

By Senator Martin

33-01655-26

20261394

33-01655-26

20261394

30 licensee to evaluate and validate the applicant's or
31 licensee's work authorization status; authorizing the
32 department to request specified information;
33 authorizing the department to submit an applicant's or
34 licensee's personal identification information to the
35 appropriate federal agencies to validate the
36 applicant's or licensee's identity or work
37 authorization status; requiring the department to
38 suspend the license of any licensee found not to have
39 work authorization status; requiring the department to
40 reinstate a license without additional charge to the
41 licensee upon verification that the licensee is
42 authorized to work in the United States; providing
43 that the department is not liable for any licensure
44 delay, denial, or suspension; authorizing the
45 department to enter into memoranda of understanding;
46 authorizing the department to adopt rules; amending s.
47 569.006, F.S.; revising the circumstances in which the
48 division may suspend or revoke the permit of a retail
49 tobacco products dealer; creating s. 569.24, F.S.;
50 prohibiting a dealer, or a dealer's agents or
51 employees, from possessing, selling, or possessing
52 with the intent to sell, deliver, or give, directly or
53 indirectly, nitrous oxide; providing applicability;
54 providing criminal penalties; amending s. 569.35,
55 F.S.; revising the circumstances in which the division
56 may suspend or revoke the permit of a retail nicotine
57 product dealer; amending s. 877.111, F.S.; deleting
58 nitrous oxide as a prohibited substance to be inhaled

33-01655-26

20261394

59 or ingested for specified purposes; deleting criminal
60 penalties related to the inhalation or ingestion of
61 nitrous oxide; deleting applicability; making
62 technical changes; creating s. 877.113, F.S.;
63 prohibiting a person from inhaling, ingesting, or
64 possessing with the intent to inhale or ingest for
65 specified purposes any compound, liquid, or chemical
66 containing nitrous oxide; providing criminal
67 penalties; providing that the possession or presence
68 of any drug paraphernalia constitutes *prima facie*
69 evidence that the person possessed, distributed, sold,
70 transferred, or possessed with the intent to sell,
71 inhale, or ingest nitrous oxide for specified
72 purposes; authorizing a court to require a person to
73 participate in a substance abuse services program that
74 is approved or regulated by the Department of Children
75 and Families; providing that such participation may be
76 imposed in addition to, or in lieu of, any penalty or
77 probation otherwise prescribed by law; prohibiting
78 such penalty, probation, or program participation from
79 exceeding the maximum sentence possible for an
80 offense; providing applicability; amending s. 316.193,
81 F.S.; conforming a provision to changes made by the
82 act; reenacting s. 448.09(2), F.S., relating to the
83 prohibition against the employment of unauthorized
84 aliens, to incorporate the amendment made to s.
85 448.095, F.S., in a reference thereto; reenacting ss.
86 893.145(12) and 948.15(1), F.S., relating to the
87 definition of "drug paraphernalia" and misdemeanor

33-01655-26

20261394

88 probation services, respectively, to incorporate the
89 amendment made to s. 877.111, F.S., in references
90 thereto; providing an effective date.

91
92 Be It Enacted by the Legislature of the State of Florida:

93
94 Section 1. Paragraph (b) of subsection (9) of section
95 20.165, Florida Statutes, is amended to read:

96 20.165 Department of Business and Professional Regulation.—
97 There is created a Department of Business and Professional
98 Regulation.

99 (9)

100 (b) Each employee serving as a law enforcement officer for
101 the division must meet the qualifications for employment or
102 appointment as a law enforcement officer set forth under s.
103 943.13 and must be certified as a law enforcement officer by the
104 Department of Law Enforcement under chapter 943. Upon
105 certification, each law enforcement officer is subject to and
106 has the same authority as provided for law enforcement officers
107 generally in chapter 901 and has statewide jurisdiction. Each
108 officer also has arrest authority as provided for state law
109 enforcement officers in s. 901.15. Each officer possesses the
110 full law enforcement powers granted to other peace officers of
111 this state, including the authority to make arrests, carry
112 firearms, serve court process, and seize contraband and the
113 proceeds of illegal activities.

