

By the Committee on Regulated Industries; and Senator Perry

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

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30 ensure compliance; requiring the division to publish  
31 findings of such inspections and audits and make them  
32 available to the public; authorizing the division to  
33 adopt certain procedures by rule; authorizing the  
34 division to take certain actions against nicotine  
35 product manufacturers who fail to provide certain  
36 documents or information; requiring all fines to be  
37 deposited into the General Revenue Fund; creating s.  
38 569.312, F.S.; requiring specified manufacturers and  
39 dealers of nicotine dispensing devices to maintain  
40 certain records for a specified timeframe; requiring  
41 such manufacturers and dealers to timely comply with  
42 division requests to produce records; authorizing the  
43 division to examine such records for specified  
44 purposes; providing for enforcement; authorizing the  
45 division to assess administrative fines for  
46 noncompliance and requiring all fines to be deposited  
47 into the General Revenue Fund; creating s. 569.313,  
48 F.S.; prohibiting the sale, shipment, or distributing  
49 of certain nicotine dispensing devices from being sold  
50 for retail sale in this state; providing a criminal  
51 penalty; authorizing the division to assess fines and  
52 requiring all fines to be deposited into the General  
53 Revenue Fund; creating s. 569.316, F.S.; requiring  
54 persons or entities that seek to deal or sell certain  
55 nicotine products to retail dealers to obtain a  
56 wholesale nicotine products dealer permit; specifying  
57 requirements and limitations regarding the issuance of  
58 such permits; specifying conditions under which the

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59 division may refuse to issue a permit; providing  
60 requirements and limitations for permitholders;  
61 providing that a wholesale dealer or a distributing  
62 agent do not need separate or additional wholesale  
63 nicotine products permit in this state; creating s.  
64 569.317, F.S.; requiring wholesale nicotine products  
65 dealer permitholders to purchase and sell for retail  
66 sale only nicotine dispensing devices listed in the  
67 division's directory; authorizing the division to  
68 suspend or revoke a permit if a violation is deemed to  
69 have occurred; authorizing the division to assess  
70 administrative penalties for violations and requiring  
71 all fines to be deposited into the General Revenue  
72 Fund; amending s. 569.32, F.S.; requiring that retail  
73 nicotine products dealer permits be issued annually;  
74 providing procedures for the renewal of permits;  
75 requiring the division to levy a delinquent fee under  
76 certain circumstances; requiring the division to adopt  
77 by rule a certain procedure for the submittal of  
78 applications; prohibiting the division from granting  
79 exemptions from permit fees; making technical changes;  
80 amending s. 569.33, F.S.; providing that holders of a  
81 wholesale nicotine products dealer permit must consent  
82 to certain inspections and searches without a warrant;  
83 amending s. 569.34, F.S.; providing criminal penalties  
84 for the unlawful sale or dealing of unlisted nicotine  
85 dispensing devices; providing criminal penalties for  
86 the unauthorized purchase of certain nicotine  
87 dispensing devices; authorizing the division to

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88 suspend or revoke a permit of a permit holder upon  
89 sufficient cause of a violation of part II of ch. 569,  
90 F.S.; authorizing the division to assess an  
91 administrative penalty for violations and requiring  
92 all fines to be deposited into the General Revenue  
93 Fund; making technical changes; creating s. 569.345,  
94 F.S.; providing for the seizure and destruction of  
95 unlawful nicotine dispensing devices in accordance  
96 with the Florida Contraband Forfeiture Act; requiring  
97 a court with jurisdiction to take certain action;  
98 requiring the division to maintain certain records;  
99 requiring that costs be borne by the person who held  
100 the seized products; creating s. 569.346, F.S.;  
101 requiring certain manufacturers of nicotine dispensing  
102 devices to appoint an agent for certain purposes;  
103 requiring such manufacturers to provide certain  
104 notice; appointing the Secretary of State as the agent  
105 to manufacturers who have not appointed an agent;  
106 amending s. 569.002, F.S.; conforming cross-references  
107 to changes made by the act; providing an effective  
108 date.

109  
110 Be It Enacted by the Legislature of the State of Florida:

111  
112 Section 1. Section 569.31, Florida Statutes, is reordered  
113 and amended to read:

114 569.31 Definitions.—As used in this part, the term:  
115 (2)~~(1)~~ "Dealer" is synonymous with the term "retail  
116 nicotine products dealer."

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117       ~~(3)~~~~(2)~~ "Division" means the Division of Alcoholic Beverages  
118 and Tobacco of the Department of Business and Professional  
119 Regulation.

120       (4) "FDA" means the United States Food and Drug  
121 Administration.

