

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 | distribution 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 appropriation; providing an
 90 | 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
 100 | Beverages and Tobacco of the Department of Business and

101 Professional 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
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
 135 display of nicotine products, whether packaged or otherwise, for
 136 direct retail customer access and handling before purchase
 137 without the intervention or assistance of the dealer or the
 138 dealer's owner, employee, or agent. An open display of such
 139 products and devices 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.

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
152 to 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
160 from a tobacco source and was on the market in the United States
161 as 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

175 2. The FDA issued a marketing denial order for the

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

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

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

195 (3) In addition to completing the form prescribed by the
196 division pursuant to subsection (1), each nicotine products
197 manufacturer shall provide a copy of the cover page of the
198 premarket tobacco application with evidence of the receipt of
199 the application by the FDA, or a copy of the cover page of the
200 marketing authorization or other authorization issued pursuant

201 to 21 U.S.C. s. 387j, whichever is applicable.

202 (4) Any nicotine products manufacturer submitting a
203 certification pursuant to subsection (1) shall notify the
204 division within 30 days after any material change to the
205 certification, including, but not limited to, issuance by the
206 FDA of any of the following:

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

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

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

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

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

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

226 necessary.

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

231 (a) The division may not remove the nicotine products
 232 manufacturer or its nicotine product from the directory until at
 233 least 15 days after the nicotine products manufacturer has been
 234 given notice of an intended action. Notice is sufficient and
 235 deemed immediately received by a nicotine products manufacturer
 236 if the notice is sent either electronically or by facsimile to
 237 an e-mail address or facsimile number provided by the nicotine
 238 products manufacturer in its most recent certification filed
 239 under subsection (1).

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

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

250 (d) If a nicotine product is removed from the directory,

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

260 (7) Beginning March 1, 2025, or on the date that the
 261 division first makes the directory available for public
 262 inspection on its or the Department of Business and Professional
 263 Regulation's website, whichever is later, a nicotine products
 264 manufacturer that offers for sale a nicotine product not listed
 265 on the directory is subject to a fine of \$1,000 per day for each
 266 nicotine product offered for sale in violation of this section
 267 until the offending product is removed from the market or until
 268 the offending product is properly listed on the directory.

269 (8) A nicotine products manufacturer that falsely
 270 represents any of the information required by subsection (1) or
 271 subsection (2) commits a felony of the third degree for each
 272 false representation, punishable as provided in s. 775.082 or s.
 273 775.083.

274 (9) Each retail nicotine products dealer and wholesale
 275 nicotine products dealer is subject to unannounced inspections

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

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

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

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

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

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

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

321 (4) Upon request by the division, a nicotine products
322 manufacturer, including a nicotine products manufacturer selling
323 nicotine products directly to consumers; a retail nicotine
324 products dealer; a wholesale nicotine products dealer; a
325 wholesale dealer, as defined in s. 210.01(6); and a distributing

326 agent, as defined in s. 210.01(14), shall timely provide to the
327 division or its duly authorized representative copies of records
328 related to the nicotine products received, delivered, or sold in
329 this state and to whom those nicotine products were sold or
330 delivered or from whom they were received.

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

351 refusal to obey the orders and process of the circuit court. The
352 division may in such cases pay such attendance and mileage fees
353 as are permitted to be paid to witnesses in civil cases
354 appearing before the circuit court.

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

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

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

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

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

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

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

376 (2) Any person who knowingly ships or receives nicotine
377 products in violation of this section commits a misdemeanor of
378 the first degree, punishable as provided in s. 775.082 or s.
379 775.083.

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

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

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

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

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

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

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

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

426 been revoked. The division must revoke any wholesale nicotine
427 products dealer permit issued to a firm, an association, or a
428 corporation prohibited from obtaining such permit under this
429 chapter.

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

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

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

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

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

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

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

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

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

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

508 (c) Permits must be issued annually.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 575 1. Post a \$500 bond; or

576 2. Sign and accept the citation indicating a promise to
577 appear.

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

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

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

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

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

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

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

601 this section commits a misdemeanor of the second degree,
602 punishable as provided in s. 775.082 or s. 775.083.

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

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

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

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

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

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

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

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

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

649 (d) The dates of the receipt, disposal, or destruction,
650 which record must be open to inspection by all persons charged

651 with the enforcement of tobacco and nicotine product laws.

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

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

657 569.002 Definitions.—As used in this part, the term:

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

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

662 Section 12. For the 2024-2025 fiscal year, the sums of
663 \$278,875 in recurring funds and \$20,268 in nonrecurring funds
664 from the Alcoholic Beverage and Tobacco Trust Fund are
665 appropriated to the Department of Business and Professional
666 Regulation, and four full-time equivalent positions with
667 associated salary rate of 180,000 are authorized, for the
668 purpose of implementing this act.

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