

1 A bill to be entitled
2 An act relating to kratom; amending s. 500.92, F.S.;
3 providing a short title; providing definitions;
4 requiring the Department of Agriculture and Consumer
5 Services to certify laboratories that meet certain
6 qualifications; providing an exception; requiring the
7 department to adopt certain rules for certification;
8 requiring the Department of Health to assist the
9 department in developing such rules; requiring the
10 department to publish on its website a list of
11 certified laboratories; authorizing the department to
12 take specified action against the certification of a
13 laboratory in certain circumstances; providing that
14 licensed laboratories agree to certain audits and
15 inspections by the department; requiring certain
16 criteria to be met for the distribution and sale of
17 kratom products; providing that wholesalers or
18 retailers of kratom products are not required to test
19 their products if the products meet certain
20 requirements; prohibiting the retail sale and delivery
21 of kratom products; providing exceptions; prohibiting
22 kratom products from being sold, given, bartered,
23 furnished, or delivered to certain consumers;
24 providing that it is unlawful to sell, give, barter,
25 furnish, or deliver kratom products to persons under a

26 certain age; providing penalties; authorizing the
27 department to take certain action against licensees
28 and permittees; requiring the department to adopt and
29 enforce rules and certain officers to assist the
30 department in enforcing such rules; creating s.
31 500.925, F.S.; providing definitions; authorizing
32 delivery sales of kratom products; prohibiting such
33 sales to certain persons; providing requirements for
34 such sales; requiring specified notice; providing
35 applicability; providing a penalty; authorizing the
36 Attorney General, the Attorney General's designee, or
37 a state attorney to bring specified action; creating
38 s. 500.94, F.S.; providing that kratom products sold,
39 offered for sale, delivered, or distributed in
40 violation of specified provisions are contraband, are
41 subject to seizure and forfeiture, and must be
42 disposed of in a specified manner; providing a records
43 retention requirement; providing that specified costs
44 are borne by the person from whom kratom products are
45 seized; providing applicability; creating s. 500.95,
46 F.S.; prohibiting a person from ingesting kratom
47 products in, on, or within a specified distance from
48 school property during a certain time period;
49 providing applicability; authorizing the issuance of a
50 citation which must contain certain information;

51 providing that a person issued such a citation is
52 charged with civil infraction and subject to specified
53 penalties; providing for waiver of the right to
54 contest such a citation in certain circumstances;
55 amending ss. 565.04 and 565.045, F.S.; authorizing
56 specified businesses to sell kratom products; amending
57 ss. 569.006 and 569.35, F.S.; conforming provisions to
58 changes made by the act; providing an effective date.
59

60 Be It Enacted by the Legislature of the State of Florida:
61

62 **Section 1. Section 500.92, Florida Statutes, is amended to**
63 **read:**

64 (Substantial rewording of section. See s. 500.92, F.S., for
65 present text.)

66 500.92 Florida Kratom Consumer Protection Act.—

67 (1) SHORT TITLE.—Sections 500.92-500.95 may be cited as
68 the "Florida Kratom Consumer Protection Act."

69 (2) DEFINITIONS.—As used in this act, the term:

70 (a) "Attractive to children" means:

71 1. Manufactured in the shape of or packaged in a container
72 or package displaying humans or animals that are featured in a
73 manner other than their natural form and are in a form commonly
74 known to appeal primarily to children, or toys or cartoons that
75 are featured in any manner, or any other forms that have

76 features similar to humans, cartoons, animals, or toys that
77 target children;

78 2. Manufactured in a form or packaged in a container or
79 package that bears any reasonable resemblance to an existing
80 candy or snack product that is familiar to the public; or

81 3. Manufactured in a form or packaged in a container or
82 package that bears any reasonable resemblance to a branded food
83 product such that the product could be mistaken for the branded
84 food product, especially by children.

85 (b) "Contaminants unsafe for human consumption" means a
86 microbe, fungus, yeast, mildew, herbicide, pesticide, fungicide,
87 residual solvent, metal, or other contaminant found in any
88 amount that exceeds any of the accepted limitations as
89 determined by rules adopted by the Department of Health in
90 accordance with s. 381.986, or other limitation pursuant to any
91 law of this state, whichever amount is less.

92 (c) "Department" means the Department of Agriculture and
93 Consumer Services.