114 1. The primary responsibility of each officer appointed
115 under this section is to investigate, enforce, and prosecute,
116 throughout the state, violations and violators of parts I and II

33-01655-26

20261394

117 of chapter 210, chapter 310, chapter 326, parts I and III of
118 chapter 450, chapter 455, parts VI-IX, XI, XII, XV, and XVI of
119 chapter 468, chapter 469, chapter 471, chapters 473-477, chapter
120 481, parts I and II of chapter 489, chapter 499, chapter 509,
121 chapter 548, chapter 553, part VII of chapter 559, and chapters
122 561-569, chapters 718 and 719, chapter 721, and chapter 723, and
123 the rules adopted thereunder, as well as other state laws that
124 the division, all state law enforcement officers, or beverage
125 enforcement agents are specifically authorized to enforce.

126 2. The secondary responsibility of each officer appointed
127 under this section is to enforce all other state laws, provided
128 that the enforcement is incidental to exercising the officer's
129 primary responsibility as provided in subparagraph 1., and the
130 officer exercises the powers of a deputy sheriff, only after
131 consultation or coordination with the appropriate local
132 sheriff's office or municipal police department or when the
133 division participates in the Florida Mutual Aid Plan during a
134 declared state emergency.

135 Section 2. Paragraph (a) of subsection (3) of section
136 448.095, Florida Statutes, is amended, and paragraph (c) is
137 added to that subsection, to read:

138 448.095 Employment eligibility.—

139 (3) ENFORCEMENT.—

140 (a) For the purpose of enforcement of this section, any of
141 the following persons or entities may request, and an employer
142 must provide, copies of any documentation relied upon by the
143 employer for the verification of a new employee's employment
144 eligibility:

145 1. The Department of Law Enforcement;

33-01655-26

20261394

146 2. The Attorney General;

147 3. The state attorney in the circuit in which the new

148 employee works;

149 4. The statewide prosecutor; ~~or~~

150 5. The Department of Commerce; or

151 6. The Department of Business and Professional Regulation.

152 (c) If the Department of Business and Professional

153 Regulation believes an employer violated subsection (2) or s.

154 448.09, it must notify the Department of Commerce and the

155 Department of Law Enforcement within 30 days after making such

156 determination.

157 Section 3. Subsection (7) of section 468.412, Florida
158 Statutes, is amended to read:

159 468.412 Talent agency regulations; prohibited acts.—

160 (7) (a) A ~~No~~ talent agency may not send or cause to be sent

161 a ~~any~~ person as an employee or a minor to a ~~any~~ house of ill

162 fame, to a ~~any~~ house or place of amusement for immoral purposes,

163 or to a ~~any~~ place resorted to for the purposes of prostitution,

164 the character of which places the talent agency could have

165 ascertained upon reasonable inquiry. A person who violates this

166 paragraph commits a felony of the third degree, punishable as

167 provided in s. 775.082, s. 775.083, or s. 775.084 to any place

168 for the modeling or photographing of a minor in the nude in the

169 absence of written permission from the minor's parents or legal

170 guardians, the character of which places the talent agency could

171 have ascertained upon reasonable inquiry.

172 (b) A talent agency may not send or cause to be sent a

173 minor to any place for the purpose of modeling or photographing

174 in the nude unless given written permission from the minor's

33-01655-26

20261394

175 parent or legal guardian. A person who violates this paragraph
176 commits a felony of the third degree, punishable as provided in
177 s. 775.082, s. 775.083, or s. 775.084.

178 Section 4. Subsection (1) of section 509.261, Florida
179 Statutes, is amended to read:

180 509.261 Revocation or suspension of licenses; fines;
181 procedure.—

182 (1) Any public lodging establishment or public food service
183 establishment that has operated or is operating in violation of
184 this chapter, s. 581.217(7), or the rules of the division,
185 operating without a license, or operating with a suspended or
186 revoked license may be subject by the division to:

187 (a) Fines not to exceed \$1,000 per offense;

188 (b) Mandatory completion, at personal expense, of a
189 remedial educational program administered by a food safety
190 training program provider approved by the division, as provided
191 in s. 509.049; and

192 (c) The suspension, revocation, or refusal of a license
193 issued pursuant to this chapter.

