A bill to be entitled
An act relating to the use of regulated substances;
amending s. 210.095, F.S.; deleting the definition of
the term "adult"; conforming provisions to changes
made by the act; amending s. 381.986, F.S.; providing
that it is unlawful for a qualified physician to issue
a physician certification for marijuana in a form for
smoking to a patient under 21 years of age; requiring
the standardized informed consent form to include
certain information concerning negative health effects
of smoking marijuana on persons under 21 years of age;
creating s. 386.2115, F.S.; prohibiting the sale of
certain flavored liquid nicotine products; providing
an exception; providing penalties; amending s.
386.212, F.S.; providing that it is unlawful for
persons under 21 years of age to smoke tobacco or vape
in, on, or within 1,000 feet of the real property
comprising a public or private elementary, middle, or
secondary school during specified hours; amending s.
569.002, F.S.; revising definitions; amending s.
569.007, F.S.; providing that it is unlawful to sell
or deliver tobacco products to persons under the age
of 21; providing an exception; amending s. 569.0075,
F.S.; prohibiting certain entities from gifting sample
tobacco products to persons under the age of 21;
amending s. 569.008, F.S.; conforming provisions to changes made by the act; amending s. 569.101, F.S.; providing that it is unlawful to sell, deliver, barter, furnish, or give tobacco products to persons under the age of 21; conforming provisions to changes made by the act; amending s. 569.11, F.S.; prohibiting persons under the age of 21 from possessing tobacco products; providing that it is unlawful for persons under the age of 21 to misrepresent their age or military service to acquire tobacco products; conforming provisions to changes made by the act; amending ss. 569.12, 569.14, and 569.19, F.S.; conforming provisions to changes made by the act; amending s. 877.112, F.S.; providing and revising definitions; prohibiting the sale and possession of nicotine products or nicotine dispensing devices by persons under the age of 21; providing an effective date.

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

Section 1. Paragraphs (b) through (j) of subsection (1) of section 210.095, Florida Statutes, are redesignated as paragraphs (a) through (i), respectively, and paragraph (a) of subsection (1), paragraph (c) of subsection (2), paragraph (a)
of subsection (3), paragraph (a) of subsection (4), subsection (5), and paragraphs (a), (b), (e), and (g) of subsection (8) of that section are amended, to read:

210.095 Mail order, Internet, and remote sales of tobacco products; age verification.—

1. For purposes of this section, the term:

(a) "Adult" means an individual who is at least of the legal minimum purchase age for tobacco products.

2. A person may not make a delivery sale of tobacco products to any individual who is not 21 years of age or older an adult.

3. A person may not mail, ship, or otherwise deliver tobacco products in connection with an order for a delivery sale unless, before the first delivery to the consumer, the person accepting the order for the delivery sale:

(a) Obtains from the individual submitting the order a certification that includes:

1. Reliable confirmation that the individual is 21 years of age or older an adult; and

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

   a. Certifies the address and date of birth of the individual; and

   b. Confirms that the individual wants to receive delivery
sales from a tobacco company and understands that, under the laws of this state, the following actions are illegal:

(I) Signing another individual's name to the certification;

(II) Selling tobacco products to individuals under the legal minimum purchase age; and

(III) Purchasing tobacco products, if the person making the purchase is under the legal minimum purchase age.

In addition to the requirements of this subsection, a person accepting an order for a delivery sale may request that a consumer provide an electronic mail address.

(4) The notice described in paragraph (3)(c) must include prominent and clearly legible statements that sales of tobacco products are:

(a) Illegal if made to individuals who are not 21 years of age or older adults.

The notice must include an explanation of how each tax has been, or is to be, paid with respect to the delivery sale.

(5) Each person who mails, ships, or otherwise delivers tobacco products in connection with an order for a delivery sale must:

(a) Include as part of the shipping documents, in a clear and conspicuous manner, the following statement: "Tobacco
Products: Florida law prohibits shipping to individuals under 21 years of age and requires the payment of all applicable taxes."

