

Industries & Professional Activities Subcommittee

Thursday, February 5, 2026
9:30 AM – 12:00 PM
Reed Hall (102 HOB)

Daniel Perez
Speaker

Mike Giallombardo
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Industries & Professional Activities Subcommittee

Start Date and Time: Thursday, February 05, 2026 09:30 AM

End Date and Time: Thursday, February 05, 2026 12:00 PM

Location: Reed Hall (102 HOB)

Duration: 2.50 hrs

Consideration of the following bill(s):

HB 95 Security Services on Religious Premises by Grow
HB 377 Heated Tobacco Products by Tramont
CS/HB 1137 Deductions for Certain Losses of Alcoholic Beverages by Ways & Means Committee, Robinson, W., Overdorf
HB 1205 Kratom by Black

Consideration of the following proposed committee substitute(s):

PCS for HB 989 -- Motor Vehicle Manufacturers, Importers, Distributors and Franchised Motor Vehicle Dealers
PCS for HB 1521 -- Domestic Animals

NOTICE FINALIZED on 02/03/2026 4:44PM by Marks.Amie

HB 95

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 95	**COMPANION BILL:** CS/SB 52 (Gaetz)
TITLE: Security Services on Religious Premises	**LINKED BILLS:** None
SPONSOR(S): Grow	**RELATED BILLS:** None

Committee References

Criminal Justice 17 Y, 0 N	➤	Industries & Professional Activities	➤	Judiciary

SUMMARY

Effect of the Bill:
The bill exempts a person who provides armed security services for a church or other ecclesiastical or denominational organization (church) from the licensing and regulatory requirements in ch. 493, F.S., for private security services, investigative, and recovery services if such person:

- Holds a valid license to carry a concealed weapon or concealed firearm;
- Provides such security services exclusively on the property owned or leased by a church; and
- Does not receive compensation for his or her services, excluding reimbursement for expenses related to training and equipment.

By expressly excluding specified persons who provide armed security services for a church from the requirement to be licensed by the Department of Agriculture and Consumer Services as a security officer, the bill clarifies that such persons are *not* unlawfully providing security services without a license, which could subject such persons to criminal and civil penalties.

Fiscal or Economic Impact:
None.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill specifies that the licensing requirements in ch. 493, F.S., for private security services, private investigative services, and repossession services, do *not* apply to any person who, on a voluntary basis, provides armed security services on the premises of a church or ecclesiastical or denominational organization having an established physical place of worship in Florida at which nonprofit religious services and activities are regularly conducted, if:

- The person holds a valid license to carry a concealed weapon or concealed firearm;
- Security services are provided exclusively on the premises of a church or ecclesiastical or denominational organization, including any property owned or leased by the church or ecclesiastical or denominational organization for worship, education, or religious activities; and
- The person providing the armed security services does not receive compensation for his or her services, which does not include reimbursement for reasonable expenses actually incurred and related to the cost of training or equipment necessary for providing such services. (Section 1)

By expressly *excluding* a person who meets the specified criteria from the licensing requirements in ch. 493, F.S., the bill authorizes such a person to provide armed security services in a church or similar organization without having to meet the licensing requirements that he or she would otherwise be required to comply with in order to

provide such services, and also clarifies that a person who provides such services is *not* unlawfully providing security services without a license, which may subject a person to criminal prosecution and civil penalties.

The provisions in the bill do not affect a church or ecclesiastical or denominational organization's ability to employ an **unlicensed security officer who does not carry a firearm** to provide security at its established place of worship where nonprofit religious services and activities are regularly conducted, or on a church cemetery.

The effective date of the bill is July 1, 2026. (Section 2)

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Chapter 493, F.S. Licensees

The Division of Licensing (DOL) within the Department of Agriculture and Consumer Services (DACS) is responsible for licensing and regulating the private security, private investigative, and recovery industries.[1] The DOL's regulatory oversight of those services includes licensing, enforcing compliance standards, and ensuring public protection from unethical business practices and unlicensed activity.

Private Security Services

Under ch. 493, F.S., a "security officer" is an individual who, for consideration:

- Performs bodyguard services or otherwise guards persons or property;
- Attempts to prevent theft or unlawful taking of goods, wares, and merchandise;
- Attempts to prevent the misappropriation or concealment of goods, wares or merchandise, money, bonds, stocks, choses in action, notes, or other documents, papers, and articles of value or to procure the return of such items;
- Serves as armored car personnel; or
- Is engaged in the transportation of prisoners.[2]

A person who performs the services of a security officer must have a Class "D" license, which is valid for a period of three years.[3] An applicant for a Class "D" license must:

- Be at least 18 years old.
- Be a citizen or legal resident alien of the United States.
- Have no disqualifying criminal history.
- Have no disqualifying history of mental illness or substance abuse.
- Successfully complete a minimum of 40 hours of professional training at a school or training facility licensed by DACS.
- Pay a licensing fee.[4]

To carry a firearm, a Class "D" licensee must also obtain a Class "G" Statewide Firearm License.[5] An initial applicant for a Class "G" license must complete at least 28 hours of firearm training, 8 of which must consist of in-person range training.[6] A Class "G" license is valid for a period of two years, however, a Class "G" licensee must annually submit proof to DACS that he or she completed a minimum of four hours of specified firearms requalification training.[7]

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[1] Ch. 493, F.S.
[2] S. 493.6101, F.S.
[3] S. 493.6301(4), F.S. Florida Department of Agriculture and Consumer Services, *Private Security Licenses*, https://www.fdacs.gov/Business-Services/Private-Security-Licenses (last visited Jan. 29, 2026).
[4] Ss. 493.6106, 493.6302 and 493.6303, F.S.
[5] S. 493.6115, F.S.
[6] S. 493.6105(5), F.S.
[7] S. 493.6113(1) and (3)(b), F.S.

Exceptions to Licensure

Although a person is generally required to obtain a license to perform private security, investigative, and recovery services, there are exceptions to the licensure requirement. Specific to activities similar to those provided by a private security service, there are exceptions to licensure for:

- Any officer[8] engaged in the performance of his or her official duties or when performing off-duty security activities approved by her or his superiors.[9]
- Any unarmed individual engaged in security services who is employed exclusively to work on the premises of her or his employer, or in connection with the business of her or his employer, when there exists an employer-employee relationship.[10]
- Any security agency or private investigative agency, and employees thereof, performing contractual security or investigative services solely and exclusively for any agency of the United States.[11]
- *Any individual employed as a security officer by a church or ecclesiastical or denominational organization having an established physical place of worship in this state at which nonprofit religious services and activities are regularly conducted or by a church cemetery to provide security on the property of the organization or cemetery, and who does not carry a firearm in the course of her or his duties.*[12]

Providing Security Services Without a License

DACS is responsible for investigating any suspected violation of ch. 493, F.S., including investigations related to a person providing private security, investigative, or recovery services without a license.[13] A person who performs such services without a license commits a first degree misdemeanor.[14] A person who commits a second or subsequent violation commits a third degree felony,[15] and DACS is authorized to impose a civil penalty of up to $10,000 for a violation.[16]

Carrying a Concealed Weapon or Concealed Firearm

Generally, a person is authorized to carry a concealed weapon[17] or concealed firearm[18] under s. 790.01, F.S., if he or she:

- Has a concealed weapons or concealed firearm license (CWL) issued under s. 790.06, F.S.; or
- Does not have a CWL, but otherwise satisfies the criteria for receiving and maintaining a CWL, except that such person is not required to demonstrate competency with a firearm or affirmatively state he or she desires a legal means to carry a concealed weapon or concealed firearm for lawful self-defense.

A person who unlawfully carries a concealed weapon or electric weapon or device[19] commits a first degree misdemeanor. A person who unlawfully carries a concealed firearm commits a third degree felony.

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[8] "Officer" means any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer, correctional officer, or correctional probation officer. S. 943.10(14), F.S.

[9] S. 493.6102(1), F.S.

[10] S. 493.6102(4), F.S.

[11] S. 493.6102(9), F.S.

[12] S. 493.6102(13), F.S.

[13] S. 493.6121, F.S.

[14] S. 493.6120(1)(a)1., F.S. A first degree misdemeanor is punishable by up to one year in jail and a $1,000 fine. Ss. 775.082 or 775.083, F.S.

[15] A third degree felony is punishable by up to five years imprisonment and a $5,000 fine. Ss. 775.082, 775.083, or 775.084, F.S.

[16] S. 493.6120(1)(a)2., F.S.

[17] "Concealed weapon" means any dirk, metallic knuckles, billie, tear gas gun, chemical weapon or device, or other deadly weapon carried on or about a person in such a manner as to conceal the weapon from the ordinary sight of another person. S. 790.001(4)(a), F.S.

[18] "Concealed firearm" means any firearm, as defined in s. 790.001(9), F.S., which is carried on or about a person in such a manner as to conceal the firearm from the ordinary sight of another person. S. 790.001(3), F.S.

[19] "Electric weapon or device" means any device which, through the application or use of electrical current, is designed, redesigned, used, or intended to be used for offensive or defensive purposes, the destruction of life, or the infliction of injury. S. 790.001(7), F.S.

Concealed Weapons or Concealed Firearms License

Section 790.06, F.S., specifies the criteria that a person must meet in order to be issued a CWL, the process for issuing and renewing a CWL, the circumstances under which a CWL is subject to revocation, and specified limitations on where a CWL holder may carry a concealed weapon or concealed firearm. A CWL[20] does not authorize a person to carry a concealed weapon or concealed firearm into:

- Any place of nuisance as defined in s. 823.05, F.S.;
- Any police, sheriff, or highway patrol station;
- Any detention facility, prison, or jail;
- Any courthouse;
- Any courtroom, except that a judge may carry a concealed weapon or concealed firearm and determine who may carry a concealed weapon or concealed firearm in his or her courtroom;
- Any polling place;
- Any meeting of a local governing body;
- Any meeting of the Legislature or committee thereof;
- Any school, college, or professional athletic event not related to firearms;
- Any elementary or secondary school facility or administration building;[21]
- Any career center;
- Any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose;
- Any college or university facility unless the licensee is a registered student, employee, or faculty member of such college or university and the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes and the weapon does not fire a dart or projectile;
- The inside of the passenger terminal and sterile area of any airport, provided no person is prohibited from carrying any legal firearm into the terminal, which firearm is encased for shipment for purposes of checking such firearm as baggage to be lawfully transported on any aircraft; or
- Any place where the carrying of firearms is prohibited by federal law.[22]

A CWL holder who knowingly and willfully carries a concealed weapon or concealed firearm into any unauthorized location commits a second degree misdemeanor.[23]

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[20] A person who carries a concealed firearm without a CWL is likewise not authorized to carry a concealed firearm into any of the locations listed in s. 790.06, F.S. S. 790.013(2), F.S.

[21] The Federal "Gun-Free School Zones Act," (Act) at 18 U.S.C. §922(q), prohibits a person from knowingly possessing a firearm on the grounds of, or within 1,000 feet of the grounds of, a public, parochial, or private school. The Act does not apply to the possession of a firearm:

- On private property that is not part of school grounds;
- If the individual possessing the firearm is licensed to do so by the state in which the school zone is located or a political subdivision of the state, and the law of the state or political subdivision requires that, before an individual obtains such a license, the law enforcement authorities of the state or political subdivision verify that the individual is qualified under law to receive the license;
- That is:
  - Not loaded; and
  - In a locked container, or a locked firearms rack that is on a motor vehicle;
- By an individual for use in a program approved by a school in the school zone;
- By an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;
- By a law enforcement officer acting in his or her official capacity; or
- That is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

A violation of the Act is punishable by up to five years imprisonment and a $5,000 fine. 18 U.S.C. §924(a)(4).

[22] S. 790.06(12)(a), F.S.

[23] S. 790.06(12)(d), F.S. A second degree misdemeanor is punishable by up to 60 days in jail and a $500 fine. Ss. 775.082 or 775.083, F.S.

Carrying a Concealed Weapon or Concealed Firearm on Church Property

Generally, a person is not prohibited from carrying a weapon or firearm on the property of a church or other religious institution. A person who has a CWL is explicitly authorized to carry a concealed weapon or concealed firearm on property owned, rented, leased, borrowed, or lawfully used by a church, synagogue, or other religious institution, notwithstanding any other law, for the purposes of safety, security, personal protection, or any other lawful purpose.[24] However, this authorization does not limit the private property rights of a church, synagogue, or other religious institution to exercise control over property that the church, synagogue, or other religious institution owns, rents, leases, borrows, or lawfully uses.[25] As such, a church, synagogue, or other religious institution may prohibit a person from possessing a weapon or firearm on its property.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Criminal Justice Subcommittee	17 Y, 0 N	1/28/2026	Hall	Padgett
Industries & Professional Activities Subcommittee			Anstead	Bunnell
Judiciary Committee				

[24] S. 790.06(13), F.S.

[25] *Id.*

A bill to be entitled

An act relating to the security services on religious premises; amending s. 493.6102, F.S.; exempting certain persons providing voluntary armed security services at churches or ecclesiastical or denominational organizations from specified requirements; providing requirements such persons must meet to qualify for the exemption; providing an effective date.

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

Section 1. Subsection (16) is added to section 493.6102, Florida Statutes, to read:

493.6102 Inapplicability of this chapter.—This chapter shall not apply to:

(16) Any person who on a voluntary basis provides armed security services on the premises of a church or ecclesiastical or denominational organization having an established physical place of worship in this state at which nonprofit religious services and activities are regularly conducted, if:

(a) The person providing the armed security services holds a valid license to carry a concealed weapon or firearm issued pursuant s. 790.06.

(b) The security services are provided exclusively on the

CODING: Words stricken are deletions; words underlined are additions.

premises of a church or ecclesiastical or denominational organization, including any property owned or leased by the church or ecclesiastical or denominational organization for worship, education, or religious activities.

(c) The person providing the armed security services did not receive any compensation for such services. For purposes of this paragraph, the term "compensation" does not include reimbursement for reasonable expenses actually incurred and related to the cost of training or the cost of equipment necessary for providing the security services.

Section 2. This act shall take effect July 1, 2026.

HB 377

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 377	**COMPANION BILL:** SB 754 (DiCeglie)
TITLE: Heated Tobacco Products	**LINKED BILLS:** None
SPONSOR(S): Tramont	**RELATED BILLS:** SB 754 (DiCeglie)

Committee References

Ways & Means
14 Y, 1 N
➤
Industries & Professional Activities
➤
Commerce

SUMMARY

Effect of the Bill:

HB 377 excludes heated tobacco products (HTPs) from the taxes on cigarettes and other tobacco products under ch. 210, F.S., by updating several definitions. Regulatory provisions for these products are not changed by the bill.

Fiscal or Economic Impact:

The Revenue Estimating Conference estimates that the bill will have no impact on state and local government revenues.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill excludes heated tobacco products from the taxes on tobacco products in ch. 210, F.S.

The bill accomplishes this by updating definitions for "heated tobacco product" (Section 4), "cigarette" (Section 1), and "tobacco product" (Sections 2, 5), to exclude heated tobacco products from taxation as cigarettes under part I of ch. 210, F.S. (Section 1) or as tobacco products under part II of ch. 210, F.S. (Sections 3, 4).

The definitional changes still require compliance with the delivery requirements in s. 210.095, F.S., for heated tobacco products. (Section 2).

The bill renames part II of ch. 210, F.S., from "Tax on Tobacco Products other than Cigarettes or Cigars," to "Tax on Tobacco Products other than Cigarettes, Heated Tobacco Products, or Cigars" (Section 3), and makes other conforming changes. (Sections 6-7).

The bill takes effect on July 1, 2026. (Section 8).

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The Revenue Estimating Conference estimates that the bill will have no impact on state government revenues.

LOCAL GOVERNMENT:

The Revenue Estimating Conference estimates that the bill will have no impact on state government revenues.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Heated Tobacco Products

Heated tobacco products (HTPs), also known as heat-not-burn products, generate an aerosol containing nicotine by heating a tobacco-filled paper stick. The sticks are placed into a device which heats the tobacco electronically which produces a nicotine containing aerosol inhaled by the user. The heating element does not produce enough heat to burn the tobacco.[1] These products do not produce smoke because the tobacco is not burned or ignited.[2]

The HTP IQOS, developed by Philip Morris International (PMI), is the only HTP that has received authorization by the Federal Drug Administration. In 2021, a patent dispute led to an import ban on IQOS devices in the U.S., halting their sales. In February 2024, PMI and British American Tobacco settled the patent litigations related to heated tobacco products allowing for its reintroduction to the U.S. market.[3]

Taxation of Tobacco Products

Taxes are imposed on the sale of cigarettes and other tobacco products in Florida. The tax is paid by the wholesale dealer at the time of first sale within the state. For cigarettes of common size, the excise tax rate is $0.339 per pack, with rates varying proportionately for cigarettes and packs of non-standard size.[4] Additionally, a $1.00 surcharge per pack of common size cigarettes is imposed, with rates varying proportionately for cigarettes and packs of non-standard size.[5] For other tobacco products, the tax rate is 25 percent of the wholesale price,[6] with an additional surcharge of 60 percent of the wholesale price.[7] The taxation of tobacco is administered pursuant to chapter 210, F.S.

Section 210.01(1), F.S., defines the term "cigarette" to mean, for purposes of taxation:

> "[A]ny roll for smoking, except one of which the tobacco is fully naturally fermented, without regard to the kind of tobacco or other substances used in the inner roll or the nature or composition of the material in which the roll is wrapped, which is made wholly or in part of tobacco irrespective of size or shape and whether such tobacco is flavored, adulterated or mixed with any other ingredient."

In s. 210.25(12), F.S., the term "tobacco product" is defined for purposes of the taxation of tobacco products other than cigarettes or cigars. It is also used for the licensing of tobacco product manufacturers, importers, exporters, distributing agents, or wholesale dealers under part II of ch. 210, F.S. In this context, the term "tobacco products" means:

> "[L]oose tobacco suitable for smoking; snuff; snuff flour; cavendish; plug and twist tobacco; fine cuts and other chewing tobaccos; shorts; refuse scraps; clippings, cuttings, and sweepings of tobacco, and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing; but 'tobacco products' does not include cigarettes, as defined by s. 210.01(1), or cigars."

