to the division
254 information regarding the return of such product and how the
255 returned product was disposed of within 21 days after receipt.
256 After 21 days following removal from the directory, the product
257 identified in the notice of removal is contraband and subject to
258 s. 569.345.

259 (7) Beginning March 1, 2025, or on the date that the
260 division first makes the directory available for public
261 inspection on its or the Department of Business and Professional

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262 Regulation's website, whichever is later, a nicotine products
263 manufacturer that offers for sale a nicotine product not listed
264 on the directory is subject to a fine of \$1,000 per day for each
265 nicotine product offered for sale in violation of this section
266 until the offending product is removed from the market or until
267 the offending product is properly listed on the directory.

268 (8) A nicotine products manufacturer that falsely
269 represents any of the information required by subsection (1) or
270 subsection (2) commits a felony of the third degree for each
271 false representation, punishable as provided in s. 775.082 or s.
272 775.083.

273 (9) Each retail nicotine products dealer and wholesale
274 nicotine products dealer is subject to unannounced inspections
275 or audit checks by the division for purposes of enforcing this
276 section. The division shall conduct unannounced follow-up
277 compliance checks of all noncompliant retail nicotine products
278 dealers or wholesale nicotine products dealers within 30 days
279 after any violation of this section. The division shall publish
280 the results of all inspections or audits at least annually and
281 shall make the results available to the public on request.

282 (10) The division may establish by rule a procedure to
283 allow nicotine products manufacturers to renew certifications
284 without having to resubmit all the information required by this
285 section.

286 Section 3. Section 569.312, Florida Statutes, is created to
287 read:

288 569.312 Maintenance and inspection of nicotine product
289 records.—

290 (1) Each nicotine products manufacturer shall maintain and

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291 keep for a period of 3 years, at the address listed on the
292 certification required pursuant to s. 569.311, a complete and
293 accurate record of the amount of each nicotine product sold or
294 delivered to a wholesaler in this state and to whom each
295 nicotine product was sold on a wholesale basis, including the
296 business name, license number, shipping and business addresses,
297 e-mail address, and telephone number for the person or entity to
298 which each product was sold. Such records may be kept in an
299 electronic or paper format.

300 (2) Each retail nicotine products dealer; wholesale
301 nicotine products dealer; wholesale dealer, as defined in s.
302 210.01(6); and distributing agent, as defined in s. 210.01(14),
303 shall maintain and keep for a period of 3 years at its principal
304 place of business a complete and accurate record of the amount
305 of each nicotine product received, delivered, or sold in this
306 state and to whom each nicotine product was sold or delivered or
307 from whom they received each nicotine product, including the
308 business name, license number, shipping and business addresses,
309 e-mail address, and telephone number for the person or entity to
310 which each product was sold or delivered or from which each
311 product was received. Such records may be kept in an electronic
312 or paper format.

313 (3) Nicotine products manufacturers; retail nicotine
314 products dealers; wholesale nicotine products dealers; wholesale
315 dealers, as defined in s. 210.01(6); and distributing agents, as
316 defined in s. 210.01(14), who sell or deliver nicotine products
317 directly to consumers are not required to keep and maintain the
318 name, address, e-mail address, and telephone number of consumers
319 who purchase or receive nicotine products.

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320 (4) Upon request by the division, a nicotine products
321 manufacturer, including a nicotine products manufacturer selling
322 nicotine products directly to consumers; a retail nicotine
323 products dealer; a wholesale nicotine products dealer; a
324 wholesale dealer, as defined in s. 210.01(6); and a distributing
325 agent, as defined in s. 210.01(14), shall timely provide to the
326 division or its duly authorized representative copies of records
327 related to the nicotine products received, delivered, or sold in
328 this state and to whom those nicotine products were sold or
329 delivered or from whom they were received.

