

26 | to provide notice of the initial publication of the
27 | directory and changes made to the directory in the
28 | prior month; requiring the division to establish by
29 | rule a process to provide a nicotine product
30 | manufacturer notice and an opportunity to cure
31 | deficiencies before removal of the manufacturer or any
32 | of the manufacturer's nicotine dispensing devices from
33 | the directory; prohibiting the division from removing
34 | the nicotine product manufacturer or any of the
35 | manufacturer's nicotine dispensing devices from the
36 | directory until a specified time after notice has been
37 | provided; providing a specified time within which a
38 | nicotine product manufacturer has to establish that
39 | the manufacturer or any of the manufacturer's nicotine
40 | dispensing devices must be listed on the directory;
41 | providing for administrative review of certain actions
42 | by the division relating to the directory; providing a
43 | specified time in which a nicotine dispensing device
44 | removed from the directory must be sold or removed
45 | from the dealer's inventory; providing penalties for
46 | certain violations by nicotine product manufacturers;
47 | subjecting retail and wholesale nicotine product
48 | dealers to inspections or audits to ensure compliance;
49 | requiring the division to publish results of such
50 | inspections and audits and make the results available

51 to the public upon request; authorizing the division
52 to establish by rule certain procedures; authorizing
53 the division to take certain actions against nicotine
54 product manufacturers who fail to provide certain
55 documents or information; authorizing the division to
56 assess certain administrative fines; requiring the
57 division to deposit such fines into the General
58 Revenue Fund; creating s. 569.312, F.S.; requiring
59 certain manufacturers, dealers, and agents of nicotine
60 dispensing devices to keep certain records for a
61 specified time; providing an exception; requiring such
62 manufacturers, dealers, and agents to provide records
63 to the division within a specified time; authorizing
64 the division to examine such records for specified
65 purposes; providing for enforcement; authorizing the
66 division to assess administrative fines; requiring the
67 division to deposit such fines into the General
68 Revenue Fund; creating s. 569.313, F.S.; prohibiting a
69 nicotine product manufacturer from selling, shipping,
70 or distributing certain nicotine dispensing devices
71 for retail sale to consumers in this state; providing
72 a criminal penalty; authorizing the division to assess
73 administrative fines; requiring the division to
74 deposit such fines into the General Revenue Fund;
75 creating s. 569.316, F.S.; requiring certain persons

76 | or entities to obtain a wholesale nicotine product
77 | dealer permit for certain places of business or
78 | premises; specifying requirements and limitations
79 | relating to such permits; authorizing the division to
80 | refuse to issue, and requiring the division to revoke,
81 | such permits in certain circumstances; providing that
82 | a wholesale dealer or distributing agent is not
83 | required to obtain a separate or additional wholesale
84 | nicotine product dealer permit; creating s. 569.317,
85 | F.S.; requiring wholesale nicotine product dealers to
86 | purchase and sell for retail in this state only those
87 | nicotine dispensing devices listed on the division's
88 | directory; authorizing the division to suspend or
89 | revoke a wholesale nicotine product dealer permit in
90 | certain circumstances; authorizing the division to
91 | assess administrative fines; requiring the division to
92 | deposit such fines into the General Revenue Fund;
93 | authorizing the division to suspend imposition of
94 | administrative fines in certain circumstances;
95 | amending s. 569.32, F.S.; requiring that retail
96 | nicotine product dealer permits be issued and renewed
97 | annually; requiring a retail nicotine product dealer
98 | to pay a specified fee in certain circumstances;
99 | requiring the division to establish by rule a permit
100 | renewal procedure; prohibiting the division from

101 exempting any retail nicotine product dealer from
102 certain fees; amending s. 569.33, F.S.; providing that
103 applicants for wholesale nicotine product dealer
104 permits must consent to certain inspections and
105 searches without a warrant; amending s. 569.34, F.S.;
106 prohibiting certain persons and entities from dealing,
107 at retail, in nicotine dispensing devices not listed
108 on the division's directory; prohibiting retail
109 nicotine product dealers from purchasing nicotine
110 dispensing devices from certain persons and entities;
111 providing criminal penalties; authorizing the division
112 to suspend or revoke a permit of retail nicotine
113 product dealer upon sufficient cause of a violation of
114 part II of ch. 569, F.S.; authorizing the division to
115 assess administrative fines; requiring the division to
116 deposit such fines into the General Revenue Fund;
117 creating s. 569.345, F.S.; providing for the seizure
118 and destruction of contraband nicotine dispensing
119 devices; requiring a court with jurisdiction to take
120 certain actions; requiring the division to keep
121 certain records; requiring that certain costs be borne
122 by certain persons; creating s. 569.346, F.S.;
123 requiring certain manufacturers of nicotine dispensing
124 devices to appoint an agent for service of process;
125 providing construction; requiring such manufacturers

126 to provide certain notice within a specified time;
 127 appointing the Secretary of State as the agent for
 128 certain manufacturers; providing that such appointment
 129 does not satisfy a certain requirement; amending ss.
 130 569.002 and 569.35, F.S.; conforming provisions and
 131 cross-references to changes made by the act; providing
 132 appropriations and authorizing positions; providing an
 133 effective date.