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[1] Introduction to Heated Tobacco Products
[2] Campaign for Tobacco Free Kids, *Heated Tobacco Products, Definition and Global Market*, available at: https://assets.tobaccofreekids.org/global/pdfs/en/HTP_definition_en.pdf (last visited Jan. 5, 2026).
[3] Philip Morris asks U.S. appeals court to overturn import ban on IQOS tobacco devices at: https://www.reuters.com/legal/litigation/philip-morris-asks-us-appeals-court-overturn-import-ban-iqos-tobacco-devices-2022-10-03/?utm_ (last visited Jan. 5, 2026)
[4] Section 210.02, F.S.
[5] Section 210.011, F.S.
[6] Section 210.30, F.S.
[7] Section 210.276, F.S.

Regulation of Tobacco Products

The definition of "tobacco products" in s. 569.002(8), F.S., applies to the regulation of tobacco products by the Division of Alcoholic Beverages and Tobacco (Division) of the Department of Business and Professional Regulation (DBPR) under ch. 569, F.S.

Dealer Permits

Section 569.003, F.S., requires a retail tobacco products dealer to acquire a permit from the Division for each place of business where tobacco products are sold, including sales made through a vending machine.

Section 210.15, F.S., also requires a permit for every person, firm, or corporation desiring to engage in business as a manufacturer, importer, exporter, distributing agent, or wholesale dealer of cigarettes within Florida. To qualify for a permit, a person must be of good moral character and not less than 21 years of age to qualify. In addition, permits to corporations may be issued only to corporations whose officers are of good moral character and not less than 21 years of age.[8]

Delivery Requirements for Mail Order, Internet, Other Remote Sales of Tobacco Products

Section 210.095(5), F.S., provides requirements for the delivery of mail order, Internet, and other remote sales of tobacco products, including age verification requirements. All such deliveries are defined as "delivery sales."[9] Specific notice and shipping requirements are provided for all delivery sales, whether in-state or out-of-state. Each person who mails, ships, or otherwise delivers tobacco products in connection with an order for a delivery sale is required to:

- Include, as part of the shipping documents, in a clear and conspicuous manner, the following statement: "Tobacco Products: Florida law prohibits shipping to individuals who are not 21 years of age or older and requires the payment of all applicable taxes."
- Use a method of mailing, shipping, or delivery which obligates the delivery service to:
    - Require the signature of an adult who resides at the delivery address.
    - Require proof that the individual accepting delivery is either the addressee or the adult designated by the addressee.
    - Provide to the delivery service, if such service is used, evidence of full compliance with requirements for the collection and remittance of all taxes imposed on tobacco products by this state with respect to the delivery sale.[10]

DBPR Declaratory Statement

On March 12, 2025, DBPR issued a declaratory statement[11] regarding PMI's IQOS electronic heating device. DBPR found that IQOS is not a tobacco product as defined in s. 210.25(12), F.S. because it is not "loose tobacco suitable for smoking." Heatsticks within the device do not consist of discernable tobacco leaves and do not leave behind individual pieces of tobacco once consumed. Additionally, IQOS does not create any visible smoke, fumes, or gaseous product that would commonly be considered "smoke" or a byproduct of "smoking." Therefore, DBPR determined PMI's product is not subject to a surcharge and taxation as a tobacco product under sections 210.276, F.S., and 210.30, F.S.

[8] Section 210.15(2)(b), F.S.
[9] Section 210.095(1)(b), F.S.
[10] Section 210.095(5), F.S.
[11] *In Re: Petition for Declaratory Statement by Philip Morris International, Inc. & Affiliates*, DBPR Case No. 2025-014271 (March 12, 2025). The Division published a Notice of Declaratory Statement in the Florida Administrative Register on March 14, 2025, indicating the "petition for declaratory statement was granted and answered. The product described by Petitioner was not found to be subject to certain excise taxes and surcharges." That notice is available at https://flrules.org/Gateway/View_notice.asp?id=29369968 (last visited January 24, 2026).

DBPR also determined that IQOS does not constitute a "cigarette" as defined in s. 210.185, F.S., because the device does not involve the burning of tobacco. Because IQOS is not a cigarette, it is not subject to a surcharge and taxation under sections 210.011, F.S., and 210.02, F.S.

OTHER RESOURCES:

CDC
Introduction to Heated Tobacco Products
DBPR Declaratory Statement

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Ways & Means Committee	14 Y, 1 N	1/27/2026	Aldridge	Hallaian
Industries & Professional Activities Subcommittee			Anstead	Miralia
Commerce Committee				

A bill to be entitled

An act relating to heated tobacco products; amending s. 210.01, F.S.; revising the definition of the term "cigarette"; amending s. 210.095, F.S.; revising the definition of the term "tobacco products"; renaming part II of ch. 210, F.S.; amending s. 210.25, F.S.; defining the term "heated tobacco product"; conforming a provision to changes made by the act; amending s. 569.002, F.S.; revising the definition of the term "tobacco products"; amending s. 951.22, F.S.; conforming a cross-reference; reenacting s. 569.31(5), F.S., relating to definitions, to incorporate the amendment made to s. 569.002, F.S., in a reference thereto; providing an effective date.

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

Section 1. Subsection (1) of section 210.01, Florida Statutes, is amended to read:

210.01 Definitions.—When used in this part the following words shall have the meaning herein indicated:

(1) "Cigarette" means any roll for smoking, except one of which the tobacco is fully naturally fermented, without regard to the kind of tobacco or other substances used in the inner roll or the nature or composition of the material in which the

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roll is wrapped, which is made wholly or in part of tobacco irrespective of size or shape and whether such tobacco is flavored, adulterated or mixed with any other ingredient. The term does not include a heated tobacco product as defined by s. 210.25.

Section 2. Paragraph (i) of subsection (1) of section 210.095, Florida Statutes, is amended to read:

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

(1) For purposes of this section, the term:

(i) "Tobacco products" means all cigarettes, smoking tobacco, snuff, fine-cut chewing tobacco, cut and granulated tobacco, cavendish, ~~and~~ plug or twist tobacco, and heated tobacco products as defined in s. 210.25.

Section 3. Part II of chapter 210, Florida Statutes, entitled "Tax on Tobacco Products other than Cigarettes or Cigars," is renamed "Tax on Tobacco Products other than Cigarettes, Heated Tobacco Products, or Cigars."

Section 4. Present subsections (6) through (14) of section 210.25, Florida Statutes, are redesignated as subsections (7) through (15), respectively, a new subsection (6) is added to that section, and present subsection (12) of that section is amended, to read:

210.25 Definitions.—As used in this part:

(6) "Heated tobacco product" means a product containing

tobacco designed for use in an electronic device with a heat source that does not involve any form of burning or combustion during ordinary conditions of use and which produces an inhalable aerosol by heating the tobacco but does not produce any smoke.

(13)~~(12)~~ "Tobacco products" means loose tobacco suitable for smoking; snuff; snuff flour; cavendish; plug and twist tobacco; fine cuts and other chewing tobaccos; shorts; refuse scraps; clippings, cuttings, and sweepings of tobacco, and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing; but "tobacco products" does not include cigarettes~~,~~ as defined by s. 210.01(1), heated tobacco products, or cigars.

Section 5. Subsection (8) of section 569.002, Florida Statutes, is amended to read:

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

(8) "Tobacco products" 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 heated tobacco products as defined in s. 210.25.

Section 6. Paragraph (d) of subsection (1) of section 951.22, Florida Statutes, is amended to read:

951.22 County detention facilities; contraband articles.—

(1) It is unlawful, except through regular channels as duly authorized by the sheriff or officer in charge, to

introduce into or possess upon the grounds of any county detention facility as defined in s. 951.23 or to give to or receive from any inmate of any such facility wherever said inmate is located at the time or to take or to attempt to take or send therefrom any of the following articles, which are contraband:

(d) Any tobacco products as defined in s. 210.25 ~~s. 210.25(12)~~.

Section 7. For the purpose of incorporating the amendment made by this act to section 569.002, Florida Statutes, in a reference thereto, subsection (5) of section 569.31, Florida Statutes, is reenacted to read:

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

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

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

(b) 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

(c) Product that contains incidental nicotine.

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

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: CS/HB 1137	**COMPANION BILL:** CS/SB 678 (Mayfield)
TITLE: Deductions for Certain Losses of Alcoholic Beverages	**LINKED BILLS:** None
SPONSOR(S): Robinson, W. and Overdorf	**RELATED BILLS:** None

Committee References

Ways & Means	➤	Industries & Professional Activities	➤	Commerce
15 Y, 0 N, As CS				

SUMMARY

Effect of the Bill:
The bill allows alcoholic beverage distributors a deduction from alcoholic beverage excise taxes for standard product losses, including losses caused by breakage, spoilage, evaporation, or expiration. The bill also allows an alternate deduction for extraordinary, one-time losses. The extraordinary loss deduction is for the actual gallonage of the beverages lost. The bill establishes documentation, reporting, and recordkeeping requirements and authorizes the Division of Alcoholic Beverages and Tobacco to adopt rules to administer and enforce the deductions.

Fiscal or Economic Impact:
The Revenue Estimating Conference has estimated that the bill will have zero impact on state revenues.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill allows alcoholic beverage distributors to deduct certain losses of unsalable products from the excise taxes they owe using one of two deductions: a deduction that applies to all dealers (standard deduction) or a deduction that applies only to extraordinary losses. The bill reinstates a similar deduction that was previously authorized under Rule 61A-4.0371, F.A.C.

Standard Deduction

The bill creates s. 561.1215, F.S., which allows alcoholic beverage distributors to deduct losses in the ordinary course of business. Distributors of malt beverages (beer), vinous beverages (wine), and spirituous beverages (liquor) can deduct excise taxes paid on alcoholic beverages that cannot be sold due to warehouse breakage, spoilage, evaporation, expiration, or products that are unfit for human consumption. A deduction is also allowed when the breakage, spoilage, or destruction is witnessed and documented by an employee of the Division of Alcoholic Beverages and Tobacco within the Department of Business and Professional Regulation.

The deduction amounts are set as a percentage of gross excise tax collected:

- Wine: 0.49 percent
- Liquor: 0.15 percent
- Malt beverages: 0.20 percent, or the actual breakage or spoliation.

For malt beverages, distributors must annually elect whether to use the percentage method or the gallonage of actual breakage or spoliation. The election is binding for the calendar year unless the license is transferred or 100 percent of inventory is sold to a new owner.

Distributors handling multiple alcohol types must calculate deductions separately under each category's rules.

Deduction for Extraordinary Losses

The bill also creates a separate deduction for "extraordinary losses" of alcoholic beverages, calculated based on the actual gallonage lost. An extraordinary loss is defined as:

- An unusual, non-recurring loss resulting from an act of God or natural event;
- An accident during interstate or intrastate shipment between manufacturers, distributors, or retailers; or
- A manufacturer product recall that requires the destruction, dumping, or recycling of the product.

Extraordinary loss does not include losses incurred during the normal course of business that exceed the standard deduction.

A distributor claiming an extraordinary loss must immediately notify the Division of Alcoholic Beverages and Tobacco and submit supporting proof, which may include:

- A copy of the traffic accident report or incident report;
- A division employee or authorized representative witnessing the loss on the premises where the loss occurs; or
- Other documentation deemed appropriate by the division which clearly and objectively establishes the loss.

The distributor must also submit a written statement from the employee responsible for the destruction, dumping, or recycling of the product. The statement must include:

- A description of the location where the extraordinary loss occurred;
- The identity of alcoholic beverages lost, by gallonage and tax category (malt, wine, or liquor); and
- The location of the site where the product was destroyed, dumped, or recycled.

After notification from a distributor of an extraordinary loss, the division must inspect the remaining inventory. The distributor must show proof that the standard excise tax deduction or any other source of recovery has not been recovered through any other means. The division may require copies of insurance claims, receipts, or other supporting documentation.

The distributor must record on forms prescribed by the division:

- The actual gallonage of breakage, spoilage, or evaporation;
- The date of product destruction;
- The quantity destroyed by tax classification; and
- A statement by an authorized employee or agent of the destruction that the product was destroyed.

All forms and documentation must be maintained for three years by the division.

The new statute created by the bill applies retroactively to January 1, 2025.

The bill authorizes the Division of Alcoholic Beverages & Tobacco to adopt rules to implement these provisions. (Section 1)

The bill takes effect upon becoming law. (Section 2)

RULEMAKING:

The bill grants rulemaking authority to the Division of Alcoholic Beverages & Tobacco within the Department of Business and Professional Regulation to implement the provisions of the act.

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The Revenue Estimating Conference has estimated that this bill will have no impact on state revenues as the bill codifies preexisting administrative practice.[1]

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Division of Alcoholic Beverages and Tobacco

The Division of Alcoholic Beverages and Tobacco (the "division") administers and enforces[2] the Beverage Law,[3] which regulates the manufacture, distribution, and sale of wine, beer, and liquor, including the:

- Receipt and processing of license applications;[4]
- Collection[5] and auditing of taxes, surcharges, and fees paid by licensees;[6] and
- Review and collection of reports detailing the beverages manufactured, imported, exported, and sold.[7]

The division is also responsible for the administration and enforcement of tobacco products under ch. 569, F.S.

Beer

The term "beer" means a brewed beverage that meets the federal definition of beer in 27 C.F.R. s. 25.11 and contains less than 6 percent alcohol by volume. A "malt beverage" means any brewed beverage containing malt. The terms "beer" and "malt beverage" are used interchangeable for purposes of the Beverage Law, but do not include alcoholic beverages that require a certificate of label approval by the Federal Government as wine or as distilled spirits.[8]

Wine

The term "wine" means "all beverages made from fresh fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added, in the manner required by the laws and regulations of the United States, and includes all sparkling wines, champagnes, combination of the aforesaid beverages, sake, vermouths, and like products. Sugar, flavors, and coloring materials may be added to wine to make it conform to the consumer's

[1] Revenue Estimating Impact Conference Meeting, Jan. 30 2026, https://edr.state.fl.us/content/conferences/revenueimpact/archives/2026/_pdf/impact0130.pdf (last visited Feb. 3, 2026).
[2] Section 561.08, F.S.
[3] Section 561.01(6), F.S. The "Beverage Law" is comprised of Chapters 561 through 568, F.S.
[4] See, e.g., s. 561.17, F.S.
[5] Section 561.025, F.S.
[6] See, e.g., s. 563.02, F.S., s. 564.02, F.S., and s. 565.02, F.S.
[7] Section 561.55, F.S.
[8] Section 563.01, F.S.

taste, except that the ultimate flavor or the color of the product may not be altered to imitate a beverage other than wine or to change the character of the wine."[9]
"Fortified wine" means all wines containing more than 17.259 percent of alcohol by volume.[10]

Liquor

The term "liquor" is used interchangeably with "distilled spirits," "spirituous liquors," "spirituous beverages," or "distilled spirituous liquors," and means the substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced.[11]

Excise Taxes on Alcoholic Beverages

Excise taxes on alcoholic beverages are levied at the wholesale level and collected from distributors. Current rates under Chs. 564 and 565, F.S., are as follows:

- malt beverages (beer) at $0.48 per gallon[12];
- wine at $2.25 to $3.50 per gallon, depending on type and alcohol content[13];
- cider at $0.89 per gallon[14]; and
- liquor at $6.50 to $9.53 per gallon, depending on proof[15].

Distributors are required to pay the tax to the division on or before the 10th day of the following month.[16] Of the monthly collections, 2 percent is deposited into the Alcoholic Beverage and Tobacco Trust Fund, specified distributions totaling no more than $60 million are distributed to specified medical facilities in the state, and the remainder is credited to the General Revenue Fund.[17]

Prior Excise Tax Deduction for Breakage and Spoilage of Alcoholic Beverages

The bill authorizes provisions that previously existed in rule. On July 7, 2025, the division published a notice of intent to repeal Fla. Admin. Code R. Rule 61A-4.0371[18] because the original statutory authority in s. 564.06(5), F.S. (1972) was repealed in 1985.[19] The Joint Administrative Procedures Committee subsequently issued a Notice of Nullification of the rule pursuant to s. 120.536(2)(a), F.S.[20]

Under the repealed rule, distributors could deduct an amount equal to:

- 0.49 percent of gross tax for wine;
- 0.15 percent of gross tax for liquor; and
- 0.20 percent of gross tax for male beverages (beer).

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[9] Section 564.01(1), F.S.
[10] Section 564.01(2), F.S.
[11] Section 565.01, F.S.
[12] Section 564.06, F.S.
[13] Ibid
[14] Ibid.
[15] Section 565.12, F.S.
[16] See, e.g., s. 564.06(7), F.S.
[17] Section 561.121(1), F.S.
[18] See Vol. 51 No. 130, July 7, 2025, issue of the Florida Administrative Register
[19] See Section 1, ch. 85-204, Laws of Fla
[20] *See* Joint Administrative Procedures Committee, *Notice of Nullification of Rule 61A-4.0371, F.A.C.*, dated August 27, 2025 (on file with the House Ways & Means Committee). Section 120.536(2)(a), F.S., provides that, if a law is repealed, any administrative rule created solely to implement that specific law is automatically rendered null and void. Whenever a notice of the nullification of a rule is received from the Joint Administrative Procedures Committee, the Department of State must remove the rule from the Florida Administrative Code as of the effective date of the law effecting the nullification and update the historical notes for the code to show the rule repealed by operation of law.

Alternatively, distributors could deduct the actual breakage or spoilage destruction witnessed and documented by the division employee or other authorized person. Distributors were required to annually elect the method of breakage for malt beverages (percentage or actual) and such election will be effective for 1 year unless the license is transferred or 100 percent of the stock is sold to a new owner.[21]

Distributors could also deduct the amount due to extraordinary losses, including losses which are:

- Not expected to recur and resulting from acts of God or nature;
- Accidents which occur during interstate or intrastate shipment; or
- Products being recalled by a manufacturer and destroyed by a distributor.