94 (d) "Independent testing laboratory" means a laboratory
95 that:

96 1. Does not have a direct or indirect interest in the
97 entity whose product is being tested.

98 2. Does not have a direct or indirect interest in a
99 facility that cultivates, processes, distributes, dispenses, or
100 sells kratom products in this state or in another jurisdiction

101 or cultivates, processes, distributes, dispenses, or sells
102 marijuana as defined in s. 381.986(1).

103 3. Is certified by the Department of Health as a medical
104 marijuana testing laboratory pursuant to s. 381.988 or is
105 certified by the department pursuant to subsection (3) as being
106 substantially equivalent to a medical marijuana testing
107 laboratory.

108 (e) "Kratom product" means a food product, food
109 ingredient, dietary ingredient, dietary supplement, or beverage
110 intended for human consumption which contains any part of the
111 leaf of the plant *Mitragyna speciosa* or an extract, synthetic
112 alkaloid, or synthetically derived compound of such plant and is
113 manufactured as a powder, capsule, pill, beverage, or other
114 edible form.

115 (f) "Manufacturer" means a person or entity that engages
116 in the process of manufacturing, preparing, or packaging kratom
117 products.

118 (g) "Retailer" means a person or entity that sells kratom
119 products to consumers.

120 (h) "Wholesaler" means a person or entity located within
121 or outside this state which delivers or sells products
122 containing kratom to retailers or other persons in this state
123 for purposes of resale.

124 (3) CERTIFICATION OF LABORATORIES.—

125 (a) The department must certify any laboratory located
126 within this state or another state that meets the qualifications
127 of an independent testing laboratory. However, a medical
128 marijuana testing laboratory certified pursuant to s. 381.988 is
129 not required to be certified by the department.

130 (b) The department must adopt rules establishing the
131 standards for certification of independent testing laboratories
132 and testing kratom products in accordance with this section. The
133 Department of Health must assist the department in developing
134 rules for the certification of independent testing laboratories,
135 which must include, but are not limited to:

- 136 1. Security standards.
- 137 2. Minimum standards for personnel.
- 138 3. Sample collection methods and process standards.
- 139 4. Proficiency testing for Mitragynine, 7-
140 hydroxymitragynine, and contaminants unsafe for human
141 consumption, as determined by department rule.
- 142 5. Reporting content, format, and frequency.
- 143 6. Audits and onsite inspections.
- 144 7. Quality assurance.
- 145 8. Equipment and methodology.
- 146 9. Chain of custody.
- 147 10. Any other standard the department deems necessary.

148 (c) The department shall adopt rules establishing a
149 procedure for initial certification and biennial renewal. The

department shall renew the certification biennially if the laboratory meets the requirements of this section or any rules adopted under this subsection.

(d) The department shall publish on its website a list of all laboratories that have received certification.

(e) The department may refuse to issue or renew, or may suspend or revoke, the certification of an independent testing laboratory that violates this section or any rules adopted by the department pursuant to this section.

(f) A laboratory that is issued a certification from the department pursuant to this subsection agrees to random, unannounced audits and onsite inspections by the department or its authorized agents.

(4) DISTRIBUTION AND RETAIL SALE OF KRATOM PRODUCTS.—

(a) Kratom products may only be distributed and sold in this state if all of the following conditions are met:

1. The kratom product:

a. Is not adulterated with a dangerous non-kratom substance affecting the quality or strength of the product to a degree that renders the product injurious to a consumer.

b. Is not contaminated with contaminants unsafe for human consumption or an otherwise deleterious non-kratom substance, including a controlled substance.

173 c. Contains a level of 7-hydroxymitragynine in the
174 alkaloid fraction that is no more than 2 percent of the overall
175 alkaloid composition of the product.

176 d. Does not contain any synthetic alkaloids, including
177 synthetic 7-hydroxymitragynine and synthetically derived
178 compounds from a plant of the *Mitragyna speciosa*.

179 2. The kratom product is tested by the manufacturer, the
180 wholesaler, and the retailer by an independent testing
181 laboratory and the laboratory's certificate of analysis states
182 the kratom product was tested for:

183 a. Synthetic alkaloids.

184 b. 7-hydroxymitragynine.

185 c. Heavy metals.

186 d. Mycotoxins.

187 e. Pesticides.

188 f. Potency.

189 g. Residual solvents.

190 h. Any other controlled substance.

191 i. Any other substance the department deems necessary.