122       ~~(5)~~~~(3)~~ "Nicotine dispensing device" means any product that  
123 employs an electronic, chemical, or mechanical means to produce  
124 vapor or aerosol from a nicotine product, including, but not  
125 limited to, an electronic cigarette, electronic cigar,  
126 electronic cigarillo, electronic pipe, or other similar device  
127 or product, any replacement cartridge for such device, and any  
128 other container of nicotine in a solution or other form intended  
129 to be used with or within an electronic cigarette, electronic  
130 cigar, electronic cigarillo, electronic pipe, or other similar  
131 device or product. For purposes of this definition, each  
132 individual stock keeping unit is considered a separate nicotine  
133 dispensing device.

134       ~~(6)~~~~(4)~~ "Nicotine product" means any product that contains  
135 nicotine, including liquid nicotine, which is intended for human  
136 consumption, whether inhaled, chewed, absorbed, dissolved, or  
137 ingested by any means. The term also includes any nicotine  
138 dispensing device. The term does not include a:

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

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

143       (c) Product that contains incidental nicotine.

144       (7) "Nicotine product manufacturer" means any person that  
145 manufactures nicotine products.

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146        (8)~~(5)~~ "Permit" is synonymous with the term "retail  
147 nicotine products dealer permit."

148        (9)~~(6)~~ "Retail nicotine products dealer" means the holder  
149 of a retail nicotine products dealer permit.

150        (10)~~(7)~~ "Retail nicotine products dealer permit" means a  
151 permit issued by the division under s. 569.32.

152        (11)~~(8)~~ "Self-service merchandising" means the open display  
153 of nicotine products, whether packaged or otherwise, for direct  
154 retail customer access and handling before purchase without the  
155 intervention or assistance of the dealer or the dealer's owner,  
156 employee, or agent. An open display of such products and devices  
157 includes the use of an open display unit.

158        (12) "Sell" or "sale" means in addition to its common usage  
159 meaning, any sale, transfer, exchange, theft, barter, gift, or  
160 offer for sale and distribution, in any manner or by any means  
161 whatsoever.

162        (13) "Timely filed premarket tobacco product application"  
163 means an application pursuant to 21 U.S.C. s. 387j for a  
164 nicotine dispensing device containing nicotine derived from  
165 tobacco marketed in the United States as of August 8, 2016, that  
166 was submitted to the FDA on or before September 9, 2020, and  
167 accepted for filing.

168        (14) "Wholesale nicotine products dealer" means the holder  
169 of a wholesale nicotine products dealer permit who purchases  
170 nicotine dispensing devices or nicotine products from any  
171 nicotine product manufacturer.

172        (15) "Wholesale nicotine products dealer permit" means a  
173 permit issued by the division under s. 569.316.

174        (1)~~(9)~~ "Any person under the age of 21" does not include

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175 any person under the age of 21 who:

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

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

179 Section 2. Section 569.311, Florida Statutes, is created to  
180 read:

181 569.311 Nicotine dispensing device directory.-

182 (1) By December 1, 2024, and annually thereafter, every  
183 nicotine product manufacturer that sells nicotine dispensing  
184 devices to any person for eventual retail sale in this state  
185 shall execute and deliver a form, prescribed by the division,  
186 under penalty of perjury for each such nicotine dispensing  
187 device sold that meets either of the following criteria:

188 (a) The manufacturer of a nicotine dispensing device has  
189 submitted a timely filed premarket tobacco product application  
190 for the nicotine dispensing device pursuant to 21 U.S.C. s. 387j  
191 to the FDA, and the application either remains under review by  
192 the FDA, or has received a marketing denial order that has been  
193 and remains stayed by the FDA or court order, rescinded by the  
194 FDA, or vacated by a court; or

195 (b) The nicotine product manufacturer has received a  
196 marketing granted order under 21 U.S.C. s. 387j for the nicotine  
197 dispensing device from the FDA.

198 (2) The form prescribed by the division pursuant to  
199 subsection (1) must require each nicotine product manufacturer  
200 to set forth the name under which the nicotine product  
201 manufacturer transacts or intends to transact business, the  
202 address of the location of the nicotine product manufacturer's  
203 principal place of business, the nicotine product manufacturer's

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204 e-mail address, and the brand name of the nicotine dispensing  
205 device, the device's category (e.g., e-liquid, power unit,  
206 device, e-liquid cartridge, e-liquid pod, disposable), the  
207 device's name, and any flavor utilized with the device that is  
208 sold in this state. The division may allow a nicotine product  
209 manufacturer to group its nicotine dispensing devices on its  
210 certification.