134

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

136

137 Section 1. Section 569.31, Florida Statutes, is amended to
 138 read:

139 569.31 Definitions.—As used in this part, the term:

140 (1)~~(9)~~ "Any person under the age of 21" does not include
 141 any person under the age of 21 who:

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

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

145 (2)~~(1)~~ "Dealer" is synonymous with the term "retail
 146 nicotine product ~~products~~ dealer."

147 (3)~~(2)~~ "Division" means the Division of Alcoholic
 148 Beverages and Tobacco of the Department of Business and
 149 Professional Regulation.

150 (4) "FDA" means the United States Food and Drug

151 Administration.

152 ~~(5)-(3)~~ "Nicotine dispensing device" means any product that
153 employs an electronic, chemical, or mechanical means to produce
154 vapor or aerosol from a nicotine product, including, but not
155 limited to, an electronic cigarette, electronic cigar,
156 electronic cigarillo, electronic pipe, or other similar device
157 or product, any replacement cartridge for such device, and any
158 other container of nicotine in a solution or other form intended
159 to be used with or within an electronic cigarette, electronic
160 cigar, electronic cigarillo, electronic pipe, or other similar
161 device or product. For purposes of this subsection, each
162 individual stock keeping unit is considered a separate nicotine
163 product.

164 ~~(6)-(4)~~ "Nicotine product" means any product that contains
165 nicotine, including liquid nicotine, which is intended for human
166 consumption, whether inhaled, chewed, absorbed, dissolved, or
167 ingested by any means. The term also includes any nicotine
168 dispensing device. The term does not include a:

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

174 (7) "Nicotine product manufacturer" means any person that
175 manufactures nicotine products.

176 (8)~~(5)~~ "Permit" is synonymous with the term "retail
 177 nicotine product ~~products~~ dealer permit."

178 (9)~~(6)~~ "Retail nicotine product ~~products~~ dealer" means the
 179 holder of a retail nicotine product ~~products~~ dealer permit.

180 (10)~~(7)~~ "Retail nicotine product ~~products~~ dealer permit"
 181 means a permit issued by the division under s. 569.32.

182 (11)~~(8)~~ "Self-service merchandising" means the open
 183 display of nicotine products, whether packaged or otherwise, for
 184 direct retail customer access and handling before purchase
 185 without the intervention or assistance of the dealer or the
 186 dealer's owner, employee, or agent. An open display of such
 187 products and devices includes the use of an open display unit.

188 (12) "Sell" or "sale" means any sale, transfer, exchange,
 189 barter, gift, or offer for sale and distribution in any manner
 190 or by any means whatsoever.

191 (13) "Timely filed premarket tobacco product application"
 192 means either:

193 (a) An application under 21 U.S.C. s. 387j for a nicotine
 194 dispensing device containing or using nicotine derived from
 195 tobacco marketed in the United States as of August 8, 2016,
 196 which was submitted to the FDA on or before September 9, 2020,
 197 and accepted for filing; or

198 (b) An application under 21 U.S.C. s. 387j for a nicotine
 199 dispensing device containing or using nicotine derived from a
 200 nontobacco source that is not a single-use or disposable

201 electronic cigarette, an electronic cigar, an electronic
 202 cigarillo, an electronic pipe, or any other similar device and
 203 that does not use a sealed, prefilled, and disposable cartridge
 204 of nicotine in a solution.

205 (14) "Wholesale nicotine product dealer" means the holder
 206 of a wholesale nicotine product dealer permit who purchases
 207 nicotine dispensing devices or nicotine products from any
 208 nicotine product manufacturer.

209 (15) "Wholesale nicotine product dealer permit" means a
 210 permit issued by the division under s. 569.316.

211 Section 2. Section 569.311, Florida Statutes, is created
 212 to read:

213 569.311 Nicotine dispensing device directory.-

214 (1) By December 1, 2024, and annually thereafter, any
 215 nicotine product manufacturer who sells nicotine dispensing
 216 devices to a person for retail sale in this state shall execute
 217 a form, prescribed by the division, under penalty of perjury,
 218 for each such nicotine dispensing device sold that meets either
 219 of the following criteria:

220 (a) The nicotine product manufacturer has submitted a
 221 timely filed premarket tobacco product application for the
 222 nicotine dispensing device under 21 U.S.C. s. 387j and remains
 223 stayed by a court order, or the nicotine product manufacturer
 224 has filed a timely request for supervisory review with the FDA
 225 which remains under review, or the order has been rescinded by

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226 the FDA or vacated by a court; or

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

230

231 The form shall be delivered by the nicotine product manufacturer
232 to the division.

233 (2) The form prescribed by the division pursuant to
234 subsection (1) must require each nicotine product manufacturer
235 to set forth the name under which the nicotine product
236 manufacturer transacts or intends to transact business; the
237 address of the location of the nicotine product manufacturer's
238 principal place of business; the nicotine product manufacturer's
239 e-mail address; and the brand name of the nicotine dispensing
240 device, the device's category, such as e-liquid, power unit,
241 device, e-liquid cartridge, e-liquid pod, or disposable, the
242 device's name, and any flavor used with the device that is sold
243 in this state. The division may allow a nicotine product
244 manufacturer to group its nicotine dispensing devices on its
245 certification.