192 3. The kratom product is distributed or sold in a
193 container or package that includes:

194 a. A scannable barcode or quick response code linked to
195 the certificate of analysis of the kratom product.

196 b. The kratom product testing number.

197 c. The expiration date of the kratom product.

198 d. The total number of milligrams of alkaloids in the
199 container or package and the number of milligrams of alkaloids
200 per serving in a clear and conspicuous manner.

201 e. The toll-free telephone number of the three certified
202 regional poison control centers in this state or the toll-free
203 telephone number of the Florida Poison Information Center
204 Network.

205 f. The total number of servings of the product.

206 4. The kratom product is distributed or sold in a
207 container or package that:

208 a. Is suitable to contain products for human consumption.

209 b. Is composed of materials designed to minimize exposure
210 to light.

211 c. Mitigates exposure to high temperatures.

212 d. Is a single color and not transparent. However, the
213 universal symbol, scannable barcode, and quick response code
214 must be a color different from the color of the container or
215 package, and any text must be black or white. This sub-
216 subparagraph does not apply to beverage containers or packages.

217 e. Does not contain any pictures or images other than a
218 single logo. The logo may not be attractive to children and may
219 not cover more than 20 percent of the container or package. This
220 sub-subparagraph does not apply to beverage containers and
221 packages. However, beverage containers and packages may not
222 contain a logo that is attractive to children.

223 f. Does not contain any text, pictures, or images that
224 directly or indirectly market the product as causing or possibly
225 causing an intoxicating or psychotropic effect. This sub-
226 subparagraph does not apply to the warning and symbol
227 requirements provided in sub-subparagraphs g. and i.

228 g. Contains a universal symbol developed by the department
229 which indicates the presence of kratom.

230 h. Is not attractive to children.

231 i. Contains a clear and conspicuous warning, developed by
232 the department, that the product is a kratom product.

233 j. Complies with the United States Poison Prevention
234 Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq., without
235 regard to provided exemptions. For purposes of this sub-
236 subparagraph, a beverage in a sealed container is considered in
237 compliance with the United States Poison Prevention Packaging
238 Act of 1970, 15 U.S.C. ss. 1471 et seq.

239 (b) A wholesaler or retailer is not required to test its
240 kratom product in accordance with paragraph (a) if the product:

241 1. Is packaged in a manner that may be sold to the
242 consumer when the wholesaler or retailer receives the product
243 from the manufacturer or wholesaler.

244 2. Was tested in accordance with this paragraph by the
245 manufacturer or wholesaler.

246 3. Has not been opened by the wholesaler or retailer.

247 (c) The retail sale and delivery of kratom products is
248 prohibited, except:

249 1. At an establishment that has a food permit from the
250 department and prohibits the presence of persons under 21 years
251 of age on the establishment's premises;

252 2. At an establishment that has a food permit from the
253 department and a quota license issued under s. 565.02(1)(a)-(f).
254 An establishment with a quota license issued under s.
255 565.02(1)(a)-(f) which allows the presence of persons under 21
256 years of age on the establishment's premises must place kratom
257 products, not including beverages, in an area inaccessible to
258 customers. Such an establishment may place kratom products, not
259 including beverages, in an open display unit as long as the unit
260 is located in an area that is inaccessible to customers; or

261 3. In accordance with the mail order, Internet, and remote
262 sales of kratom products requirements in s. 500.925.

263 (d)1. Kratom products may not be sold, given, bartered,
264 furnished, or delivered to consumers at wholesale.

265 2. Kratom products may not be sold, given, bartered,
266 furnished, or delivered to consumers at festivals, fairs, trade
267 shows, farmers' markets, expositions, or pop-up retail
268 establishments unless the festival, fair, trade show, farmers'
269 market, exposition, or pop-up retail establishment prohibits
270 persons under 21 years of age from attending and every retailer
271 selling kratom products at the festival, fair, trade show,

farmers' market, exposition, or pop-up retail establishment has
a food permit from the department.

(5) AGE RESTRICTION.—It is unlawful to sell, give, barter,
furnish, or deliver, directly or indirectly, a kratom product to
a person who is under 21 years of age.

(6) PENALTIES.—A person who violates subsection (4) or
subsection (5) commits a misdemeanor of the second degree,
punishable as provided in s. 775.082 or s. 775.083 for the first
offense. A person who commits a second offense within 12 months
after the first offense commits a misdemeanor of the first
degree, punishable as provided in s. 775.082 or s. 775.083. A
person who commits a third or subsequent offense within 12
months after the second offense commits a felony of the third-
degree, punishable as provided in s. 775.082 or s. 775.083.

