



326832

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2025	.	
	.	
	.	
	.	

---

The Committee on Regulated Industries (Calatayud) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 134 - 197  
and insert:

(b) The division may impose the following penalties for each violation involving the unlawful advertising, promotion, or display for sale of nonapproved disposable devices as provided in s. 569.37(3):

1. For a first violation, an administrative fine of at least \$500, but not more than \$1,000, and an order requiring



326832

that corrective action be taken within 15 days to preclude a recurrence;

2. For a second violation within 12 weeks after the first violation, an administrative fine of \$1,000 and up to a 30-day suspension of the dealer's retail nicotine products dealer permit; or

3. For a third or subsequent violation within 12 weeks after the first violation, an administrative fine of at least \$2,500, but not more than \$5,000, and at least a 30-day suspension or revocation of the dealer's nicotine products dealer permit.

Any second or subsequent violation beyond the 12-week period after the first violation is punishable as provided for a first violation. The division shall deposit all fines collected under this paragraph into the Professional Regulation Trust Fund.

(c) In addition to any administrative penalties authorized under subparagraph (b)3., a dealer, or a dealer's agent or employee, who commits a third or subsequent violation within 12 weeks after the first violation commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) An order imposing an administrative fine becomes effective 15 days after the date of the order. The division may suspend the imposition of a penalty against a dealer, conditioned upon the dealer's compliance with terms the division considers appropriate.

(4) Administrative fines collected under paragraph (2)(b) shall be used by the division to do all of the following:



326832

40       (a) Increase enforcement personnel.

41       (b) Fund compliance inspections and investigations.

42       (c) Develop and implement public awareness campaigns to  
43 reduce nicotine use by persons under the age of 21.

44       Section 5. Present subsections (3) and (4) of section  
45 569.37, Florida Statutes, are redesignated as subsections (4)  
46 and (5), respectively, a new subsection (3) and subsection (6)  
47 are added to that section, and present subsection (3) of that  
48 section is amended, to read:

49       569.37 Sale or delivery of nicotine products;  
50 restrictions.—

51       (3) A dealer who sells nonapproved disposable devices may  
52 not:

53       (a) Advertise, promote, or display for sale such  
54 nonapproved disposable devices in any location that is visible  
55 to persons outside of the dealer's licensed premises.

56       (b) Advertise, promote, or display for sale such  
57 nonapproved disposable devices within the dealer's licensed  
58 premises in a manner visible to any person under the age of 21,  
59 including, but not limited to, placement of the devices in an  
60 open display unit located in an area visible to any person under  
61 the age of 21.

62       (4) ~~The provisions of Subsections (1), and (2), and (3) do~~  
63 ~~shall~~ not apply to an establishment that prohibits persons under  
64 21 years of age on the licensed premises.

65       (6)(a) A dealer that derives more than 20 percent of its  
66 gross monthly retail sales from the sale of nicotine products  
67 may not be located within 500 feet of the real property that  
68 comprises a public or private elementary school, middle school,



326832

or secondary school. The required distance must be measured on a straight line from the nearest property line of the retail shop to the nearest property line of the school.

(b) Each dealer must submit to the division a survey certified under chapter 472, performed at least 30 days before the date of the submission of the application for a permit under s. 569.32, containing a legal description of the boundaries of the place or premises and any existing public or private elementary school, middle school, or secondary school located within 500 feet. The measurement scaled by the division governs any measurement disputes.

(c) A dealer located within 500 feet of real property that comprises a public or private elementary school, middle school, or secondary school must maintain records verifying the gross monthly retail sales from the sale of nicotine products during the previous 6 months, as well as the percentage of such sales that represents the retail sales of nicotine dispensing devices. The division may request and have access to such records for the purpose of enforcement. Within 14 days after such request, the dealer must provide a summary sales report verifying its sales for the period of time requested. Failure of the dealer to provide a sales report when requested by the division, or failure of the dealer to adequately demonstrate that the business establishment has sold less than the required percentage of nicotine products and nicotine dispensing devices, is a violation of this section.

(d) Within 90 days after the opening of a public or private elementary school, middle school, or secondary school located within 500 feet of an existing place of business or premises



326832

that sells nicotine products or nicotine dispensing devices, as determined under paragraph (a), the dealer must submit an application to the division for conditional use or legally recognized nonconforming use in accordance with the local government's applicable land development regulations. Upon approval of the division for conditional use or a legally recognized nonconforming use, the dealer must relocate the business or premises within 180 days, or upon expiration of the dealer's current lease agreement without any extension thereof, whichever occurs later, to a new location in compliance with this subsection.

(e) Within 90 days after July 1, 2025, a dealer that has a place of business or premises located within 500 feet of a public or private elementary school, middle school, or secondary school, as determined under paragraph (a), must submit an application to the division for conditional use or legally recognized nonconforming use in accordance with the local government's land development regulations. Upon approval of the division for conditional use or a legally recognized nonconforming use, the dealer must relocate the business or premises within 180 days, or upon expiration of the dealer's current lease agreement without any extension thereof, whichever occurs later, to a new location in compliance with this subsection.

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:

Delete lines 18 - 22  
and insert:



326832

the division for specified purposes; amending s.  
569.37, F.S.; prohibiting a dealer who sells  
nonapproved disposable devices from advertising,  
promoting, or displaying for sale such devices in  
certain locations; revising applicability; providing  
restrictions on locations for specified dealers of  
nicotine products; requiring dealers to submit  
specified information to the division; requiring  
certain dealers to maintain specified records;  
authorizing the division to request and have access to  
such records; providing that failure of provide such  
records is a violation of this section; requiring  
dealers to provide specified information within a  
certain time period following such a request;  
requiring dealers to submit an application to the  
division for conditional use or legally recognized  
nonconforming use in specified circumstances;  
requiring dealers to relocate following approval of  
such applications within a specified timeframe;