Extraordinary losses did not include losses from evaporation, breakage, or spoilage incurred on the licensed premises in the normal course of business which merely exceed the standard deductions.[22]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Ways & Means Committee	15 Y, 0 N, As CS		Aldridge	Hallaian
THE CHANGES ADOPTED BY THE COMMITTEE:	• Made non-substantive changes to align with Senate companion. • Provisions will be retroactive to January 1, 2025.			
Industries & Professional Activities Subcommittee			Anstead	Dallas
Commerce Committee			Hamon	

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

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[21] Fla. Admin. Code R. Rule 61A-4.0371(1)
[22] Fla. Admin. Code R. Rule 61A-4.0371(2)

A bill to be entitled

An act relating to deductions for certain losses of alcoholic beverages; creating s. 561.1215, F.S.; authorizing a distributor of vinous, spirituous, or malt beverages to make an excise tax deduction in its monthly tax report for alcoholic beverages that have become unsellable through warehouse breakage, spoliation, evaporation, or expiration or that have become unfit for human consumption; specifying the percentage a distributor may deduct for such alcoholic beverages; requiring that the method of determining breakage for malt beverages be elected annually; providing that the method is effective for a specified timeframe; providing an exception; requiring distributors that distribute more than one type of alcoholic beverage to deduct their gross taxes for products according to those specified in a specified manner; excluding extraordinary losses of vinous, spirituous, or malt beverages from such deductions; defining the term "extraordinary loss"; requiring a distributor to immediately notify the Division of Alcoholic Beverages and Tobacco when an extraordinary loss occurs; authorizing a distributor to deduct the actual gallonage of the extraordinary loss; requiring such distributors to show proof of the extraordinary

loss before recovering or crediting any excise tax due to the unsellable alcoholic beverages; specifying the manner in which a distributor may show such proof; requiring a distributor to show proof of the destruction, dumping, or recycling of the alcoholic beverages involved in the extraordinary loss; specifying the manner in which to show such proof; requiring the division to inspect any remaining undamaged invoiced inventory intended to be distributed upon being notified by the distributor; requiring a distributor reporting extraordinary losses to furnish proof that the excise tax has not been recovered from any other source; requiring the distributor to provide the division with copies of all insurance claims and receipts of payment upon request; requiring distributors to record certain information on forms prescribed by the division; requiring the division to retain such forms for a specified timeframe; authorizing the division to adopt rules and forms; providing retroactive application; providing an effective date.

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

Section 1. Section 561.1215, Florida Statutes, is created

to read:

561.1215 Deductions for breakage, spoliation, evaporation, expiration, and extraordinary losses.—

(1)(a) Distributors of vinous, spirituous, or malt beverages may make deductions against any excise tax due under s. 563.05, s. 564.06, or s. 565.12 on their monthly tax report for alcoholic beverages that have become unsellable through warehouse breakage, spoliation, evaporation, or expiration or that have become unfit for human consumption, in an amount equal to the following:

1. For vinous beverage sales, 0.49 percent of gross tax.

2. For spirituous beverage sales, 0.15 percent of gross tax.

3. For malt beverage sales, 0.20 percent of gross tax or the actual breakage or spoliation.

(b) The method of determining breakage for malt beverages, either percentage or actual gallonage, must be elected annually and will be effective for 1 calendar year unless the license is transferred or 100 percent of the stock is sold to a new owner.

(c) Distributors that distribute more than one type of alcoholic beverage shall deduct the gross taxes for their products as prescribed in this subsection for vinous, spirituous, or malt beverages.

(2)(a) Extraordinary losses of vinous, spirituous, or malt beverages are excluded from the deductions in subsection (1).

For purposes of this section, the term "extraordinary loss" means an unusual loss resulting from acts of God or nature which are not expected to recur; accidents that occur during interstate or intrastate shipment from manufacturer to distributor, from distributor to distributor, or from distributor to retailer; or products being recalled by a manufacturer and destroyed by a distributor. The term does not include a loss from evaporation, breakage, or spoliation incurred on the licensed premises in the normal course of business which exceeds the standard deductions prescribed in subsection (1).

(b) A distributor shall immediately notify the division when an extraordinary loss occurs. A distributor may deduct the actual gallonage of the extraordinary loss. The distributor shall show proof of the extraordinary loss before recovering or crediting any excise tax due to the unsellable alcoholic beverages by:

1. Providing a copy of a traffic accident investigation report or an incident report from the investigating agency when the loss occurs in transit;

2. Having the extraordinary loss witnessed or documented by an authorized division employee when the extraordinary loss occurs on the premises of the distributor; or

3. Clearly and objectively establishing the extraordinary loss through appropriate documentation as determined by the

division.

(c) The distributor shall show proof of the destruction, dumping, or recycling of the alcoholic beverages involved in the extraordinary loss by providing a statement to the division from the distributor, or the distributor's authorized employee or agent, evidencing such destruction, dumping, or recycling. The statement must include a description of the location of the extraordinary loss; the alcoholic beverages, by gallonage and tax category, which have been destroyed, dumped, or recycled; and the location of the site where the alcoholic beverages were destroyed, dumped, or recycled.

(3)(a) Upon notification by a distributor, the division shall inspect any remaining undamaged invoiced inventory intended to be distributed.

(b)1. A distributor reporting extraordinary losses must furnish proof that the excise tax has not been recovered from any other source. The distributor shall provide the division with copies of all insurance claims and receipts of payment upon request by the division.

2. The distributor shall record on forms prescribed by the division the actual gallonage of breakage, spoliation, or evaporation of alcoholic beverages; the date of product destruction; the quantity destroyed, by tax classification; and a statement signed by the distributor, or the distributor's authorized employee or agent, that the product was destroyed.

3. The division shall retain all completed forms for 3 years.

(4) The division may adopt rules and forms to implement this section.

(5) This section applies retroactively to January 1, 2025.

Section 2. This act shall take effect upon becoming a law.

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 1205	**COMPANION BILL:** SB 994 (Gruters)
TITLE: Kratom	**LINKED BILLS:** None
SPONSOR(S): Black	**RELATED BILLS:** None

Committee References

Industries & Professional Activities ➤ Agriculture & Natural Resources Budget ➤ Commerce

SUMMARY

Effect of the Bill:
The bill revises the Florida Kratom Consumer Protection Act to limit the types of products that can be sold, set labeling requirements, ban the mixing of kratom with psychoactive substances, require processors hold a food establishment permit, require federal registration, and require batch testing and reporting of adverse health events.

Fiscal or Economic Impact:
Indeterminate. The bill may have an indeterminate fiscal impact on state government and the private sector.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill revises the Florida Kratom Consumer Protection Act, as follows:

- Adds definitions.
- Limits the type of kratom products that can be sold.
- Sets requirements for labeling, including a specified warning.
- Bans the mixing of kratom with psychoactive substances.
- Requires that processors hold a food establishment permit.
- Requires registration with the United States Food and Drug Administration and adherence to the applicable current good manufacturing practices in the Federal Food, Drug, and Cosmetic Act.
- Requires testing of each batch of finished kratom product.
- Requires submittal of an adverse event report when a processor becomes aware of an adverse health event suspected of being associated with a kratom product.
- Exempts certain products for sale out of state.

Definitions

The bill adds definitions for "attractive to children", "kratom", "kratom beverage", "kratom food service establishment", and "processor". The bill removes from the definition of "kratom product" reference to "an extract, synthetic alkaloid, or synthetically derived compound of such plant", thereby limiting the regulation to "the plant or any part of the plant Mitragyna speciosa". "Processor" is defined as an individual or business entity that refines kratom into ingredients for kratom products, manufactures kratom products, or packages finished kratom products for resale. (Section 1)

Kratom Products

The bill defines "finished kratom product" as "a kratom product that is ready for sale to an end user. For purposes of registration, a finished kratom product is differentiated by its ingredients, not by its weight, volume or size." The bill limits finished kratom products sold to the consumer at a retail establishment, including a food establishment[1], convenience store, or kava or kratom bar be in the following forms: dried leaf, kratom beverage, powder, pill, liquid dietary supplement, gummy or food that are not attractive to children, or capsule. Additionally, the finished kratom product must:

- Submit a certificate of analysis.
- Hold a food establishment permit or be exempt from the permit.
- Include directions for consumption on the products label, including but not limited to:
    - Maximum dosage.
    - Servings per package.
    - Milligrams of 7-hydroxymitragynine and mitragynine per serving.
    - A warning of number of servings that can safely be consumed per day.
    - A warning prohibiting the use by individuals under 21.
    - A warning against use by pregnant or breastfeeding individuals.
    - A warning advising the consumer to consult a healthcare professional before use, that it can be habit-forming, and that it might cause adverse health effects.
    - A specific warning that the statements have not been evaluated by the Food and Drug Administration.
    - The expiration date.
    - The name and place of business of the registrant.
- Not be attractive to children.
- Be in a container that is suitable for products for human consumption, is compliant with the United States Poison Prevention Packaging Act, or contains a graduated measuring device, if applicable.
- Not be adulterated or mixed with any other ingredient, including but not limited to, metals, pesticides, or pathogens, in excess of the limits set forth in this section or by Department of Agriculture and Consumer Services (DACS) rule.
- Only be sold in establishments that do not allow individuals under 21 and require age verification.
- Not be served in a form that combines or mixes finished kratom products with psychoactive substances that impact the central nervous system, including, but not limited to, alcohol, caffeine, kava, cannabinoids, and nicotine. (Section 1)

Permits and Federal Compliance

The bill requires that processors manufacturing or distributing finish kratom products hold a food service establishment permit (permit). A "kratom food service establishment" is defined as "any public food service establishment licensed under chapter 509 which sells finished kratom products."

The bill prohibits a kratom food service establishments from operating a cottage food operation.

A kratom food service establishment does not need a permit if a kratom beverage is sold with another food or beverage for consumption on the premises. However, the establishment may not sell a kratom beverage with alcohol, drugs, or another finished kratom product. A "kratom beverage" is defined as "a prepackaged liquid kratom product in the form of a tea, seltzer or tonic water, or tincture." (Section 1)

The bill requires a processor that refines, manufactures, packages, or offers for sale kratom, kratom products, or finished kratom products be properly registered with the United States Food and Drug Administration, adhere to

[1] Food establishment" means a factory, food outlet, or other facility manufacturing, processing, packing, holding, storing, or preparing food or selling food at wholesale or retail. The term does not include a business or activity regulated under s. 413.051, s. 500.80, chapter 509, or chapter 601. The term includes tomato packinghouses and repackers but does not include any other establishments that pack fruits and vegetables in their raw or natural states, including those fruits or vegetables that are washed, colored, or otherwise treated in their unpeeled, natural form before they are marketed.

the applicable current good manufacturing practices pursuant to the Federal Food, Drug, and Cosmetic Act, and maintain product liability insurance with an occurrence limit of $3 million. (Section 1)

Testing

The bill requires processors to submit, upon request, a certificate of analysis from an accredited laboratory to the Department of Agriculture and Consumer Services (DACS). The laboratory must be accredited by a third-party accrediting body as a competent testing laboratory pursuant to ISO/IEC 17025 of the International Organization for Standardization. The processor may not have any financial interest in the laboratory or the accrediting body. The processor must retain each certificate of analysis for at least 1 year after the expiration of the relevant batch of finished kratom product. (Section 1)

Each certificate of analysis must demonstrative that the finished kratom product complies with the concentration limits for the following:

- Alkaloid and alkaloid metabolites,
- Residual solvents,
- Heavy metals,
- Pesticides, and
- Any other substance limited by DACS rule. (Section 1)

The bill specifies that if:

- A laboratory fails to ensure accuracy, it must be assessed an administrative fine in an amount prescribed by DACS rule; and
- A processor fails to provide DACS a certificate of analysis within 7 days after a request, DACS must revoke the processor's permit. (Section 1)

Adverse Health Event

If a processor becomes aware of an adverse health event suspected of being associated with the use or consumption of a finished kratom product, the bill requires the processor submit to DACS an adverse event report pursuant to chapter IX of the Food and Drug Administration's Food, Drug, and Cosmetic Act. If the processor fails to report, DACS shall revoke their permit. (Section 1)

Enforcement

The bill authorizes DACS to require independent third-party testing when there is probable cause that a finished kratom product is adulterated. The processor must pay for the testing. If the processor doesn't pay within 30 days of receiving an invoice for the test, DACS must revoke its license. (Section 1)

The bill requires DACS to issue a stop-sale or stop-use order for any finished kratom product sold, distributed, manufactured, delivered, or offered for sale in violation of these provisions. The bill prohibits DACS from authorizing the removal or use of any finished kratom product which is attractive to children until the product complies with the requirements in the bill. "Attractive to children" is defined as a product manufactured in a shape that resembles a human, a cartoon character, or an animal; or in a form that resembles an existing candy product that is a widely distributed, branded food item. (Section 1)

Sale Outside the State

The bill specifies that the requirements do not apply to finished kratom products that are refined, manufactured, or packaged in this state but shipped or transported outside of the state for sale or use. However, the bill requires that those products may not be sold, shipped, or transported to a consumer in this state, a retail establishment in this state, or an individual who sells or intends to sell such products or a consumer in this state. The package must contain the message "NOT FOR USE OR RETAIL SALE IN FLORIDA". The product must be physically separated from finished kratom products that are or are intended to be sold or used in this state. (Section 1)

The bill appropriates the following funds and full-time positions (FTEs) to DACS for the 2026-2027 fiscal year for the purpose of implementing this act:

- $1,920,141.22 in recurring funds and $1,791,608 in nonrecurring funds from the General Inspection Trust Fund; and
- 24 full-time equivalent positions with associated salary rate of 1,508,152.18. (Section 2)

Effective Date

The effective date of the bill is July 1, 2026. (Section 3)

RULEMAKING:

The bill requires DACS to adopt rules establishing administrative fines for laboratories that fail to ensure accuracy of their certificates of analysis.

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

Indeterminate. The bill may increase expenditures and revenues for DACS related to additional administration and enforcement costs, and the collection of related fees and fines.

PRIVATE SECTOR:

Indeterminate. The bill may increase expenditures for manufacturers, retailers, and wholesalers to satisfy the new regulatory requirements in the bill. However, such requirements may result in a cost savings to the extent that improvements are made to the health and safety related to the consumption of kratom products.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Kratom

Kratom is a tropical tree native to Southeast Asia, which contains two major psychoactive ingredients, mitragynine and 7-hydroxymytragynine, in its leaves.[2] The leaves are crushed and then smoked, brewed with tea, or placed into gel capsules.[3] Consumption of kratom leaves can produce stimulant and sedative effects, and may also lead to psychotic symptoms.[4]

Some research has found that kratom can be used as a substitute for opiate users to combat withdrawal symptoms, as well as to treat muscle ache, fatigue, and other conditions.[5] Low doses of kratom are said to produce a stimulant effect, while higher doses may produce an opioid-like effect.[6] Additionally, research points to the potential for further development of mitragynine and the use of kratom as a harm reduction agent.[7] Even so, the toxicity of

[2] Drug Enforcement Administration, *Kratom* (April 2020), https://www.dea.gov/sites/default/files/2020-06/Kratom-2020_0.pdf (last visited Feb. 2, 2026).
[3] *Id*.
[4] *Id*.
[5] *See* Dimy Fluyau and Neelambika Revedigar, *Biochemical Benefits, Diagnosis, and Clinical Risks Evaluation of Kratom*, FRONTIERS IN PSYCH. J. VOL. 8 (April 24, 2017) https://www.frontiersin.org/articles/10.3389/fpsyt.2017.00062/full (last visited Feb. 2, 2026).
[6] Fluyau and Neelambika, *supra* note 6.
[7] *See* Charles Veltri and Oliver Grundmann, *Current Perspectives on the Impact of Kratom Use*, SUBSTANCE ABUSE AND REHAB. J. VOL. 10, 23-31 (July 1, 2019) https://pubmed.ncbi.nlm.nih.gov/31308789/ (last visited Feb. 2, 2026).

kratom remains a topic of discussion, as well as its potential to cause herb-drug interactions and even be involved in fatalities.[8] While research on kratom is in early stages, kratom itself has the potential to be addictive and has not been shown to be safe or effective for any medical use.[9]

According to the Food and Drug Administration, kratom is not appropriate for use as a dietary supplement. The FDA has concluded from available information, including scientific data, that kratom is a new dietary ingredient for which there is inadequate information to provide reasonable assurance that such ingredient does not present a significant or unreasonable risk of illness or injury and, therefore, dietary supplements that are or contain kratom are adulterated under the FD&C Act. Further, FDA has determined that kratom, when added to food, is an unsafe food additive. Based on these determinations by FDA, kratom is not lawfully marketed as a dietary supplement and cannot be lawfully added to conventional foods.[10]

In December 2023, a Tampa Bay Times analysis of medical examiner reports identified 587 Florida overdose deaths involving kratom since 2013.[11]

Florida Kratom Consumer Protection Act of 2023

In 2023, the Legislature enacted the Florida Kratom Consumer Protection Act,[12] which made it unlawful to sell, deliver, barter, furnish, or give, directly or indirectly, any kratom product to a person under 21 years of age. Violations are a second degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083, F.S.[13]

In 2024, DACS adopted rules to implement the act. The rules include the following requirements:[14]

- Each establishment distributing products consisting of or containing Kratom Products must be permitted as a Food Establishment under the Florida Food Safety Act.
- Kratom Products must be packaged and labeled as required by the Florida Food Safety Act.
- Retailers that sell Kratom must display signs regarding the age limit for purchasing Kratom.
- Food Establishments must obtain confirmation that the purchaser is 21 years of age or older before mailing the product.
- Food Establishments must require proof of age from a purchaser of any Kratom product before selling the product to that person.
- Kratom products shall not be offered for sale by means of vending machines.