(b) Use a method of mailing, shipping, or delivery which obligates the delivery service to require:

1. The individual submitting the order for the delivery sale or another individual who is 21 years of age or older who resides at the individual's address to sign his or her name to accept delivery of the shipping container. Proof of the legal minimum purchase age of the individual accepting delivery is required only if the individual appears to be under 27 years of age.

2. Proof that the individual is either the addressee or the individual who is 21 years of age or older designated by the addressee, in the form of a valid, government-issued identification card bearing a photograph of the individual who signs to accept delivery of the shipping container.

(c) Provide to the delivery service, if such service is used, evidence of full compliance with subsection (7).

If the person accepting a purchase order for a delivery sale delivers the tobacco products without using a delivery service, the person must comply with all of the requirements of this section which apply to a delivery service. Any failure to comply with a requirement of this section constitutes a violation.
thereof.

(8)(a) Except as otherwise provided in this section, a violation of this section by a person other than an individual who is not 21 years of age or older an adult is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and:

1. For a first violation of this section, the person shall be fined $1,000 or five times the retail value of the tobacco products involved in the violation, whichever is greater.

2. For a second or subsequent violation of this section, the person shall be fined $5,000 or five times the retail value of the tobacco products involved in the violation, whichever is greater.

(b) A person who is 21 years of age or older an adult and knowingly submits a false certification under subsection (3) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. For each offense, the person shall be fined $10,000 or five times the retail value of the tobacco products involved in the violation, whichever is greater.

(e) A person who, in connection with a delivery sale, delivers tobacco products on behalf of a delivery service to an individual who is not 21 years of age or older an adult commits a misdemeanor of the first third degree, punishable as provided in s. 775.082 or s. 775.083.
(g) An individual who is not 21 years of age or older an adult and who knowingly violates any provision of this section commits a misdemeanor of the first third degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. Paragraph (d) of subsection (4) of section 381.986, Florida Statutes, is amended to read:

381.986 Medical use of marijuana.—

(4) PHYSICIAN CERTIFICATION.—

(d) A qualified physician may not issue a physician certification for marijuana in a form for smoking to a patient under 21 18 years of age unless the patient is diagnosed with a terminal condition, the qualified physician determines that smoking is the most effective route of administration for the patient, and a second physician who is a board-certified pediatrician concurs with such determination. Such determination and concurrence must be documented in the patient's medical record and in the medical marijuana use registry. The certifying physician must obtain the written informed consent of such patient's parent or legal guardian before issuing a physician certification to the patient for marijuana in a form for smoking for patients under 18 years of age. The qualified physician must use a standardized informed consent form adopted in rule by the Board of Medicine and the Board of Osteopathic Medicine which must include information concerning the negative health effects of smoking marijuana on persons under 21 18 years of age and an
acknowledgment that the qualified physician has sufficiently explained the contents of the form.

Section 3. Section 386.2115, Florida Statutes, is created to read:

386.2115 Prohibition on the sale of certain flavored liquid nicotine products; exception; penalties.—

(1) The sale of flavored liquid nicotine products intended for use in vapor-generating electronic devices is prohibited; however, the sale of tobacco-flavored liquid nicotine products intended for such use is not prohibited by this section.

(2) Any person who violates this section commits a noncriminal violation as defined in s. 775.08(3), punishable by a fine of not more than $100 for the first violation and not more than $500 for each subsequent violation, as determined by department rule.

Section 4. Subsection (1) of section 386.212, Florida Statutes, is amended to read:

386.212 Smoking and vaping prohibited near school property; penalty.—

(1) It is unlawful for any person under 21 years of age to smoke tobacco or vape in, on, or within 1,000 feet of the real property comprising a public or private elementary, middle, or secondary school between the hours of 6 a.m. and midnight. This section does not apply to any person occupying a moving vehicle or within a private residence.
Section 5. Subsections (6) and (7) of section 569.002, Florida Statutes, are amended to read:

569.002 Definitions.—As used in this chapter, the term:

(6) "Tobacco products" means includes loose tobacco leaves, and products made from tobacco leaves, in whole or in part; and cigarette wrappers, which can be used for smoking, sniffing, or chewing; and nicotine dispensing devices and nicotine products, as defined in s. 877.112(b) and (c).