(7) DEPARTMENTAL ACTION.—In addition to any other penalty
provided by law, the department may take any of the following
actions against a person licensed or permitted by the department
for a violation of this section:

(a) Place on probation or reprimand the licensee or
permitee or send a letter of guidance;

(b) Revoke, suspend, or deny the issuance or renewal of
the license or permit; or

(c) Impose an administrative fine not to exceed \$5,000 per
violation and assess costs associated with investigation and
prosecution.

297 (8) RULES.—The department shall adopt and enforce rules to
298 implement this section. Every state attorney, sheriff, police
299 officer, and other appropriate county or municipal officer shall
300 enforce, or assist any agent of the department in enforcing,
301 such rules adopted by the department.

302 **Section 2. Section 500.925, Florida Statutes, is created**
303 **to read:**

304 500.925 Mail order, Internet, and remote sales of kratom
305 products; age verification.—

306 (1) As used in this section, the term:

307 (a) "Consumer" means a person in this state who comes into
308 possession of any kratom product, who, at the time of
309 possession, does not intend to sell or distribute the kratom
310 product, and who is not a retailer.

311 (b) "Delivery sale" means any sale of kratom products to a
312 consumer in this state for which:

313 1. The consumer submits the order for the sale by
314 telephonic or other voice transmission, mail, delivery service,
315 or the Internet or other online service; or

316 2. The kratom products are delivered by mail or a delivery
317 service.

318 (c) "Delivery service" means a person engaged in the
319 commercial delivery of letters, packages, or other containers.

320 (d) "Legal minimum purchase age" means the minimum age at
321 which a person may legally purchase kratom products in this

322 state.

323 (e) "Shipping container" means a container in which kratom
324 products are shipped in connection with a delivery sale.

325 (f) "Shipping document" means a bill of lading, airbill,
326 United States Postal Service form, or any other document used to
327 verify the undertaking by a delivery service to deliver letters,
328 packages, or other containers.

329 (2) (a) A person may make a delivery sale of kratom
330 products to a consumer regardless of whether the person
331 accepting the order for the delivery sale is located within or
332 outside this state.

333 (b) A retailer must obtain a food permit from the
334 department under chapter 500 before accepting an order for a
335 delivery sale.

336 (c) A person may not make a delivery sale of kratom
337 products to a person who is not 21 years of age or older.

338 (d) Each person accepting an order for a delivery sale of
339 kratom products must comply with each of the following:

340 1. The age verification requirements set forth in
341 subsection (3).

342 2. The notice requirements set forth in subsection (4).

343 3. The shipping requirements set forth in subsection (5).

344 (3) A person may not mail, ship, or otherwise deliver
345 kratom products in connection with an order for a delivery sale
346 unless, before the first delivery to the consumer, the person

347 accepting the order for the delivery sale:

348 (a) Obtains from the person submitting the order a
349 certification that includes:

350 1. Reliable confirmation that the person is 21 years of
351 age or older.

352 2. A statement signed by the person in writing and under
353 penalty of perjury which:

354 a. Certifies the address and date of birth of the person.

355 b. Confirms that the person wants to receive the delivery
356 sale from a kratom product retailer and understands that, under
357 the law of this state, the following actions are illegal:

358 (I) Signing another person's name to the certification.

359 (II) Selling kratom products to persons who are not 21
360 years of age or older.

361 (III) Purchasing kratom products if the person making the
362 purchase is not 21 years of age or older.

363 (b) Makes a good faith effort to verify the information
364 contained in the certification required under paragraph (a)
365 against a commercially available database that may be reasonably
366 relied on for accurate age information or obtains a photocopy or
367 other image of a valid government-issued identification card
368 stating the date of birth or age of the person.

369 (c) Provides to the person, by e-mail or other electronic
370 means, a notice that meets the requirements of subsection (4).

371 (d) Receives payment for the delivery sale from the

372 consumer by a credit or debit card issued in the name of the
373 consumer, or by personal or company check of the consumer, if
374 the order is made pursuant to an advertisement on the Internet.

375 (e) Submits, to each credit card acquiring company with
376 which the person has credit card sales, identification
377 information in an appropriate form and format so that the words
378 "kratom product" are printed on each credit card statement when
379 a purchase of kratom products is made by credit card payment.