246 (3) In addition to completing the form prescribed by the
247 division pursuant to subsection (1), each nicotine product
248 manufacturer shall provide to the division a copy of the cover
249 page of the granted marketing order issued by the FDA under 21
250 U.S.C. s. 387j for each nicotine dispensing device; a copy of

251 the acceptance letter issued by the FDA under 21 U.S.C. s. 387j
252 for a timely filed premarket tobacco product application for
253 each nicotine dispensing device; or a document issued by the FDA
254 or by a court confirming that the premarket tobacco product
255 application has been received and denied, but the granted
256 marketing order is not yet in effect for each nicotine
257 dispensing device.

258 (4) Any nicotine product manufacturer who submits a
259 certification pursuant to subsection (1) shall notify the
260 division within 30 days after any material change to the
261 certification, including, but not limited to, issuance by the
262 FDA of any of the following:

263 (a) A denial of a market authorization or authorization
264 under 21 U.S.C. s. 387j;

265 (b) An order requiring a nicotine product manufacturer to
266 remove a nicotine dispensing device or nicotine product from the
267 market either temporarily or permanently;

268 (c) Any notice of action taken by the FDA affecting the
269 ability of the nicotine dispensing device to be introduced or
270 delivered in this state for commercial distribution;

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

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

275 (5) The division shall develop and maintain a directory

276 listing all nicotine product manufacturers who sell nicotine
277 dispensing devices in this state and the nicotine dispensing
278 devices certified by those manufacturers with the division which
279 complies with this section. The division shall make the
280 directory available on January 1, 2025, on its website or on the
281 Department of Business and Professional Regulation's website.
282 The division shall update the directory as necessary. The
283 division shall establish a process to provide retail nicotine
284 product dealers; wholesale nicotine product dealers; and
285 distributing agents, as defined in s. 210.01(14) notice of the
286 initial publication of the directory and changes made to the
287 directory in the prior month.

288 (6) The division shall establish by rule a process to
289 provide a nicotine product manufacturer notice and an
290 opportunity to cure deficiencies before removing the nicotine
291 product manufacturer or any of the manufacturer's nicotine
292 dispensing devices from the directory.

293 (a) The division may not remove the nicotine product
294 manufacturer or any of the manufacturer's nicotine dispensing
295 devices from the directory until at least 30 days after the
296 nicotine product manufacturer has been provided notice of an
297 intended action. Notice is sufficient and deemed immediately
298 received by a nicotine product manufacturer if the notice is
299 sent either electronically or by facsimile to an e-mail address
300 or facsimile number provided by the nicotine product

301 manufacturer in the most recent certification filed under
302 subsection (1).

303 (b) The nicotine product manufacturer has 15 days after
304 the date of service of the notice of the division's intended
305 action to establish that the nicotine product manufacturer or
306 any of the manufacturer's nicotine dispensing devices must be
307 listed on the directory.

308 (c) A determination by the division not to include a
309 nicotine product manufacturer or any of the manufacturer's
310 nicotine dispensing devices on, or to remove such manufacturer
311 or any of such manufacturer's devices from, the directory is
312 subject to review under chapter 120. If a nicotine product
313 manufacturer seeks review, the division must keep the nicotine
314 product manufacturer or the manufacturer's nicotine dispensing
315 device listed on the directory until entry of a final order.

316 (d) If a nicotine dispensing device is removed from the
317 directory, each retail nicotine product dealer and each
318 wholesale nicotine product dealer holding nicotine dispensing
319 devices for sale to consumers in this state has 30 days after
320 the date such device is removed from the directory to sell the
321 device or remove the device from the dealer's inventory. Thirty
322 days after removal of the device from the directory, the device
323 identified in the notice of removal is contraband and subject to
324 s. 569.345.

325 (7) (a) Except as provided in paragraphs (b) and (c),

326 beginning March 1, 2025, or on the date that the division or the
327 Department of Business and Professional Regulation first makes
328 the directory publicly available on its website, whichever is
329 later, a nicotine product manufacturer who offers for sale to
330 consumers in this state a nicotine dispensing device not listed
331 on the directory is subject to a fine of \$1,000 per day for each
332 individual nicotine dispensing device offered for sale in
333 violation of this section until the offending device is removed
334 from the market or until the offending device is properly listed
335 on the directory.

336 (b) Each retail nicotine product dealer has 60 days after
337 the date that the division or the Department of Business and
338 Professional Regulation first makes the directory publicly
339 available on its website to either sell the nicotine dispensing
340 devices in the dealer's inventory but not listed on the
341 directory or remove the devices from the dealer's inventory.

342 (c) Each wholesale nicotine product dealer or distributing
343 agent, as defined in s. 210.01(14), has 60 days after the date
344 that the division or the Department of Business and Professional
345 Regulation first makes the directory publicly available on its
346 website to remove from the dealer's inventory those nicotine
347 dispensing devices intended for retail sale to consumers in this
348 state.

349 (8) A nicotine product manufacturer who falsely represents
350 any of the information required by subsection (1) or subsection

351 (2) commits a felony of the third degree for each false
352 representation, punishable as provided in s. 775.082 or s.
353 775.083.