(7) "Any person under the age of 21" does not include any person under the age of 21 who:

(a) Has had his or her disability of nonage removed under chapter 743;

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

(c) Is otherwise emancipated by a court of competent jurisdiction and released from parental care and responsibility;

or

(d) is acting in his or her scope of lawful employment with an entity licensed under the provisions of chapter 210 or this chapter.

Section 6. Subsections (1) and (2) of section 569.007, Florida Statutes, are amended to read:

569.007 Sale or delivery of tobacco products;

restrictions.—

(1) In order to prevent persons under the age of 21

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CODING: Words stricken are deletions; words underlined are additions.
years of age from purchasing or receiving tobacco products, the
sale or delivery of tobacco products is prohibited, except:
(a) When under the direct control or line of sight of the
dealer or the dealer's agent or employee; or
(b) Sales from a vending machine are prohibited under the provisions of paragraph (1)(a) and are only permissible from a machine that is equipped with an operational lockout device which is under the control of the dealer or the dealer's agent or employee who directly regulates the sale of items through the machine by triggering the lockout device to allow the dispensing of one tobacco product. The lockout device must include a mechanism to prevent the machine from functioning if the power source for the lockout device fails or if the lockout device is disabled, and a mechanism to ensure that only one tobacco product is dispensed at a time.
(2) The provisions of Subsection (1) shall not apply to an establishment that prohibits persons under the age of 21 18 years of age on the licensed premises.

Section 7. Section 569.0075, Florida Statutes, is amended to read:
569.0075 Gift of sample tobacco products prohibited.—The gift of sample tobacco products to any person under the age of 21 18 by an entity licensed or permitted under the provisions of chapter 210 or this chapter, or by an employee of such entity, is prohibited and is punishable as provided in s. 569.101.
Section 8. Subsections (1), (2), and (3) of section 569.008, Florida Statutes, are amended to read:

569.008  Responsible retail tobacco products dealers; qualifications; mitigation of disciplinary penalties; diligent management and supervision; presumption.—

(1) The Legislature intends to prevent the sale of tobacco products to persons under the age of 21 18 years of age and to encourage retail tobacco products dealers to comply with responsible practices in accordance with this section.

(2) To qualify as a responsible retail tobacco products dealer, the dealer must establish and implement procedures designed to ensure that the dealer's employees comply with the provisions of this chapter. The dealer must provide a training program for the dealer's employees which addresses the use and sale of tobacco products and which includes at least the following topics:

(a) Laws covering the sale of tobacco products.

(b) Methods of recognizing and handling customers under the age of 21 18 years of age.

(c) Procedures for proper examination of identification cards in order to verify that customers are not under the age of 21 18 years of age.

(d) The use of the age audit identification function on electronic point-of-sale equipment, where available.

(3) In determining penalties under s. 569.006, the
division may mitigate penalties imposed against a dealer because of an employee's illegal sale of a tobacco product to a person under the age of 21 if the following conditions are met:

(a) The dealer is qualified as a responsible dealer under this section.

(b) The dealer provided the training program required under subsection (2) to that employee before the illegal sale occurred.

(c) The dealer had no knowledge of that employee's violation at the time of the violation and did not direct, approve, or participate in the violation.

(d) If the sale was made through a vending machine, the machine was equipped with an operational lock-out device.

Section 9. Subsections (1) and (3) of section 569.101, Florida Statutes, are amended to read:

569.101 Selling, delivering, bartering, furnishing, or giving tobacco products to persons under the age of 21; criminal penalties; defense.—

(1) It is unlawful to sell, deliver, barter, furnish, or give, directly or indirectly, to any person who is under the age of 21, any tobacco product.