380 (f) Contacts the person via telephone after 5 p.m. to
381 confirm the order before mailing, shipping, or otherwise
382 delivering the kratom products. The person accepting the order
383 for the delivery sale is not required to speak directly with a
384 person and may leave a recorded message.

385
386 In addition to the requirements of this subsection, a person
387 accepting an order for a delivery sale may request that a
388 consumer provide an e-mail address.

389 (4) The notice required in paragraph (3)(c) must include
390 prominent and clearly legible statements that the sale of kratom
391 products are:

392 (a) Illegal if made to persons who are not 21 years of age
393 or older.

394 (b) Restricted to those persons who provide verifiable
395 proof of age in accordance with subsection (3).

396 (5) Each person who mails, ships, or otherwise delivers

397 kratom products in connection with an order for a delivery sale
398 must:

399 (a) Ship the kratom products in a container that complies
400 with the container requirements in s. 500.92.

401 (b) Include as part of the shipping documents, in a clear
402 and conspicuous manner, the following statement:

403
404 "Kratom product: Florida law prohibits shipping to persons under
405 21 years of age."

406
407 (c) Use a method of mailing, shipping, or delivery which
408 obligates the delivery service to require proof that the person
409 accepting the order for the delivery sale is 21 years of age or
410 older and resides at the address listed on the order label, by
411 reviewing a valid government-issued identification card bearing
412 a photograph of the person who signs to accept delivery of the
413 shipping container.

414
415 If the person accepting a purchase order for a delivery sale
416 delivers the kratom products without using a delivery service,
417 the person must comply with all of the requirements of this
418 section which apply to a delivery service. Any failure to comply
419 with a requirement in this section constitutes a violation of
420 this section.

421 (6) This section does not apply to a delivery sale of

422 kratom products to a retailer or wholesaler.

423 (7) A person 21 years of age or older who knowingly
424 violates this section commits a misdemeanor of the second
425 degree, punishable as provided in s. 775.082 or s. 775.083.

426 (8) The Attorney General, the Attorney General's designee,
427 or a state attorney may bring an action in the appropriate court
428 in this state to restrain, enjoin, or otherwise prevent a person
429 from violating this section.

430 **Section 3. Section 500.94, Florida Statutes, is created to**
431 **read:**

432 500.94 Seizure and destruction of contraband kratom
433 products.—A kratom product sold, offered for sale, delivered, or
434 distributed in violation of s. 500.92 or s. 500.925 is a
435 contraband article as provided in s. 932.701(2)(a), shall be
436 subject to seizure and forfeiture as provided by the Florida
437 Contraband Forfeiture Act, and must be disposed of as provided
438 in this section.

439 (1) A court having jurisdiction shall order such kratom
440 products forfeited upon a showing that, by a preponderance of
441 the evidence, such products were sold, offered for sale,
442 delivered, or distributed in violation of s. 500.92 or s.
443 500.925. Upon completion of any chapter 120 proceedings related
444 to such products, the court shall order any seized kratom
445 products destroyed, except as provided by applicable court
446 order. A record of the place where such products were seized;

447 the kinds and quantities of such products destroyed; and the
448 time, place, and manner of the destruction of such products must
449 be kept, and a return under oath reporting the destruction must
450 be made to the court by the law enforcement officer who destroys
451 such products.

452 (2) The department or a law enforcement agency that seizes
453 contraband kratom products must keep a full and complete record
454 of all kratom products seized pursuant to this section, showing:

455 (a) The exact kinds, quantities, and forms of such
456 products.

457 (b) The persons from whom such products were seized and to
458 whom such products were delivered.

459 (c) By whose authority such products were seized,
460 delivered, and destroyed.

461 (d) The dates of seizure and disposal or destruction of
462 such products.

463
464 Such record must be made available for inspection by all persons
465 charged with the enforcement of ss. 500.92 and 500.925.

466 (3) Any costs associated with the seizure and destruction
467 of contraband kratom products pursuant to this section are borne
468 by the person from whom such products are seized.

469 (4) Except as otherwise provided in this section, the
470 provisions of the Florida Contraband Forfeiture Act apply to
471 this section.