The rule authorizes DACS to enforce violations by imposing stop-sale/stop-use orders, administrative fines of up to $5,000 per violation, permit suspensions, and/or revocations, and other administrative disciplinary procedures.[15]

State and Federal Prohibitions

Currently, kratom is not listed as a controlled substance under federal law. In 2016, the U.S. Drug Enforcement Administration (DEA) submitted a notice of intent to place kratom into Schedule I of the Controlled Substances Act (CSA) based on abuse potential and risk to public health.[16] However, the DEA withdrew the notice a few months

[8] *Id.*; *see also* FLORIDA DEPT. LAW ENF'T, Drugs https://www.fdle.state.fl.us/MEC/Publications-and-Forms/Documents/Drugs-in-Deceased-Persons/2021-Interim-Drug-Report-FINAL.aspx (last visited Feb. 2, 2026). In May of 2022 the Florida Department of Law Enforcement published its 2021 Interim Report, which found a 36% rise in kratom-involved deaths over the first half of 2021.
[9] NAT'L CENTER FOR COMPLEMENTARY AND INTEGRATIVE HEALTH, *Kratom*, https://www.nccih.nih.gov/health/kratom (last visited Feb. 2, 2026).
[10] U.S. Food & Drug Administration, *FDA and Kratom*, https://www.fda.gov/news-events/public-health-focus/fda-and-kratom (last visited Feb. 2, 2026).
[11] Helen Freund, Sam Ogozalek, Langston Taylor and Hannah Critchfield, Deadly Dose Part 1: Hundreds died using kratom in Florida. It was touted as safe. Tampa Bay Times, December 7, 2023, https://project.tampabay.com/investigations/deadly-dose/kratom-overdose-deaths-florida-mitragynine-testing/ (last visited Feb. 3, 2026).
[12] Ch. 2023-182, Laws of Fla.
[13] S. 500.92, F.S.
[14] R. 5K-4.030, F.A.C.
[15] *Id.*
[16] 81 FR 59929.

later based on public comments.[17] In a letter obtained by an industry group, U.S. Health and Human Services appeared to rescind their recommendation to the DEA to place kratom on Schedule I of the CSA in 2018, stating that such action should wait until it is supported by further research on kratom uses, abuse, and risks.[18] The DEA continues to label kratom as a drug of concern.[19]

The U.S. Food and Drug Administration (FDA) has stated that there is substantial concern regarding the safety of kratom and the risk it may pose to public health, and indicated that there are currently no FDA-approved uses for kratom.[20] The FDA is actively evaluating all available scientific information on the safety and effects of kratom and continues to warn consumers not to use any kratom products, but has made no official findings.[21]

In 2015, the FDA issued an import alert[22] that labels kratom as an adulterating ingredient.[23] As a result, the FDA seized imports of kratom-containing dietary supplements and bulk dietary ingredients. In May of 2021, the FDA announced the seizure of around 37,500 tons of adulterated kratom in Fort Myers, Florida, worth an estimated $1.3 million.[24] On October 26, 2021, a consent decree of condemnation and destruction against the seized articles by the FDA was entered, which required the claimants to pay a penal bond and destroy all seized articles.[25]

In July 2025, the FDA recommended a scheduling action to control certain 7-hydroxymitragynine (also known as 7-OH) products under the CSA. 7-OH is a concentrated byproduct of the kratom plant. It has the potential for abuse because of its ability to find to opioid receptors.[26]

In August 2025, Florida's Attorney General filed an emergency rule making it illegal to sell, possess, or distribute any isolated or concentrated form of 7-OH in the state.[27] The rule and a superseding emergency rule,[28] adds 7-hydroxymitragynine as a Schedule 1 drug which is described as a substance that has a high potential for abuse and has no currently accepted medical use in treatment in the United States.[29]

In 2014, Sarasota County banned kratom, labeling it as a designer drug.[30] With the exception of Sarasota County, in Florida, all parts of the plant and its extracts are legal to cultivate, buy, possess, and distribute without a license or prescription.

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[17] 81 FR 70652

[18] Josh Long, *HHS in 2018 rescinded recommendation to schedule kratom as a drug*, Jan. 28, 2021, https://www.naturalproductsinsider.com/regulatory/hhs-2018-rescinded-recommendation-schedule-kratom-drug (last visited Feb. 2, 2026).

[19] U.S. Drug Enforcement Administration, *Kratom*, https://www.dea.gov/factsheets/kratom (last visited Feb. 2, 2026).

[20] U.S. Food and Drug Administration, *FDA and Kratom*, https://www.fda.gov/news-events/public-health-focus/fda-and-kratom (last visited Feb. 2, 2026).

[21] *Id*.

[22] U.S. Food and Drug Administration, *Import Alert 54-15*, Import Alert 54-15 (fda.gov) (last visited Feb. 2, 2026).

[23] *Id*. The FDA labeled kratom as adulterating based on the absence of a history of use or other evidence of safety establishing that kratom will reasonably be expected to be safe as a dietary ingredient, kratom and kratom-containing dietary supplements and bulk dietary ingredients are adulterated because they contain a new dietary ingredient for which there is inadequate information to provide reasonable assurance that such ingredient does not present a significant or unreasonable risk of illness or injury.

[24] U.S. Food and Drug Administration, *FDA Announces Seizure of Adulterated Dietary Supplements Containing Kratom*, May 21, 2021, FDA Announces Seizure of Adulterated Dietary Supplements Containing Kratom (last visited Feb. 2, 2026).

[25] *Id*.

[26] U.S. Food and Drug Administration, *FDA Takes Steps to Restrict 7-OH Opioid Products Threatening American Consumers*, July 29, 2025, FDA Takes Steps to Restrict 7-OH Opioid Products Threatening American Consumers | FDA, (last visited February 2, 2026.)

[27] Office of the Attorney General, *Attorney General James Uthmeier Files Emergency Rule; Immediately Removing Dangerous 7-OH From Store Shelves,* August 13, 2025, Attorney General James Uthmeier Files Emergency Rule; Immediately Removing Dangerous 7-OH from Store Shelves | My Florida Legal, (last visited Feb. 3, 2026).

[28] R. 2ER25-3, F.A.C.

[29] S. 893.03(1), F.S.

[30] *See* Sarasota, FL., Code of Ordinances, Sec. 62-351 (2014).

Kratom is illegal in Alabama,[31] Arkansas,[32] Indiana,[33] Rhode Island,[34] Vermont,[35] and Wisconsin.[36] Other states such as Arizona,[37] Georgia,[38] Texas,[39] and Utah[40] regulate kratom under their state's version of the Kratom Consumer Protection Act. A total of sixteen states regulate the sale of kratom products in some fashion. The state laws are not uniform. Their differences arise in their handling of particular issues relating to kratom products. These issues include:[41]

- Age restrictions
- Marketing to children.
- Adulteration and contamination.
- Strength.
- Labeling.
- Testing and sampling.
- Registration and permitting.
- Synthetic alkaloids.
- Local authority.
- Private right of action.
- Taxation.

Federal Food, Drug, and Cosmetic Act

The Federal Food, Drug, and Cosmetic Act (FDCA) is a federal law which establishes the legal framework within which the FDA operates.[42] The FDA develops regulations under the FDCA for the safety of foods, drugs, and cosmetics based on the laws set forth in the FDCA, including when a food is adulterated.[43] Instances where a food must be determined to be adulterated include when it:[44]

- Bears or contains any poisonous or deleterious substance which may render it injurious to health; such as consisting in whole or in part of any filthy, putrid, or decomposed substance;
- Is a dietary supplement or contains a dietary ingredient that presents a significant or unreasonable risk of illness or injury under use pursuant to the label;
- Is a new dietary ingredient for which there is inadequate information to provide reasonable assurance that such ingredient does not present a significant or unreasonable risk of illness or injury.

When a food is determined to be adulterated, the FDA may take the following compliance measures:[45]

- Warning and untitled letters,
- Import alerts,
- Recalls,

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[31] *See* Alabama Public Health, *Controlled Substance List*, Jan. 20, 2021, https://www.alabamapublichealth.gov/blog/assets/controlledsubstanceslist.pdf (last visited Feb. 2, 2026).
[32] *See* Arkansas Department of Health, *List of Controlled Substances*, available at https://codeofarrules.arkansas.gov/Rules/PartDocument?partID=705 (last visited Feb. 2, 2026).
[33] *See* IC 35-31.5-2-321.
[34] Rhode Island Department of Health, *Designation of Controlled Substance*, Apr. 10, 2017, https://docs.wixstatic.com/ugd/9ba5da_9836aee2b9f04a30b55fe480fe3c6ff4.pdf (last visited Feb. 2, 2026).
[35] *See* Vt. Admin. Code 12-5-23:4.0.
[36] *See* W.S.A. 961.14.
[37] *See* AZ Rev Stat § 36-795.02.
[38] *See* GA Code § 16-13-121.
[39] Texas Health and Safety Code Ann. Ch. 444 (2023).
[40] *See* UT Code § 4-45-101.
[41] Congressional Research Service, *Kratom Regulation: Federal Status and State Approaches*, November 28, 2023, https://www.congress.gov/crs-product/LSB11082 (last visited Feb. 2, 2026).
[42] 21 U.S.C. 301.
[43] *See* 21 C.F.R. §§ 1-1299.
[44] 21 U.S.C. 342.
[45] CRS Report R43609, *Enforcement of the Food, Drug, and Cosmetic Act: Select Legal Issues*, February 9, 2018, Enforcement of the Food, Drug, and Cosmetic Act: Select Legal Issues - EveryCRSReport.com (last visited Feb. 2, 2026).

- Debarment,
- Civil money penalties,
- Seizure of products,
- Injunctions, and
- Criminal prosecution.

The Current Good Manufacturing Practice Regulations set minimum requirements for manufacturing, processing, and backing of a drug product. The regulations make sure that a product is safe to use, and it has the ingredients and strength it claims to have.[46]

Florida Food Safety Act

The purpose of the Florida Food Safety Act (Act)[47] is to safeguard and protect the consuming public from product use and merchandising deceit regarding the intrastate commerce of food. The Act is also meant to promote conformance with the Federal Food, Drug, and Cosmetic Act,[48] Agriculture Marketing Act of 1946,[49] and Federal Trade Commission Act.[50][51]

The Department of Agriculture and Consumer Services (DACS) is the agency responsible for the enforcement of the production, manufacture, transportation, and sale of food through the Act. The DACS Division of Food Safety (Division) is directly responsible for assuring the public of a safe, wholesome, and properly represented food supply.[52] The division accomplishes this through the permitting[53] and inspection[54] of food establishments,[55] the inspection and evaluation of food products, and the performance of specialized laboratory testing on a variety of food products sold or produced in Florida.[56] The Division also proactively monitors food from manufacturing and distribution to retail.[57]

As part of its responsibilities, DACS can impose a variety of disciplinary actions against food establishments for specified violations.[58] This includes, but is not limited to, revoking or suspending[59] the permit of a food establishment or imposing Class II[60] administrative fines.[61] DACS, or its duly authorized agent, can also issue and enforce a stop-sale, stop-use, removal, or hold order if DACS or its agent finds any food, food processing equipment, area, or food storage area is in violation of the Florida Food Safety Act.[62]

Many FDA regulations have been adopted as rules of the division.[63]

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[46] U.S Food and Drug Administration, *Current Good Manufacturing Practice (CGMP) Regulations*, November 21, 2025, Current Good Manufacturing Practice (CGMP) Regulations | FDA (last visited Feb. 2, 2026).
[47] *See* ch. 500, F.S.
[48] 21 U.S.C. §§ 301-399d.
[49] 7 U.S.C. §§ 1621-1629.
[50] 5 U.S.C. §§ 41-58, as amended.
[51] S. 500.02, F.S.
[52] FDACS, *Division of Food Safety*, https://www.fdacs.gov/Divisions-Offices/Food-Safety (last visited Feb. 2, 2026).
[53] S. 500.12, F.S.
[54] S. 500.147, F.S.
[55] S. 500.03(1)(p), F.S., defines "food establishment" as a factory, food outlet, or other facility manufacturing, processing, packing, holding, storing, or preparing food or selling food at wholesale or retail. The term does not include a business or activity regulated under s. 413.051, s. 500.80, chapter 509, or chapter 601. The term includes tomato packinghouses and repackers but does not include any other establishments that pack fruits and vegetables in their raw or natural states, including those fruits or vegetables that are washed, colored, or otherwise treated in their unpeeled, natural form before they are marketed.
[56] S. 500.09(6), F.S.
[57] S. 500.81(3)(b)1., F.S.
[58] S. 500.121, F.S.
[59] *Id.*
[60] The fine for each Class II violation cannot exceed $5,000. S. 570.971(1)(b), F.S.
[61] S. 500.121, F.S.
[62] S. 500.172, F.S.
[63] R. 5K-4.002, F.A.C.

The following are examples of when food is deemed adulterated: [64]

- Food that bears or contains any poisonous or deleterious substance which may render it injurious to health;
- Food that bears or contains any added poisonous or added deleterious substance; a food additive; or a color additive, which is unsafe;
- Food that is or bears or contains any food additive which is unsafe;
- Food whose container is composed, in whole or in part, of any poisonous or deleterious substance;
- Food where any substance has been substituted wholly or in part therefor;
- Food where damage or inferiority has been concealed in any manner; and
- A dietary supplement or its ingredients that present a significant risk of illness or injury due to certain labeling and ingredient requirements.

Misbranded food includes food offered for sale and its label or labeling does not comply with the requirements of 21 U.S.C. s. 343(r) pertaining to nutritional content claims and health claims. Labels for supplements may not claim to diagnose, mitigate, treat, cure, or prevent a specific disease or class of diseases.[65]

DACS may inspect food that may be adulterated or misbranded;[66] seize food that is adulterated or misbranded;[67] suspend permits of those who sell food that is adulterated or misbranded, adulterate or misbrand food, or receive food in commerce that is adulterated or misbranded;[68] and impose a fine for adulterated or misbranded food, not to exceed $5,000[69] per violation.[70]

Public Food Service Establishment

A "public food service establishment" is any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption.[71]

RECENT LEGISLATION:

YEAR	BILL #/SUBJECT	HOUSE/*SENATE* SPONSOR(S)	OTHER INFORMATION
2023	CS/HB 179 - Florida Kratom Consumer Protection Act	Andrade/ *Gruters*	The bill became law on July 1, 2023
2025	CS/HB 1489 - Kratom Products	Owen/ *Collins*	Died in Agriculture & Natural Resources Budget Subcommittee

OTHER RESOURCES:

United States Drug Enforcement Administration, Kratom

[64] S. 500.10, F.S.
[65] S. 500.11(1)(n), F.S.; 21 U.S.C. s. 343 (r)(6)(C.
[66] S. 500.147(1), F.S.
[67] S. 500.173, F.S.
[68] S. 500.12(4), F.S.
[69] S. 570.971(1)(b), F.S.
[70] S. 500.121, F.S.
[71] S. 509.013(5)(a), F.S.

7-Hydroxymitragynin (7-OH): An Assessment of the Scientific Data and Toxicological Concerns Around an Emerging Opioid Threat

United States Food & Drug Administration, FDA and Kratom

University of Florida College of Pharmacy, Kratom Resources

Cleveland Clinic, Is Kratom Safe To Use?

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Industries & Professional Activities Subcommittee			Anstead	Miralia
Agriculture & Natural Resources Budget Subcommittee				
Commerce Committee				

A bill to be entitled

An act relating to kratom; amending s. 500.92, F.S.; providing and revising definitions; providing certain requirements for the sale of kratom products at specified establishments, stores, and bars; requiring kratom product processors to hold a specified permit; providing an exception; providing kratom product processors must meet specified requirements; requiring kratom product processors to submit to the Department of Agriculture and Consumer Services a specified certificate of analysis from a laboratory; requiring such laboratory to maintain a specific accreditation; prohibiting processors from have a financial economic interest in such laboratory or accrediting body; requiring processors to retain certificate of analysis for a certain time period; requiring a specified demonstration in each certificate of analysis; requiring the department to assess an administrative fine against a laboratory in certain circumstances; requiring the department to revoke a permit held by a processor in certain circumstances; requiring processors to submit to the department an adverse event report in certain circumstances; requiring the department to revoke a processor's permit for failure to report such an event; authorizing the department to

require an independent third-party test of kratom products in certain circumstances; requiring processors to pay all costs associated with such testing; requiring the department to revoke a processor's permit if the processor does not pay such costs within a certain time period; providing specified penalties; requiring the department to issue a stop-sale or stop-use order in certain circumstances; providing applicability; providing an appropriation; providing an effective date.

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

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

500.92 Florida Kratom Consumer Protection Act.—

(1) This section may be cited as the "Florida Kratom Consumer Protection Act."

(2) As used in this section, the term:

(a) "Attractive to children" means a product manufactured:

1. In a shape that resembles a human, a cartoon character, or an animal; or

2. In a form that resembles an existing candy product that is a widely distributed, branded food item.

(b) "Finished kratom product" means a kratom product that

is ready for sale to an end user. For purposes of registration, a finished kratom product is differentiated by its ingredients, not by its weight, volume, or size.

(c) "Kratom" means the plant or any part of the plant *Mitragyna speciosa* in any form.

(d) "Kratom beverage" means a prepackaged liquid kratom product in the form of a tea, seltzer or tonic water, or tincture.

(e) "Kratom food service establishment" means any public food service establishment licensed under chapter 509 which sells finished kratom products.

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

(g) "Processor" means an individual or business entity that:

1. Refines kratom into ingredients used for the purpose of manufacturing a finished kratom product;

2. Manufactures finished kratom products; or

3. Packages finished kratom products for resale.

(3) Finished kratom products sold in this state to a

consumer at a retail establishment, including a food establishment as defined in s. 500.03(1), a convenience store, or a kava or kratom bar, must:

(a) Be in one of the following delivery forms:

1. Dried leaf;

2. Kratom beverage;

3. Powder;

4. Pill;

5. Liquid dietary supplement;

6. Gummy or food that are not attractive to children; or

7. Capsule.

(b) Submit a certificate of analysis pursuant to paragraph (4)(c).

