

Industries & Professional Activities Subcommittee

Thursday, February 12, 2026
9:15 AM – 11:45 AM
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 12, 2026 09:15 AM

End Date and Time: Thursday, February 12, 2026 11:45 AM

Location: Reed Hall (102 HOB)

Duration: 2.50 hrs

Consideration of the following proposed committee substitute(s):

PCS for HB 839 -- Unlicensed Practice of Engineering
PCS for HB 1109 -- Services During a State of Emergency
PCS for HB 1205 -- Kratom

Consideration of the following bill(s):

HB 959 Electronic Payment Processing Fees for Motor Vehicle Purchases by Johnson

NOTICE FINALIZED on 02/10/2026 4:42PM by Marks.Amie

HB 959

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 959 **TITLE:** Electronic Payment Processing Fees for Motor Vehicle Purchases **SPONSOR(S):** Johnson	**COMPANION BILL:** CS/SB 838 (Yarborough) **LINKED BILLS:** None **RELATED BILLS:** None

Committee References

Industries & Professional Activities ➤ Commerce

SUMMARY

Effect of the Bill:
The bill authorizes the holder of a retail installment contract, or its agent, to collect a fee for processing a retail buyer's payment under a retail installment contract as long as certain criteria are met.

Fiscal or Economic Impact:
Indeterminate. The bill appears to have no 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 defines: (Section 1)

- "Electronic payment" means a payment made by credit card, debit card, electronic funds transfer, electronic check, or other electronic method.

The bill authorizes the holder of a retail installment contract, or its agent, to collect a fee for processing a retail buyer's payment under a retail installment contract when: (Section 1)

- The fee is reasonably related to the actual expense incurred by the holder in processing the payment;
- The holder allows the retail buyer to make a payment by a method other than a payment which incurs a fee;
- The holder does not establish electronic payment as the expected form of payment; and
- The holder notifies the retail buyer of the amount of the fee and the available fee-free payment methods, before the retail buyer agrees to make a payment that incurs a fee.

The bill provides an effective date of July 1, 2026.

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

The bill may have an indeterminate fiscal impact on the private sector. The bill may have a positive impact on motor vehicle dealers by relieving them of responsibility for processing fees. However, the bill may increase costs for consumers who would be required to pay those fees.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

The Office of Financial Regulation

The Office of Financial Regulation (OFR) is the regulatory authority for Florida's financial services industry.[1] The OFR enforces and administers the Financial Institutions Codes; supervises banks, credit unions, savings associations, and international bank agencies; and licenses and regulates non-depository finance companies and the securities industry.[2]

The OFR reports to the Financial Services Commission (Commission). The Commission is an executive agency within the Department of Financial Services and is composed of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture.[3]

Regulation of Consumer Finance

The Division of Consumer Finance is responsible for licensing and overseeing different facets of non-depository financial services sectors. This includes the regulation of motor vehicle retail installment sellers, governed by ch. 520, F.S.

Florida Motor Vehicle Retail Sales Finance Act

The Florida Motor Vehicle Retail Sales Finance Act[4] regulates sellers[5] who enter into retail installment contracts with buyers[6] for the purchase or lease of a motor vehicle and holders[7] of such contracts. Under the Act, individuals, excluding banks, trust companies, savings and loan associations, or credit unions authorized to operate in Florida, must obtain a license from the OFR to conduct motor vehicle retail installment transactions.[8]

To obtain a license, an application for licensure must be submitted in a form prescribed by the Commission and include any information necessary to determine eligibility. Applicants must provide detailed personal, ownership, and background information for themselves and for any officer, director, control person, partner, joint venturer, or individual holding a 10 percent or greater ownership interest. The OFR may require information concerning any such applicant or person, including, but not limited to, their full name and any other names by which they may have been known, age, social security number, residential history, qualifications, educational and business history, and disciplinary and criminal history. [9]

Each initial application for a principal or branch location must be accompanied by a nonrefundable $175 fee, and an application is deemed received only after submission of a completed form and all required fees. Upon approval, the OFR may issue a license for a term of up to two years. [10]

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[1] Florida Office of Financial Regulation, *About Our Agency*, https://flofr.gov/aboutus/about-ofr (last visited Feb. 6, 2026).
[2] S. 20.121(3)(a)2, F.S.
[3] S. 20.121(3), F.S.
[4] Ss. 520.01-520.10, 520.12, 520.125, and 520.13, F.S.
[5] "Motor vehicle retail installment seller" or "seller" means a person engaged in the business of selling motor vehicles to retail buyers in retail installment transactions. S. 520.02(11), F.S.
[6] "Retail buyer" or "buyer" means a person who buys a motor vehicle from a seller not principally for the purpose of resale, and who executes a retail installment contract in connection therewith or a person who succeeds to the rights and obligations of such person. S. 520.02(16), F.S.
[7] "Holder" of a retail installment contract means the retail seller of a motor vehicle retail installment contract or an assignee of such contract. S. 520.02(8), F.S.
[8] S. 520.03(1), F.S.
[9] S. 520.03(2), F.S.
[10] S. 520.03(2), F.S.