211 (3) In addition to completing the form prescribed by the  
212 division pursuant to subsection (1), each nicotine product  
213 manufacturer shall provide a copy of the cover page of the  
214 granted marketing order issued by the FDA pursuant to 21 U.S.C.  
215 s. 387j for each device; a copy of the acceptance letter issued  
216 by the FDA pursuant to 21 U.S.C. s. 387j for a timely filed  
217 premarket tobacco product application for each device; or a  
218 document issued by the FDA or by a court confirming that the  
219 premarket tobacco product application has been received and  
220 denied, but the order is not yet in effect for each device.

221 (4) Any nicotine product manufacturer submitting a  
222 certification pursuant to subsection (1) shall notify the  
223 division within 30 days after any material change to the  
224 certification, including, but not limited to, issuance by the  
225 FDA of any of the following:

226 (a) A denial of a market authorization pursuant to 21  
227 U.S.C. s. 387j;

228 (b) An order requiring a nicotine product manufacturer to  
229 remove a nicotine dispensing device or nicotine product from the  
230 market either temporarily or permanently;

231 (c) Any notice of action taken by the FDA affecting the  
232 ability of the nicotine dispensing device to be introduced or



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233 delivered in this state for commercial distribution;

234 (d) Any change in policy which results in a nicotine  
235 dispensing device becoming an FDA enforcement priority; or

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

238 (5) The division shall develop and maintain a directory  
239 listing all nicotine product manufacturers that sell nicotine  
240 dispensing devices in this state and the nicotine dispensing  
241 devices certified by those manufacturers with the division which  
242 comply with this section. The division shall make the directory  
243 available January 1, 2025, on its or the Department of Business  
244 and Professional Regulation's website. The division shall update  
245 the directory as necessary. The division shall establish a  
246 process to provide retailers, distributors, and wholesalers  
247 notice of the initial publication of the directory and changes  
248 made to the directory in the prior month.

249 (6) The division shall establish by rule a process to  
250 provide a nicotine product manufacturer notice and an  
251 opportunity to cure deficiencies before removing the  
252 manufacturer or any of its nicotine dispensing devices from the  
253 directory.

254 (a) The division may not remove the nicotine product  
255 manufacturer or any of its nicotine dispensing devices from the  
256 directory until at least 30 days after the nicotine product  
257 manufacturer has been given notice of an intended action. Notice  
258 is sufficient and deemed immediately received by a nicotine  
259 product manufacturer if the notice is sent either electronically  
260 or by facsimile to an e-mail address or facsimile number  
261 provided by the nicotine product manufacturer in its most recent

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262 certification filed under subsection (1).

263 (b) The nicotine product manufacturer has 15 days from the  
264 date of service of the notice of the division's intended action  
265 to establish that the nicotine product manufacturer or any of  
266 its nicotine dispensing devices should be included on the  
267 directory.

268 (c) A determination by the division not to include or to  
269 remove from the directory a nicotine product manufacturer or  
270 nicotine dispensing device is subject to review under chapter  
271 120. If a nicotine product manufacturer seeks review of removal  
272 from the directory, the division must keep the nicotine  
273 dispensing device on the directory until conclusion of the  
274 hearing.

275 (d) If a nicotine dispensing device is removed from the  
276 directory, each retailer and each wholesaler holding nicotine  
277 dispensing devices for eventual sale to a consumer in this state  
278 has 30 days from the day such product is removed from the  
279 directory to sell the product or remove the product from its  
280 inventory. After 30 days following removal from the directory,  
281 the product identified in the notice of removal is contraband  
282 and subject to s. 569.345.

283 (7) (a) Except as provided in subsections (b) and (c),  
284 beginning March 1, 2025, or on the date that the division first  
285 makes the directory available for public inspection on its or  
286 the Department of Business and Professional Regulation's  
287 website, whichever is later, a nicotine product manufacturer  
288 that offers for sale in this state a nicotine dispensing device  
289 not listed on the directory is subject to a fine of \$1,000 per  
290 day for each individual nicotine dispensing device offered for

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291 sale in violation of this section until the offending product is  
292 removed from the market or until the offending product is  
293 properly listed on the directory.

294 (b) Each retailer shall have 60 days from the date that the  
295 division first makes the directory available for inspection on  
296 its public website to sell products that were in its inventory  
297 and not included on the directory or remove those products from  
298 inventory.

299 (c) Each distributor or wholesaler shall have 60 days from  
300 the date that the division first makes the directory available  
301 for inspection on its public website to remove from inventory  
302 those products intended for eventual retail sale to a consumer  
303 in this state.

