

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  
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  
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; amending s.  
69 569.33, F.S.; providing that holders of a wholesale  
70 nicotine products dealer permit must consent to  
71 certain inspections and searches without a warrant;  
72 amending s. 569.34, F.S.; providing criminal penalties  
73 for the unlawful sale or dealing of unlisted nicotine  
74 products; providing criminal penalties for the  
75 unauthorized purchase of certain nicotine products;

76 | authorizing the division to suspend or revoke a permit  
 77 | of a permitholder upon sufficient cause of a violation  
 78 | of part II of ch. 569, F.S.; authorizing the division  
 79 | to assess an administrative penalty for violations and  
 80 | deposit them into the General Revenue Fund; creating  
 81 | s. 569.345, F.S.; providing for the seizure and  
 82 | destruction of unlawful nicotine products in  
 83 | accordance with the Florida Contraband Forfeiture Act;  
 84 | requiring a court with jurisdiction to take certain  
 85 | action; requiring the division to maintain certain  
 86 | records; requiring that costs be borne by the person  
 87 | who held the seized products; amending s. 569.002,  
 88 | F.S.; conforming cross-references to changes made by  
 89 | the act; providing an effective date.

90 |

91 | Be It Enacted by the Legislature of the State of Florida:

92 |

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

95 | 569.31 Definitions.—As used in this part, the term:

96 | (2)~~(1)~~ "Dealer" is synonymous with the term "retail  
 97 | nicotine products dealer."

98 | (3)~~(2)~~ "Division" means the Division of Alcoholic  
 99 | Beverages and Tobacco of the Department of Business and  
 100 | Professional Regulation.

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

103            ~~(5)-(3)~~ "Nicotine dispensing device" means any product that  
 104 employs an electronic, chemical, or mechanical means to produce  
 105 vapor or aerosol from a nicotine product, including, but not  
 106 limited to, an electronic cigarette, electronic cigar,  
 107 electronic cigarillo, electronic pipe, or other similar device  
 108 or product, any replacement cartridge for such device, and any  
 109 other container of nicotine in a solution or other form intended  
 110 to be used with or within an electronic cigarette, electronic  
 111 cigar, electronic cigarillo, electronic pipe, or other similar  
 112 device or product.

113            ~~(6)-(4)~~ "Nicotine product" means any product that contains  
 114 nicotine, including liquid nicotine, which is intended for human  
 115 consumption, whether inhaled, chewed, absorbed, dissolved, or  
 116 ingested by any means. The term also includes any nicotine  
 117 dispensing device. For purposes of this definition, each  
 118 individual stock keeping unit is considered a separate nicotine  
 119 product. The term does not include a:

- 120            (a) Tobacco product, as defined in s. 569.002;
- 121            (b) Product regulated as a drug or device by the United  
 122 States Food and Drug Administration under Chapter V of the  
 123 Federal Food, Drug, and Cosmetic Act; or
- 124            (c) Product that contains incidental nicotine.

125            (7) "Nicotine products manufacturer" means any person that

126 manufactures nicotine products.

127 ~~(8)-(5)~~ "Permit" is synonymous with the term "retail  
128 nicotine products dealer permit."

129 ~~(9)-(6)~~ "Retail nicotine products dealer" means the holder  
130 of a retail nicotine products dealer permit.

131 ~~(10)-(7)~~ "Retail nicotine products dealer permit" means a  
132 permit issued by the division under s. 569.32.

133 ~~(11)-(8)~~ "Self-service merchandising" means the open  
134 display of nicotine products, whether packaged or otherwise, for  
135 direct retail customer access and handling before purchase  
136 without the intervention or assistance of the dealer or the  
137 dealer's owner, employee, or agent. An open display of such  
138 products and devices includes the use of an open display unit.

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

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

145 ~~(1)-(9)~~ "Any person under the age of 21" does not include  
146 any person under the age of 21 who:

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

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

150 Section 2. Section 569.311, Florida Statutes, is created

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151 to read:

152 569.311 Nicotine product directory.-

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

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

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

174 2. The FDA issued a marketing denial order for the  
175 nicotine product, but the FDA or a federal court issued a stay

176 or an injunction during the pendency of the manufacturer's  
177 appeal of the marketing denial order or either the order has  
178 been appealed to the FDA or a challenge to the order has been  
179 filed with a federal court and the appeal or challenge is still  
180 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.

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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  
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  
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  
240 the date of service of the notice of the division's intended  
241 action to establish that the nicotine products manufacturer or  
242 its 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

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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  
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

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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  
287 to read:

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

290 (1) Each nicotine products manufacturer shall maintain and  
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.

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

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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  
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

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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  
355 to \$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  
360 to read:

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

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

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

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

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

375 (2) Any person who knowingly ships or receives nicotine

376 products in violation of this section commits a misdemeanor of  
377 the first degree, punishable as provided in s. 775.082 or s.  
378 775.083.