A licensed entity may only transact business as a motor vehicle retail installment seller under its licensed name.[11] Further, licenses are not transferable or assignable.[12]

Retail Installment Contracts

A retail installment contract is an agreement made in Florida for a motor vehicle in which the buyer pays over time and the seller keeps title or a lien as security for the buyer's obligation. This includes conditional sales or lease-type agreements in which the bailee or lessee pays compensation for use of a motor vehicle and that effectively function as a sale by requiring or allowing the bailee or lessee to become the vehicle's owner for little or no additional cost after completing payments in accordance with the contract.[13]

Retail installment contracts must be in writing and contain a "Notice to the Buyer" which includes specified information about consumer rights under the Act.[14]

A retail installment contract must include, among other things, specific details such as a statement on the absence of liability insurance coverage for bodily injury and property damage, the names and addresses of the seller and buyer, a detailed description of the motor vehicle, including make, year, model, and identification number, as well as financial information like the amount financed,[15] finance charge,[16] total payments, total sale price, and the number, amount, and date of scheduled payments.[17]

Further, the seller is required to provide a separate written breakdown of the amount financed, disclosing the cash price, [18] down payment, [19] the difference between cash price and down payment, amounts for insurance and other benefits, and any taxes and official fees[20] not covered in the cash price.[21] This breakdown may be presented on a separate disclosure statement or within the same document as the contract, provided it is clearly and prominently segregated.[22]

Transfer of Retail Installment Contracts

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[11] S. 520.03(4), F.S.
[12] Id.
[13] S. 520.02(17), F.S.
[14] S. 520.07(1), F.S.
[15] The amount financed is calculated by determining the cash price, and subtracting any down payment; adding any other amounts that are financed by the creditor and that are not part of the finance charge, including any additional amount financed in a retail installment contract to discharge a security interest, lien, or lease interest on a motor vehicle traded in in connection with the contract; and subtracting any prepaid finance charge. S. 520.07(2)(a), F.S.
[16] "Finance charge" means the cost of consumer credit as a dollar amount. The term "finance charge" includes any charge payable directly or indirectly by the buyer and imposed directly or indirectly by the seller as an incident to or a condition of the extension of credit. The term "finance charge" does not include any charge of a type payable in a comparable cash transaction. S. 520.02(6), F.S.
[17] S. 520.07, F.S.
[18] "Cash price" means the price at which a seller, in the ordinary course of business, offers to sell for cash the property or service that is the subject of the transaction. S. 520.02(2), F.S.
[19] "Down payment" means the amount, including the value of any property used as a trade-in, paid to a seller to reduce the cash price of goods or services purchased in a credit sale transaction. A deferred portion of a down payment may be treated as part of the down payment if it is payable not later than the due date of the second otherwise regularly scheduled payment and is not subject to a finance charge. S. 520.02(5), F.S.
[20] "Official fees" means fees and charges prescribed by law which actually are or will be paid to public officials for determining the existence of, or for perfecting, releasing, or satisfying, any security related to the credit transaction, or the premium payable for any insurance in lieu of perfecting any security interest otherwise required by the creditor in connection with the transaction, if the premium does not exceed the fees and charges which would otherwise be payable to public officials. S. 520.02(13), F.S.
[21] S. 520.07(3), F.S.
[22] Id.

Under the Act, the seller of a retail installment contract may transfer or sell their interest in the contract. A sale or transfer of a retail installment contract occurs when the original seller assigns its rights under the contract to another third-party debt collector, who becomes the holder of the retail installment contract.[23]

Payment Processing Fees

A pay-to-pay fee, also known as a convenience fee, is a fee charged when a buyer makes a payment through a particular channel. Companies may allow a buyer to make a payment in person or by mail for free, but charge a fee for the convenience of taking the payment over the phone or online. These fees typically range from a few dollars to $15 or more, or are based on a percentage of the payment. [24]

Currently, the Florida Motor Vehicle Retail Sales Finance Act **does not** authorize or prohibit a seller to charge a fee specifically for processing electronic payments on motor vehicle retail installment contracts. Florida law also does not indicate whether auto financing agreements must include notice of such fees.