354 (9) Each retail nicotine product dealer and wholesale
355 nicotine product dealer is subject to unannounced inspections
356 and audits by the division for purposes of enforcing this
357 section. The division shall conduct unannounced follow-up
358 compliance inspections of all noncompliant retail nicotine
359 product dealers and wholesale nicotine product dealers within 30
360 days after any violation of this section. The division shall
361 publish the results of all inspections and audits at least
362 annually and shall make the results available to the public upon
363 request.

364 (10) The division may establish by rule a procedure to
365 allow nicotine product manufacturers to renew certifications
366 without having to resubmit all the information or documents
367 required by this section.

368 (11) If a nicotine product manufacturer fails to provide
369 information or documents required by this section, the division
370 may exclude or remove the manufacturer's nicotine dispensing
371 devices from the directory.

372 (12) The division may assess an administrative fine of up
373 to \$1,000 for each nicotine dispensing device offered for sale
374 to consumers in this state if a nicotine product manufacturer
375 fails to provide notice to the division of a material change to

376 the manufacturer's certification within 30 days after such
 377 change. The division shall deposit all fines collected into the
 378 General Revenue Fund. An order imposing an administrative fine
 379 becomes effective 15 days after the date of the order.

380 Section 3. Section 569.312, Florida Statutes, is created
 381 to read:

382 569.312 Maintenance and inspection of nicotine dispensing
 383 device records.—

384 (1) Each nicotine product manufacturer who sells nicotine
 385 dispensing devices to consumers in this state shall maintain for
 386 a period of 3 years, at the address listed on the certification
 387 required pursuant to s. 569.311, a complete and accurate record
 388 of the quantity of nicotine dispensing devices sold or delivered
 389 to a wholesale nicotine product dealer in this state and to whom
 390 each device was sold on a wholesale basis, including the
 391 business name, license number, shipping and business addresses,
 392 e-mail address, and telephone number of the person or entity to
 393 which each nicotine dispensing device was sold. Such records may
 394 be maintained in an electronic or paper format.

395 (2) Each retail nicotine product dealer; wholesale
 396 nicotine product dealer; wholesale dealer, as defined in s.
 397 210.01(6); and distributing agent, as defined in s. 210.01(14),
 398 shall maintain for a period of 3 years at its principal place of
 399 business a complete and accurate record of the quantity of each
 400 nicotine dispensing device received, delivered, or sold in this

401 state and to whom each nicotine dispensing device was sold or
402 delivered or from whom such dealer or agent received each
403 nicotine dispensing device, including the business name, license
404 number, shipping and business addresses, e-mail address, and
405 telephone number of the person or entity to whom each device was
406 sold or delivered or from whom each device was received. Such
407 records may be maintained in an electronic or paper format.

408 (3) Nicotine product manufacturers; retail nicotine
409 product dealers; wholesale nicotine product dealers; wholesale
410 dealers, as defined in s. 210.01(6); and distributing agents, as
411 defined in s. 210.01(14), who sell or deliver nicotine
412 dispensing devices directly to consumers are not required to
413 maintain the name, address, e-mail address, and telephone number
414 of consumers who purchase or receive nicotine dispensing
415 devices.

416 (4) Within 7 calendar days after receiving a request by
417 the division, a nicotine product manufacturer who sells nicotine
418 dispensing devices in this state, including a nicotine product
419 manufacturer who sells nicotine dispensing devices directly to
420 consumers; a retail nicotine product dealer; a wholesale
421 nicotine product dealer; a wholesale dealer, as defined in s.
422 210.01(6); and a distributing agent, as defined in s.
423 210.01(14), shall provide to the division or its duly authorized
424 representative copies of records related to the nicotine
425 dispensing devices received, delivered, or sold in this state

426 and to whom such nicotine dispensing devices were sold or
427 delivered or from whom such nicotine dispensing devices were
428 received.

429 (5) The division, or any designated employee thereof, may
430 examine the records required to be maintained by each nicotine
431 product manufacturer, retail nicotine product dealer, wholesale
432 nicotine product dealer, wholesale dealer, as defined in s.
433 210.01(6), and distributing agent, as defined in s. 210.01(14);
434 issue subpoenas to such persons or entities; administer oaths;
435 and take depositions of witnesses within or outside this state.
436 The laws of this state regarding enforcing obedience of a
437 subpoena lawfully issued by a judge or any other person duly
438 authorized to issue subpoenas under the laws of this state in
439 civil cases applies to a subpoena issued by the division or any
440 designated employee thereof. The subpoena may be enforced by
441 writ of attachment issued by the division, or any designated
442 employee thereof, to compel a witness to appear before the
443 division, or any designated employee thereof, and give his or
444 her testimony, and to produce such records as may be required
445 for examination. The division, or any designated employee
446 thereof, may bring an action against a witness who refuses to
447 appear or give testimony by citation before the circuit court,
448 which shall punish such witness for contempt as in cases of
449 refusal to obey the orders and process of the circuit court. The
450 division may in such cases pay such attendance and mileage fees

451 as are permitted to be paid to witnesses in civil cases
 452 appearing before the circuit court.

