



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2026	.	
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The Committee on Regulated Industries (Calatayud) recommended the following:

1 **Senate Amendment (with title amendment)**

2
3 Delete everything after the enacting clause
4 and insert:

5 Section 1. This act may be cited as the "Florida Age-Gate
6 Act."

7 Section 2. Section 569.31, Florida Statutes, is reordered
8 and amended to read:

9 569.31 Definitions.—As used in this part, the term:

10 (2)-(1) "Dealer" is synonymous with the term "retail



11 nicotine products dealer."

12 (3)(2) "Division" means the Division of Alcoholic Beverages
13 and Tobacco of the Department of Business and Professional
14 Regulation.

15 (4)(3) "FDA" means the United States Food and Drug
16 Administration.

17 (5)(4) "Nicotine dispensing device" means any product that
18 employs an electronic, chemical, or mechanical means to produce
19 vapor or aerosol from a nicotine product, including, but not
20 limited to, an electronic cigarette, electronic cigar,
21 electronic cigarillo, electronic pipe, or other similar device
22 or product, any replacement cartridge for such device, and any
23 other container of nicotine in a solution or other form intended
24 to be used with or within an electronic cigarette, electronic
25 cigar, electronic cigarillo, electronic pipe, or other similar
26 device or product. For purposes of this definition, each
27 individual stock keeping unit is considered a separate nicotine
28 dispensing device.

29 (6)(5) "Nicotine product" means any product that contains
30 nicotine, including liquid nicotine, which is intended for human
31 consumption, whether inhaled, chewed, absorbed, dissolved, or
32 ingested by any means. The term also includes any nicotine
33 dispensing device. The term does not include a:

34 (a) Tobacco product, as defined in s. 569.002;

35 (b) Product regulated as a drug or device by the United
36 States Food and Drug Administration under Chapter V of the
37 Federal Food, Drug, and Cosmetic Act; or

38 (c) Product that contains incidental nicotine.

39 (7)(6) "Nicotine products manufacturer" means any person or



40 entity that manufactures nicotine products.

41 (8) "Non-FDA-authorized nicotine dispensing device" means
42 any nicotine dispensing device, including any single-use device,
43 nonrefillable closed system cartridge device, or disposable
44 device, which has not received a marketing authorization order
45 under 21 U.S.C. s. 387j from the United States Food and Drug
46 Administration.

47 (9)-(7) "Permit" is synonymous with the term "retail
48 nicotine products dealer permit."

49 (10)-(8) "Retail nicotine products dealer" means the holder
50 of a retail nicotine products dealer permit.

51 (11)-(9) "Retail nicotine products dealer permit" means a
52 permit issued by the division under s. 569.32.

53 (12)-(10) "Self-service merchandising" means the open
54 display of nicotine products, whether packaged or otherwise, for
55 direct retail customer access and handling before purchase
56 without the intervention or assistance of the dealer or the
57 dealer's owner, employee, or agent. An open display of such
58 products and devices includes the use of an open display unit.

59 (13)-(11) "Sell" or "sale" means, in addition to its common
60 usage meaning, any sale, transfer, exchange, barter, gift, or
61 offer for sale and distribution, in any manner or by any means.

62 (1)-(12) "Any person under the age of 21" does not include
63 any person under the age of 21 who:

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

66 (b) Is acting within the scope of in his or her scope of
67 lawful employment.

68 Section 3. Section 569.33, Florida Statutes, is amended to



69 read:

70 569.33 Consent to inspection and search without warrant.—

71 (1) An applicant for a retail nicotine products dealer
72 permit, by accepting the permit when issued, agrees that the
73 place or premises covered by the permit is subject to inspection
74 and search without a search warrant by the division or its
75 authorized assistants, and by sheriffs, deputy sheriffs, or
76 police officers, to determine compliance with this part.

77 (2) In addition to subsection (1), an applicant consents to
78 inspection and search without a search warrant of the licensed
79 premises by the Department of Law Enforcement for violations
80 involving the unlawful sale, advertising, promotion, or display
81 for sale of non-FDA-authorized nicotine dispensing devices as
82 defined in s. 569.31.

83 (3) The division shall conduct regular inspections of the
84 licensed premises of dealers that sell non-FDA-authorized
85 nicotine dispensing devices to ensure compliance with this part.