330 (5) The division, or a designated employee thereof, may
331 examine the records required to be maintained by each nicotine
332 products manufacturer, retail nicotine products dealer,
333 wholesale nicotine products dealer, wholesale dealer, as defined
334 in s. 210.01(6), and distributing agent, as defined in s.
335 210.01(14); issue subpoenas to such persons or entities;
336 administer oaths; and take depositions of witnesses within or
337 outside of this state. The civil law of this state regarding
338 enforcing obedience to a subpoena lawfully issued by a judge or
339 other person duly authorized to issue subpoenas under the laws
340 of this state in civil cases applies to a subpoena issued by the
341 division, or any designated employee thereof. The subpoena may
342 be enforced by writ of attachment issued by the division, or any
343 designated employee, for such witness to compel him or her to
344 attend before the division, or any designated employee, and give
345 his or her testimony and to bring and produce such records as
346 may be required for examination. The division, or any designated
347 employee, may bring an action against a witness who refuses to
348 appear or give testimony by citation before the circuit court

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349 which shall punish such witness for contempt as in cases of
350 refusal to obey the orders and process of the circuit court. The
351 division may in such cases pay such attendance and mileage fees
352 as are permitted to be paid to witnesses in civil cases
353 appearing before the circuit court.

354 (6) The division may assess an administrative fine of up to
355 \$1,000 for each violation of this section. The division shall
356 deposit all fines collected into the General Revenue Fund. An
357 order imposing an administrative fine becomes effective 15 days
358 after the date of the order.

359 Section 4. Section 569.313, Florida Statutes, is created to
360 read:

361 569.313 Shipment of unregistered nicotine products into
362 this state.-

363 (1) A nicotine products manufacturer may not sell, ship, or
364 otherwise distribute a nicotine product in this state for which:

365 (a) The FDA has entered an order requiring the nicotine
366 products manufacturer to remove the product from the market
367 either temporarily or permanently, which order has not been
368 stayed by the FDA or a court of competent jurisdiction;

369 (b) The nicotine products manufacturer has not submitted a
370 premarket tobacco product application; or

371 (c) The nicotine products manufacturer has not submitted
372 the certification required under this chapter for the nicotine
373 product.

374 (2) Any person who knowingly ships or receives nicotine
375 products in violation of this section commits a misdemeanor of
376 the first degree, punishable as provided in s. 775.082 or s.
377 775.083.

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378 (3) The division may also assess an administrative fine of
379 up to \$5,000 for each violation. The division shall deposit all
380 finances collected into the General Revenue Fund. An order imposing
381 an administrative fine becomes effective 15 days after the date
382 of the order.

383 Section 5. Section 569.316, Florida Statutes, is created to
384 read:

385 569.316 Wholesale nicotine products dealer permits;
386 application; qualifications; renewal; duplicates.-

387 (1) (a) Each person, firm, association, or corporation that
388 seeks to deal, at wholesale, in nicotine products within this
389 state, or to sell nicotine products or nicotine dispensing
390 devices to any retail nicotine products dealer, must obtain a
391 wholesale nicotine products dealer permit for each place of
392 business or premises at which nicotine products are sold.

393 (b) Application for a wholesale nicotine products dealer
394 permit must be made on a form furnished by the division and must
395 set forth the name under which the applicant transacts or
396 intends to transact business, the address of the location of the
397 applicant's place of business, the applicant's e-mail address,
398 and any other information the division requires. If the
399 applicant has or intends to have more than one place of business
400 dealing in nicotine products, a separate application must be
401 made for each place of business. If the applicant is a firm or
402 an association, the application must set forth the names, e-mail
403 addresses, and addresses of the persons constituting the firm or
404 association. If the applicant is a corporation, the application
405 must set forth the names, e-mail addresses, and addresses of the
406 principal officers of the corporation. The application must also

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407 set forth any other information prescribed by the division for
408 the purpose of identifying the applicant firm, association, or
409 corporation. The application must be signed and verified by oath
410 or affirmation by the owner, if a sole proprietor; or, if the
411 owner is a firm, association, or partnership, by the members or
412 partners thereof; or, if the owner is a corporation, by an
413 executive officer of the corporation or by a person authorized
414 by the corporation to sign the application, together with the
415 written evidence of this authority.

416 (2) (a) Wholesale nicotine products dealer permits may be
417 issued only to persons who are 21 years of age or older or to
418 corporations the officers of which are 21 years of age or older.