304 (8) A nicotine product manufacturer that falsely represents  
305 any of the information required by subsection (1) or subsection  
306 (2) commits a felony of the third degree for each false  
307 representation, punishable as provided in s. 775.082 or s.  
308 775.083.

309 (9) Each retail nicotine products dealer and wholesale  
310 nicotine products dealer is subject to unannounced inspections  
311 or audit checks by the division for purposes of enforcing this  
312 section. The division shall conduct unannounced follow-up  
313 compliance checks of all noncompliant retail nicotine products  
314 dealers or wholesale nicotine products dealers within 30 days  
315 after any violation of this section. The division shall publish  
316 the results of all inspections or audits at least annually and  
317 shall make the results available to the public on request.

318 (10) The division may establish by rule a procedure to  
319 allow nicotine product manufacturers to renew certifications

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320 without having to resubmit all the information required by this  
321 section.

322 (11) The failure of a nicotine product manufacturer to  
323 provide information or documents required by this section may  
324 result in a nicotine dispensing device not being included on the  
325 directory or the removal of a nicotine dispensing device from  
326 the directory. The division may assess an administrative fine of  
327 up to \$1,000 for each nicotine dispensing device offered for  
328 sale in this state if a nicotine product manufacturer fails to  
329 provide notice to the division of a material change to its  
330 certification within 30 days after that material change. The  
331 division shall deposit all fines collected into the General  
332 Revenue Fund. An order imposing an administrative fine becomes  
333 effective 15 days after the date of the order.

334 Section 3. Section 569.312, Florida Statutes, is created to  
335 read:

336 569.312 Maintenance and inspection of nicotine dispensing  
337 device records.—

338 (1) Each nicotine product manufacturer that sells nicotine  
339 dispensing devices in this state shall maintain and keep for a  
340 period of 3 years, at the address listed on the certification  
341 required pursuant to s. 569.311, a complete and accurate record  
342 of the number of nicotine dispensing devices sold or delivered  
343 to a wholesaler in this state and to whom each nicotine  
344 dispensing device was sold on a wholesale basis, including the  
345 business name, license number, shipping and business addresses,  
346 e-mail address, and telephone number for the person or entity to  
347 which each product was sold. Such records may be kept in an  
348 electronic or paper format.

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349       (2) Each retail nicotine products dealer; wholesale  
350 nicotine product dealer; wholesale dealer, as defined in s.  
351 210.01(6); and distributing agent, as defined in s. 210.01(14),  
352 shall maintain and keep for a period of 3 years at its principal  
353 place of business a complete and accurate record of the quantity  
354 of each nicotine dispensing device received, delivered, or sold  
355 in this state and to whom each nicotine dispensing device was  
356 sold or delivered or from whom the business received each  
357 nicotine dispensing device, including the business name, license  
358 number, shipping and business addresses, e-mail address, and  
359 telephone number for the person or entity to which each product  
360 was sold or delivered or from which each product was received.  
361 Such records may be kept in an electronic or paper format.

362       (3) Nicotine product manufacturers that sell nicotine  
363 dispensing devices in this state; retail nicotine products  
364 dealers; wholesale nicotine products dealers; wholesale dealers,  
365 as defined in s. 210.01(6); and distributing agents, as defined  
366 in s. 210.01(14), who sell or deliver nicotine dispensing  
367 devices directly to consumers are not required to keep and  
368 maintain the name, address, e-mail address, and telephone number  
369 of consumers who purchase or receive nicotine dispensing  
370 devices.

371       (4) Within 7 calendar days after receiving a request by the  
372 division, a nicotine product manufacturer that sells nicotine  
373 dispensing devices in this state, including a manufacturer  
374 selling nicotine dispensing devices directly to consumers; a  
375 retail nicotine products dealer; a wholesale nicotine products  
376 dealer; a wholesale dealer, as defined in s. 210.01(6); and a  
377 distributing agent, as defined in s. 210.01(14), shall provide

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378 to the division or its duly authorized representative copies of  
379 records related to the nicotine dispensing devices received,  
380 delivered, or sold in this state and to whom those nicotine  
381 dispensing devices were sold or delivered or from whom they were  
382 received.