86 Section 4. Section 569.35, Florida Statutes, is amended to
87 read:

88 569.35 Retail nicotine product dealers; administrative
89 penalties.—

90 (1) The division may suspend or revoke the permit of a
91 dealer, including the retail tobacco products dealer permit of a
92 retail tobacco products dealer as defined in s. 569.002 s.
93 569.002(4), upon sufficient cause appearing of the violation of
94 any of the provisions of this part, by a dealer, or by a
95 dealer's agent or employee.

96 (2) (a) Except as provided in paragraph (b), the division
97 may also assess and accept an administrative fine of up to



98 \$1,000 against a dealer for each violation. Except as provided
99 in paragraph (b), the division shall deposit all fines collected
100 into the General Revenue Fund as collected.

101 (b) For each violation of s. 569.37(3) involving the sale
102 of a non-FDA-authorized nicotine dispensing device, or the
103 advertising, promoting, or displaying for sale of such device,
104 the division may impose the following penalties:

105 1. For a first violation, an administrative fine not to
106 exceed \$1,000 but not less than \$500, a 7-day suspension of the
107 dealer's permit, and an order requiring corrective action within
108 15 days.

109 2. For a second violation within 36 months after the first
110 violation, an administrative fine not to exceed \$5,000 but not
111 less than \$2,500, a 14-day suspension of the dealer's permit,
112 and an order requiring corrective action within 3 days.

113 3. For a third violation within 36 months after the first
114 violation, an administrative fine not to exceed \$20,000, but not
115 less than \$5,000, and revocation of the dealer's permit.

116 (3) A dealer, or a dealer's agent or employee, who commits
117 a third or subsequent violation within 12 weeks after the first
118 violation commits a misdemeanor of the second degree, punishable
119 as provided in s. 775.082 or s. 775.083.

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

125 (5) The division shall deposit all fines collected under
126 paragraph (2)(b) into the Alcoholic Beverage and Tobacco Trust



127 Fund. The division and the Department of Law Enforcement shall
128 use the administrative fines assessed pursuant to subsection (2)
129 to:

130 (a) Increase enforcement personnel;
131 (b) Fund compliance inspections and investigations; and
132 (c) Develop and implement public awareness campaigns to
133 reduce nicotine use by persons younger than 21 years of age.

134 Section 5. Section 569.37, Florida Statutes, is amended to
135 read:

136 569.37 Sale or delivery of nicotine products; restrictions;
137 exemptions.—

138 (1) In order to prevent persons younger than under 21 years
139 of age from purchasing or receiving nicotine products, the sale
140 or delivery of nicotine products is prohibited, except:

141 (a) When under the direct control or line of sight of the
142 dealer or the dealer's agent or employee; or

143 (b) Sales from a vending machine are prohibited under
144 paragraph (a) and are only permissible from a machine that is
145 equipped with an operational lockout device that is under the
146 control of the dealer or the dealer's agent or employee who
147 directly regulates the sale of items through the machine by
148 triggering the lockout device to allow the dispensing of one
149 nicotine product. The lockout device must include a mechanism to
150 prevent the machine from functioning if the power source for the
151 lockout device fails or if the lockout device is disabled and a
152 mechanism to ensure that only one nicotine product is dispensed
153 at a time.

154 (2) (a) A dealer that sells nicotine products may not sell,
155 permit to be sold, offer for sale, or display for sale such



156 products or devices by means of self-service merchandising.

157 (b) A dealer that sells nicotine products may not place
158 such products or devices in an open display unit unless the unit
159 is located in an area that is inaccessible to customers.

160 (3) (a) A dealer that allows persons younger than 21 years
161 of age on the licensed premises, and that sells a non-FDA-
162 authorized nicotine dispensing device, may not advertise,
163 promote, or display for sale such devices in a manner that is
164 visible to:

165 1. Any person outside the licensed premises; or
166 2. Any person younger than 21 years of age who is inside
167 the licensed premises, including any open display unit.

168 (b) A dealer that prohibits persons younger than 21 years
169 of age on the licensed premises, and that sells a nicotine
170 dispensing device that has received a marketing authorization
171 order under 21 U.S.C. s. 387j, may advertise, promote, or
172 display for sale such devices in areas visible inside or outside
173 the licensed premises.