419 (b) The division may refuse to issue a wholesale nicotine
420 products dealer permit to any person, firm, association, or
421 corporation whose permit has been revoked; to any corporation an
422 officer of which has had such permit revoked; or to any person
423 who is or has been an officer of a corporation whose permit has
424 been revoked. The division must revoke any wholesale nicotine
425 products dealer permit issued to a firm, an association, or a
426 corporation prohibited from obtaining such permit under this
427 chapter.

428 (3) Upon approval of an application for a wholesale
429 nicotine products dealer permit, the division shall issue to the
430 applicant a wholesale nicotine products dealer permit for the
431 place of business or premises specified in the application. A
432 wholesale nicotine products dealer permit is not assignable and
433 is valid only for the person in whose name the wholesale
434 nicotine products dealer permit is issued and for the place
435 designated in the wholesale nicotine products dealer permit. The

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436 wholesale nicotine products dealer permit must be conspicuously
437 displayed at all times at the place for which it is issued.

438 (4) A wholesale dealer, as defined in s. 210.01(6), or a
439 distributing agent, as defined in s. 210.01(14), is not required
440 to have a separate or additional wholesale nicotine products
441 dealer permit to deal, at wholesale, in nicotine products within
442 this state. A wholesale dealer, as defined in s. 210.01(6), a
443 distributing agent, as defined in s. 210.01(14), or a tobacco
444 products distributor, as defined in s. 210.25(5), which deals,
445 at wholesale, in nicotine products is subject to, and must be in
446 compliance with, this chapter.

447 Section 6. Section 569.317, Florida Statutes, is created to
448 read:

449 569.317 Wholesale nicotine products dealer permitholder;
450 administrative penalties.—A wholesale nicotine products dealer
451 permitholder may only purchase and sell nicotine products
452 contained on the directory created by the division pursuant to
453 s. 569.311. The division may suspend or revoke the wholesale
454 nicotine products dealer permit of a wholesale nicotine products
455 dealer permitholder upon sufficient cause appearing of a
456 violation of this part by a wholesale nicotine products dealer
457 permitholder or its agent or employee. The division may also
458 assess an administrative fine of up to \$5,000 for each
459 violation. The division shall deposit all fines collected into
460 the General Revenue Fund. An order imposing an administrative
461 fine becomes effective 15 days after the date of the order. The
462 division may suspend the imposition of a penalty against a
463 wholesale nicotine products dealer permitholder, conditioned
464 upon compliance with terms the division considers appropriate.

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465 Section 7. Section 569.32, Florida Statutes, is amended to
466 read:

467 569.32 Retail nicotine products dealer permits;
468 application; qualifications; renewal; duplicates.—

469 (1) (a) Each person, firm, association, or corporation that
470 seeks to deal, at retail, in nicotine products within this ~~the~~
471 state, or to allow a nicotine products vending machine to be
472 located on its premises in this ~~the~~ state, must obtain a retail
473 nicotine products dealer permit for each place of business or
474 premises at which nicotine products are sold. Each dealer
475 owning, leasing, furnishing, or operating vending machines
476 through which nicotine products are sold must obtain a permit
477 for each machine and shall post the permit in a conspicuous
478 place on or near the machine; however, if the dealer has more
479 than one vending machine at a single location or if nicotine
480 products are sold both over the counter and through a vending
481 machine at a single location, the dealer need obtain only one
482 permit for that location.

483 (b) Application for a permit must be made on a form
484 furnished by the division and must set forth the name under
485 which the applicant transacts or intends to transact business,
486 the address of the location of the applicant's place of business
487 within this ~~the~~ state, and any other information the division
488 requires. If the applicant has or intends to have more than one
489 place of business dealing in nicotine products within this ~~the~~
490 state, a separate application must be made for each place of
491 business. If the applicant is a firm or an association, the
492 application must set forth the names and addresses of the
493 persons constituting the firm or association; if the applicant

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494 is a corporation, the application must set forth the names and
495 addresses of the principal officers of the corporation. The
496 application must also set forth any other information prescribed
497 by the division for the purpose of identifying the applicant
498 firm, association, or corporation. The application must be
499 signed and verified by oath or affirmation by the owner, if a
500 sole proprietor; or, if the owner is a firm, association, or
501 partnership, by the members or partners thereof; or, if the
502 owner is a corporation, by an executive officer of the
503 corporation or by a person authorized by the corporation to sign
504 the application, together with the written evidence of this
505 authority.