383 (5) The division, or a designated employee thereof, may  
384 examine the records required to be maintained by each nicotine  
385 product manufacturer, retail nicotine products dealer, wholesale  
386 nicotine products dealer, wholesale dealer, as defined in s.  
387 210.01(6), and distributing agent, as defined in s. 210.01(14);  
388 issue subpoenas to such persons or entities; administer oaths;  
389 and take depositions of witnesses within or outside of this  
390 state. The civil law of this state regarding enforcing obedience  
391 to a subpoena lawfully issued by a judge or other person duly  
392 authorized to issue subpoenas under the laws of this state in  
393 civil cases applies to a subpoena issued by the division, or any  
394 designated employee thereof. The subpoena may be enforced by  
395 writ of attachment issued by the division, or any designated  
396 employee, for such witness to compel him or her to appear before  
397 the division, or any designated employee, and give his or her  
398 testimony and to bring and produce such records as may be  
399 required for examination. The division, or any designated  
400 employee, may bring an action against a witness who refuses to  
401 appear or give testimony by citation before the circuit court,  
402 which shall punish such witness for contempt as in cases of  
403 refusal to obey the orders and process of the circuit court. The  
404 division may in such cases pay such attendance and mileage fees  
405 as are permitted to be paid to witnesses in civil cases  
406 appearing before the circuit court.

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407       (6) The division may assess an administrative fine of up to  
408 \$1,000 for each violation of this section. The division shall  
409 deposit all fines collected into the General Revenue Fund. An  
410 order imposing an administrative fine becomes effective 15 days  
411 after the date of the order.

412       Section 4. Section 569.313, Florida Statutes, is created to  
413 read:

414       569.313 Shipment of unregistered nicotine dispensing  
415 devices sold for retail sale in this state.-

416       (1) A nicotine product manufacturer may not sell, ship, or  
417 otherwise distribute a nicotine dispensing device in this state  
418 for eventual retail sale to a consumer in this state for which:

419       (a) The FDA has entered an order requiring the nicotine  
420 product manufacturer to remove the product from the market  
421 either temporarily or permanently, which order has not been  
422 stayed by the FDA or a court of competent jurisdiction;

423       (b) The nicotine product manufacturer has not submitted a  
424 timely filed premarket tobacco product application for a  
425 nicotine dispensing device that remains pending with the FDA; or

426       (c) The nicotine product manufacturer has not submitted the  
427 certification required under this chapter for any of the  
428 nicotine dispensing devices intended for eventual retail sale to  
429 a consumer in this state.

430       (2) Any person who knowingly ships or receives nicotine  
431 dispensing devices in violation of this section commits a  
432 misdemeanor of the first degree, punishable as provided in s.  
433 775.082 or s. 775.083.

434       (3) The division may also assess an administrative fine of  
435 up to \$5,000 for each violation. The division shall deposit all

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436 finest collected into the General Revenue Fund. An order imposing  
437 an administrative fine becomes effective 15 days after the date  
438 of the order.

439 Section 5. Section 569.316, Florida Statutes, is created to  
440 read:

441 569.316 Wholesale nicotine products dealer permits;  
442 application; qualifications; renewal; duplicates.-

443 (1) (a) Each person, firm, association, or corporation that  
444 seeks to deal, at wholesale, in nicotine products that will be  
445 sold at retail within this state, or to sell nicotine products  
446 or nicotine dispensing devices to any retail nicotine products  
447 dealer who intends to sell those nicotine products in this  
448 state, must obtain a wholesale nicotine products dealer permit  
449 for each place of business or premises at which nicotine  
450 products are sold.

451 (b) Application for a wholesale nicotine products dealer  
452 permit must be made on a form furnished by the division and must  
453 set forth the name under which the applicant transacts or  
454 intends to transact business, the address of the location of the  
455 applicant's place of business, the applicant's e-mail address,  
456 and any other information the division requires. If the  
457 applicant has or intends to have more than one place of business  
458 dealing in nicotine products or nicotine dispensing devices, a  
459 separate application must be made for each place of business. If  
460 the applicant is a firm or an association, the application must  
461 set forth the names, e-mail addresses, and addresses of the  
462 persons constituting the firm or association. If the applicant  
463 is a corporation, the application must set forth the names, e-  
464 mail addresses, and addresses of the principal officers of the



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465 corporation. The application must also set forth any other  
466 information prescribed by the division for the purpose of  
467 identifying the applicant firm, association, or corporation. The  
468 application must be signed and verified by oath or affirmation  
469 by the owner, if a sole proprietor; if the owner is a firm,  
470 association, or partnership, by the members or partners thereof;  
471 or, if the owner is a corporation, by an executive officer of  
472 the corporation or by a person authorized by the corporation to  
473 sign the application, together with the written evidence of this  
474 authority.