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

458 Section 4. Section 569.313, Florida Statutes, is created
 459 to read:

460 569.313 Shipment of unregistered nicotine dispensing
 461 devices sold for retail sale to consumers in this state.-

462 (1) A nicotine product manufacturer may not sell, ship, or
 463 otherwise distribute a nicotine dispensing device for retail
 464 sale to consumers in this state for which:

465 (a) The FDA has entered an order requiring the nicotine
 466 product manufacturer to remove the nicotine dispensing device
 467 from the market either temporarily or permanently, which order
 468 has not been stayed by the FDA or a court of competent
 469 jurisdiction, the manufacturer has submitted a timely filed
 470 request for supervisory review with the FDA which remains under
 471 review, or the order has been rescinded by the FDA or vacated by
 472 any court;

473 (b) The nicotine product manufacturer has not submitted a
 474 timely filed premarket tobacco product application for the
 475 nicotine dispensing device;

476 (c) The nicotine product manufacturer's timely filed
477 premarket tobacco product application for the nicotine
478 dispensing device is no longer pending because it was not
479 accepted by the FDA, it was denied by the FDA, or it is subject
480 to any other order or action by the FDA or any court that
481 negatively affects the ability of the nicotine dispensing device
482 to be introduced or delivered into interstate commerce for
483 commercial distribution in the United States; or

484 (d) The nicotine product manufacturer has not submitted
485 the certification required under this chapter for any of the
486 nicotine dispensing devices intended for retail sale to
487 consumers in this state.

488 (2) Any person who knowingly ships or receives nicotine
489 dispensing devices in violation of this section commits a
490 misdemeanor of the first degree, punishable as provided in s.
491 775.082 or s. 775.083.

492 (3) The division may assess an administrative fine of up
493 to \$5,000 for each violation of this section. The division shall
494 deposit all fines collected into the General Revenue Fund. An
495 order imposing an administrative fine becomes effective 15 days
496 after the date of the order.

497 Section 5. Section 569.316, Florida Statutes, is created
498 to read:

499 569.316 Wholesale nicotine product dealer permits;
500 application; qualifications; renewal; duplicates.—

501 (1) (a) Each person, firm, association, or corporation that
502 seeks to deal, at wholesale, in nicotine products or nicotine
503 dispensing devices sold at retail in this state, or each person,
504 firm, association, or corporation that seeks to sell nicotine
505 products or nicotine dispensing devices to any retail nicotine
506 product dealer in this state, must obtain a wholesale nicotine
507 product dealer permit for each place of business or premises at
508 which nicotine products are sold.

509 (b) Application for a wholesale nicotine product dealer
510 permit must be made on a form furnished by the division and must
511 set forth the name under which the applicant transacts or
512 intends to transact business, the address of the location of the
513 applicant's place of business, the applicant's e-mail address,
514 and any other information required by the division. If the
515 applicant has or intends to have more than one place of business
516 dealing in nicotine products or nicotine dispensing devices, a
517 separate application must be made for each place of business. If
518 the applicant is a firm or an association, the application must
519 set forth the names, e-mail addresses, and addresses of the
520 persons constituting the firm or association. If the applicant
521 is a corporation, the application must set forth the names, e-
522 mail addresses, and addresses of the principal officers of the
523 corporation. The application must also set forth any other
524 information required by the division for the purpose of
525 identifying the applicant firm, association, or corporation. The

526 application must be signed and verified by oath or affirmation
527 by the owner, if a sole proprietor; if the owner is a firm,
528 association, or partnership, by the members or partners thereof;
529 or, if the owner is a corporation, by an executive officer of
530 the corporation or by a person authorized by the corporation to
531 sign the application, together with the written evidence of such
532 authority.

533 (2) (a) Wholesale nicotine product dealer permits may be
534 issued only to persons who are 21 years of age or older or to
535 corporations the executive officers of which are 21 years of age
536 or older.

537 (b) The division may refuse to issue a wholesale nicotine
538 product dealer permit to any person, firm, association, or
539 corporation whose permit has been revoked by any jurisdiction;
540 to any corporation an executive officer of which has had such
541 permit revoked by any jurisdiction; or to any person who is or
542 has been an executive officer of a corporation whose permit has
543 been revoked by any jurisdiction. The division must revoke any
544 wholesale nicotine product dealer permit issued to any firm,
545 association, or corporation prohibited from obtaining such
546 permit under this chapter.

547 (3) Upon approval of an application for a wholesale
548 nicotine product dealer permit, the division shall issue to the
549 applicant a wholesale nicotine product dealer permit for the
550 place of business or premises specified in the application. A

551 wholesale nicotine product dealer permit is not assignable and
 552 is valid only for the person in whose name the wholesale
 553 nicotine product dealer permit is issued and for the place of
 554 business or premises designated in the wholesale nicotine
 555 product dealer permit. The wholesale nicotine product dealer
 556 permit must be conspicuously displayed at all times at the place
 557 of business or premises for which it is issued.