472 **Section 4. Section 500.95, Florida Statutes, is created to**
473 **read:**

474 500.95 Ingesting kratom products prohibited near school
475 property; penalty.—

476 (1) A person may not ingest kratom products in, on, or
477 within 1,000 feet of the real property comprising a public or
478 private elementary, middle, or secondary school between the
479 hours of 6 a.m. and midnight. This subsection does not apply to
480 a person in a moving vehicle or within a private residence.

481 (2) A law enforcement officer may issue a citation in such
482 form as prescribed by a county or municipality to any person who
483 violates subsection (1). Such citation must contain:

484 (a) The date and time of issuance.

485 (b) The name and address of the person cited.

486 (c) The date and time the civil infraction was committed.

487 (d) The statute violated.

488 (e) The facts constituting the violation.

489 (f) The name and authority of the law enforcement officer.

490 (g) The procedure for the person to follow to pay the
491 civil penalty, to contest the citation, or to appear in court.

492 (h) The applicable civil penalty if the person elects not
493 to contest the citation.

494 (i) The applicable civil penalty if the person elects to
495 contest the citation.

496 (3) A person issued a citation pursuant to subsection (2)

497 is charged with a civil infraction, punishable by a civil
498 penalty of up to \$25, 50 hours of community service, or, if
499 available, successful completion of a school-approved, anti-
500 drug, alternative-to-suspension program.

501 (4) A person who fails to comply with the directions on a
502 citation issued pursuant to subsection (2) waives his or her
503 right to contest the citation, and an order to show cause may be
504 issued by the court.

505 **Section 5. Subsection (1) of section 565.04, Florida**
506 **Statutes, is amended to read:**

507 565.04 Package store restrictions.—

508 (1) Vendors licensed under s. 565.02(1)(a) shall not in
509 said place of business sell, offer, or expose for sale any
510 merchandise other than such beverages, and such places of
511 business shall be devoted exclusively to such sales; provided,
512 however, that such vendors shall be permitted to sell bitters;
513 grenadine; nonalcoholic mixer-type beverages, not to include
514 fruit juices produced outside this state; fruit juices produced
515 in this state; home bar and party supplies and equipment,
516 including but not limited to glassware and party-type foods;
517 miniatures of no alcoholic content; nicotine products; and
518 tobacco products. Such places of business shall have no openings
519 permitting direct access to any other building or room, except
520 to a private office or storage room of the place of business
521 from which patrons are excluded. Vendors licensed under s.

522 565.02(1)(a) may sell kratom products in accordance with the
523 Florida Kratom Consumer Protection Act.

524 **Section 6. Paragraph (a) of subsection (2) of section**
525 **565.045, Florida Statutes, is amended to read:**

526 565.045 Regulations for consumption on premises; penalty;
527 exemptions.—

528 (2)(a) There may ~~shall~~ not be sold at such places of
529 business anything other than the beverages permitted; home bar
530 and party supplies and equipment, ~~(including,~~ but not limited
531 to, glassware and party-type foods;) ~~cigarettes;~~ kratom
532 products in accordance with the Florida Kratom Consumer
533 Protection Act; ~~and what is customarily sold in a restaurant.~~

534 **Section 7. Section 569.006, Florida Statutes, is amended**
535 **to read:**

536 569.006 Retail tobacco products dealers; administrative
537 penalties.—The division may suspend or revoke the permit of the
538 dealer upon sufficient cause appearing of the violation of any
539 of the provisions of s. 500.92, s. 500.925, or this chapter,
540 including part II of this chapter if the dealer deals, at
541 retail, in nicotine products within the state or allows a
542 nicotine products vending machine to be located on its premises
543 within the state, by a dealer or by a dealer's agent or
544 employee. The division may also assess and accept administrative
545 fines of up to \$1,000 against a dealer for each violation. The
546 division shall deposit all fines collected into the General

Revenue Fund as collected. 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.

Section 8. Section 569.35, Florida Statutes, is amended to read:

569.35 Retail nicotine product dealers; administrative penalties.—The division may suspend or revoke the permit of a dealer, including the retail tobacco products dealer permit of a retail tobacco products dealer as defined in s. 569.002(4), upon sufficient cause appearing of the violation of any of the provisions of s. 500.92, s. 500.925, or this part, by a dealer, or by a dealer's agent or employee. The division may also assess and accept an administrative fine of up to \$1,000 against a dealer for each violation. The division shall deposit all fines collected into the General Revenue Fund as collected. 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.

Section 9. This act shall take effect July 1, 2026.