(3) A person charged with a violation of subsection (1) has a complete defense if, at the time the tobacco product was sold, delivered, bartered, furnished, or given:
(a) The buyer or recipient falsely evidenced that she or
he was 21 18 years of age or older;
(b) The appearance of the buyer or recipient was such that
a prudent person would believe the buyer or recipient to be 21
18 years of age or older; and
(c) Such person carefully checked a driver license or an
identification card issued by this state or another state of the
United States, a passport, or a United States armed services
identification card presented by the buyer or recipient and
acted in good faith and in reliance upon the representation and
appearance of the buyer or recipient in the belief that the
buyer or recipient was 21 18 years of age or older.

Section 10. Section 569.11, Florida Statutes, is amended
to read:

569.11 Possession, misrepresenting age or military service
to purchase, and purchase of tobacco products by persons under
the age of 21 18 years of age prohibited; penalties;
jurisdiction; disposition of fines.—
(1) It is unlawful for any person under the age of 21 18
years of age to knowingly possess any tobacco product. Any
person under the age of 21 18 years of age who violates this
subsection commits a noncriminal violation as provided in s.
775.08(3), punishable by:
(a) For a first violation, 16 hours of community service
or, instead of community service, a $25 fine. In addition, the
person must attend a school-approved anti-tobacco program, if 
locally available; or 
(b) For a second or subsequent violation within 12 weeks 
after the first violation, a $25 fine.

Any second or subsequent violation not within the 12-week period 
after the first violation is punishable as provided for a first 
violation.

(2) It is unlawful for any person under the age of 21 years of age 
to misrepresent his or her age or military service 
for the purpose of inducing a dealer or an agent or employee of 
the dealer to sell, give, barter, furnish, or deliver any 
tobacco product, or to purchase, or attempt to purchase, any 
tobacco product from a person or a vending machine. Any person 
under the age of 18 years of age who violates this subsection 
commits a noncriminal violation as provided in s. 775.08(3), 
punishable by:

(a) For a first violation, 16 hours of community service 
or, instead of community service, a $25 fine and, in addition, 
the person must attend a school-approved anti-tobacco program, 
if available; or 
(b) For a second or subsequent violation within 12 weeks 
after the first violation, a $25 fine.

Any second or subsequent violation not within the 12-week period
after the first violation is punishable as provided for a first violation.

(3) Any person under the age of 21 years of age cited for committing a noncriminal violation under this section must sign and accept a civil citation indicating a promise to appear before the county court or comply with the requirement for paying the fine and must attend a school-approved anti-tobacco program, if locally available. If a fine is assessed for a violation of this section, the fine must be paid within 30 days after the date of the citation or, if a court appearance is mandatory, within 30 days after the date of the hearing.

(4) A person charged with a noncriminal violation under this section must appear before the county court or comply with the requirement for paying the fine. The court, after a hearing, shall make a determination as to whether the noncriminal violation was committed. If the court finds the violation was committed, it shall impose an appropriate penalty as specified in subsection (1) or subsection (2). A person who participates in community service shall be considered an employee of the state for the purpose of chapter 440, for the duration of such service.

(5)(a) If a person under the age of 21 years of age is found by the court to have committed a noncriminal violation under this section and that person has failed to complete community service, pay the fine as required by paragraph (1)(a)
or paragraph (2)(a), or attend a school-approved anti-tobacco program, if locally available, the court may direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend the driver license or driving privilege of that person for a period of 30 consecutive days.

(b) If a person under the age of 21 (18) years of age is found by the court to have committed a noncriminal violation under this section and that person has failed to pay the applicable fine as required by paragraph (1)(b) or paragraph (2)(b), the court may direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend the driver license or driving privilege of that person for a period of 45 consecutive days.

(6) Eighty percent of all civil penalties received by a county court pursuant to this section shall be remitted by the clerk of the court to the Department of Revenue for transfer to the Department of Education to provide for teacher training and for research and evaluation to reduce and prevent the use of tobacco products by children. The remaining 20 percent of civil penalties received by a county court pursuant to this section shall remain with the clerk of the county court to cover administrative costs.