However, federal law, specifically the Fair Debt Collection Practices Act (FDCPA), does limit when a third-party debt collector may charge payment processing fees. A third-party debt collector is an entity that collects debts on behalf of an original creditor,[25] typically after the original creditor has assigned or sold the obligation. According to the Consumer Financial Protection Bureau (CFPB) pay-to-pay fees are "only legal if you agreed to the fee when you first took out the debt, or a law specifically allows the fee." Absent express authorization in the underlying agreement or applicable law, a debt collector may not impose or collect such fees.[26]

Although many states, including Florida, have enacted laws banning certain payment related fees, such bans have been determined to be unconstitutional. For example, in 2015, the Eleventh Circuit struck down s. 501.0117, F.S., prohibiting a seller from imposing a surcharge on the buyer for electing to use a credit card, as an unconstitutional violation of free speech.[27] Still, at least one state has adopted provisions allowing auto finance companies to charge fees for payments under certain conditions.[28]

Despite this, courts have increasingly scrutinized convenience fees charged for online or phone payments, particularly when those fees are not expressly authorized by contract or statute. In 2022, the Fourth Circuit held that charging a $5 payment fee violated Maryland law because neither the mortgage contract or state law expressly allowed it.[29] More recently, in 2025, the Eleventh Circuit held that charging any amount for making mortgage payments online or by phone when the mortgage contract did not expressly authorize such fee was a violation of the FDCPA.[30]

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[23] S. 520.08(4), F.S.
[24] Consumer Financial Protection Bureau, *What is a convenience fee or pay-to-pay fee?* (June 29, 2022) https://www.consumerfinance.gov/ask-cfpb/what-is-a-convenience-fee-or-pay-to-pay-fee-en-2126/ (last visited Feb. 6, 2026).
[25] An original creditor is the company that offers the loan or credit. Consumer Financial Protection Bureau, *Debt Collection Key Terms*, https://www.consumerfinance.gov/consumer-tools/debt-collection/answers/key-terms/ (last visited Feb. 6, 2026).
[26] 15 U.S.C. § 1692g (2010); Consumer Financial Protection Bureau, *What is a convenience fee or pay-to-pay fee?* (June 29, 2022) https://www.consumerfinance.gov/ask-cfpb/what-is-a-convenience-fee-or-pay-to-pay-fee-en-2126/ (last visited Feb. 6, 2026); *See also* Consumer Financial Protection Bureau, *Advisory Opinion: Pay-to-Pay Fees* (July 5, 2022) https://files.consumerfinance.gov/f/documents/cfpb_convenience-fees_advisory-opinion_2022-06.pdf (last visited Feb. 6, 2026).
[27] *Dana's Railroad Supply v. Attorney General, State of Florida,* 807 F.3d 1235 (11th Cir. 2015).
[28] Tex. Fin. Code § 348.416 (2025).
[29] *Alexander v. Carrington Mortgage Services, LLC,* 23 F.4th 370 (4th Cir. 2022).
[30] *Glover v. Ocwen Loan Servicing, LLC*, Nos. 23-12578 & 23-12579, 127 F.4th 1278 (11th Cir. Feb. 4, 2025).

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Industries & Professional Activities Subcommittee			Anstead	Bunnell
Commerce Committee				

A bill to be entitled

An act relating to electronic payment processing fees for motor vehicle purchases; creating s. 520.083, F.S.; defining the term "electronic payment"; authorizing holders of retail installment contracts and their agents to collect fees for processing electronic payments made by motor vehicle retail buyers under certain circumstances; providing an effective date.

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

Section 1. Section 520.083, Florida Statutes, is created to read:

520.083 Convenience fee for processing buyers' electronic payments.—

(1) As used in this section, the term "electronic payment" means a payment made by credit card, debit card, electronic funds transfer, electronic check, or other electronic method.