558 (4) A wholesale dealer, as defined in s. 210.01(6), or a
 559 distributing agent, as defined in s. 210.01(14), is not required
 560 to have a separate or additional wholesale nicotine product
 561 dealer permit to deal, at wholesale, in nicotine dispensing
 562 devices in this state. A wholesale dealer, as defined in s.
 563 210.01(6); a distributing agent, as defined in s. 210.01(14); or
 564 a tobacco product distributor, as defined in s. 210.25(5), which
 565 deals, at wholesale, in nicotine dispensing devices is subject
 566 to, and must comply with, this chapter.

567 Section 6. Section 569.317, Florida Statutes, is created
 568 to read:

569 569.317 Wholesale nicotine product dealers; administrative
 570 penalties.—

571 (1) A wholesale nicotine product dealer may purchase and
 572 sell for retail in this state only those nicotine dispensing
 573 devices listed on the directory created by the division pursuant
 574 to s. 569.311.

575 (2) The division may suspend or revoke the wholesale

576 nicotine product dealer permit of a wholesale nicotine product
 577 dealer upon sufficient cause of a violation of this part by a
 578 wholesale nicotine product dealer or any agent or employee
 579 thereof.

580 (3) The division may assess an administrative fine of up
 581 to \$5,000 for each violation of this section. The division shall
 582 deposit all fines collected into the General Revenue Fund. An
 583 order imposing an administrative fine becomes effective 15 days
 584 after the date of the order.

585 (4) The division may suspend the imposition of a penalty
 586 against a wholesale nicotine product dealer permitholder if the
 587 permitholder has complied with terms the division deems
 588 appropriate.

589 Section 7. Section 569.32, Florida Statutes, is amended to
 590 read:

591 569.32 Retail nicotine product ~~products~~ dealer permits;
 592 application; qualifications; renewal; duplicates.—

593 (1)(a) Each person, firm, association, or corporation that
 594 seeks to deal, at retail, in nicotine products or nicotine
 595 dispensing devices in this ~~within the~~ state, or to allow a
 596 nicotine product ~~products~~ vending machine to be located on its
 597 premises in this ~~the~~ state, must obtain a retail nicotine
 598 product ~~products~~ dealer permit for each place of business or
 599 premises at which nicotine products or nicotine dispensing
 600 devices are sold. Each dealer owning, leasing, furnishing, or

601 operating vending machines through which nicotine products are
602 sold must obtain a permit for each machine and shall post the
603 permit in a conspicuous place on or near the machine; however,
604 if the dealer has more than one vending machine at a single
605 location or if nicotine products or nicotine dispensing devices
606 are sold both over the counter and through a vending machine at
607 a single location, the dealer need obtain only one permit for
608 that location.

609 (b) Application for a permit must be made on a form
610 furnished by the division and must set forth the name under
611 which the applicant transacts or intends to transact business,
612 the address of the location of the applicant's place of business
613 within this ~~the~~ state, and any other information required by the
614 division ~~requires~~. If the applicant has or intends to have more
615 than one place of business dealing in nicotine products or
616 nicotine dispensing devices in this ~~within the~~ state, a separate
617 application must be made for each place of business. If the
618 applicant is a firm or an association, the application must set
619 forth the names and addresses of the persons constituting the
620 firm or association; if the applicant is a corporation, the
621 application must set forth the names and addresses of the
622 principal officers of the corporation. The application must also
623 set forth any other information required ~~prescribed~~ by the
624 division for the purpose of identifying the applicant firm,
625 association, or corporation. The application must be signed and

626 | verified by oath or affirmation by the owner, if a sole
627 | proprietor; ~~or~~, if the owner is a firm, association, or
628 | partnership, by the members or partners thereof; or, if the
629 | owner is a corporation, by an executive officer of the
630 | corporation or by a person authorized by the corporation to sign
631 | the application, together with the written evidence of such ~~this~~
632 | authority.

633 | (c) Permits issued by the division must be issued
634 | annually.

635 | (d) The holder of a permit may renew the permit each year.
636 | If a retail nicotine product dealer fails to timely renew his or
637 | her permit, the dealer must pay a late fee of \$5 for each month
638 | or portion of a month occurring after expiration, and before
639 | renewal, of his or her permit. The division shall establish by
640 | rule a permit renewal procedure.

641 | (2) (a) Permits may be issued only to persons who are 21
642 | years of age or older or to corporations the officers of which
643 | are 21 years of age or older.

644 | (b) The division may refuse to issue a permit to any
645 | person, firm, association, or corporation the permit of which
646 | has been revoked by any jurisdiction; to any corporation an
647 | officer of which has had his or her permit revoked by any
648 | jurisdiction; or to any person who is or has been an officer of
649 | a corporation the permit of which has been revoked by any
650 | jurisdiction. Any permit issued to a firm, a association, or a

651 corporation prohibited from obtaining a permit under this
 652 chapter must ~~shall~~ be revoked by the division.

653 (3) Upon approval of an application for a permit, the
 654 division shall issue to the applicant a permit for the place of
 655 business or premises specified in the application. A permit is
 656 not assignable and is valid only for the person in whose name
 657 the permit is issued and for the place designated in the permit.
 658 The permit must ~~shall~~ be conspicuously displayed at all times at
 659 the place for which issued.