Section 11. Paragraph (b) of subsection (2) and subsection (3) of section 569.12, Florida Statutes, are amended to read:

569.12 Jurisdiction; tobacco product enforcement officers
(2) A tobacco product enforcement officer is authorized to issue a citation to a person under the age of 21 or 18 when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of s. 386.212 or s. 569.11.

(3) A correctional probation officer as defined in s. 943.10(3) is authorized to issue a citation to a person under the age of 21 or 18 when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of s. 569.11.

Section 12. Subsections (1) and (2) of section 569.14, Florida Statutes, are amended to read:

569.14 Posting of a sign stating that the sale of tobacco products to persons under the age of 21 or 18 years of age is unlawful; enforcement; penalty.—

(1) A dealer that sells tobacco products shall post a clear and conspicuous sign in each place of business where such products are sold which substantially states the following:

THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER THE AGE OF 21 OR 18 IS AGAINST FLORIDA LAW. PROOF OF AGE IS REQUIRED FOR PURCHASE.

(2) A dealer that sells tobacco products and nicotine
products or nicotine dispensing devices, as defined in s. 877.112, may use a sign that substantially states the following:

THE SALE OF TOBACCO PRODUCTS, NICOTINE PRODUCTS, OR NICOTINE DISPENSING DEVICES TO PERSONS UNDER THE AGE OF 21 IS AGAINST FLORIDA LAW. PROOF OF AGE IS REQUIRED FOR PURCHASE.

A dealer that uses a sign as described in this subsection meets the signage requirements of subsection (1) and s. 877.112.

Section 13. Subsections (3) and (4) of section 569.19, Florida Statutes, are amended to read:

569.19 Annual report.—The division shall report annually with written findings to the Legislature and the Governor by December 31, on the progress of implementing the enforcement provisions of this chapter. This must include, but is not limited to:

(3) The number of violations for selling tobacco products to persons under the age of 21, and the results of administrative hearings on the above and related issues.

(4) The number of persons under the age of 21 cited for violations of s. 569.11 and sanctions imposed as a result of citation.

Section 14. Section 877.112, Florida Statutes, is amended to read:

877.112 Nicotine products and nicotine dispensing devices;
prohibitions for persons under the age of 21 minors; penalties; civil fines; signage requirements; preemption.—
   (1) DEFINITIONS.—As used in this section, the term:
     (a) "Any person under the age of 21" does not include any person under the age of 21 who is acting in his or her scope of lawful employment with an entity that sells, manufactures, or distributes nicotine products or nicotine dispensing devices.
     (b) "Nicotine dispensing device" means any product that employs an electronic, chemical, or mechanical means to produce vapor from a nicotine product, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product, any replacement cartridge for such device, and any other container of nicotine in a solution or other form intended to be used with or within an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product.
     (c) "Nicotine product" means any product that contains nicotine, including liquid nicotine, that is intended for human consumption, whether inhaled, chewed, absorbed, dissolved, or ingested by any means, but does not include a:
       1. Tobacco product, as defined in s. 569.002;
       2. Product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the federal Food, Drug, and Cosmetic Act; or
       2. Product that contains incidental nicotine.
(d)(e) "Self-service merchandising" means the open display of nicotine products or nicotine dispensing devices, whether packaged or otherwise, for direct retail customer access and handling before purchase without the intervention or assistance of the retailer or the retailer's owner, employee, or agent. An open display of such products and devices includes the use of an open display unit.

(2) PROHIBITIONS ON SALE TO PERSONS UNDER THE AGE OF 21 MINORS.—It is unlawful to sell, deliver, barter, furnish, or give, directly or indirectly, to any person who is under 21 years of age, any nicotine product or a nicotine dispensing device.