(2) A holder of a retail installment contract or the holder's agent may collect a fee for processing a retail buyer's electronic payment under the retail installment contract if:

(a) The fee is reasonably related to the expense incurred by the holder or holder's agent in processing the electronic payment; and

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

(b) The holder or holder's agent:

1. Allows the retail buyer to make a payment by a method other than an electronic payment which does not incur a fee;

2. Does not establish electronic payment as the expected form of payment; and

3. Informs the retail buyer of the following before the retail buyer agrees to make the electronic payment:

a. The amount of the fee to be charged under this section; and

b. That the retail buyer may make a payment by a method other than an electronic payment which does not incur a fee, including by check, cash, or money order.

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

INDUSTRIES & PROFESSIONAL ACTIVITIES SUBCOMMITTEE

HB 959 by Rep. Johnson
Electronic Payment Processing Fees for Motor Vehicle Purchases

AMENDMENT SUMMARY
February 12, 2026

Amendment #032763 by Rep. Johnson (strike):

- Imposes a processing fee limit for the use of credit cards, debit cards, and electronic payments as the lesser of $10 or 3 percent of the amount of the payment.
- Requires a holder maintain an option for the buyer to make an ACH payment without incurring a fee.
- Distinguishes ACH payments from other types of "electronic payments".

Amendment No.

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 Johnson offered the following:

Amendment

Remove everything after the enacting clause and insert:

Section 1. Section 520.105, Florida Statute, is created to read:

520.105 Convenience Fee for Processing Payments.-

(1) As used in this section, the term “electronic payment” means a payment made by credit card, debit card, electronic funds transfer, electronic check, or other electronic method. The term "ACH payment" means a payment via an automated clearing house electronic transfer from a retail buyer's bank account.

(2) A holder of a retail installment contract, or its agent, may collect a fee for processing a retail buyer’s payment

under the retail installment contract provided all of the following conditions are met:

(a) The fee is reasonably related to the actual expense incurred by the holder or its agent in processing the payment.

(b) The fee does not exceed the lesser of $10 or 3 percent of the amount of the payment; and

(c) The holder or its agent:

1. Allows the retail buyer to make a payment by a method other than a payment which incurs a fee;

2. Maintains an option for a retail buyer to make an ACH payment without collecting a fee;

3. Does not establish electronic payment as the expected form of payment; and

4. Before the retail buyer agrees to make a payment that incurs a fee, provides disclosure of all of the following:

a. The amount of the fee to be charged under this section; and

b. The retail buyer's option to make a payment by an alternative method that does not incur a fee, including by cash, check, money order, or ACH payment.

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

PCS for HB 839

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 839 **TITLE:** Unlicensed Practice of Engineering **SPONSOR(S):** Industries & Professional Activities Subcommittee	**COMPANION BILL:** CS/SB 800 (Mayfield) **LINKED BILLS:** None **RELATED BILLS:** None

Committee References

Orig. Comm.: Industries & Professional Activities

SUMMARY

Effect of the Bill:
The bill establishes an escalating fine schedule for subsequent violations of engaging in the unlicensed practice of engineering.

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

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill establishes an escalating fine schedule for subsequent violations of engaging in the unlicensed practice of engineering. The escalating fees are as follows:

- For a second violation, a fine of $10,000.
- For a third violation, a fine of $15,000.
- For a fourth violation, a fine of $20,000.
- For a fifth and any subsequent violation, a fine of $25,000. (Section 1)

The bill provides an effective date of July 1, 2026. (Section 2)

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an indeterminate fiscal impact on state revenues. The bill may have an indeterminate positive fiscal impact on state revenues due to increased fines.

PRIVATE SECTOR:

The bill would require individuals who engage in the unlicensed practice of engineering to pay increased fines for subsequent violations.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Professional Engineering

An engineer is an individual who is licensed to practice engineering. An engineer intern is an individual who has graduated from an engineering curriculum approved by the board and has passed the fundamentals of engineering examination.

The practice of engineering includes professional services that require specialized education, training, and experience in applying mathematical, physical, and engineering sciences. The term encompasses activities such as consultation, planning, design, evaluation, teaching, surveying, and construction inspection related to public or private works, utilities, systems, and products that affect life, health, or property.[1]

The practice of engineering is regulated by the Florida Board of Professional Engineers (Board) under the Department of Business and Professional Regulation (DBPR) Division of Professions.[2] The Board is responsible for reviewing applications, administering exams, licensing qualified applicants, and regulating and enforcing the proper practice of engineering in the state.[3]

The Florida Engineers Management Corporation

The administrative, investigative, and prosecutorial services for the Board are administered by the Florida Engineers Management Corporation (FEMC).[4] The FEMC is a non-profit, single purpose corporation that operates through a contract with DBPR. The FEMC may hire staff as needed to carry out its functions.[5]