(c) Hold a permit pursuant to paragraph (4)(a).

(d) Include directions for consumption on the product's label, including, but not limited to:

1. Maximum dosage of 100 milligrams of kratom alkaloids per serving.

2. Number of servings per package.

3. Milligrams of 7-hydroxymitragynine and mitragynine per serving.

4. A warning advising consumers of the number of servings that may be safely consumed in a 24-hour period.

5. A warning prohibiting use by individuals who are under 21 years of age.

6. A warning advising against use by individuals who are pregnant or breastfeeding.

7. A warning advising the consumer to consult a health care professional before use, that the product may be habit-forming, and that it may cause adverse health effects.

8. A warning stating the following:

THESE STATEMENTS HAVE NOT BEEN EVALUATED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION. THIS PRODUCT IS NOT INTENDED TO DIAGNOSE, TREAT, CURE, OR PREVENT ANY DISEASE.

9. The expiration date.

10. The name and place of business of the registrant.

(e) Not be attractive to children.

(f) Be in a container that:

1. Is suitable to contain products for human consumption;

2. Is compliant with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.; or

3. Contains a graduated measuring device, if applicable.

(g) Not be adulterated or mixed with any other ingredient, including, but not limited to, metals, pesticides, or pathogens, in excess of the limits set forth this section or by department rule.

(h) Only be sold in establishments that restrict entry to individuals who are under the age of 21 years and require age

verification.

(i) Not be served in a form that combines or mixes finished kratom products with psychoactive substances that impact the central nervous system, including, but not limited to, alcohol, caffeine, kava, cannabinoids, and nicotine.

(4)(a)1. Finished kratom products may only be manufactured or distributed by a processor who holds a permit issued under s. 500.12 to operate as a food establishment as defined in s. 500.03(1). A kratom food service establishment may not operate a cottage food operation pursuant to s. 500.80.

2. A kratom food service establishment is not required to hold a permit pursuant to subparagraph 1. if a kratom beverage is sold with another food or beverage for consumption on the premises of the food establishment. However, such establishment may not sell a kratom beverage with alcohol, drugs, or another finished kratom product.

(b) A processor that refines, manufactures, packages, or offers for sale kratom, kratom products, or finished kratom products must:

1. Be properly registered with the United States Food and Drug Administration.

2. Adhere to the applicable current good manufacturing practices pursuant to the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. ss. 301 et seq.; 21 C.F.R. part 210.

3. Maintain product liability insurance with an occurrence

limit of $3 million.

(c)1. For each batch of a finished kratom product, the processor shall submit to the department, upon request, a certificate of analysis from an accredited laboratory. The laboratory must be accredited by a third-party accrediting body as a competent testing laboratory pursuant to ISO/IEC 17025 of the International Organization for Standardization. The processor may not have any direct or indirect financial or economic interest in the laboratory or third-party accrediting body. The processor shall retain each certificate of analysis for at least 1 year after the expiration of the relevant batch of finished kratom product.

2. Each certificate of analysis required pursuant to subparagraph 1. must demonstrate that the finished kratom product complies with the concentration limits for:

a. Alkaloid and alkaloid metabolites.

b. Residual solvents.

c. Heavy metals, including cadmium, arsenic, mercury, and lead.

d. Pesticides.

e. Any other substance limited by department rule.

3. If a laboratory fails to ensure the accuracy of its certificates of analysis issued pursuant to this paragraph, the laboratory shall be assessed an administrative fine in an amount as prescribed by department rule.

4. If a processor fails to provide the department with a certificate of analysis within 7 days after receiving a request from the department pursuant to subparagraph 1., the department shall revoke the processor's permit.

(5)(a) If a processor becomes aware of an adverse health event suspected of being associated with the use or consumption of a finished kratom product pursuant to this section, the processor must submit to the department an adverse event report pursuant to chapter IX of the Food and Drug Administration's Food, Drug, and Cosmetic Act. If a processor fails to report such an event to the department pursuant to this paragraph, the department shall revoke the processor's permit.

(b) If probable cause exists that a finished kratom product is adulterated in violation of this section, the department may require an independent third-party test of the product by a laboratory of the department's own choosing, and the processor must pay all costs associated with the test. If the processor does not pay such costs within 30 days after receiving an invoice for the test, the department shall revoke the processor's permit. ~~(3) It is unlawful to sell, deliver, barter, furnish, or give, directly or indirectly, any kratom product to a person who is under 21 years of age.~~

(6)(a)~~(4)~~ A violation of subsection (4) ~~(3)~~ is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) The department shall exercise its authority under s. 500.172 and issue a stop-sale or stop-use order for any finished kratom product sold, distributed, manufactured, delivered, or offered for sale in violation of this section. The department may impose penalties as provided in s. 500.121. The department may not grant permission to remove or use, except for disposal, any finished kratom product subject to a stop-sale or stop-use order which is attractive to children until the finished kratom product complies with this section.

(c) A processor that sells, distributes, manufactures, delivers, or offers for sale a kratom product that contains a controlled substance or adulterants violates this section.

(7) This section does not apply to finished kratom products that are refined, manufactured, or packaged in this state, shipped or transported outside of this state for sale or use. However, such products:

(a) May not be sold, shipped, or transported to a consumer in this state, a retail establishment in this state, or an individual who sells or intends to sell such products to a consumer in this state.

(b) Must be in a package which contains the following message in capitalized text of at least 36 bold font:

NOT FOR USE OR RETAIL SALE IN FLORIDA.

(c) Must be physically separated from finished kratom products that are, or intended to be, sold or used in this state.

(8) ~~(5)~~ The department shall adopt rules to administer this section.

Section 2. For the 2026-2027 fiscal year, the sums of $1,920,141.22 in recurring funds and $1,791,608 in nonrecurring funds from the General Inspection Trust Fund are appropriated to the Department of Agriculture and Consumer Services, and 24 full-time equivalent positions with associated salary rate of 1,508,152.18 are authorized, for the purpose of implementing this act.

Section 3. This act shall take effect July 1, 2026.

INDUSTRIES & PROFESSIONAL ACTIVITIES SUBCOMMITTEE

HB 1205 by Rep. Black
Kratom

AMENDMENT SUMMARY
February 5, 2026

The amendment:

- Conforms the house version with the senate companion.
- Changes maximum dosage of alkaloids per serving from 100 milligrams to 50 milligrams.
- Prohibits the mixture of finished kratom products with an extract, synthetic alkaloid, or synthetically derived compound of kratom.
- Requires registration of finished kratom products with the Department of Agriculture.
- Clarifies that separate product registration is not required when a kratom beverage is combined with another food or beverage by the kratom food establishment for consumption on the premises.
- Removes exemption for processors from obtaining a food establishment permit.
- Clarifies enforcement and penalties.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

Committee/Subcommittee hearing bill: Industries & Professional Activities Subcommittee

Representative Black offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

500.92 Florida Kratom Consumer Protection Act.—

(1) SHORT TITLE.—This section may be cited as the "Florida Kratom Consumer Protection Act."

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

(a) "Attractive to children" means a product manufactured:

1. In a shape that resembles a human, a cartoon character, or an animal; or

2. In a form that resembles an existing candy product that is widely distributed or branded.

(b) "Finished kratom product" means a kratom product that is ready for sale to the end user. For purposes of registration, a finished kratom product is differentiated by its ingredients, not by its weight, volume, or size.

(c) "Kratom" means the plant or any part of the plant *Mitragyna speciosa* in any form.

(d) "Kratom beverage" means a prepackaged liquid kratom product in the form of a tea, a seltzer or tonic water, or a tincture.

(e) "Kratom food service establishment" means any public food service establishment licensed as provided in chapter 509 which sells finished kratom products.

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

(g) "Processor" means an entity that:

1. Refines kratom into input ingredients for the purpose of manufacturing a finished kratom product;

2. Manufactures finished kratom products; or

3. Packages finished kratom products for resale.

(3) KRATOM PRODUCT RETAIL SALE REQUIREMENTS.—Finished kratom products sold to consumers at retail establishments, including a food establishment as defined in s. 500.03(1), a convenience store, or a kava or kratom bar:

(a) Must be in one of the following delivery forms:

1. Dried leaf;

2. Kratom beverage;

3. Powder;

4. Pill;

5. Liquid dietary supplement;

6. Gummy or food; or

7. Capsule.

(b) Must possess a certificate of analysis, which must be submitted to the department pursuant to paragraph (4)(e).

(c) Must be registered with the department pursuant to this section.

(d) Must include directions for consumption of the kratom product on the product's label, including, but not limited to:

1. Maximum dosage of 50 milligrams of kratom alkaloids per serving;

2. Number of servings per package;

3. Milligrams of mitragynine and 7-hydroxymitragynine per serving;

4. A warning advising consumers of the number of servings that may be safely consumed in a 24-hour period;

5. A warning prohibiting use by individuals who are under 21 years of age;

6. A warning advising against use by individuals who are pregnant or breastfeeding;

7. A warning advising the consumer to consult a health care professional before use, that the product may be habit-forming, and that it may cause adverse health effects;

8. A warning stating the following: "These statements have not been evaluated by the United States Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.";

9. The expiration date; and

10. The name and place of business of the registrant.

(e) Must comply with the packaging and labeling requirements set forth in this chapter and with the rules adopted pursuant thereto.

(f) May not be attractive to children.

(g) Must be packaged in a container that:

1. Is suitable to contain products for human consumption.

2. Is compliant with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.

3. Contains a graduated measuring device, if applicable.

(h) May not be adulterated, including containing metals, pesticides, or pathogens in excess of the limits set by this section or department rule.

(i) May be sold only in establishments that restrict entry to persons who are 21 years of age or older and require age verification.

(j) May not be served in a form that combines or mixes finished kratom products with psychoactive substances that impact the central nervous system, including, but not limited to, alcohol, caffeine, kava, cannabinoids, phenibut, and nicotine.

(k) May not be served in a form that combines or mixes finished kratom products with an extract, synthetic alkaloid, or synthetically derived compound of kratom.

(4) PERMIT FOR PROCESSING FINISHED KRATOM PRODUCTS AND FEDERAL AND STATE REGISTRATION REQUIREMENTS FOR PROCESSORS.—

(a) Kratom products may be manufactured or distributed in this state only by a processor who holds a permit issued by the department to operate as a food establishment as defined in s. 500.03(1). A processor may not operate as a cottage food

operation pursuant to s. 500.80 and is not exempt from food permit requirements pursuant to s. 500.12(1)(a)1.

(b) A processor that manufactures, processes, packs, or offers for sale kratom, kratom products, or finished kratom products must be properly registered with the United States Food and Drug Administration as a Food Facility.

(c) A processor shall comply with 21 C.F.R. part 210.

(d) A processor shall maintain product liability insurance with an occurrence limit of $3 million.

(e) For each batch of a registered, finished kratom product, the processor shall retain and, upon request, submit a certificate of analysis to the department from an accredited laboratory. The laboratory must be accredited under the International Organization for Standardization (ISO)/International Electrotechnical Commission (IEC) 17025:2017 general requirements for competence of testing and calibration laboratories standard by an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement or a subsequent arrangement. The processor may not have any direct or indirect financial or economic interest in the laboratory or accrediting body. The processor shall maintain the certificates of analysis for a minimum of 1 year after the finished kratom product's expiration date. The certificate of analysis must demonstrate

that the finished kratom product is in compliance with the statutory and rule concentration limits for:

1. Alkaloid and alkaloid metabolites;

2. Residual solvents;

3. Heavy metals, including cadmium, arsenic, mercury, and lead; and

4. Pesticides and any substance limited by department rule.

(f) A finished kratom product served by a kratom food service establishment must comply with the requirements of this section; however, a separate product registration under this subsection is not required when a kratom beverage is combined with another food or beverage by the kratom food service establishment for consumption on premises.

(g) Subsection (3) does not apply to finished kratom products processed or manufactured in this state and subsequently shipped or transported out of this state for sale or use outside of this state.

(h) Finished kratom products produced in this state and subsequently shipped or transported out of this state for sale outside of this state:

1. May not be sold, shipped, or transported to a consumer in this state, a retail establishment in this state, or to a

person who intends to sell such products to a consumer in this state;

2. Must be in a package marked "NOT FOR USE OR RETAIL SALE IN FLORIDA" in a bold font size of at least 36 points; and

3. Must be physically separated from finished kratom products that are, or are intended to be, sold or used in this state.

(5) REPORTING AND TESTING.—

(a) If a processor or the department receives notice of any adverse health event suspected to be related to the processor's kratom product, the processor or the department must submit an adverse event report as set out in chapter 9 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. s. 379aa-1(b)(1) to the United States Food and Drug Administration.

(b) If probable cause exists that a kratom product may be adulterated, the department may require an independent third-party test of the kratom product by a laboratory of the department's choice, and the processor must pay the cost of the test. If the processor does not make such payment to the department within 30 days after receiving the invoice for the testing fee, the department must revoke the registration for that product.

(6) PROHIBITIONS.—

(a) It is unlawful to serve kratom beverages combined with alcohol, drugs, or other kratom products.

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

(7) ~~(4)~~ VIOLATIONS.—

(a) A violation of subsection (4) ~~(3)~~ is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A processor that manufactures, delivers, offers for sale, distributes, or sells a finished kratom product that violates paragraph (3)(b) or paragraph (3)(c) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(c) Kratom products possessed, manufactured, delivered, offered for sale, distributed, or sold in violation of this section by an entity regulated under this chapter are subject to s. 500.172 and an immediate stop-sale order, and the entity is subject to penalties as provided in s. 500.121. The department may not grant permission to remove or use, except for disposal, finished kratom products subject to a stop-sale order which are attractive to children until the finished kratom products comply with this section.

(d) If a processor fails to provide the department with a certificate of analysis within 7 days after receiving a request from the department or fails to immediately report an adverse health event to the department as required by this section, the department may revoke the processor's finished kratom product registration.

(e) A processor that manufactures, delivers, offers for sale, distributes, or sells a kratom product that contains any controlled substance or adulterants is in violation of this section.

(f) A laboratory that fails to ensure the accuracy of its certificates of analysis issued pursuant to this section is subject to an administrative fine as provided by department rule.

(8)~~(5)~~ RULES.—The department shall adopt rules to administer this section.

Section 2. For the 2026-2027 fiscal year, the sums of $1,920,141.22 in recurring funds and $1,791,608 in nonrecurring funds from the General Inspection Trust Fund are appropriated to the Department of Agriculture and Consumer Services, and 24 full-time equivalent positions with associated salary rate of $1,508,152.18 are authorized, for the purpose of implementing this act.

Section 3. This act shall take effect October 1, 2026.

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:
An act relating to kratom; amending s. 500.92, F.S.; defining terms; revising the definition of the term "kratom product"; requiring that finished kratom products sold to consumers at certain establishments meet certain requirements; requiring that kratom products be manufactured only by a processor who holds a certain permit issued by the Department of Agriculture and Consumer Services; prohibiting specified operations; prohibiting exemptions from certain requirements; requiring certain processors to be properly registered with the United States Food and Drug Administration; requiring processors to comply with certain regulations; requiring processors to maintain product liability insurance with a specified occurrence limit; requiring processors of a finished kratom product to retain and submit a certificate of analysis from an accredited laboratory to the Department of Agriculture and Consumer Services for each batch of finished kratom product; specifying requirements for such laboratory; prohibiting

processors from having any financial or economic interest in such laboratory or the body accrediting such laboratory; requiring processors to maintain their certificates of analysis for a specified amount of time after the finished kratom product's expiration date; requiring that the certificate of analysis demonstrate that the finished kratom product is in compliance with statutory and rule concentration limits for specified substances; requiring that certain finished kratom products comply with product registration and testing requirements; providing an exception; providing nonapplicability; providing requirements for finished kratom products produced in this state and subsequently shipped or transported out of this state for sale outside of this state; requiring a processor or the department to submit a certain report to the United States Food and Drug Administration if a processor or the department receives a certain notice; authorizing the department to conduct an independent third-party test of a kratom product if probable cause exists that the product is adulterated; requiring the processor to pay the testing cost; authorizing the department to revoke the processor's product registration if the processor

fails to pay for such test within a specified timeframe; providing prohibitions; providing criminal penalties; providing that certain kratom products are subject to a stop-sale order; authorizing the department to revoke a processor's finished kratom product registration under certain circumstances; providing that a processor whose kratom product contains a controlled substance or other prohibited substances is in violation of the act; authorizing the levying of administrative fines for laboratories that fail to comply with certain requirements; providing an appropriation; providing an effective date.

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: PCS for HB 989 **TITLE:** Motor Vehicle Manufacturers, Importers, Distributors. and Franchised Motor Vehicle Dealers **SPONSOR(S):** Industries & Professional Activities Subcommittee	**COMPANION BILL:** SB 1562 (Trumbull) **LINKED BILLS:** None **RELATED BILLS:** None

Committee References

Orig. Comm.: Industries & Professional Activities

SUMMARY

Effect of the Bill:
The bill prohibits a licensed motor vehicle manufacturer, distributor, importer or factory branch (licensee) that sells 1,000 or more vehicles of a particular line-make to motor vehicle dealers within the state during any 12-month period from selling more than 33.33 percent of such vehicles to any single dealer or group of dealers with common ownership or control. However, the bill exempts any licensee that had a franchised dealer in the state as of January 1, 2026, or if they are not otherwise prohibited from owning or operating their own dealership.

The bill expands the grounds on which a licensee may prevent or reject the succession, transfer, assignment, or sale of a motor vehicle dealership franchise to include when such action would result in the licensee selling more than 33.33 percent of its wholesale volume in the state to any single dealer or group of dealers with common ownership or control, in violation of ch. 320, F.S.