194 Section 5. Present subsection (3) of section 559.79,
195 Florida Statutes, is redesignated as subsection (4), and a new
196 subsection (3) is added to that section, to read:

197 559.79 Applications for license or renewal.—

198 (3) (a) An application for a license or renewal of a license
199 issued by the department may be evaluated to validate the
200 applicant's or licensee's identity and work authorization
201 status. As part of the validation process, the department may
202 request personal identification information, including, but not
203 limited to, any of the following:

33-01655-26

20261394

204 1. Social security number.
205 2. Passport, including visa information.
206 3. Birth certificate.
207 4. Immigration status.
208 5. Alien registration number.
209 6. Student and Exchange Visitor Information System
210 identification number.
211 7. Naturalization or citizenship certificate number.
212 8. Arrival and departure record.
213 9. Permanent resident card.
214 10. Employment authorization documents.
215 11. Certificate of citizenship.
216 12 Naturalization certificate.
217 13. Refugee travel document.
218 14. State-issued identification.
219 (b) The department may submit an applicant's or licensee's
220 personal identification information to the appropriate federal
221 agencies for the purpose of validating the applicant's or
222 licensee's identity or work authorization status.
223 (c) The department shall immediately suspend the license of
224 any licensee found not to have a work authorization status that
225 entitles the licensee to work in the United States. The
226 department shall reinstate the license, without additional
227 charge to the licensee, upon verification with the appropriate
228 federal agencies that the licensee is authorized to work in the
229 United States.
230 (d) The department is not liable for any licensure delay,
231 denial, or suspension resulting from the discharge of its duties
232 under this subsection.

33-01655-26

20261394

233 (e) The department may enter into memoranda of
234 understanding with the appropriate federal agencies to validate
235 an applicant's or licensee's identity or work authorization
236 status.

237 (f) The department may adopt rules to implement this
238 section.

239 Section 6. Section 569.006, Florida Statutes, is amended to
240 read:

241 569.006 Retail tobacco products dealers; administrative
242 penalties.—The division may suspend or revoke the permit of the
243 dealer upon sufficient cause appearing of the violation of any
244 law of this state or any state or territory of the United States
245 ~~or the provisions of this chapter, including part II of this~~
246 ~~chapter~~ if the dealer deals, at retail, in nicotine products
247 within this the state, or allows a nicotine products vending
248 machine to be located on its premises within this the state, by
249 a dealer or by a dealer's agent or employee. The division may
250 also assess and accept administrative fines of up to \$1,000
251 against a dealer for each violation. The division shall deposit
252 all fines collected into the General Revenue Fund as collected.
253 An order imposing an administrative fine becomes effective 15
254 days after the date of the order. The division may suspend the
255 imposition of a penalty against a dealer, conditioned upon the
256 dealer's compliance with terms the division considers
257 appropriate.

258 Section 7. Section 569.24, Florida Statutes, is created to
259 read:

260 569.24 Selling, furnishing, or giving nitrous oxide
261 ~~prohibited by retailers of tobacco or nicotine products;~~

