



326832

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

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

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

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

17 3. For a third or subsequent violation within 12 weeks
18 after the first violation, an administrative fine of at least
19 \$2,500, but not more than \$5,000, and at least a 30-day
20 suspension or revocation of the dealer's nicotine products
21 dealer permit.

22
23 Any second or subsequent violation beyond the 12-week period
24 after the first violation is punishable as provided for a first
25 violation. The division shall deposit all fines collected under
26 this paragraph into the Professional Regulation Trust Fund.

27 (c) In addition to any administrative penalties authorized
28 under subparagraph (b)3., a dealer, or a dealer's agent or
29 employee, who commits a third or subsequent violation within 12
30 weeks after the first violation commits a misdemeanor of the
31 second degree, punishable as provided in s. 775.082 or s.
32 775.083.

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

38 (4) Administrative fines collected under paragraph (2)(b)
39 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

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

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

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

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



326832

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

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

122
123 ===== T I T L E A M E N D M E N T =====

124 And the title is amended as follows:

125 Delete lines 18 - 22

126 and insert:



326832

127 the division for specified purposes; amending s.
128 569.37, F.S.; prohibiting a dealer who sells
129 nonapproved disposable devices from advertising,
130 promoting, or displaying for sale such devices in
131 certain locations; revising applicability; providing
132 restrictions on locations for specified dealers of
133 nicotine products; requiring dealers to submit
134 specified information to the division; requiring
135 certain dealers to maintain specified records;
136 authorizing the division to request and have access to
137 such records; providing that failure of provide such
138 records is a violation of this section; requiring
139 dealers to provide specified information within a
140 certain time period following such a request;
141 requiring dealers to submit an application to the
142 division for conditional use or legally recognized
143 nonconforming use in specified circumstances;
144 requiring dealers to relocate following approval of
145 such applications within a specified timeframe;