Fiscal or Economic Impact:
Indeterminate. The bill appears to have no fiscal impact on state or local government. The bill may have an indeterminate impact on the private sector.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill prohibits a licensed motor vehicle manufacturer, distributor, importer or factory branch (licensee) that sells 1,000 or more vehicles of a particular line-make to motor vehicle dealers within the state during any 12-month period from selling more than 33.33 percent of such vehicles to any single dealer or group of dealers with common ownership or control. (Section 1)

A group of dealers is commonly owned or controlled when:
- One dealer owns or controls more than 30 percent of another dealer; or
- The same person or entity owns or controls more than 30% of each dealer. (Section 1)

However, the bill exempts any licensee that had a franchised dealer in the state as of January 1, 2026, or if they are not otherwise prohibited from owning or operating their own dealership. (Section 1)

The bill expands the grounds on which a licensee may prevent or reject the succession, transfer, assignment, or sale of a motor vehicle dealership franchise to include when such action would result in the licensee selling more than 33.33 percent of its wholesale volume in the state to any single dealer or group of dealers with common ownership or control, in violation of ch. 320, F.S. (Sections 1 and 2)

The bill provides an effective date of July 1, 2026. (Section 3)

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

The bill may have an indeterminate impact on the private sector. The bill may have a positive economic impact on franchised dealers in the state as it protects their current business model.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Florida Automobile Dealership Act

The Florida Automobile Dealership Act (Act)[1] governs the licensure of, and contractual relationship between motor vehicle manufacturers,[2] distributors,[3] and importers,[4] and provides substantial protections for motor vehicle dealers. The Division of Motor Vehicles (Division) within the Department of Highway Safety and Motor Vehicles (DHSMV) administers and enforces the Act, which generally specifies:[5]

- Motor vehicle manufacturers, distributors, and importers (applicants or licensees) must be licensed under the Act to engage in business in Florida, and the conditions under which the DHSMV may deny, suspend, or revoke such licenses;
- The requirements for licensees wishing to discontinue, cancel, modify, or otherwise replace a franchise agreement with a dealer, and the conditions under which the DHSMV may deny such a request;
- The procedures licensees must follow to add a franchised dealership in an area already served by a franchised dealer, the protest process, and the DHSMV's role in such circumstances;
- The damages assessable against a licensee who violates the Act; and
- The DHSMV's authority to adopt rules to implement the Act.

Motor Vehicle Dealers

Under the Act, motor vehicle dealers[6] are classified as either franchised dealers or independent dealers. A franchised motor vehicle dealer is any person or business who engages in the business of repairing, servicing,

[1] Ch. 70-424, Laws of Fla., codified in ch. 320, F.S.

[2] "Manufacturer" means any person, whether a resident or nonresident of this state, who manufactures or assembles motor vehicles or who manufactures or installs on previously assembled truck chassis special bodies or equipment which, when installed, form an integral part of the motor vehicle and which constitute a major manufacturing alteration. The term includes a central or principal sales corporation or other entity through which, by contractual agreement or otherwise, it distributes its products. S. 320.60(11), F.S.

[3] "Distributor" means a person, resident or nonresident, who, in whole or in part, sells or distributes motor vehicles to motor vehicle dealers or who maintains distributor representatives. S. 320.60(5), F.S.

[4] "Importer" means any person who imports vehicles from a foreign country into the United States or into this state for the purpose of sale or lease. S. 320.60(7), F.S.

[5] S. 320.011, F.S.; ss. 320.60-320.70, F.S.

[6] "Motor vehicle dealer" means any person, firm, company, corporation, or other entity, who holds a license pursuant to s. 320.27, F.S. as a "franchised motor vehicle dealer" and, for commission, money, or other things of value, repairs or services motor vehicles or used motor vehicles pursuant to a franchise agreement; sells, exchanges, buys, leases or rents, or offers, or attempts to negotiate a sale or exchange of any interest in, motor vehicles; or is engaged wholly or in part in the business of selling motor vehicles, whether or not such motor vehicles are owned by such person, firm, company, or corporation. Further, any person who repairs or services three or more motor vehicles or used motor vehicles; buys, sells, or deals in three or more motor vehicles in any 12-month period; or offers or displays for sale three or more motor vehicles in any 12-month period is presumed to be a motor vehicle dealer, with exceptions. S. 320.60(13), F.S.

buying, selling, or dealing in motor vehicles pursuant to a franchise agreement.[7] An independent motor vehicle dealer is any person or business other than a franchised or wholesale motor vehicle dealer[8] who engages in the business of buying, selling, or dealing in motor vehicles, and who may service and repair motor vehicles.[9]

Currently, no person or entity may engage in business as a motor vehicle dealer without first obtaining a motor vehicle dealer license. Generally, only dealers may advertise vehicles belonging to others, unless the sale arises from a bona fide legal proceeding, court order, estate settlement, or operation of law. However, a vehicle owner may advertise and sell vehicles titled in their own name without a license.[10]

Restrictions on Owning or Operating Dealerships

The Act prohibits licensees, manufacturers, distributors, agents of a manufacturer or distributor, or any parent, subsidiary, common entity,[11] officer, or representative of a licensee from owning or operating a dealership in Florida for the sale or service of a line-make of motor vehicles that are already offered for sale under a franchise agreement with a dealer in this state.[12] However, if a manufacturer has no franchised dealers in the state for a line-make, they may be allowed to sell directly to consumers.

Other instances in which a manufacturer or distributor may own or operate a dealership include when the licensee:

- Operates a dealership temporarily, not to exceed one year, during the transition between owners.
- Temporarily operates a dealership to broaden diversity within its dealer body or provide opportunities to qualified persons who lack the resources to purchase the dealership outright, in a bona fide relationship with an independent person[13] who has made a significant investment and is reasonable expected to acquire full ownership.
- Operates a dealership when DHSMV, after a hearing, determines that no independent person is available in the community or territory to own and operate the dealership in a manner consistent with the public interest.

In all such cases, the dealership must be continually offered for sale to independent persons at a fair and reasonable price, and approval of the sale of a proposed dealer may not be unreasonably withheld.[14]

Manufacturer, Factory Branch, Distributor, and Importer Licenses

[7] "Franchise agreement" means a contract, franchise, new motor vehicle franchise, sales and service agreement, or dealer agreement or any other terminology used to describe the contractual relationship between a manufacturer, factory branch, distributor, or importer, and a motor vehicle dealer, pursuant to which the motor vehicle dealer is authorized to transact business pertaining to motor vehicles of a particular line-make. "Line-make vehicles" are those motor vehicles which are offered for sale, lease, or distribution under a common name, trademark, service mark, or brand name of the manufacturer of same. However, motor vehicles sold or leased under multiple brand names or marks shall constitute a single line-make when they are included in a single franchise agreement and every motor vehicle dealer in this state authorized to sell or lease any such vehicles has been offered the right to sell or lease all of the multiple brand names or marks covered by the single franchise agreement. S. 320.60(1) and (14), F.S.

[8] "Wholesale motor vehicle dealer" means any person who engages exclusively in the business of buying, selling, or dealing in motor vehicles at wholesale or with motor vehicle auctions. S. 320.27(c), F.S.

[9] S. 320.27(c), F.S.

[10] S. 320.27(2), F.S.

[11] "Common entity" means a person or business who is directly or indirectly controlled by, or has more than 30 percent of its equity interest directly or indirectly owned by, a manufacturer, importer, distributor, or licensee, or an affiliate thereof; or who has more than 30 percent of its equity interest directly or indirectly controlled or owned by one or more persons who also directly or indirectly control or own more than 30 percent of the equity interests of a manufacturer, an importer, a distributor, or a licensee, or an affiliate thereof. S. 320.60(2)(a), F.S.

[12] S. 320.645(1), F.S.

[13] "Independent person" means a person who is not an agent; a parent; a subsidiary; a common entity; an officer; a director; or an employed representative of a licensee, a manufacturer, an importer, or a distributor. S. 320.60(8), F.S.

[14] S. 320.645(1), F.S.

Under the Act, motor vehicle manufacturers, factory branches, distributors, and importers must be licensed before engaging in business in the state. No motor vehicle may be sold,[15] leased, or offered for sale or lease in this state unless the manufacturer, importer, or distributor of such motor vehicle is licensed under s. 320.61, F.S.[16]

Denying, Revoking, or Suspending a License

A motor vehicle manufacturer, distributor, or importer license may be denied, suspended, or revoked, for a specific location or statewide, if there is sufficient evidence of repeated violations of ch. 320, F.S., demonstrating a pattern of misconduct.[17] Current law identifies a substantial, enumerated list of conduct in which licensees are prohibited from engaging. Grounds for denying, suspending, or revoking a license generally arise from the licensee's dealings with its franchised motor vehicle dealers.[18]

Succession of a Motor Vehicle Dealership

Current law prohibits a licensee from preventing or refusing to accept the succession of a motor vehicle dealership franchise to a dealer's legal heir or devisee, notwithstanding the terms of any franchise agreement. A licensee may reject a proposed successor only if:[19]

- The heir or devisee fails to meet the licensee's written, reasonable, and uniformly applied minimum qualifications for dealer applicants; or
- Following notice and an administrative hearing, the succession is shown to be detrimental to the public interest or the licensee's representation.

Termination, Cancellation, or Nonrenewal of a Franchise Agreement

Current law requires licensees to repurchase certain property from a dealer following the voluntary or involuntary termination, cancellation or nonrenewal of a franchise agreement. Property subject to repurchase includes new vehicles with limited mileage, new and resalable parts and accessories purchased directly from the licensee, undamaged signs bearing the licensee's trademark, and special tools, automotive service equipment, and data processing equipment recommended or supplied by the licensee.[20] Specifically, the licensee must pay the dealer the net cost paid by the dealer for each new car or truck in the dealer's inventory with mileage of 2,000 miles or less, or a motor cycle with mileage of 100 miles or less, not counting mileage placed on the vehicle before it was delivered to the dealer.[21] Licensees are also responsible for reasonable costs associated with transporting, handling, packing, storing, and loading the property.

If the termination, cancellation or nonrenewal results from a plan, scheme, or corporate action intended to reduce the number of franchised dealers, or from bankruptcy or cessation of a line-make, the licensee must additionally compensate the dealer for the fair market value of the franchise, reflecting the goodwill of the dealership within its community or territory. Compensation is generally due upon tender of the property, with clear procedures for

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[15] "Sell" or "sold" includes accepting a deposit or receiving a payment for the retail purchase, lease, or other use of a motor vehicle; accepting a reservation from a retail consumer for a specific motor vehicle identified by a vehicle identification number or other product identifier; setting the retail price for the purchase, lease, or other use of a motor vehicle, but does not include setting a manufacturer's suggested retail price; offering or negotiating with a retail consumer terms for the purchase, lease, or other use of a motor vehicle; offering or negotiating with a retail consumer a value for a motor vehicle being traded in as part of the purchase, lease, or other use of a motor vehicle, but does not include a website or other means of electronic communication that identifies to a consumer a conditional trade-in value and that contains language informing the consumer that the trade-in value is not binding on any motor vehicle dealer; any transaction where the title of a motor vehicle or a used motor vehicle is transferred to a retail consumer; or any retail lease transaction where a retail consumer leases a vehicle for a period of at least 12 months, but does not include administering lease agreements, taking assignments of leases, performing required actions pursuant to such leases, or receiving payments under a lease agreement that was originated by a motor vehicle dealer. S. 320.60(16), F.S.

[16] S. 320.61, F.S.

[17] S. 320.64, F.S.

[18] Id.

[19] S. 320.64(16), F.S.

[20] S. 320.64(36), F.S.

[21] S. 320.64(36)(a)1, F.S.

returning inventory and other items. Certain transactions, including the sale of the dealer's assets or ownership interests, are exempt from these repurchase requirements.

Transfer, Assignment, or Sale of Franchise Agreements

Under current law, a motor vehicle dealer may sell, assign, transfer, or otherwise dispose of a franchise agreement to another person, including a corporation established to hold the franchise. A licensee may only refuse or penalize such a transfer if:[22]

- The proposed transferee, or the transferee's controlling executive management, is not of good moral character; or
- The transferee does not meet the licensee's written, reasonable, and uniformly applied qualifications regarding financial capacity and business experience.

A dealer seeking to transfer a franchise must provide written notice to the licensee, including the transferee's name, address, financial qualifications, and recent business experience. Subsequently, the licensee has 60 days to object in writing and specify the material reasons for rejecting the transferee. If the licensee does not respond within 60 days, the transfer is considered approved.[23] Further, any transfer is valid only if the transferee agrees in writing to comply with all existing franchise requirements, with ownership changed to the transferee.[24]

Industry Background

Historically, Florida's motor vehicle industry has been one of the largest in the country, driven by sustained population growth, high vehicle demand, and a dense network of franchised dealerships across the state. In 2024, Florida's dealership network was credited with creating over 186,400 jobs and contributing over $115 billion to the state economy.[25] As of June 2025, Florida's annual new motor vehicle sales ranked third overall in the United States, totaling almost $60 million in sales in the first half of the year.[26] Florida also had the third most motor vehicle dealers in the nation, with 943 dealers.[27]

However, the motor vehicle retail market is increasingly dominated by large dealer groups. Ongoing consolidation through mergers, acquisitions, and multi-brand ownership has concentrated market share among fewer corporate entities, many of which operate countless dealerships across the state or nationwide. For example, AutoNation, one of the largest motor vehicle retailers in the U.S., operates 51 of its 267 nationwide retail locations in Florida, where it sells 31 different motor vehicles brands, including domestic, import, and premium luxury lines.[28]

[22] S. 320.643(1)(a), F.S.
[23] Id.
[24] Id.
[25] Florida Automobile Dealers Association, *Driving Florida's Economy, Annual Contribution of Florida's New-Car Dealers*, available at https://www.flada.org/about-fada/economic-impact/ (last visited Jan. 31, 2026).
[26] National Automobile Dealers Association, *NADA Data 2025: Midyear Report*, at 5, available at https://www.nada.org/media/4694/download?inline (last visited Jan. 31, 2026).
[27] *Id*. at 3.
[28] *See* AutoNation, *2024 Annual Report*, https://s21.q4cdn.com/504511082/files/doc_financials/2024/ar/AutoNation-2025-Annual-Report.pdf (last visited Jan. 31, 2026).

RECENT LEGISLATION:

YEAR	BILL #/SUBJECT	HOUSE/*SENATE* SPONSOR(S)	OTHER INFORMATION
2025	CS/CS/HB 429 - Motor Vehicle Manufacturers and Franchised Motor Vehicle Dealers	Yeager/ *Leek*	The bill became effective July 1, 2025.
2023	CS/CS/HB 637 - Motor Vehicle Dealers, Manufacturers, Importers, and Distributors	Shoaf/ *Avila*	The bill became effective July 1, 2023.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Orig. Comm.: Industries & Professional Activities Subcommittee			Anstead	Bunnell

A bill to be entitled

An act relating to motor vehicle manufacturers, importers, distributors, and franchised motor vehicle dealers; amending s. 320.64, F.S.; amending subsection (16) to clarify when a licensee may reject the ownership succession of a motor vehicle dealer; amending (36)(a) to clarify what motor vehicles a licensee must repurchase from a motor vehicle dealer upon termination of a franchise agreement; adding subsection (44) to provide that a licensee that distributes more than 1,000 motor vehicles of a particular line make to dealers in the state within any 12-month period must have established a network of at least three independent motor vehicle dealers in the state; amending s. 320.643; amending subsections(1) and (2) to clarify when a licensee may reject a proposed change in ownership; providing an effective date.

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

Section 1. Subsections (16) and (36) of section 320.64, Florida Statutes, is amended to read, and subsection (44) is added to that section to read:

320.64 Denial, suspension, or revocation of license; grounds.—A license of a licensee under s. 320.61 may be denied,

suspended, or revoked within the entire state or at any specific location or locations within the state at which the applicant or licensee engages or proposes to engage in business, upon proof that the section was violated with sufficient frequency to establish a pattern of wrongdoing, and a licensee or applicant shall be liable for claims and remedies provided in ss. 320.695 and 320.697 for any violation of any of the following provisions. A licensee is prohibited from committing the following acts:

(16) Notwithstanding the terms of any franchise agreement, the applicant or licensee prevents or refuses to accept the succession to any interest in a franchise agreement by any legal heir or devisee under the will of a motor vehicle dealer or under the laws of descent and distribution of this state; provided, the applicant or licensee is not required to accept a succession: (i) where such heir or devisee does not meet licensee's written, reasonable, and uniformly applied minimal standard qualifications for dealer applicants; (ii) ~~or~~ which, after notice and administrative hearing pursuant to chapter 120, is demonstrated to be detrimental to the public interest or to the representation of the applicant or licensee; or (iii) where the direct result of such succession will cause the applicant or licensee to be in violation of subsection (44). Nothing contained herein, however, shall prevent a motor vehicle dealer, during his or her lifetime, from designating any person as his or her successor in interest by written instrument filed with

and accepted by the applicant or licensee. A licensee who rejects the successor transferee under this subsection shall have the burden of establishing in any proceeding where such rejection is in issue that the rejection of the successor transferee complies with this subsection.

(36)(a) Notwithstanding the terms of any franchise agreement, in addition to any other statutory or contractual rights of recovery after the voluntary or involuntary termination, cancellation, or nonrenewal of a franchise, failing to pay the motor vehicle dealer, as provided in paragraph (d), the following amounts:

1. The net cost paid by the dealer for each new motor vehicle other than motorcycles ~~car or truck~~ in the dealer's inventory with mileage of 2,000 miles or less, or ~~a~~ each new motorcycle in the dealer's inventory with mileage of 100 miles or less, exclusive of mileage placed on the motor vehicle before it was delivered to the dealer.

2. The current price charged for each new, unused, undamaged, or unsold part or accessory that:

a. Is in the current parts catalog and is still in the original, resalable merchandising package and in an unbroken lot, except that sheet metal may be in a comparable substitute for the original package; and

b. Was purchased by the dealer directly from the manufacturer or distributor or from an outgoing authorized dealer as a part of the dealer's initial inventory.

3. The fair market value of each undamaged sign owned by the dealer which bears a trademark or trade name used or claimed by the applicant or licensee or its representative which was purchased from or at the request of the applicant or licensee or its representative.