33-01655-26

20261394

262 exceptions.—263 (1) (a) A dealer licensed under this chapter, or a dealer's
264 agents or employees, may not possess, sell, possess with intent
265 to sell, deliver, or give, directly or indirectly, nitrous oxide
266 of any quantity on or from their licensed premises.267 (b) This subsection does not apply to establishments
268 licensed under this chapter and operating as a grocery store if
269 such establishment has a licensed premises comprised of at least
270 10,000 square feet of retail floor space dedicated to the
271 display and sale of groceries and does not qualify as a
272 "convenience business" as defined in s. 812.171.273 (2) Any dealer, or a dealer's agents or employees, who
274 violates subsection (1) commits a felony of the third degree,
275 punishable as provided in s. 775.082, s.775.083, or s. 775.084.276 Section 8. Section 569.35, Florida Statutes, is amended to
277 read:278 569.35 Retail nicotine product dealers; administrative
279 penalties.—The division may suspend or revoke the permit of a
280 dealer, including the retail tobacco products dealer permit of a
281 retail tobacco products dealer as defined in s. 569.002(4), upon
282 sufficient cause appearing of the violation of any law of this
283 state or any state or territory of the United States of the
284 provisions of this part, by a dealer, or by a dealer's agent or
285 employee. The division may also assess and accept an
286 administrative fine of up to \$1,000 against a dealer for each
287 violation. The division shall deposit all fines collected into
288 the General Revenue Fund as collected. An order imposing an
289 administrative fine becomes effective 15 days after the date of
290 the order. The division may suspend the imposition of a penalty

33-01655-26

20261394

291 against a dealer, conditioned upon the dealer's compliance with
292 terms the division considers appropriate.

293 Section 9. Subsections (1), (4), and (5) of section
294 877.111, Florida Statutes, are amended to read:

295 877.111 Inhalation, ingestion, possession, sale, purchase,
296 or transfer of harmful chemical substances; penalties.—

297 (1) It is unlawful for any person to inhale or ingest, or
298 to possess with intent to breathe, inhale, or drink, any
299 compound, liquid, or chemical containing toluol, hexane,
300 trichloroethylene, acetone, toluene, ethyl acetate, methyl ethyl
301 ketone, trichloroethane, isopropanol, methyl isobutyl ketone,
302 ethylene glycol monomethyl ether acetate, cyclohexanone, ~~nitrous~~
303 ~~oxide~~, diethyl ether, alkyl nitrites (butyl nitrite), or any
304 similar substance for the purpose of inducing a condition of
305 intoxication or which distorts or disturbs the auditory, visual,
306 or mental processes. This section does not apply to the
307 possession and use of these substances as part of the care or
308 treatment of a disease or injury by a practitioner licensed
309 under chapter 458, chapter 459, part I of chapter 464, or
310 chapter 466, or to beverages controlled by ~~the provisions of~~
311 chapter 561, chapter 562, chapter 563, chapter 564, or chapter
312 565.

313 (4) ~~Any person who knowingly distributes, sells, purchases,~~
314 ~~transfers, or possesses more than 16 grams of nitrous oxide~~
315 ~~commits a felony of the third degree which shall be known as~~
316 ~~unlawful distribution of nitrous oxide, punishable as provided~~
317 ~~in s. 775.082, s. 775.083, or s. 775.084. For purposes of this~~
318 ~~subsection, in addition to proving by any other means that~~
319 ~~nitrous oxide was knowingly possessed, distributed, sold,~~

33-01655-26

20261394

320 purchased, or transferred, proof that any person discharged, or
321 aided another in discharging, nitrous oxide to inflate a balloon
322 or any other object suitable for subsequent inhalation creates
323 an inference of the person's knowledge that the nitrous oxide's
324 use was for an unlawful purpose. This subsection does not apply
325 to the possession and use of nitrous oxide as part of the care
326 and treatment of a disease or injury by a practitioner licensed
327 under chapter 458, chapter 459, chapter 464, chapter 466, or
328 chapter 474; as a food processing propellant; as a semiconductor
329 oxidizer; as an analytical chemistry oxidizer in atomic
330 absorption spectrometry; in the production of chemicals used to
331 inflate airbags; as an oxidizer for chemical production,
332 combustion, or jet propulsion; or as a motor vehicle induction
333 additive when mixed with sulphur dioxide.

334 (5) Any person who violates any of the provisions of this
335 section may, in the discretion of the trial judge, be required
336 to participate in a substance abuse services program approved or
337 regulated by the Department of Children and Families pursuant to
338 the provisions of chapter 397, provided the director of the
339 program approves the placement of the defendant in the program.
340 Such required participation may be imposed in addition to, or in
341 lieu of, any penalty or probation otherwise prescribed by law.
342 However, the total time of such penalty, probation, and program
343 participation may shall not exceed the maximum length of
344 sentence possible for the offense.