660 Section 8. Section 569.33, Florida Statutes, is amended to
 661 read:

662 569.33 Consent to inspection and search without warrant.—
 663 An applicant for a retail nicotine product ~~products~~ dealer
 664 permit or a wholesale nicotine product dealer permit, by
 665 accepting the permit when issued, agrees that the place or
 666 premises covered by the permit is subject to inspection and
 667 search without a search warrant by the division or its
 668 authorized assistants, and by sheriffs, deputy sheriffs, or
 669 police officers, to determine compliance with this part.

670 Section 9. Section 569.34, Florida Statutes, is amended to
 671 read:

672 569.34 Operating without a retail nicotine product
 673 ~~products~~ dealer permit; penalty.—

674 (1) It is unlawful for any a person, firm, association, or
 675 corporation to deal, at retail, in nicotine products, in any

676 manner, or to allow a nicotine product ~~products~~ vending machine
677 to be located on its premises, without having a retail nicotine
678 product dealer permit as required by s. 569.32. A person who
679 violates this subsection ~~section~~ commits a noncriminal
680 violation, punishable by a fine of not more than \$500.

681 (2) A retail tobacco product ~~products~~ dealer, as defined
682 in s. 569.002 ~~s. 569.002(4)~~, is not required to have a separate
683 or additional retail nicotine product ~~products~~ dealer permit to
684 deal, at retail, in nicotine products in this ~~within the~~ state,
685 or allow a nicotine product ~~products~~ vending machine to be
686 located on its premises in this ~~the~~ state. Any retail tobacco
687 product ~~products~~ dealer that deals, at retail, in nicotine
688 products or allows a nicotine product ~~products~~ vending machine
689 to be located on its premises in this ~~the~~ state, is subject to,
690 and must be in compliance with, this part.

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

697 (a) A person cited for violating subsection (1) ~~for an~~
698 ~~infraction under this section~~ may:

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

701 appear.

702 (b) A person cited for violating subsection (1) ~~this~~
 703 ~~section~~ may:

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

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

708 (c) If the person pays the fine or forfeits bond, the
 709 person is deemed to have admitted violating subsection (1) ~~this~~
 710 ~~section~~ and to have waived the right to a hearing on the issue
 711 of commission of the violation. Such admission may not be used
 712 as evidence in any other proceeding.

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

718 (e) If a person is found by the court to have committed
 719 the infraction, that person may appeal that finding to the
 720 circuit court.

721 (4) On or after March 1, 2025, it is unlawful for any
 722 person, firm, association, or corporation in this state to deal,
 723 at retail, in nicotine dispensing devices not listed on the
 724 directory created pursuant to s. 569.311. Any person who
 725 knowingly ships or receives nicotine dispensing devices in

726 violation of this subsection commits a misdemeanor of the second
727 degree, punishable as provided in s. 775.082 or s. 775.083.

728 (5) On or after January 1, 2025, it is unlawful for a
729 retail nicotine product dealer in this state, other than a
730 nicotine product manufacturer who is also permitted as a retail
731 nicotine product dealer in this state and is selling products
732 directly to consumers, to purchase nicotine dispensing devices
733 from a wholesale nicotine product dealer, nicotine product
734 manufacturer, or other source that is not a wholesale nicotine
735 product dealer permitholder; a wholesale dealer, as defined in
736 s. 210.01(6); a distributing agent, as defined in s. 210.01(14);
737 or a tobacco product distributor, as defined in s. 210.25(5).
738 Any person who knowingly ships or receives nicotine dispensing
739 devices in violation of this subsection commits a misdemeanor of
740 the second degree, punishable as provided in s. 775.082 or s.
741 775.083.

742 (6) The division may suspend or revoke the permit of a
743 retail nicotine product dealer upon sufficient cause of a
744 violation of this part by the dealer or any agent or employee
745 thereof.

746 (7) The division may assess an administrative fine of up
747 to \$1,000 for each violation of this section. The division shall
748 deposit all fines collected into the General Revenue Fund. An
749 order imposing an administrative fine becomes effective 15 days
750 after the date of the order.

751 Section 10. Section 569.345, Florida Statutes, is created
752 to read:

753 569.345 Seizure and destruction of contraband nicotine
754 dispensing devices.—All nicotine dispensing devices sold,
755 delivered, possessed, or distributed contrary to any provision
756 of this chapter are declared to be contraband, are subject to
757 seizure and confiscation under the Florida Contraband Forfeiture
758 Act by any person whose duty it is to enforce this chapter, and
759 must be disposed of as follows:

760 (1) A court with jurisdiction shall order such nicotine
761 dispensing devices forfeited and destroyed. A record of the
762 place where such nicotine dispensing devices were seized; the
763 kind and quantity of such nicotine dispensing devices destroyed;
764 and the time, place, and manner of destruction of such nicotine
765 dispensing devices must be maintained and a return under oath
766 reporting the destruction of such nicotine dispensing devices
767 must be made to the court by the officer who destroyed such
768 nicotine dispensing devices.

769 (2) The division shall maintain a full and complete record
770 of all nicotine dispensing devices showing:

771 (a) The exact types, quantities, and forms of such
772 nicotine dispensing devices.

773 (b) The persons from whom such nicotine dispensing devices
774 were received and the persons to whom they were delivered.