506 (c) Permits must be issued annually.

507 (d) The holder of a permit may renew the permit each year.

508 A dealer that does not timely renew its permit must pay a late
509 fee of \$5 for each month or portion of a month occurring after
510 expiration, and before renewal, of the dealer's permit. The
511 division shall establish by rule a renewal procedure that, to
512 the greatest extent feasible, combines the application and
513 permitting procedure for permits with the application and
514 licensing system for alcoholic beverages.

515 (e) The division may not grant an exemption from the permit
516 fees prescribed in this subsection for any applicant.

517 (2) (a) Permits may be issued only to persons who are 21
518 years of age or older or to corporations the officers of which
519 are 21 years of age or older.

520 (b) The division may refuse to issue a permit to any
521 person, firm, association, or corporation the permit of which
522 has been revoked; to any corporation an officer of which has had

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523 his or her permit revoked; or to any person who is or has been
524 an officer of a corporation the permit of which has been
525 revoked. Any permit issued to a firm, an association, or a
526 corporation prohibited from obtaining a permit under this
527 chapter must ~~shall~~ be revoked by the division.

528 (3) Upon approval of an application for a permit, the
529 division shall issue to the applicant a permit for the place of
530 business or premises specified in the application. A permit is
531 not assignable and is valid only for the person in whose name
532 the permit is issued and for the place designated in the permit.
533 The permit must ~~shall~~ be conspicuously displayed at all times at
534 the place for which issued.

535 Section 8. Section 569.33, Florida Statutes, is amended to
536 read:

537 569.33 Consent to inspection and search without warrant.—An
538 applicant for a retail nicotine products dealer permit or a
539 wholesale nicotine products dealer permit, by accepting the
540 permit when issued, agrees that the place or premises covered by
541 the permit is subject to inspection and search without a search
542 warrant by the division or its authorized assistants, and by
543 sheriffs, deputy sheriffs, or police officers, to determine
544 compliance with this part.

545 Section 9. Section 569.34, Florida Statutes, is amended to
546 read:

547 569.34 Operating without a retail nicotine products dealer
548 permit; penalty.—

549 (1) It is unlawful for a person, a firm, an association, or
550 a corporation to deal, at retail, in nicotine products, in any
551 manner, or to allow a nicotine products vending machine to be

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552 located on its premises, without having a retail nicotine
553 product dealer permit as required by s. 569.32. A person who
554 violates this subsection ~~section~~ commits a noncriminal
555 violation, punishable by a fine of not more than \$500.

556 (2) A retail tobacco products dealer, as defined in s.
557 569.002(4), is not required to have a separate or additional
558 retail nicotine products dealer permit to deal, at retail, in
559 nicotine products within this ~~the~~ state, or allow a nicotine
560 products vending machine to be located on its premises in this
561 ~~the~~ state. Any retail tobacco products dealer that deals, at
562 retail, in nicotine products or allows a nicotine products
563 vending machine to be located on its premises in this ~~the~~ state,
564 is subject to, and must be in compliance with, this part.

565 (3) Any person who violates subsection (1) ~~must this~~
566 ~~section shall~~ be cited for such infraction and must ~~shall~~ be
567 cited to appear before the county court. The citation may
568 indicate the time, date, and location of the scheduled hearing
569 and must indicate that the penalty for a noncriminal violation
570 is a fine of not more than \$500.

571 (a) A person cited for a violation of subsection (1) ~~for an~~
572 ~~infraction under this section~~ may:

- 573 1. Post a \$500 bond; or
574 2. Sign and accept the citation indicating a promise to
575 appear.

576 (b) A person cited for violating this section may:

- 577 1. Pay the fine, either by mail or in person, within 10
578 days after receiving the citation; or
579 2. If the person has posted bond, forfeit the bond by not
580 appearing at the scheduled hearing.