(3) PROHIBITIONS ON GIFTING SAMPLES TO PERSONS UNDER THE AGE OF 21 MINORS.—The gift of a sample nicotine product or nicotine dispensing device to any person under the age of 21 by a retailer of nicotine products or nicotine dispensing devices, or by an employee of such retailer, is prohibited.

(4) PENALTIES.—Any person who violates subsection (2) or subsection (3) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. However, any person who violates subsection (2) or subsection (3) for a second or subsequent time within 1 year of the first violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5) AFFIRMATIVE DEFENSES.—A person charged with a
violation of subsection (2) or subsection (3) has a complete
defense if, at the time the nicotine product or nicotine
dispensing device was sold, delivered, bartered, furnished, or
given:

  (a) The buyer or recipient falsely evidenced that she or
he was 21 years of age or older;
  (b) The appearance of the buyer or recipient was such that
a prudent person would believe the buyer or recipient to be 21
years of age or older; and
  (c) Such person carefully checked a driver license or an
identification card issued by this state or another state of the
United States, a passport, or a United States Armed Services
identification card presented by the buyer or recipient and
acted in good faith and in reliance upon the representation and
appearance of the buyer or recipient in the belief that the
buyer or recipient was 21 years of age or older.

(6) PROHIBITIONS ON POSSESSION OF NICOTINE PRODUCTS OR
NICOTINE DISPENSING DEVICES BY PERSONS UNDER THE AGE OF 21
MINORS.—It is unlawful for any person under the age of 21
years of age to knowingly possess any nicotine product or a
nicotine dispensing device. Any person under the age of 21
years of age who violates this subsection commits a noncriminal
violation as defined in s. 775.08(3), punishable by:

  (a) For a first violation, 16 hours of community service
or, instead of community service, a $25 fine. In addition, the
person must attend a school-approved anti-tobacco and nicotine program, if locally available; or

(b) For a second or subsequent violation within 12 weeks after the first violation, a $25 fine.

Any second or subsequent violation not within the 12-week time period after the first violation is punishable as provided for a first violation.

(7) PROHIBITION ON MISREPRESENTING AGE.—It is unlawful for any person under the age of 21 18 years of age to misrepresent his or her age or military service for the purpose of inducing a retailer of nicotine products or nicotine dispensing devices or an agent or employee of such retailer to sell, give, barter, furnish, or deliver any nicotine product or nicotine dispensing device, or to purchase, or attempt to purchase, any nicotine product or nicotine dispensing device from a person or a vending machine. Any person under the age of 21 18 years of age who violates this subsection commits a noncriminal violation as defined in s. 775.08(3), punishable by:

(a) For a first violation, 16 hours of community service or, instead of community service, a $25 fine and, in addition, the person must attend a school-approved anti-tobacco and nicotine program, if available; or

(b) For a second violation within 12 weeks after the first violation, a $25 fine.
Any second or subsequent violation not within the 12-week time period after the first violation is punishable as provided for a first violation.

(8) PENALTIES FOR PERSONS UNDER THE AGE OF 21 MINORS.—

(a) A person under the age of 21 years of age cited for committing a noncriminal violation under this section must sign and accept a civil citation indicating a promise to appear before the county court or comply with the requirement for paying the fine and must attend a school-approved anti-tobacco and nicotine program, if locally available. If a fine is assessed for a violation of this section, the fine must be paid within 30 days after the date of the citation or, if a court appearance is mandatory, within 30 days after the date of the hearing.

(b) A person charged with a noncriminal violation under this section must appear before the county court or comply with the requirement for paying the fine. The court, after a hearing, shall make a determination as to whether the noncriminal violation was committed. If the court finds the violation was committed, it shall impose an appropriate penalty as specified in subsection (6) or subsection (7). A person who participates in community service shall be considered an employee of the state for the purpose of chapter 440, for the duration of such service.
(c) If a person under the age of 21 years of age is found by the court to have committed a noncriminal violation under this section and that person has failed to complete community service, pay the fine as required by paragraph (6)(a) or paragraph (7)(a), or attend a school-approved anti-tobacco and nicotine program, if locally available, the court may direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend the driver license or driving privilege of that person for 30 consecutive days.