Funds for the FEMC are allocated through appropriations from the Professional Regulation Trust Fund.[6] The FEMC is required to submit quarterly and annual reports on its activities and financial status to the Secretary of the DBPR, the Board, and the Legislature.[7]

Licensure Requirements

In Florida, to qualify for licensure as a professional engineer, an individual must have passed both the fundamentals examination and the principles and practices examination. Prior to being permitted to sit for the fundamentals examination, an applicant must have graduated from an approved engineering science or engineering technology curriculum of four years or more in a board-approved school, college, or university.[8]

The Board is required to certify for licensure any applicant who has submitted proof of being at least 18 years old, and having the required engineering experience. For graduates of an approved engineering science curriculum, the applicant must have a record of at least four years of active engineering experience sufficient to indicate competence to be in responsible charge of engineering. Graduates of an approved engineering technology curriculum must have a record of at least six years of such qualified experience.[9]

The FEMC is required to issue a license to any applicant who the board certifies is qualified to practice engineering and who has passed the required examinations.[10]

Unlicensed Practice of Engineering

[1] S. 471.005(7), F.S.
[2] S. 20.165(4)(a)11, F.S.
[3] Florida Board of Professional Engineers, *About the Florida Board of Professional Engineers*, https://fbpe.org/about/about-fbpe/ (last visited Feb. 9, 2026)
[4] S. 471.038(3), F.S.
[5] Id.
[6] S. 471.038(3)(j)3, F.S.
[7] S. 471.038(3)(m), F.S.
[8] S. 471.013, F.S.
[9] S. 471.015(2), F.S.
[10] S. 471.015(1), F.S.

In Florida, individuals who are not licensed by the Board are prohibited from engaging in the practice of engineering.[11] Any individual who practices engineering without a license commits a first degree misdemeanor.[12] As a result of a violation for unlicensed activity, the Board may issue:[13]

- A notice to cease and desist.
- A citation, which includes a fine.
- An administrative complaint, which may include a recommended fine, injunctive proceedings if the action continues, and criminal prosecution.

Further, the Board is authorized to impose a fine of up to $5,000 for each count or separate offense on any individual found guilty of, among other violations, engaging in the unlicensed practice of engineering.[14]

Additionally, Rule 61G15-19.004 of the Florida Administrative Code, provides the following penalties for the unlicensed practice of engineering:

VIOLATION	PENALTY RANGE		
	FIRST VIOLATION	SECOND VIOLATION	THIRD OR SUBSEQUENT VIOALTION
5. Practicing engineering without a license or using a name or title tending to indicate that such person holds an active license as an engineer. (Sections 471.031(1)(a), (b), F.S.)	In addition to referral to State Attorney's Office and denial of future application for licensure, from a $1,000 fine to a $2,500 fine.	In addition to referral to State Attorney's Office from a $2,500 fine to a $5,000 fine.	In addition to referral to State Attorney's Office, a $5,000 fine.

As part of the FEMC's quarterly reports, the Board provides regular updates on incidents of unlicensed practice of engineering in Florida. In the first quarter of 2025-26, the Board received 13 complaints alleging unlicensed activity, four of which were deemed legally sufficient.[15]

BILL HISTORY

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

[11] S. 471.031, F.S.
[12] S. 471.031(2), F.S.
[13] Florida Board of Professional Engineers, Unlicensed Activity Affects Everyone, January, 2018, available at https://fbpe.org/unlicensed-activity-affects-everyone/ (last visited Feb. 9, 2026)
[14] S. 471.033, F.S.
[15] *See* Florida Board of Professional Engineers, Quarterly Reports, *2025-26 Florida Engineers Management Corporation 1st Quarter Report*, p. 74, available at https://fbpe.org/wp-content/uploads/2025/10/2025-26-1st-Quarter-FEMC-Report.pdf.

A bill to be entitled

An act relating to unlicensed practice of engineering; amending s. 471.033, F.S.; providing penalties for persons found to have repeatedly engaged in the unlicensed practice of engineering; providing an effective date.

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

Section 1. Present subsection (4) of section 471.033, Florida Statutes, is redesignated as subsection (5), and a new subsection (4) is added to that section, to read:

471.033 Disciplinary proceedings.—

(4) Notwithstanding subsection (3), a person who violates this section by engaging in the unlicensed practice of engineering, upon a second or subsequent violation, is subject to a fine imposed by the department which increases as follows:

(a) For a second violation, a fine of $10,000.