4. The fair market value of all special tools, data processing equipment, and automotive service equipment owned by the dealer which:

a. Were recommended in writing by the applicant or licensee or its representative and designated as special tools and equipment;

b. Were purchased from or at the request of the applicant or licensee or its representative; and

c. Are in usable and good condition except for reasonable wear and tear.

5. The cost of transporting, handling, packing, storing, and loading any property subject to repurchase under this section.

(44)(a) The applicant or licensee has directly or indirectly distributed 1,000 or more motor vehicles of a particular line-make to motor vehicle dealers in the state during any 12-month period, and has directly or indirectly distributed more than 33.33 percent of those same line-make motor vehicles during that 12-month period to one motor vehicle dealer or to multiple motor vehicle dealers that share common ownership or control. For purposes of this subsection, a motor

vehicle dealer shares common ownership or control with another motor vehicle dealer if:

1. It is directly or indirectly controlled by or has more than 30 percent of its equity interest directly or indirectly owned by another motor vehicle dealer; or

2. It has more than 30 percent of its equity interest directly or indirectly controlled or owned by one or more persons who also directly or indirectly control or own more than 30 percent of the equity interests of another motor vehicle dealer.

(b) This subsection shall not apply to any line-make of motor vehicle for which there exists a licensed franchised dealer in the state as of January 1, 2026, or to an applicant or licensee that is not prohibited by s. 320.645 from owning or operating a motor vehicle dealer.

A motor vehicle dealer who can demonstrate that a violation of, or failure to comply with, any of the preceding provisions by an applicant or licensee will or may adversely and pecuniarily affect the complaining dealer, shall be entitled to pursue all of the remedies, procedures, and rights of recovery available under ss. 320.695 and 320.697.

Section 2. Subsections (1) and (2) of section 320.643, Florida Statutes, are amended to read:

320.643 Transfer, assignment, or sale of franchise agreements.—

(1)(a) Notwithstanding the terms of any franchise

agreement, a licensee shall not, by contract or otherwise, fail or refuse to give effect to, prevent, prohibit, or penalize or attempt to refuse to give effect to, prohibit, or penalize any motor vehicle dealer from selling, assigning, transferring, alienating, or otherwise disposing of its franchise agreement to any other person or persons, including a corporation established or existing for the purpose of owning or holding a franchise agreement, unless the licensee proves at a hearing pursuant to a complaint filed by a motor vehicle dealer under this section that the sale, transfer, alienation, or other disposition: (i) is to a person who is not, or whose controlling executive management is not, of good moral character; or (ii) is to a person who does not meet the written, reasonable, and uniformly applied standards or qualifications of the licensee relating to financial qualifications of the transferee and business experience of the transferee or the transferee's executive management; or (iii) would directly cause the licensee to be in violation of s. 320.64(44). A motor vehicle dealer who desires to sell, assign, transfer, alienate, or otherwise dispose of a franchise shall notify, or cause the proposed transferee to notify, the licensee, in writing, setting forth the prospective transferee's name, address, financial qualifications, and business experience during the previous 5 years. A licensee who receives such notice may, within 60 days following such receipt, notify the motor vehicle dealer, in writing, that the proposed transferee is not a person qualified to be a transferee under

this section and setting forth the material reasons for such rejection. Failure of the licensee to notify the motor vehicle dealer within the 60-day period of such rejection shall be deemed an approval of the transfer. No such transfer, assignment, or sale shall be valid unless the transferee agrees in writing to comply with all requirements of the franchise then in effect, but with the ownership changed to the transferee.

(b) A motor vehicle dealer whose proposed sale is rejected may, within 60 days following such receipt of such rejection, file with the department a complaint for a determination that the proposed transferee has been rejected in violation of this section. The licensee has the burden of proof with respect to all issues raised by the complaint. The department shall determine, and enter an order providing, that the proposed transferee is either qualified or is not and cannot be qualified for specified reasons, or the order may provide the conditions under which a proposed transferee would be qualified. If the licensee fails to file such a response to the motor vehicle dealer's complaint within 30 days after receipt of the complaint, unless the parties agree in writing to an extension, or if the department, after a hearing, renders a decision other than one disqualifying the proposed transferee, the franchise agreement between the motor vehicle dealer and the licensee is deemed amended to incorporate such transfer or amended in accordance with the determination and order rendered, effective upon compliance by the proposed transferee with any conditions

set forth in the determination or order.

(2)(a) Notwithstanding the terms of any franchise agreement, a licensee shall not, by contract or otherwise, fail or refuse to give effect to, prevent, prohibit, or penalize, or attempt to refuse to give effect to, prevent, prohibit, or penalize, any motor vehicle dealer or any proprietor, partner, stockholder, owner, or other person who holds or otherwise owns an interest therein from selling, assigning, transferring, alienating, or otherwise disposing of, in whole or in part, the equity interest of any of them in such motor vehicle dealer to any other person or persons, including a corporation established or existing for the purpose of owning or holding the stock or ownership interests of other entities, unless the licensee proves at a hearing pursuant to a complaint filed by a motor vehicle dealer under this section that the sale, transfer, alienation, or other disposition: (i) is to a person who is not, or whose controlling executive management is not, of good moral character; or (ii) would directly cause the licensee to be in violation of s. 320.64(44). A motor vehicle dealer, or any proprietor, partner, stockholder, owner, or other person who holds or otherwise owns an interest in the motor vehicle dealer, who desires to sell, assign, transfer, alienate, or otherwise dispose of any interest in such motor vehicle dealer shall notify, or cause the proposed transferee to so notify, the licensee, in writing, of the identity and address of the proposed transferee. A licensee who receives such notice may,

within 60 days following such receipt, notify the motor vehicle dealer in writing that the proposed transferee is not a person qualified to be a transferee under this section and setting forth the material reasons for such rejection. Failure of the licensee to notify the motor vehicle dealer within the 60-day period of such rejection shall be deemed an approval of the transfer. Any person whose proposed sale of stock is rejected may file within 60 days of receipt of such rejection a complaint with the department alleging that the rejection was in violation of the law or the franchise agreement. The licensee has the burden of proof with respect to all issues raised by such complaint. The department shall determine, and enter an order providing, that the proposed transferee either is qualified or is not and cannot be qualified for specified reasons; or the order may provide the conditions under which a proposed transferee would be qualified. If the licensee fails to file a response to the motor vehicle dealer's complaint within 30 days of receipt of the complaint, unless the parties agree in writing to an extension, or if the department, after a hearing, renders a decision on the complaint other than one disqualifying the proposed transferee, the transfer shall be deemed approved in accordance with the determination and order rendered, effective upon compliance by the proposed transferee with any conditions set forth in the determination or order.

(b) Notwithstanding paragraph (a), a licensee may not reject a proposed transfer of a legal, equitable, or beneficial

interest in a motor vehicle dealer to a trust or other entity, or to any beneficiary thereof, which is established by an owner of any interest in a motor vehicle dealer for purposes of estate planning, if the controlling person of the trust or entity, or the beneficiary, is of good moral character.

Section 3. This act shall take effect July 1, 2026.

PCS for HB 1521

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: PCS for HB 1521	**COMPANION BILL:** None
TITLE: Domestic Animals	**LINKED BILLS:** None
SPONSOR(S): Industries & Professional Activities Subcommittee	**RELATED BILLS:** SB 1004 (Gaetz)

Committee References

Orig. Comm.: Industries & Professional Activities

SUMMARY

Effect of the Bill:
The bill requires the Department of Agriculture and Consumer Services (DACS) to develop and publish on its website a list of voluntary best management practices for dog breeders, recommending the minimum standards of care for the breeding, feeding, housing, health, enrichment, recordkeeping, selling, financing, and transferring of dogs in the state. The bill creates the Dog Awareness and Welfare Guidelines (DAWG) Breeder Program to recognize breeders who voluntarily adopt and implement the best management practices for dog breeders.

The bill modifies provisions governing the sale of cats and dogs in the state. Specifically, the bill imposes additional requirements on pet dealers; extends certain notification timeframes related to the sale of an ill or unfit animal; and clarifies jurisdiction and remedies for disputes over the sale of an animal.

The bill also requires DACS to maintain on its website information relating to animal cruelty and abuse, and instructions on how to report suspected abuse to the appropriate local authority.

Fiscal or Economic Impact:
None.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

Best Management Practices for Dog Breeders

The bill directs the Department of Agriculture and Consumer Services (DACS) to develop and publish on its website a list of voluntary best management practices for dog breeders. These practices are intended to recommend minimum standards of care related to animal care, facility operations, and breeding practices in the state. However, the bill does not require dog breeders to adopt or comply with the recommended best management practices. (Section 1)

Specifically, DACS must develop best management practices addressing the following areas:

- Breeding;
- Feeding;
- Housing;
- Health;
- Enrichment;
- Selling and transferring; and
- Record keeping. (Section 1)

In addition to the recommended best management practices for dog breeders, the bill requires DACS to develop and publish information for the public on how to identify whether a breeder is adhering to the recommended practices, including a checklist for consumers to use when purchasing a dog. (Section 1)

Dog Awareness and Welfare Guidelines (DAWG) Breeder Program

The bill creates the Dog Awareness and Welfare Guidelines (DAWG) Breeder Program to recognize dog breeders who voluntarily adopt and implement the best management practices for breeders. The DAWG Breeder Program is administered by DACS. (Section 2)

A dog breeder who voluntarily adopts the best management practices and seeks certification as a DAWG Breeder must:

- Submit an application;
- Voluntarily submit to an inspection by DACS or its designee; and
- Pay the actual cost of such inspection. (Section 2)

To conduct the qualifying inspection, DACS may contract with and designate local law enforcement or animal services, or any other public or private entity that regularly conducts animal welfare investigations. Private service providers may include veterinarians who have been licensed for at least ten years and who currently have a Florida license in good standing. If sufficient resources are not available, an applicant to the DAWG Breeder Program may either wait until such resources become available or contract with a private service provider designated and approved by DACS. (Section 2)

Upon inspection, if DACS determines that the dog breeder has voluntarily adopted and implemented the best management practices for dog breeding, the department shall issue the breeder a DAWG Breeder Certificate. Once certified, a DAWG Breeder may identify themselves as such in their professional practice, including in marketing and advertising materials. (Section 2)

A DAWG Breeder Certificate is valid for two years. However, DACS may suspend or revoke a DAWG Breeder's certification if the department determines that the breeder has failed to maintain the best management practices. (Section 2)

Consumer Protections

The bill revises ch. 828.29, F.S., governing the sale of cats and dogs to strengthen consumer protections and promote animal welfare throughout the state. Specifically, the bill:

- Extends the return or exchange period for an ill or unfit animal from 14 days to 30 days.
- Extends the timeframe within which a consumer must notify the pet dealer and provide documentation that an animal is unfit following such diagnosis, from two business days to seven days.
- Clarifies that a consumer may seek reimbursement from a pet dealer for emergency medical services and treatment provided to alleviate the suffering of an ill or unfit animal.
- Expressly prohibits a consumer from returning or exchanging, or otherwise seeking reimbursements, for an animal with a congenital or hereditary disorder, based solely on such disorder, if the pet dealer notified the consumer that the animal had such disorder at the time of the sale.
- Clarifies that jurisdiction over disputes regarding the return of an ill or unfit animal includes the county court or the small claims court division in the county where the consumer resides.
- Authorizes the consumer to recover up to $2,500 in punitive damages in a dispute involving the return of an ill or unfit animal. (Section 3)

The bill also imposes additional requirements on pet dealers, including that the pet dealer must:

- Disclose all financial terms to the consumer before the sale of an animal.
- Ensure that any pet financing arrangement is terminated without penalty to the consumer when an animal is determined to be unfit for purchase due to illness or disease.
- Retain copies of all records given to the consumer for a minimum of three years. (Section 3)

The bill revises the technical and substantive requirements for the notice that every pet dealer must provide to a consumer at the time of the sale. The notice must:

- Be separate from the sales contract.
- Be printed, in 14-point bold font.
- Be signed by the consumer.
- Specifically inform the consumer of their rights to return the animal, exchange the animal, and receive reimbursement for certain veterinary expenses under certain circumstances.

Further, the pet dealer must retain a signed copy of the notice and give the consumer a copy. (Section 3)

The bill amends the definition of "pet dealer" as used in s. 828.29, F.S., to exclude not-for-profit entities that offer animals for sale or adoption for a fee that not exceeding $500, inclusive of all taxes, fees, and other costs. (Section 3)

The bill requires DACS to maintain information on its website relating to animal cruelty and abuse, including instructions for reporting suspected abuse to the appropriate local authority. Such information must include a description of conduct that constitutes animal cruelty, the penalties for such conduct, and contact information for at least one appropriate authority in each county in the state. (Section 1)

RULEMAKING:

Currently, the Department of Agriculture and Consumer Services has the authority to adopt rules as necessary for the execution of its powers and duties.[1] The bill specifies that such authority extends as necessary to create and implement the Dog Awareness and Welfare Guidelines Breeder Program.

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Sale of Domestic Animals

The Florida Department of Agriculture and Consumer Services (DACS) has broad authority to protect consumers and businesses from unfair and unsafe business practices across various market sectors. Additionally, through its Division of Animal Industry, DACS has the authority to regulate and manage the health of domestic animals throughout the state.[2]

Florida does not currently regulate the breeding of domestic animals.[3] However, s. 828.29, F.S., provides restrictions on the sale of cats and dogs within the state, including requirements related to the animals being sold, the actions of the seller, and the conditions under which sales may occur.

A "pet dealer" is any person, firm, partnership, corporation, or other association that, in the ordinary course of business, sells more than two litters or 20 dogs or cats per year, whichever is greater, to the public. This includes breeders who sell animals directly to consumers.[4]

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[1] S. 570.07, F.S.

[2] *See* Florida Department of Agriculture and Consumer Services, *Division of Consumer Services*, https://www.fdacs.gov/Divisions-Offices/Consumer-Services (last visited Feb. 1, 2026); and Florida Department of Agriculture and Consumer Services, *Animal Industry*, https://www.fdacs.gov/Divisions-Offices/Animal-Industry (last visited Feb. 1, 2026).

[3] "Domestic animal" includes any equine or bovine animal, goat, sheep, swine, domestic cat, dog, poultry, ostrich, emu, rhea, or other domesticated beast or bird. S. 585.01(11), F.S.

[4] S. 828.29(13), F.S.

In Florida, all cats and dogs sold, offered for sale, or transported into the state must be at least 8 weeks of age.[5]

Required Medical Treatment and Documentation
Currently, all dogs and cats sold or transported into the state are required to receive tests, vaccines, and antiparasitic treatments under the supervision of a licensed veterinarian at least 14-30 days prior to the animal entering the state.[6] Animals offered for sale within the state must also be treated before sale, unless a veterinarian certifies that such treatment would not be in the animal's best medical interest.[7] All dogs and cats sold, or offered for sale, within the state must be accompanied by a current official certificate of veterinary inspection[8] at all times, detailing all medical treatment that the animal has received. The examining veterinarian must retain a copy of the official certificate of veterinary inspection for at least one year. The seller must provide a copy of the certificate to the buyer, and retain a copy for at least one year following the sale of the animal.[9]

Required Notice
Every pet dealer who sells an animal to a consumer must provide the consumer with a written notice at the time of sale. The notice must read as follows:[10]

> It is the consumer's right, pursuant to section 828.29, Florida Statutes, to receive a certificate of veterinary inspection with each dog or cat purchased from a pet dealer. Such certificate shall list all vaccines and deworming medications administered to the animal and shall state that the animal has been examined by a Florida-licensed veterinarian who certifies that, to the best of the veterinarian's knowledge, the animal was found to have been healthy at the time of the veterinary examination. In the event that the consumer purchases the animal and finds it to have been unfit for purchase as provided in section 828.29(5), Florida Statutes, the consumer must notify the pet dealer within 2 business days of the veterinarian's determination that the animal was unfit. The consumer has the right to retain, return, or exchange the animal and receive reimbursement for certain related veterinary services rendered to the animal, subject to the right of the dealer to have the animal examined by another veterinarian.

Consumer Protections

Under Florida's Lemon Pet law, consumers who purchase dogs or cats from pet dealers are entitled to specified remedies if the animal is later determined to be unfit for purchase. An animal may be deemed unfit for purchase after sale if:[11]

- Within 14 days of sale, a veterinarian certifies that the animal was ill, showing signs of contagious or infectious disease, or had internal or external parasites, excluding fleas or ticks.
- Within 1 year of the sale, a veterinarian certifies that the animal has a congenital or hereditary disorder adversely affecting the health of the animal.
- Within 1 year of the sale, the consumer discovers that the pet dealer misrepresented the breed, sex, or health of the animal.

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[5] S. 828.29(4), F.S.
[6] S. 828.29(1)(a) and (2)(a), F.S.
[7] S. 828.29(1)(b) and (2)(b), F.S.
[8] An official certificate of veterinary inspection is a document signed by a veterinarian licensed in the state of origin and accredited by the U.S. Department of Agriculture. It must include the animal's age, sex, breed, color, and health record; the names and addresses of the seller and purchaser; and the examining veterinarian's name and license number. It must also list all vaccines and deworming treatments administered with specificity. The examining veterinarian must certify that, to the best of their knowledge, the animal shows no signs of contagious or infectious disease and no evidence of internal or external parasites, excluding fleas and ticks. S. 828.29(3)(b), F.S.
[9] S. 828.29(3), F.S.
[10] S. 828.29(12), F.S.
[11] S. 828.29(5), F.S.