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

478 (b) The division may refuse to issue a wholesale nicotine  
479 products dealer permit to any person, firm, association, or  
480 corporation whose permit has been revoked by any jurisdiction;  
481 to any corporation an officer of which has had such permit  
482 revoked by any jurisdiction; or to any person who is or has been  
483 an officer of a corporation whose permit has been revoked by any  
484 jurisdiction. The division must revoke any wholesale nicotine  
485 products dealer permit issued to a firm, an association, or a  
486 corporation prohibited from obtaining such permit under this  
487 chapter.

488 (3) Upon approval of an application for a wholesale  
489 nicotine products dealer permit, the division shall issue to the  
490 applicant a wholesale nicotine products dealer permit for the  
491 place of business or premises specified in the application. A  
492 wholesale nicotine products dealer permit is not assignable and  
493 is valid only for the person in whose name the wholesale

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494 nicotine products dealer permit is issued and for the place  
495 designated in the wholesale nicotine products dealer permit. The  
496 wholesale nicotine products dealer permit must be conspicuously  
497 displayed at all times at the place for which it is issued.

498 (4) A wholesale dealer, as defined in s. 210.01(6), or a  
499 distributing agent, as defined in s. 210.01(14), is not required  
500 to have a separate or additional wholesale nicotine products  
501 dealer permit to deal, at wholesale, in nicotine dispensing  
502 devices within this state. A wholesale dealer, as defined in s.  
503 210.01(6), a distributing agent, as defined in s. 210.01(14), or  
504 a tobacco products distributor, as defined in s. 210.25(5),  
505 which deals, at wholesale, in nicotine dispensing devices is  
506 subject to, and must be in compliance with, this chapter.

507 Section 6. Section 569.317, Florida Statutes, is created to  
508 read:

509 569.317 Wholesale nicotine products dealer permitholder;  
510 administrative penalties.—A wholesale nicotine products dealer  
511 permitholder may only purchase and sell for retail sale in this  
512 state nicotine dispensing devices contained on the directory  
513 created by the division pursuant to s. 569.311. The division may  
514 suspend or revoke the wholesale nicotine products dealer permit  
515 of a wholesale nicotine products dealer permitholder upon  
516 sufficient cause appearing of a violation of this part by a  
517 wholesale nicotine products dealer permitholder or its agent or  
518 employee. The division may also assess an administrative fine of  
519 up to \$5,000 for each violation. The division shall deposit all  
520 finest collected into the General Revenue Fund. An order imposing  
521 an administrative fine becomes effective 15 days after the date  
522 of the order. The division may suspend the imposition of a

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523 penalty against a wholesale nicotine products dealer  
524 permitholder, conditioned upon compliance with terms the  
525 division considers appropriate.

526 Section 7. Section 569.32, Florida Statutes, is amended to  
527 read:

528 569.32 Retail nicotine products dealer permits;  
529 application; qualifications; renewal; duplicates.—

530 (1) (a) Each person, firm, association, or corporation that  
531 seeks to deal, at retail, in nicotine products or nicotine  
532 dispensing devices within this ~~the~~ state, or to allow a nicotine  
533 products vending machine to be located on its premises in this  
534 ~~the~~ state, must obtain a retail nicotine products dealer permit  
535 for each place of business or premises at which nicotine  
536 products or nicotine dispensing devices are sold. Each dealer  
537 owning, leasing, furnishing, or operating vending machines  
538 through which nicotine products are sold must obtain a permit  
539 for each machine and shall post the permit in a conspicuous  
540 place on or near the machine; however, if the dealer has more  
541 than one vending machine at a single location or if nicotine  
542 products or nicotine dispensing devices are sold both over the  
543 counter and through a vending machine at a single location, the  
544 dealer need obtain only one permit for that location.

545 (b) Application for a permit must be made on a form  
546 furnished by the division and must set forth the name under  
547 which the applicant transacts or intends to transact business,  
548 the address of the location of the applicant's place of business  
549 within this ~~the~~ state, and any other information the division  
550 requires. If the applicant has or intends to have more than one  
551 place of business dealing in nicotine products or nicotine

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552 dispensing devices within this ~~the~~ state, a separate application  
553 must be made for each place of business. If the applicant is a  
554 firm or an association, the application must set forth the names  
555 and addresses of the persons constituting the firm or  
556 association; if the applicant is a corporation, the application  
557 must set forth the names and addresses of the principal officers  
558 of the corporation. The application must also set forth any  
559 other information prescribed by the division for the purpose of  
560 identifying the applicant firm, association, or corporation. The  
561 application must be signed and verified by oath or affirmation  
562 by the owner, if a sole proprietor; or, if the owner is a firm,  
563 association, or partnership, by the members or partners thereof;  
564 or, if the owner is a corporation, by an executive officer of  
565 the corporation or by a person authorized by the corporation to  
566 sign the application, together with the written evidence of this  
567 authority.