775 (c) By whose authority such nicotine dispensing devices

776 were received, delivered, and destroyed.

777 (d) The dates of the receipt, disposal, or destruction of
778 such nicotine dispensing devices, which record must be open to
779 inspection by all persons charged with the enforcement of
780 tobacco and nicotine product laws.

781 (3) The cost of seizure, confiscation, and destruction of
782 contraband nicotine dispensing devices is borne by the person
783 from whom such nicotine dispensing devices are seized.

784 Section 11. Section 569.346, Florida Statutes, is created
785 to read:

786 569.346 Agent for service of process.—

787 (1) A nonresident nicotine dispensing device manufacturer
788 that is not registered to do business in this state as a foreign
789 corporation or business entity shall, as a condition precedent
790 to being listed on the directory created by s. 569.311, appoint
791 and continually engage without interruption the services of an
792 agent in this state to act as agent for the service of process
793 on whom all process, and any action or proceeding against the
794 manufacturer concerning or arising out of the enforcement of
795 this chapter, may be served in any manner authorized by law.
796 Such service shall constitute legal and valid service of process
797 on the manufacturer. The manufacturer shall provide the name,
798 address, telephone number, and proof of the appointment and
799 availability of such agent to the division.

800 (2) A nonresident manufacturer of nicotine dispensing

801 devices shall provide notice to the division 30 calendar days
 802 before termination of the appointment of an agent, and shall
 803 further provide proof to the satisfaction of the division of the
 804 appointment of a new agent at least 5 calendar days before
 805 termination of the existing agent. If an agent terminates his or
 806 her existing appointment, the manufacturer shall notify the
 807 division of the termination within 5 calendar days, and shall
 808 include proof to the satisfaction of the division of the
 809 appointment of a new agent.

810 (3) A nonresident nicotine dispensing device manufacturer
 811 whose nicotine dispensing devices are sold in this state who has
 812 not appointed and engaged the services of an agent as required
 813 by this section shall be deemed to have appointed the Secretary
 814 of State as the manufacturer's agent for service of process. The
 815 appointment of the Secretary of State as the manufacturer's
 816 agent does not satisfy the requirement in subsection (1).

817 Section 12. Section 569.002, Florida Statutes, is amended
 818 to read:

819 569.002 Definitions.—As used in this part, the term:

820 (1)-(9) "Any person under the age of 21" does not include
 821 any person under the age of 21 who:

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

824 (b) Is acting in his or her scope of lawful employment
 825 with an entity licensed under the provisions of chapter 210 or

826 | this part.

827 | (2)~~(1)~~ "Dealer" is synonymous with the term "retail
828 | tobacco product ~~products~~ dealer."

829 | (3)~~(2)~~ "Division" means the Division of Alcoholic
830 | Beverages and Tobacco of the Department of Business and
831 | Professional Regulation.

832 | (4)~~(3)~~ "Nicotine product" has the same meaning as ~~provided~~
833 | in s. 569.31 ~~s. 569.31(4)~~.

834 | (5)~~(4)~~ "Nicotine dispensing device" has the same meaning
835 | as ~~provided~~ in s. 569.31 ~~s. 569.31(3)~~.

836 | (6)~~(5)~~ "Permit" is synonymous with the term "retail
837 | tobacco product ~~products~~ dealer permit."

838 | (7)~~(6)~~ "Retail tobacco product ~~products~~ dealer" means the
839 | holder of a retail tobacco product ~~products~~ dealer permit.

840 | (8)~~(7)~~ "Retail tobacco product ~~products~~ dealer permit"
841 | means a permit issued by the division pursuant to s. 569.003.

842 | (9)~~(8)~~ "Tobacco products" includes loose tobacco leaves,
843 | and products made from tobacco leaves, in whole or in part, and
844 | cigarette wrappers, which can be used for smoking, sniffing, or
845 | chewing.

846 | Section 13. Section 569.35, Florida Statutes, is amended
847 | to read:

848 | 569.35 Retail nicotine product dealers; administrative
849 | penalties.—The division may suspend or revoke the permit of a
850 | dealer, including the retail tobacco products dealer permit of a

851 retail tobacco products dealer as defined in s. 569.002 ~~s.~~
852 ~~569.002(4)~~, upon sufficient cause appearing of the violation of
853 any of the provisions of this part, by a dealer, or by a
854 dealer's agent or employee. The division may also assess and
855 accept an administrative fine of up to \$1,000 against a dealer
856 for each violation. The division shall deposit all fines
857 collected into the General Revenue Fund as collected. An order
858 imposing an administrative fine becomes effective 15 days after
859 the date of the order. The division may suspend the imposition
860 of a penalty against a dealer, conditioned upon the dealer's
861 compliance with terms the division considers appropriate.

862 Section 14. For the 2024-2025 fiscal year, the sums of
863 \$278,875 in recurring funds and \$20,268 in nonrecurring funds
864 from the Alcoholic Beverage and Tobacco Trust Fund are
865 appropriated to the Department of Business and Professional
866 Regulation, and four full-time equivalent positions with
867 associated salary rate of 180,000 are authorized, for the
868 purpose of implementing this act.

869 Section 15. This act shall take effect October 1, 2024.