(d) If a person under the age of 21 years of age is found by the court to have committed a noncriminal violation under this section and that person has failed to pay the applicable fine as required by paragraph (6)(b) or paragraph (7)(b), the court may direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend the driver license or driving privilege of that person for 45 consecutive days.

(9) DISTRIBUTION OF CIVIL FINES.—Eighty percent of all civil penalties received by a county court pursuant to subsections (6) and (7) shall be remitted by the clerk of the court to the Department of Revenue for transfer to the Department of Education to provide for teacher training and for research and evaluation to reduce and prevent the use of tobacco products, nicotine products, or nicotine dispensing devices by children. The remaining 20 percent of civil penalties received...
by a county court pursuant to this section shall remain with the clerk of the county court to cover administrative costs.

(10) SIGNAGE REQUIREMENTS FOR RETAILERS OF NICOTINE PRODUCTS AND NICOTINE DISPENSING DEVICES.—

(a) Any retailer that sells nicotine products or nicotine dispensing devices shall post a clear and conspicuous sign in each place of business where such products are sold which substantially states the following:

THE SALE OF NICOTINE PRODUCTS OR NICOTINE DISPENSING DEVICES TO PERSONS UNDER THE AGE OF 21 IS AGAINST FLORIDA LAW. PROOF OF AGE IS REQUIRED FOR PURCHASE.

(b) A retailer that sells nicotine products or nicotine dispensing devices shall provide at the checkout counter in a location clearly visible to the retailer or the retailer's agent or employee instructional material in a calendar format or similar format to assist in determining whether a person is of legal age to purchase nicotine products or nicotine dispensing devices. This point of sale material must contain substantially the following language:

IF YOU WERE NOT BORN BEFORE THIS DATE
(insert date and applicable year)
YOU CANNOT BUY NICOTINE PRODUCTS OR
NICOTINE DISPENSING DEVICES.

In lieu of a calendar a retailer may use card readers, scanners, or other electronic or automated systems that can verify whether a person is of legal age to purchase nicotine products or nicotine dispensing devices.

(11) SELF-SERVICE MERCHANDISING PROHIBITED.—

(a) A retailer that sells nicotine products or nicotine dispensing devices may not sell, permit to be sold, offer for sale, or display for sale such products or devices by means of self-service merchandising.

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

(c) Paragraphs (a) and (b) do not apply to an establishment that prohibits persons under the age of 21 years of age on the premises.

(12) RESTRICTIONS ON SALE OR DELIVERY OF NICOTINE PRODUCTS OR NICOTINE DISPENSING DEVICES.—

(a) In order to prevent persons under the age of 21 years of age from purchasing or receiving nicotine products or nicotine dispensing devices, the sale or delivery of such products or devices is prohibited, except:

1. When under the direct control, or line of sight where
effective control may be reasonably maintained, of the retailer
of nicotine products or nicotine dispensing devices or such
retailer's agent or employee; or

2. Sales from a vending machine are prohibited under
subparagraph 1. and are only permissible from a machine that is
equipped with an operational lockout device which is under the
control of the retailer of nicotine products or nicotine
dispensing devices or such retailer's agent or employee who
directly regulates the sale of items through the machine by
triggering the lockout device to allow the dispensing of one
nicotine product or nicotine dispensing device. The lockout
device must include a mechanism to prevent the machine from
functioning, if the power source for the lockout device fails or
if the lockout device is disabled, and a mechanism to ensure
that only one nicotine product or nicotine dispensing device is
dispensed at a time.

(b) Paragraph (a) does not apply to an establishment that
prohibits persons under the age of 21 18 years of age on the
premises.

(c) A retailer of nicotine products or nicotine dispensing
devices or such retailer's agent or employee may require proof
of age of a purchaser of such products or devices before selling
the product or device to that person.

Section 15. This act shall take effect October 1, 2020.