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

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

386 569.316 Wholesale nicotine products dealer permits;  
387 application; qualifications; renewal; duplicates.—

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

394 (b) Application for a wholesale nicotine products dealer  
395 permit must be made on a form furnished by the division and must  
396 set forth the name under which the applicant transacts or  
397 intends to transact business, the address of the location of the  
398 applicant's place of business, the applicant's e-mail address,  
399 and any other information the division requires. If the  
400 applicant has or intends to have more than one place of business

401 dealing in nicotine products, a separate application must be  
402 made for each place of business. If the applicant is a firm or  
403 an association, the application must set forth the names, e-mail  
404 addresses, and addresses of the persons constituting the firm or  
405 association. If the applicant is a corporation, the application  
406 must set forth the names, e-mail addresses, and addresses of the  
407 principal officers of the corporation. The application must also  
408 set forth any other information prescribed by the division for  
409 the purpose of identifying the applicant firm, association, or  
410 corporation. The application must be signed and verified by oath  
411 or affirmation by the owner, if a sole proprietor; or, if the  
412 owner is a firm, association, or partnership, by the members or  
413 partners thereof; or, if the owner is a corporation, by an  
414 executive officer of the corporation or by a person authorized  
415 by the corporation to sign the application, together with the  
416 written evidence of this authority.

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

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

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426 products dealer permit issued to a firm, an association, or a  
427 corporation prohibited from obtaining such permit under this  
428 chapter.

429 (3) Upon approval of an application for a wholesale  
430 nicotine products dealer permit, the division shall issue to the  
431 applicant a wholesale nicotine products dealer permit for the  
432 place of business or premises specified in the application. A  
433 wholesale nicotine products dealer permit is not assignable and  
434 is valid only for the person in whose name the wholesale  
435 nicotine products dealer permit is issued and for the place  
436 designated in the wholesale nicotine products dealer permit. The  
437 wholesale nicotine products dealer permit must be conspicuously  
438 displayed at all times at the place for which it is issued.

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

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

450 569.317 Wholesale nicotine products dealer permitholder;

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

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

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

470 (1)(a) Each person, firm, association, or corporation that  
 471 seeks to deal, at retail, in nicotine products within this ~~the~~  
 472 state, or to allow a nicotine products vending machine to be  
 473 located on its premises in this ~~the~~ state, must obtain a retail  
 474 nicotine products dealer permit for each place of business or  
 475 premises at which nicotine products are sold. Each dealer

476 owning, leasing, furnishing, or operating vending machines  
477 through which nicotine products are sold must obtain a permit  
478 for each machine and shall post the permit in a conspicuous  
479 place on or near the machine; however, if the dealer has more  
480 than one vending machine at a single location or if nicotine  
481 products are sold both over the counter and through a vending  
482 machine at a single location, the dealer need obtain only one  
483 permit for that location.

484 (b) Application for a permit must be made on a form  
485 furnished by the division and must set forth the name under  
486 which the applicant transacts or intends to transact business,  
487 the address of the location of the applicant's place of business  
488 within this ~~the~~ state, and any other information the division  
489 requires. If the applicant has or intends to have more than one  
490 place of business dealing in nicotine products within this ~~the~~  
491 state, a separate application must be made for each place of  
492 business. If the applicant is a firm or an association, the  
493 application must set forth the names and addresses of the  
494 persons constituting the firm or association; if the applicant  
495 is a corporation, the application must set forth the names and  
496 addresses of the principal officers of the corporation. The  
497 application must also set forth any other information prescribed  
498 by the division for the purpose of identifying the applicant  
499 firm, association, or corporation. The application must be  
500 signed and verified by oath or affirmation by the owner, if a

501 sole proprietor; or, if the owner is a firm, association, or  
502 partnership, by the members or partners thereof; or, if the  
503 owner is a corporation, by an executive officer of the  
504 corporation or by a person authorized by the corporation to sign  
505 the application, together with the written evidence of this  
506 authority.

507 (c) Permits must be issued annually.

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

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

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

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

521 (b) The division may refuse to issue a permit to any  
522 person, firm, association, or corporation the permit of which  
523 has been revoked; to any corporation an officer of which has had  
524 his or her permit revoked; or to any person who is or has been  
525 an officer of a corporation the permit of which has been

526 | revoked. Any permit issued to a firm, an association, or a  
 527 | corporation prohibited from obtaining a permit under this  
 528 | chapter must ~~shall~~ be revoked by the division.

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

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

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

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

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

550 |       (1) It is unlawful for a person, a firm, an association,

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551 or a corporation to deal, at retail, in nicotine products, in  
552 any manner, or to allow a nicotine products vending machine to  
553 be located on its premises, without having a retail nicotine  
554 product dealer permit as required by s. 569.32. A person who  
555 violates this subsection ~~section~~ commits a noncriminal  
556 violation, punishable by a fine of not more than \$500.

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

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

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

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

576 appear.

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

578 1. Pay the fine, either by mail or in person, within 10  
579 days after receiving the citation; or

580 2. If the person has posted bond, forfeit the bond by not  
581 appearing at the scheduled hearing.

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

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

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

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

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601 punishable as provided in s. 775.082 or s. 775.083.

602 (5) On or after January 1, 2025, it is unlawful for a  
603 retail nicotine products dealer, other than a nicotine products  
604 manufacturer that also is permitted as a retail nicotine  
605 products dealer and is selling its own products directly to  
606 consumers, to buy nicotine products from a wholesaler,  
607 manufacturer, or other source that is not a wholesale nicotine  
608 products dealer permitholder, a wholesale dealer, as defined in  
609 s. 210.01(6), a distributing agent, as defined in s. 210.01(14),  
610 or a tobacco products distributor, as defined in s. 210.25(5).  
611 Any person who knowingly ships or receives nicotine products in  
612 violation of this section commits a misdemeanor of the second  
613 degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

625 569.345 Seizure and destruction of contraband nicotine

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

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

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

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

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

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

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

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

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

656        569.002 Definitions.—As used in this part, the term:

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

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

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