(b) For a third violation, a fine of $15,000.

(c) For a fourth violation, a fine of $20,000.

(d) For a fifth and any subsequent violation, a fine of $25,000.

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

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

PCS for HB 1109

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 1109	**COMPANION BILL:** SB 1260 (DiCeglie)
TITLE: Services During a State of Emergency	**LINKED BILLS:** None
SPONSOR(S): Industries & Professional Activities Subcommittee	**RELATED BILLS:** None

Committee References

Orig. Comm.: Industries & Professional Activities

SUMMARY

Effect of the Bill:
The bill authorizes the Department of Management Services to enter into and maintain state term contracts with multiple vendors for the purpose of performing building code inspection services and debris removal services for the purposes of recovery following a natural disaster that is subject to a state of emergency declared by the Governor.

The bill authorizes a person that is qualified for work in any state that has entered into a state term contract or a mutual aid agreement, or who has held a valid license in any state for the five years immediately preceding the date of the declaration, to act in certain positions for up to one year after the declaration of a state of emergency for a natural emergency.

Fiscal or Economic Impact:
None

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill authorizes the Department of Management Services (department) to enter into and maintain state term contracts with multiple vendors for the purpose of performing building code inspection services and debris removal services for the purposes of recovery following a natural disaster that is subject to a state of emergency declared by the Governor. These inspection and removal services shall be available to local governments for recovery during the state of emergency. (Section 1)

The bill authorizes a person that is qualified for work in any state that has entered into a state term contract or a mutual aid agreement or who has held a valid license in any state for the five years immediately preceding the date of the declaration, to act under the direction of the local building official in the following positions for up to one year after the declaration of a state of emergency for a natural emergency issued by the Governor: (Section 2)

- Building code inspector.
- Building inspector.
- Coastal construction inspector.
- Commercial electrical inspector.
- Electrical inspector.
- Mechanical inspector.
- Plumbing inspector.
- Residential electrical inspector.

- Residential inspector.
- Plans examiner.
- Building plans examiner.
- Plumbing plans examiner.
- Mechanical plans examiner.
- Electrical plan examiner.

The bill defines "natural emergency" as an emergency caused by a natural event, including, but not limited to, a hurricane, a storm, a flood, a severe wave action, a drought, or an earthquake.[1] (Section 2)

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

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.[2]

In 1992, Hurricane Andrew demonstrated that Florida's system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study's commission recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Building Code), and that first edition replaced all local codes on March 1, 2002.[3] The current edition of the Building Code is the eighth edition, which is referred to as the 2023 Florida Building Code.[4]

Chapter 553, part IV, F.S., is known as the "Florida Building Codes Act" (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.[5]

The Florida Building Commission (Commission) was created to implement the Building Code. The Commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code. The Commission reviews several International Codes published by the International Code Council,[6] the National Electric Code, and other nationally adopted model codes to determine if the Building Code needs to be updated and adopts an updated Building Code every three years.[7]

Building Officials, Inspectors, and Plans Examiners

[1] The definition mirrors that of the State Emergency Management Act, s. 252.34(8), F.S.
[2] Florida Department of Community Affairs, *The Florida Building Commission Report to the 2006 Legislature*, p. 4, http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited Feb. 9, 2026).
[3] *Id.*
[4] Florida Building Commission Homepage, https://floridabuilding.org/c/default.aspx (last visited Feb. 9, 2026).
[5] *See* s. 553.72(1), F.S.
[6] The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to "construct safe, sustainable, affordable and resilient structures." International Code Council, *About the ICC*, https://www.iccsafe.org/about/who-we-are/ (last visited Feb. 9, 2026).
[7] S. 553.73(7)(a), F.S.

Building officials, inspectors, and plans examiners are regulated by the Building Code Administrators and Inspectors Board (the board) within the DBPR. A building code administrator, otherwise known as a building official, is a local government employee, or a person contracted by a local government, who supervises building code activities, including plans review, enforcement, and inspection.[8] A building code inspector (inspector) is a local or state government employee, or a person contracted by a local government, who inspects construction that requires permits to determine compliance with building codes and state accessibility laws.[9]

Residential Plans Inspector

A residential plans inspector (sometimes referred to as residential plans examiner) is "a person who is qualified to inspect and determine that one-family, two-family, or three-family residences not exceeding two habitable stories above no more than one uninhabitable story and accessory use structures in connection therewith are constructed in accordance with the provisions of the governing building, plumbing, mechanical, accessibility, and electrical codes."[10]

Building Inspections

Any construction work that requires a building permit also requires plans and inspections to ensure the work complies with the building code. The building code requires certain building, electrical, plumbing, mechanical, and gas inspections. Construction work may not be done beyond a certain point until it passes an inspection.