345 Section 10. Section 877.113, Florida Statutes, is created
346 to read:

347 877.113 Inhalation, ingestion, possession, sale, purchase,
348 or transfer of nitrous oxide; penalties; exemption.—

33-01655-26

20261394

349 (1) It is unlawful for any person to inhale or ingest, or
350 possess with intent to inhale or ingest, any compound, liquid,
351 or chemical containing nitrous oxide for the purpose of inducing
352 a condition of intoxication or a condition that distorts or
353 disturbs the auditory, visual, or mental processes.

354 (2) A person who violates subsection (1) commits a
355 misdemeanor of the second degree, punishable as provided in s.
356 775.082 or s. 775.083.

357 (3) A person who knowingly possesses more than 16 grams of
358 nitrous oxide commits a felony of the third degree, punishable
359 as provided in s. 775.082, s. 775.083, or s. 775.084.

360 (4) A person who knowingly distributes, sells, purchases,
361 or transfers nitrous oxide to another person for purposes of
362 intoxication commits a felony of the third degree, punishable as
363 provided in s. 775.082, s. 775.083, or s. 775.084.

364 (5) A person who knowingly distributes, sells, purchases,
365 or transfers nitrous oxide to a person younger than 18 years of
366 age for purposes of intoxication commits a felony of the second
367 degree, punishable as provided in s. 775.082, s. 775.083, or s.
368 775.084.

369 (6) A person who knowingly distributes, sells, or possesses
370 with intent to sell flavored nitrous oxide commits a felony of
371 the third degree, punishable as provided in s. 775.082, s.
372 775.083, or s. 775.084. Subsection (9) does not apply to this
373 subsection.

374 (7) The possession or presence of any drug paraphernalia as
375 defined in s. 893.145 constitutes *prima facie* evidence that a
376 person possessed, distributed, sold, transferred, or possessed
377 with intent to sell, inhaled, or ingested nitrous oxide for

33-01655-26

20261394

378 purposes of intoxication.379 (8) A court may require a person who violates this section
380 to participate in a substance abuse services program approved or
381 regulated by the Department of Children and Families pursuant to
382 chapter 397, provided that the director of the program approves
383 the placement of the defendant in the program. Such required
384 participation may be imposed in addition to, or in lieu of, any
385 penalty or probation otherwise prescribed by law. However, the
386 total time of such penalty, probation, or program participation
387 may not exceed the maximum sentence possible for the offense.388 (9) This section does not apply to the possession and use
389 of nitrous oxide by a practitioner licensed under chapter 458,
390 chapter 459, chapter 464, chapter 466, or chapter 474 as part of
391 the care and treatment of a disease or injury; as a food
392 processing propellant; as a semiconductor oxidizer; as an
393 analytical chemistry oxidizer in atomic absorption spectrometry;
394 in the production of chemicals used to inflate airbags; as an
395 oxidizer for chemical production, combustion, or jet propulsion;
396 or as a motor vehicle induction additive when mixed with sulfur
397 dioxide.398 Section 11. Subsection (1) of section 316.193, Florida
399 Statutes, is amended to read:

400 316.193 Driving under the influence; penalties.—

401 (1) A person commits ~~is guilty of~~ the offense of driving
402 under the influence and is subject to punishment as provided in
403 subsection (2) if the person is driving or in actual physical
404 control of a vehicle within this state and:405 (a) The person is under the influence of alcoholic
406 beverages, any chemical substance set forth in ss. 877.111 and

33-01655-26

20261394

407 877.113 ~~s.~~ 877.111, or any substance controlled under chapter
408 893, when affected to the extent that the person's normal
409 faculties are impaired;

410 (b) The person has a blood-alcohol level of 0.08 or more
411 grams of alcohol per 100 milliliters of blood; or

412 (c) The person has a breath-alcohol level of 0.08 or more
413 grams of alcohol per 210 liters of breath.