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581 (c) If the person pays the fine or forfeits bond, the
582 person is deemed to have admitted violating this section and to
583 have waived the right to a hearing on the issue of commission of
584 the violation. Such admission may not be used as evidence in any
585 other proceeding.

586 (d) The court, after a hearing, shall make a determination
587 as to whether an infraction has been committed. If the
588 commission of an infraction has been proven beyond a reasonable
589 doubt, the court may impose a civil penalty in an amount that
590 may not exceed \$500.

591 (e) If a person is found by the court to have committed the
592 infraction, that person may appeal that finding to the circuit
593 court.

594 (4) On or after March 1, 2025, it is unlawful for a person,
595 a firm, an association, or a corporation to deal, at retail, in
596 nicotine products that are not listed on the directory created
597 pursuant to s. 569.311. Any person who knowingly ships or
598 receives nicotine products in violation of this section commits
599 a misdemeanor of the second degree, punishable as provided in s.
600 775.082 or s. 775.083.

601 (5) On or after January 1, 2025, it is unlawful for a
602 retail nicotine products dealer, other than a nicotine products
603 manufacturer that also is permitted as a retail nicotine
604 products dealer and is selling its own products directly to
605 consumers, to buy nicotine products from a wholesaler,
606 manufacturer, or other source that is not a wholesale nicotine
607 products dealer permitholder, a wholesale dealer, as defined in
608 s. 210.01(6), a distributing agent, as defined in s. 210.01(14),
609 or a tobacco products distributor, as defined in s. 210.25(5).

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610 Any person who knowingly ships or receives nicotine products in
611 violation of this section commits a misdemeanor of the second
612 degree, punishable as provided in s. 775.082 or s. 775.083.

613 (6) The division may suspend or revoke the permit of a
614 retail nicotine products dealer permitholder, upon sufficient
615 cause appearing of a violation of this part by a retail nicotine
616 products dealer permitholder, or its agent or employee. The
617 division may also assess an administrative fine of up to \$1,000
618 for each violation. The division shall deposit all fines
619 collected into the General Revenue Fund. An order imposing an
620 administrative fine becomes effective 15 days after the date of
621 the order.

622 Section 10. Section 569.345, Florida Statutes, is created
623 to read:

624 569.345 Seizure and destruction of contraband nicotine
625 products.—All nicotine products sold, delivered, possessed, or
626 distributed contrary to any provisions of this chapter are
627 declared to be contraband, are subject to seizure and
628 confiscation under the Florida Contraband Forfeiture Act by any
629 person whose duty it is to enforce the provisions of this
630 chapter, and must be disposed of as follows:

631 (1) A court having jurisdiction shall order such nicotine
632 products forfeited and destroyed. A record of the place where
633 such nicotine products and any accompanying nicotine dispensing
634 devices were seized, the kinds and quantities of nicotine
635 products and accompanying nicotine dispensing devices destroyed,
636 and the time, place, and manner of destruction must be kept, and
637 a return under oath reporting the destruction must be made to
638 the court by the officer who destroys them.

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639 (2) The division shall keep a full and complete record of
640 all nicotine products and nicotine dispensing devices showing:

641 (a) The exact kinds, quantities, and forms of such nicotine
642 products or nicotine dispensing devices;

643 (b) The persons from whom they were received and to whom
644 they were delivered;

645 (c) By whose authority they were received, delivered, and
646 destroyed; and

647 (d) The dates of the receipt, disposal, or destruction,
648 which record must be open to inspection by all persons charged
649 with the enforcement of tobacco and nicotine product laws.

650 (3) The cost of seizure, confiscation, and destruction of
651 contraband nicotine products is borne by the person from whom
652 such products are seized.

653 Section 11. Subsections (3) and (4) of section 569.002,
654 Florida Statutes, are amended to read:

655 569.002 Definitions.—As used in this part, the term:

656 (3) "Nicotine product" has the same meaning as provided in
657 s. 569.31 ~~s. 569.31(4)~~.

658 (4) "Nicotine dispensing device" has the same meaning as
659 provided in s. 569.31 ~~s. 569.31(3)~~.

660 Section 12. This act shall take effect October 1, 2024.