In addition to the inspections required by the building code, a building official may require other inspections of any construction work to ascertain compliance with the provisions of the building code and other laws that are enforced by the government entity.[11]

Building Code Enforcement

Local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.[12] Every local government must enforce the building code and issue building permits.[13] State agencies may also enforce the building code if current law specifically authorizes them to do so, unless they have delegated responsibility to another public entity.[14]

Interagency Service Agreements with Building Code Officials

In order to keep down costs for low-population jurisdictions, Florida allows building code administrators/officials to be authorized to perform any plan review or inspection for another jurisdiction under an interagency service agreement.[15]

Private Providers

Private providers and their duly authorized representatives are able to approve building plans and perform building code inspections as long as the plans approval and building inspections are within the scope of the provider's or representative's license.

A "private provider" is defined as a person licensed as a building official, engineer, or architect. Additionally, the term includes licensed building inspectors and plans examiners who perform inspections for additions and alterations that are limited to 1,000 square feet or less in residential buildings.[16]

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[8] S. 468.603(2), F.S.
[9] S. 468.603(4), F.S.
[10] S. 468.603(5)(h), F.S.
[11] S. 110.3, Florida Building Code, Eighth Edition.
[12] S. 553.72(2), F.S.
[13] Ss. 125.01(1)(bb), 125.56(4)(a), and 553.80(1), F.S.
[14] S. 553.80(1), F.S.
[15] S. 468.603(2), F.S. *See* example of a proposal for an interagency service agreement for building permitting and inspection services for a jurisdiction with a population of less than 50,000. City of Mexico Beach, *Request for Proposals Building Permitting and Inspection Services*, at https://mexicobeachfl.gov/uploads/2022/06/RFP-for-Building-Services-111218.pdf (last visited Feb. 9, 2026).

An owner or contractor must notify a local government that the owner or contract hired a private provider to perform building code inspection services, including single-trade inspections. If an owner or contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must reduce the permit fee by the amount of cost savings realized by the local enforcement agency for not having to perform such services. Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services. The local jurisdiction may not charge fees for building inspections if the fee owner or contractor hires a private provider to perform such services; however, the local jurisdiction may charge a reasonable administrative fee, which shall be based on the cost that is actually incurred, including the labor cost of the personnel providing the service, by the local jurisdiction or attributable to the local jurisdiction for the clerical and supervisory assistance required, or both.[17]

A local government may not charge a fee for building inspections when an owner or contractor uses a private provider but may charge a "reasonable administrative fee." A "reasonable administrative fee" must be based on the cost that is actually incurred by the local government, including the labor cost of the personnel providing the service, or the cost attributable to the local government for the clerical and supervisory assistance required, or both. [18]

Upon receipt of a building permit application and the required affidavit from the private provider, a building official has 20 business days to issue the permit or provide written notice of the plan deficiencies.[19] If the local building official does not provide written notice of plan deficiencies within the prescribed 20-day period, the permit application shall be deemed approved and must be issued on the next business day.[20]

State Emergency Management Act

The State Emergency Management Act (Act), ch. 252, F.S., was enacted to be the legal framework for this state's emergency management activities, recognizing the state's vulnerability to a wide range of emergencies, including natural, manmade, and technological disasters.[21] In order to reduce the state's vulnerability to these circumstances and to prepare to respond to them, the act promotes the state's emergency readiness through enhanced coordination, long-term planning, and adequate funding.[22]

The Act also delineates the Governor's authority to declare a state of emergency, issue executive orders, and otherwise lead the state during emergencies. If the Governor finds that an emergency[23] has occurred or is imminent, he or she must declare a state of emergency.[24] An executive order or proclamation of a state of emergency shall identify whether the state of emergency is due to a minor,[25] major,[26] or catastrophic[27] disaster.[28]

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[16] S. 553.791(1)(n), F.S.
[17] S. 553.791(2)(b), F.S.
[18] *Id.*
[19] S. 553.791(7)(a), F.S.
[20] *Id.*
[21] S. 252.311(1), F.S.
[22] S. 252.311(2) and (3), F.S.
[23] "Emergency" means any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property. *See* s. 252.34(4), F.S.
[24] S. 252.36(2), F.S.
[25] "Minor disaster" means a disaster that is likely to be within the response capabilities of local government and to result in only a minimal need for state or federal assistance. *See* s. 252.34(2)(c), F.S.
[26] "Major disaster" means a disaster that will likely exceed local capabilities and require a broad range of state and federal assistance. *See* s. 252.34(2)(b), F.S.
[27] "Catastrophic disaster" means a disaster that will require massive state and federal assistance, including immediate military involvement. *See* s. 252.34(2)(a), F.S.
[28] S. 252.36(4)(c), F.S.