414 Section 12. For the purpose of incorporating the amendment
415 made by this act to section 448.095, Florida Statutes, in a
416 reference thereto, subsection (2) of section 448.09, Florida
417 Statutes, is reenacted to read:

418 448.09 Unauthorized aliens; employment prohibited.—

419 (2) If the Department of Commerce finds or is notified by
420 an entity specified in s. 448.095(3)(a) that an employer has
421 knowingly employed an unauthorized alien without verifying the
422 employment eligibility of such person, the department must enter
423 an order pursuant to chapter 120 making such determination and
424 require repayment of any economic development incentive pursuant
425 to s. 288.061(6).

426 Section 13. For the purpose of incorporating the amendment
427 made by this act to section 877.111, Florida Statutes, in a
428 reference thereto, subsection (12) of section 893.145, Florida
429 Statutes, is reenacted to read:

430 893.145 "Drug paraphernalia" defined.—The term "drug
431 paraphernalia" means all equipment, products, and materials of
432 any kind which are used, intended for use, or designed for use
433 in planting, propagating, cultivating, growing, harvesting,
434 manufacturing, compounding, converting, producing, processing,
435 preparing, testing, analyzing, packaging, repackaging, storing,

33-01655-26

20261394

436 containing, concealing, transporting, injecting, ingesting,
437 inhaling, or otherwise introducing into the human body a
438 controlled substance in violation of this chapter or s. 877.111.
439 Drug paraphernalia is deemed to be contraband which shall be
440 subject to civil forfeiture. The term includes, but is not
441 limited to:

442 (12) Objects used, intended for use, or designed for use in
443 ingesting, inhaling, or otherwise introducing controlled
444 substances, as described in s. 893.03, or substances described
445 in s. 877.111(1) into the human body, such as:

446 (a) Metal, wooden, acrylic, glass, stone, plastic, or
447 ceramic pipes, with or without screens, permanent screens,
448 hashish heads, or punctured metal bowls.

449 (b) Water pipes.

450 (c) Carburetion tubes and devices.

451 (d) Smoking and carburetion masks.

452 (e) Roach clips: meaning objects used to hold burning
453 material, such as a cannabis cigarette, that has become too
454 small or too short to be held in the hand.

455 (f) Miniature cocaine spoons, and cocaine vials.

456 (g) Chamber pipes.

457 (h) Carburetor pipes.

458 (i) Electric pipes.

459 (j) Air-driven pipes.

460 (k) Chillums.

461 (l) Bongs.

462 (m) Ice pipes or chillers.

463 (n) A cartridge or canister, which means a small metal
464 device used to contain nitrous oxide.

33-01655-26

20261394

(o) A charger, sometimes referred to as a "cracker," which means a small metal or plastic device that contains an interior pin that may be used to expel nitrous oxide from a cartridge or container.

(p) A charging bottle, which means a device that may be used to expel nitrous oxide from a cartridge or canister.

(q) A whip-it, which means a device that may be used to expel nitrous oxide.

(r) A tank.

(s) A balloon.

(t) A hose or tube.

(u) A 2-liter-type soda bottle.

(v) Duct tape.

Section 14. For the purpose of incorporating the amendment made by this act to section 877.111, Florida Statutes, in a reference thereto, subsection (1) of section 948.15, Florida Statutes, is reenacted to read:

948.15 Misdemeanor probation services.—

(1) A defendant found guilty of a misdemeanor who is placed on probation shall be under supervision not to exceed 6 months unless otherwise specified by the court. Probation supervision services for a defendant found guilty of a misdemeanor for possession of a controlled substance or drug paraphernalia under chapter 893 may be provided by a licensed substance abuse education and intervention program, which may provide substance abuse education and intervention as well as any other terms and conditions of probation. In relation to any offense other than a felony in which the use of alcohol; a controlled substance, as defined in s. 893.02; a controlled substance analog, as defined

33-01655-26

20261394

494 in s. 893.0356; or a chemical substance described in s.
495 877.111(1) is a significant factor, the period of probation may
496 be up to 1 year.

497 Section 15. This act shall take effect July 1, 2026.