568 (c) Permits must be issued annually.

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

570 A dealer that does not timely renew its permit must pay a late  
571 fee of \$5 for each month or portion of a month occurring after  
572 expiration, and before renewal, of the dealer's permit. The  
573 division shall establish by rule a renewal procedure that, to  
574 the greatest extent feasible, combines the application and  
575 permitting procedure for permits with the application and  
576 licensing system for alcoholic beverages.

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

579 (2) (a) Permits may be issued only to persons who are 21  
580 years of age or older or to corporations the officers of which

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581 are 21 years of age or older.

582 (b) The division may refuse to issue a permit to any  
583 person, firm, association, or corporation the permit of which  
584 has been revoked by any jurisdiction; to any corporation an  
585 officer of which has had his or her permit revoked by any  
586 jurisdiction; or to any person who is or has been an officer of  
587 a corporation the permit of which has been revoked by any  
588 jurisdiction. Any permit issued to a firm, an association, or a  
589 corporation prohibited from obtaining a permit under this  
590 chapter must ~~shall~~ be revoked by the division.

591 (3) Upon approval of an application for a permit, the  
592 division shall issue to the applicant a permit for the place of  
593 business or premises specified in the application. A permit is  
594 not assignable and is valid only for the person in whose name  
595 the permit is issued and for the place designated in the permit.  
596 The permit must ~~shall~~ be conspicuously displayed at all times at  
597 the place for which issued.

598 Section 8. Section 569.33, Florida Statutes, is amended to  
599 read:

600 569.33 Consent to inspection and search without warrant.—An  
601 applicant for a retail nicotine products dealer permit or a  
602 wholesale nicotine products dealer permit, by accepting the  
603 permit when issued, agrees that the place or premises covered by  
604 the permit is subject to inspection and search without a search  
605 warrant by the division or its authorized assistants, and by  
606 sheriffs, deputy sheriffs, or police officers, to determine  
607 compliance with this part.

608 Section 9. Section 569.34, Florida Statutes, is amended to  
609 read:

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610           569.34 Operating without a retail nicotine products dealer  
611 permit; penalty.—

612           (1) It is unlawful for a person, a firm, an association, or  
613 a corporation to deal, at retail, in nicotine products, in any  
614 manner, or to allow a nicotine products vending machine to be  
615 located on its premises, without having a retail nicotine  
616 product dealer permit as required by s. 569.32. A person who  
617 violates this subsection ~~section~~ commits a noncriminal  
618 violation, punishable by a fine of not more than \$500.

619           (2) A retail tobacco products dealer, as defined in s.  
620 569.002(4), is not required to have a separate or additional  
621 retail nicotine products dealer permit to deal, at retail, in  
622 nicotine products within this ~~the~~ state, or allow a nicotine  
623 products vending machine to be located on its premises in this  
624 ~~the~~ state. Any retail tobacco products dealer that deals, at  
625 retail, in nicotine products or allows a nicotine products  
626 vending machine to be located on its premises in this ~~the~~ state,  
627 is subject to, and must be in compliance with, this part.

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

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

- 636           1. Post a \$500 bond; or  
637           2. Sign and accept the citation indicating a promise to  
638 appear.

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- 639 (b) A person cited for violating this section may:
- 640 1. Pay the fine, either by mail or in person, within 10
- 641 days after receiving the citation; or
- 642 2. If the person has posted bond, forfeit the bond by not
- 643 appearing at the scheduled hearing.
- 644 (c) If the person pays the fine or forfeits bond, the
- 645 person is deemed to have admitted violating this section and to
- 646 have waived the right to a hearing on the issue of commission of
- 647 the violation. Such admission may not be used as evidence in any
- 648 other proceeding.
- 649 (d) The court, after a hearing, shall make a determination
- 650 as to whether an infraction has been committed. If the
- 651 commission of an infraction has been proven beyond a reasonable
- 652 doubt, the court may impose a civil penalty in an amount that
- 653 may not exceed \$500.
- 654 (e) If a person is found by the court to have committed the
- 655 infraction, that person may appeal that finding to the circuit
- 656 court.
- 657 (4) On or after March 1, 2025, it is unlawful for a person,
- 658 a firm, an association, or a corporation in this state to deal,
- 659 at retail, in nicotine dispensing devices that are not listed on
- 660 the directory created pursuant to s. 569.311. Any person who
- 661 knowingly ships or receives nicotine dispensing devices in
- 662 violation of this section commits a misdemeanor of the second
- 663 degree, punishable as provided in s. 775.082 or s. 775.083.
- 664 (5) On or after January 1, 2025, it is unlawful for a
- 665 retail nicotine products dealer in this state, other than a
- 666 nicotine product manufacturer that also is permitted as a retail
- 667 nicotine products dealer in this state and is selling its own