174 (c) Paragraph (a) does not apply to a nicotine dispensing
175 device that has received an FDA marketing authorization order
176 issued under 21 U.S.C. s. 387j, sold in compliance with this
177 section, including:

178 1. Each stock-keeping unit marketed by the manufacturer
179 within the same brand family as the authorized product; and
180 2. A closed-system, replaceable-cartridge devices designed
181 exclusively for use with a proprietary, reusable, rechargeable
182 device for which a marketing authorization order has been
183 granted.

184 (5) ~~(3) The provisions of Subsections (1) and (2) do not~~



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185 shall not apply to an establishment that prohibits persons
186 younger than ~~under~~ 21 years of age on the licensed premises.

187 (4) A dealer or a dealer's agent or employee shall ~~must~~
188 require proof of age of a purchaser of a nicotine product before
189 selling the product to that person, unless the purchaser appears
190 to be 30 years of age or older.

191 Section 6. Section 569.39, Florida Statutes, is amended to
192 read:

193 569.39 Rulemaking authority.—The division shall adopt rules
194 to administer and enforce this part. The rules must include
195 guidelines for compliance audits and enforcement actions
196 pertaining to the advertising, promoting, or displaying for sale
197 of any non-FDA-authorized nicotine dispensing devices and must
198 expressly authorize establishments that prohibit persons younger
199 than 21 years of age on the licensed premises to sell single-use
200 nicotine dispensing devices that have not received a marketing
201 authorization order issued under 21 U.S.C. s. 387j, consistent
202 with s. 569.37(3).

203 Section 7. Present subsection (3) of section 569.44,
204 Florida Statutes, is redesignated as subsection (4) and amended,
205 and a new subsection (3) is added to that section, to read:

206 569.44 Annual report.—The division shall report annually
207 with written findings to the Legislature and the Governor by
208 December 31 on the progress of implementing the enforcement
209 provisions of this part. This must include, but is not limited
210 to:

211 (3) The number of dealers cited for violations of s.
212 569.37(3) for advertising, promoting, or displaying for sale a
213 non-FDA-authorized nicotine dispensing device, and the penalties



214 imposed.

215 (4) (3) The number of violations for selling nicotine
216 products to persons younger than ~~under age~~ 21 years of age and
217 the results of administrative hearings on the above and related
218 issues.

219 Section 8. This act shall take effect July 1, 2026.

220
221 ===== T I T L E A M E N D M E N T =====
222 And the title is amended as follows:

223 Delete everything before the enacting clause
224 and insert:

225 A bill to be entitled

226 An act relating to nicotine dispensing devices;
227 creating a short title; reordering and amending s.
228 569.31, F.S.; defining the term "non-FDA-authorized
229 nicotine dispensing device"; amending s. 569.33, F.S.;
230 requiring an applicant for a retail nicotine products
231 dealer permit to consent to inspections and searches
232 of the licensed premises by the Department of Law
233 Enforcement for specified purposes; requiring the
234 Division of Alcoholic Beverages and Tobacco of the
235 Department of Business and Professional Regulation to
236 conduct regular inspections of licensed premises of
237 dealers that sell non-FDA-authorized nicotine
238 dispensing devices to ensure compliance; amending s.
239 569.35, F.S.; providing civil and criminal penalties
240 for retail tobacco products dealers that sell or
241 advertise, promote, or display for sale non-FDA-
242 authorized nicotine dispensing devices; requiring the



243 division to deposit all fines collected into the
244 Alcoholic Beverage and Tobacco Trust Fund; requiring
245 the division and the Department of Law Enforcement to
246 use the administrative fines assessed for specified
247 purposes; conforming a cross-reference; amending s.
248 569.37, F.S.; prohibiting certain dealers that sell
249 non-FDA-authorized nicotine dispensing devices from
250 advertising, promoting, or displaying such devices if
251 such dealers do not prohibit persons younger than 21
252 years of age on the licensed premises; providing
253 applicability; conforming cross-references; amending
254 s. 569.39, F.S.; revising the rules to be adopted by
255 the division; amending s. 569.44, F.S.; revising the
256 requirements of the division's annual report to the
257 Legislature and the Governor; providing an effective
258 date.