However, an animal may not be deemed unfit for sale based on an injury or illness that occurs after the consumer takes possession of the animal. Further, the presence of intestinal parasites alone does not render an animal unfit, unless the animal is clinically ill as a result of the condition.[12]

Right to Refund or Exchange of Animal

If a dog or cat sold by a pet dealer is determined to be unfit for purchase, the consumer may choose to:

- Return the animal for a refund, including sales tax and reasonable[13] veterinary costs;[14]
- Return the animal for an exchange of equivalent value and receive reimbursement of reasonable veterinary costs;[15] or
- Keep the animal and receive reimbursement for reasonable veterinary costs related to treatment or attempts to cure the animal.[16]

However, reimbursement for veterinary costs may not exceed the purchase price the consumer paid for the animal.[17]

Congenital or Hereditary Disorders

At the time of purchase, a consumer may sign a waiver relinquishing the right to return a dog or car due to a congenital or hereditary disorder. If such waiver is signed, the consumer has 48 normal business hours, excluding weekends and holidays, to have the animal examined by a licensed veterinarian of the consumer's choosing. If the veterinarian certifies that, at the time of sale, the dog or cat was unfit for purchase due to congenital or hereditary disorder, the pet dealer must allow the consumer to either:[18]

- Return the animal and receive a refund of the purchase price, including sales tax, but not including veterinary costs; or
- Return the animal and receive an exchange of the consumer's choice of equivalent value, with no reimbursement for veterinary costs.

However, if the pet dealer notified the consumer in writing at the time of the sale that the animal had a specific congenital or hereditary disorder, the consumer has no right to any refund or exchange for those disorders.[19]

Refund or Exchange Timeline and Notice Requirements

Upon receiving a veterinarian's determination that an animal is unfit for purchase, the consumer must notify the pet dealer within two business days. The written certification of unfitness must be submitted to the pet dealer no more than three business days after the consumer receives it.[20]

If a consumer that is entitled to return or exchange the animal elects to exercise that right, the pet dealer must provide the refund or exchange within 10 business days after receiving the signed veterinary certification.[21]

Challenged Refund or Exchange

If a pet dealer wishes to contest a consumer's demand for veterinary expenses, a refund, or an exchange, the dealer may require the consumer to produce the animal for examination by a licensed veterinarian of the pet dealer's choice. However, if the consumer and the pet dealer are unable to reach an agreement within ten business days

[12] S. 828.29(9), F.S.
[13] The cost of veterinary treatment is considered reasonable if it is comparable to the cost charged by other nearby licensed veterinarians for the same services. S. 828.29(5), F.S.
[14] S. 828.29(5)(a), F.S.
[15] S. 828.29(5)(b), F.S.
[16] S. 828.29(5)(c), F.S.
[17] S. 828.29(5), F.S.
[18] S. 828.29(6), F.S.
[19] S. 828.29(7), F.S.
[20] S. 828.29(8), F.S.
[21] Id.

after the dealer's receipt of the animal for examination, the consumer may initiate an action in a court of competent jurisdiction to recover or obtain reimbursement of veterinary expenses, a refund, or an exchange. [22]

Dog Breeding

Dog breeding refers to the practice of mating selected dogs with the intention of producing puppies that possess particular genetic traits and characteristics. Currently, Florida does not regulate dog breeding, leaving oversight of breeder practices largely unmonitored. However, many other states have established various regulatory frameworks to protect animal welfare, including implementing breeder licensing requirements, mandatory standards for housing and care, and periodic inspections to ensure compliance with animal welfare laws.[23]

Beyond regulatory oversight, programs recognizing breeder excellence are becoming increasingly common. These programs reward breeders who adhere to high standards of animal care, health, and ethical breeding practices. For example, in 2013, Purdue University's College of Veterinary Medicine created the Canine Care Certified Standards. This voluntary, nationwide program provides science-based, peer-reviewed guidelines for breeders to ensure the physical and behavioral health of dogs in the care of breeders. The Canine Care Certified program emphasizes five key pillars of care: physical health, behavioral health, environment, breeding life and retirement, and caretaker expectations. Today, 208 breeders across the country are Canine Care Certified.[24]

Similarly, in 2020, Minnesota launched a statewide breeder excellence program to recognize commercial breeders demonstrating outstanding practices in five categories: behavior and socialization, facility management, health screening, illness specific testing, and continuing education.[25]

Animal Cruelty

In Florida, animal cruelty includes any act, omission, or neglect that causes unnecessary or unjustifiable pain or suffering to any living animal.[26] A person commits the offense of animal cruelty, a first degree misdemeanor, punishable by up to one year in county jail, a fine of not more than $5,000, or both, if he or she:[27]

- Unnecessarily overloads, overdrives, torments, mutilates, or kills an animal;
- Deprives an animal of necessary sustenance or shelter;
- Causes any of the above to be done to an animal; or
- Carries an animal in or upon a vehicle, or otherwise, in a cruel or inhumane manner.

A person commits the offense of aggravated animal cruelty, a third degree felony, punishable by up to five years in prison, a fine of not more than $10,000, or both, by intentionally committing an act on an animal, or failing to act if the person owns and has custody and control of the animal, and such action or omission:[28]

- Results in the cruel death of the animal;
- The excessive or repeated infliction of unnecessary pain or suffering on the animal; or
- Causes the same to be done to the animal.

A person who is convicted of animal cruelty or aggravated animal cruelty may be prohibited from owning, possessing, keeping, harboring, or having custody or control over any animal for a period of time as determined by a court.[29]

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[22] S. 828.29(10), F.S.
[23] *See* American Society for the Prevention of Cruelty to Animals, *State Puppy Mill Chart*, https://www.aspca.org/sites/default/files/puppy-mill-chart.pdf (last visited Feb. 1, 2026).
[24] Purdue University, College of Veterinary Medicine, *Canine Care Certified*, https://vet.purdue.edu/ccc/ (last visited Feb. 1, 2026).
[25] Minnesota Board of Animal Health, *Breeder Excellence Program*, https://www.bah.state.mn.us/breeder-excellence (last visited Feb. 1, 2026).
[26] S. 828.02, F.S.
[27] S. 828.12(1), F.S.
[28] S. 828.12(2), F.S.
[29] S. 828.12(6), F.S.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Orig. Comm.: Industries & Professional Activities Subcommittee			Anstead	Bunnell

A bill to be entitled

An act relating to domestic animals; creating s. 828.291, F.S.; providing legislative findings and intent; providing applicability; requiring the Department of Agriculture and Consumer Services to post a list of voluntary best management practices for entities breeding dogs in this state; creating s. 828.2911, F.S.; creating the Dog Awareness and Welfare Guidelines (DAWG) Breeding Program; providing for voluntary participation; providing for an inspection and fee; requiring the department to provide a certificate upon completion of an inspecton; providing a process to suspend or revoke a certification; authorizing the department to adopt rules; amending s. 828.29, F.S.; requiring that if a pet sale is terminated for certain reasons, the financing agreement must be terminated without certain costs; deleting a limit on veterinary costs under certain provisions; requiring that all financial terms be disclosed to the consumer before the sale of the animal; deleting certain provisions relating to a consumer's waiver relinquishing his or her rights to return an animal; requiring a pet dealer to provide copies of specified medical records to a consumer; revising requirements for a required notice to a

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

consumer; revising the text of the required notice; requiring a pet dealer to retain a copy of a specified notice for a specified period; providing construction; providing an effective date.

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

Section 1. Section 828.291, Florida Statutes, is created to read:

828.291 Best management practices for dog breeding. —

(1) The purpose of this section is to allow voluntary participation in best management practices for minimum standards of care, facility operations, and breeding practices for individuals or entities engaged in the breeding of dogs in order to protect animal welfare, promote responsible breeding, and ensure the health and safety of animals and consumers.

(2) This section may not be construed to prohibit a local jurisdiction from implementing requirements for individuals or entities engaged in the breeding of dogs.

(3) The Department of Agriculture and Consumer Services shall develop a list of best management practices that individuals or entities engaged in the breeding of dogs may voluntarily adopt and implement. Such best management practices must include minimum standards of care, facility operations, and breeding practices for individuals or entities engaged in the

breeding of dogs including, but not limited to, the following:

(a) Breeding.

(b) Feeding.

(c) Housing.

(d) Health.

(e) Enrichment.

(f) Selling and transferring, in accordance with s. 828.29.

(g) Recordkeeping, in accordance with s. 828.29.

(4) The Department of Agriculture and Consumer Services shall post on its website guidance for the public about how to identify the breeders that are following best breeder practices and provide a checklist to use when purchasing a dog.

(5) The Department of Agriculture and Consumer Services shall post on its website information regarding animal cruelty, including a description of conduct constituting animal cruelty under s. 828.12 and s. 828.13, the penalties for such conduct, and instructions for reporting suspected animal cruelty or abuse to the appropriate local authorities, including the contact information for at least one appropriate authority for each county in the state.

Section 2. Section 828.2911, Florida Statutes, is created to read:

828.2911 Dog Awareness and Welfare Guidelines (DAWG) Breeder Program. —

(1) The Department of Agriculture and Consumer Services shall establish the Dog Awareness and Welfare Guidelines (DAWG) Breeder Program to recognize dog breeders who have voluntarily adopted and implemented the best management practices for dog breeding. The department shall certify any individual or entity that the department has determined has voluntarily adopted and implemented the best management practices for dog breeding pursuant to s. 828.291 and who has complied with this section. Such certification is good for 2 years and dog breeders may reapply at the expiration of such certification.

(2) Participants in the DAWG Breeder Program must agree to submit to inspection by the Department of Agriculture and Consumer Services, or its designee, and pay the actual cost for such inspection. Subject to appropriations, the department, or its designee, may conduct an inspection of the applicant's dog breeding program including, but not limited to, all animals located on an applicant’s premises, the breeding and housing facility of such animals, and any records of health or sale maintained by the applicant.

(a) The department may contract with and designate local law enforcement or animal services, when local staff and resources are available, or any other public or private entity that the department determines regularly conducts animal welfare investigations, to perform inspections or related investigative activities. Private service providers may include Florida

licensed veterinarians currently in good standing that have been licensed for 10 years.

(b) Local governments or enforcement authorities may contract with the department to conduct breeder inspections subject to the availability of local funding, staff, and resources. If a local government or enforcement authority determines it lacks the staff or resources to perform the inspections, such inspection may be conducted by a department approved private provider, provided that the breeder bears the cost of inspection.

(c) If sufficient resources are not available, the applicant must wait until such resources are available or contract with a private provider designated and approved by the department in order to obtain certification.

(3) If the applicant passes inspection, the department must provide the applicant a DAWG Breeder Program certificate.

(4) The department may suspend or revoke the certification of any DAWG certified dog breeder at any time if the department discovers that such breeder has failed to maintain the best management practices created pursuant to s. 828.291.

(5) A dog breeder who is certified by the program may identify such certification in their professional practice, including in marketing and advertising materials.

(6) Recognition by the program is not required for a dog breeder to engage in dog breeding in the state.

(7) The department shall adopt rules to implement this section.

Section 3. Subsections (5) through (8), (10), (12), (13) and (17) of section 828.29, Florida Statutes, are amended, and subsections (18) is added to that section, to read:

828.29 Dogs and cats transported or offered for sale; health requirements; consumer guarantee; disclosures. —

(5) If, within 30 ~~14~~ days after ~~following~~ the sale by a pet dealer of an animal subject to this section, a licensed veterinarian of the consumer's choosing certifies that, at the time of the sale, the animal was unfit for purchase due to illness or disease, the presence of symptoms of a contagious or infectious disease, or the presence of internal or external parasites, excluding fleas and ticks; or if, within 1 year after ~~following~~ the sale of an animal subject to this section, a licensed veterinarian of the consumer's choosing certifies such animal to be unfit for purchase due to a congenital or hereditary disorder which adversely affects the health of the animal; or if, within 1 year after ~~following~~ the sale of an animal subject to this section, the breed, sex, or health of such animal is found to have been misrepresented to the consumer, the pet dealer shall afford the consumer the right to choose one of the following options:

(a) The right to return the animal and receive a refund of the purchase price, including any interest accrued and ~~the~~ sales

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tax or fees paid or due from the purchaser, and reimbursement for reasonable veterinary costs directly related to the veterinarian's examination and certification that the animal ~~dog or cat~~ is unfit for purchase pursuant to this section or ~~and~~ directly related to necessary emergency services and treatment undertaken to relieve suffering of such animal. If the consumer financed the animal pursuant to a financing agreement with the pet dealer, the pet dealer must ensure that the financing arrangement is terminated without penalty to the consumer;

(b) The right to return the animal and receive an exchange ~~dog or cat~~ of the consumer's choice of equivalent value, and reimbursement for reasonable veterinary costs directly related to the veterinarian's examination and certification that the animal ~~dog or cat~~ is unfit for purchase pursuant to this section or ~~and~~ directly related to necessary emergency services and treatment undertaken to relieve suffering of such animal; or

(c) The right to retain the animal and receive reimbursement for reasonable veterinary costs for necessary services and treatment related to the attempt to cure or curing of the animal, ~~dog or cat.~~ or necessary emergency services or treatment undertaken to relieve the suffering of such animal related to such services received within 1 year of purchase.

Reimbursement for veterinary costs may not exceed the purchase price of the animal. The cost of veterinary services is

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reasonable if such costs are comparable to the cost of similar services rendered by other licensed veterinarians in proximity to the treating veterinarian and the services rendered are related to ~~appropriate for~~ the examination and certification of fitness by the veterinarian.

(6) All financial terms must be disclosed by the pet dealer to the consumer before the sale of an animal, including the total cost of the animal, any fees, taxes and, if applicable, financing charges or interest over the period financed ~~A consumer may sign a waiver relinquishing his or her right to return the dog or cat for congenital or hereditary disorders. In the case of such waiver, the consumer has 48 normal business hours, excluding weekends and holidays, in which to have the animal examined by a licensed veterinarian of the consumer's choosing. If the veterinarian certifies that, at the time of sale, the dog or cat was unfit for purchase due to a congenital or hereditary disorder, the pet dealer must afford the consumer the right to choose one of the following options:~~

~~(a) The right to return the animal and receive a refund of the purchase price, including sales tax, but excluding the veterinary costs related to the certification that the dog or cat is unfit; or~~

~~(b) The right to return the animal and receive an exchange dog or cat of the consumer's choice of equivalent value, but not a refund of the veterinary costs related to the certification~~

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~~that the dog or cat is unfit~~.

(7) Before the sale of an animal, a pet dealer must provide to the consumer copies of records of all medical examinations or tests that were conducted on the animal or any medication given before the purchase of the animal. A pet dealer may specifically state at the time of sale, in writing to the consumer, the presence of specific congenital or hereditary disorders, in which case the consumer has no right to any refund or exchange for those identified disorders, if such consumer signs a notification that indicates that the animal has been examined by a veterinarian and it has been determined that the animal has the identified specific congenital or hereditary disorder.

(8) The refund or exchange required by subsection (5) must ~~or subsection (6) shall~~ be made by the pet dealer not later than 10 business days after ~~following~~ receipt of a signed veterinary certification as required in subsection (5) ~~or subsection (6)~~. The consumer must provide notice and documentation to ~~notify~~ the pet dealer within 7 ~~2 business~~ days after receipt of the veterinarian's determination that the animal is unfit. ~~The written certification of unfitness must be presented to the pet dealer not later than 3 business days following receipt thereof by the consumer.~~

(10) If a pet dealer wishes to contest a demand for veterinary expenses, refund, or exchange made by a consumer

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under this section, the dealer may require the consumer to produce the animal for examination by a licensed veterinarian designated by the dealer. Upon such examination, if the consumer and the dealer are unable to reach an agreement that constitutes one of the options set forth in subsection (5) ~~or subsection (6)~~ within 10 business days after ~~following~~ receipt of the animal for such examination, the consumer may initiate an action in a court of competent jurisdiction, or the county court, small claims court division in the county where the animal owner resides, to recover or obtain reimbursement of veterinary expenses~~,~~ and a refund, or exchange, as set forth in subsection (5), and may collect punitive damages in an amount not less than $2,500, at the discretion of the court.

(12) Every pet dealer who sells an animal to a consumer must provide the consumer at the time of sale with a printed, written notice in 14-point bold font to be signed by the consumer~~, printed or typed~~, which is separate from the contract. The pet dealer shall retain a copy of the signed notice, and the consumer must be given a copy of the signed notice. Such notice must read ~~reads~~ as follows:

RIGHT TO CANCEL

Florida consumers have certain rights under s. 828.29, Florida Statutes. You have the right to: 1) return the animal; 2) exchange the animal; and 3) receive reimbursement for certain

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veterinary expenses under certain circumstances. Please have your new pet seen by a veterinarian immediately. A copy of this law is attached to this notice.

It is the consumer's right, pursuant to section 828.29, Florida Statutes, to receive a certificate of veterinary inspection with each animal ~~dog or cat~~ purchased from a pet dealer. Such certificate shall list all vaccines and deworming medications administered to the animal ~~and shall state that the animal,~~ and list any medical diagnosis and treatments. ~~has been examined by a Florida-licensed veterinarian who certifies that, to the best of the veterinarian's knowledge, the animal was found to have been healthy at the time of the veterinary examination.~~ In the event that the consumer purchases the animal and finds it to have been unfit for purchase as provided in section 828.29(5), Florida Statutes, the consumer must notify the pet dealer within 7 ~~2 business~~ days of the veterinarian's determination that the animal was unfit. The consumer has the right to retain, return, or exchange the animal and receive reimbursement for certain related veterinary services rendered to the animal, subject to the right of the dealer to have the animal examined by another veterinarian.

...(Signature of Animal Owner or Lessee, Purchaser, or Authorized Person)...

(13) For the purposes of this section ~~subsections (5)-(12) and (16)~~, the term "pet dealer" means any person, firm, partnership, corporation, or other association which, in the ordinary course of business, engages in the sale of more than three ~~two~~ litters, or 30 ~~20~~ dogs or cats, per year, whichever is greater, to the public. This definition includes breeders of animals who sell such animals directly to a consumer. This definition does not include not-for-profit entities that offer animals for sale or adoption as long as the total cost of such sale or adoption does not exceed $500, including all taxes and fees, or other costs.

(17) Except as otherwise provided in this chapter, a person who violates ~~any provision of~~ this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(18) Any record provided to a consumer related to the sale of an animal under this section must be maintained by the pet dealer for a period of at least 3 years after the date of sale.

Section 4. This act shall take effect July 1, 2026.