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668 products directly to consumers, to buy nicotine dispensing  
669 devices from a wholesaler, manufacturer, or other source that is  
670 not a wholesale nicotine products dealer permitholder, a  
671 wholesale dealer, as defined in s. 210.01(6), a distributing  
672 agent, as defined in s. 210.01(14), or a tobacco products  
673 distributor, as defined in s. 210.25(5). Any person who  
674 knowingly ships or receives nicotine dispensing devices in  
675 violation of this section commits a misdemeanor of the second  
676 degree, punishable as provided in s. 775.082 or s. 775.083.

677 (6) The division may suspend or revoke the permit of a  
678 retail nicotine products dealer permitholder upon sufficient  
679 cause appearing of a violation of this part by a retail nicotine  
680 products dealer permitholder, or its agent or employee. The  
681 division may also assess an administrative fine of up to \$1,000  
682 for each violation. The division shall deposit all fines  
683 collected into the General Revenue Fund. An order imposing an  
684 administrative fine becomes effective 15 days after the date of  
685 the order.

686 Section 10. Section 569.345, Florida Statutes, is created  
687 to read:

688 569.345 Seizure and destruction of contraband nicotine  
689 dispensing devices.—All nicotine dispensing devices sold,  
690 delivered, possessed, or distributed contrary to any provision  
691 of this chapter are declared to be contraband, are subject to  
692 seizure and confiscation under the Florida Contraband Forfeiture  
693 Act by any person whose duty it is to enforce the provisions of  
694 this chapter, and must be disposed of as follows:

695 (1) A court having jurisdiction shall order such nicotine  
696 dispensing devices forfeited and destroyed. A record of the



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697 place where such nicotine dispensing devices were seized, the  
698 kinds and quantities of nicotine dispensing devices destroyed,  
699 and the time, place, and manner of destruction must be kept, and  
700 a return under oath reporting the destruction must be made to  
701 the court by the officer who destroys them.

702 (2) The division shall keep a full and complete record of  
703 all nicotine dispensing devices showing:

704 (a) The exact kinds, quantities, and forms of such nicotine  
705 dispensing devices;

706 (b) The persons from whom they were received and to whom  
707 they were delivered;

708 (c) By whose authority they were received, delivered, and  
709 destroyed; and

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

713 (3) The cost of seizure, confiscation, and destruction of  
714 contraband nicotine dispensing devices is borne by the person  
715 from whom such products are seized.

716 Section 11. Section 569.346, Florida Statutes, is created  
717 to read:

718 569.346 Agent for service of process.—

719 (1) Any nonresident manufacturer of nicotine dispensing  
720 devices that has not registered to do business in the state as a  
721 foreign corporation or business entity shall, as a condition  
722 precedent to being included on the directory created in this  
723 chapter, appoint and continually engage without interruption the  
724 services of an agent in this state to act as agent for the  
725 service of process on whom all process, and any action or

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726 proceeding against it concerning or arising out of the  
727 enforcement of this chapter, may be served in any manner  
728 authorized by law. Such service shall constitute legal and valid  
729 service of process on the manufacturer. The manufacturer shall  
730 provide the name, address, telephone number, and proof of the  
731 appointment and availability of such agent to the division.

732 (2) The manufacturer shall provide notice to the division  
733 30 calendar days before termination of the authority of an agent  
734 and shall further provide proof to the satisfaction of the  
735 division of the appointment of a new agent no less than 5  
736 calendar days before the termination of an existing agent  
737 appointment. In the event an agent terminates an agency  
738 appointment, the manufacturer shall notify the division of the  
739 termination within 5 calendar days and shall include proof to  
740 the satisfaction of the division of the appointment of a new  
741 agent.

742 (3) Any manufacturer whose nicotine dispensing devices are  
743 sold in this state who has not appointed and engaged the  
744 services of an agent as required by this section shall be deemed  
745 to have appointed the Secretary of State as its agent for  
746 service of process. The appointment of the Secretary of State as  
747 agent shall not satisfy the condition precedent required in  
748 subsection (1) of this subsection to be included or retained on  
749 the directory.

750 Section 12. Subsections (3) and (4) of section 569.002,  
751 Florida Statutes, are amended to read:

752 569.002 Definitions.—As used in this part, the term:

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

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

757 Section 13. This act shall take effect October 1, 2024.