The state of emergency must continue until the Governor finds that the threat or danger has been dealt with to the extent that the emergency conditions no longer exist, but no state of emergency may continue for longer than 60 days unless renewed by the Governor.[29] Additionally, the Legislature may end a state of emergency by passing a concurrent resolution.[30]

BILL HISTORY

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

[29] S. 252.36(2), F.S.
[30] S. 252.36(3), F.S.

A bill to be entitled

An act relating to services during a state of emergency; amending s. 287.056, F.S.; directing the Department of Management Services to enter into state term contracts for the provision of building code inspection services and debris removal services; creating s. 468.634, F.S.; authorizing individuals to work in specified positions if they meet certain requirements; providing an effective date.

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

Section 1. Present subsection (4) of section 287.056, Florida Statutes, is redesignated as subsection (5), and a new subsection (4) is added to that section, to read:

(4) For the purposes of recovery following a natural disaster that is subject to a state of emergency declared by the Governor, the department may enter into and maintain state term contracts with multiple vendors for the purpose of performing building code inspection services, as defined in s. 553.791, and debris removal services, and make such services available to local governments during a state of emergency.

Section 2. Section 468.634, Florida Statutes, is created to read:

468.634 Certification by Endorsement During a State of Emergency.—

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

(1) Notwithstanding any other law, a person may act in any of the following positions under the direction of the local building official, for a period of 1 year from the date of a declaration of a state of emergency issued by the Governor for a natural emergency, if such person has entered into a state term contract pursuant to s. 287.056, is qualified for such work in any state that has a mutual aid agreement pursuant to 252.40(2), or has held a valid license for such work in any state for 5 years immediately proceeding the date of the declaration:

(a) Building code inspector.

(b) Building inspector.

(c) Coastal construction inspector.

(d) Commercial electrical inspector.

(e) Electrical inspector.

(f) Mechanical inspector.

(g) Plumbing inspector.

(h) Residential electrical inspector.

(i) Residential inspector.

(j) Plans examiner.

(k) Building plans examiner.

(l) Plumbing plans examiner.

(m) Mechanical plans examiner.

(n) Electrical plans examiner.

(2) "Natural emergency" means an emergency caused by a natural event, including, but not limited to, a hurricane, a

storm, a flood, a severe wave action, a drought, or an earthquake.

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

PCS for HB 1205

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 1205	**COMPANION BILL:** SB 994 (Gruters, Martin)
TITLE: Kratom	**LINKED BILLS:** None
SPONSOR(S):	**RELATED BILLS:** None

Committee References

Orig. Comm.: Industries & Professional Activities

SUMMARY

Effect of the Bill:

The bill revises the Florida Kratom Consumer Protection Act to provide requirements for the distribution and sale of kratom products. The bill restricts the types of businesses and locations where kratom products may be sold, and creates requirements for remote sales. The bill provides penalties for violations, procedures for the seizure, confiscation, and destruction of such products, and authorizes the Department of Agriculture and Consumer Services to administer and enforce these provisions. The bill prohibits using kratom products near certain schools. The bill authorizes certain alcoholic beverage licensees to sell such products and authorizes the Department of Business and Professional Regulation Division of Alcoholic Beverages and Tobacco to discipline tobacco products dealers and nicotine products dealers for certain violations.

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 to provide requirements for the testing, certification, distribution, and sale of kratom products.

Definitions

The bill defines the following terms:

- "Attractive to children" means manufactured in the shape of or packaged in containers or packages displaying humans, or animals, that are featured in a manner other than their natural form and are in a form commonly known to appeal primarily to children, toys or cartoons that are featured in any manner, or any other forms that have similar features to humans, cartoons, animals or toys that target children; manufactured in a form or packaged in a container or package that bears any reasonable resemblance to an existing candy or snack product that is familiar to the public; or manufactured in a form or packaged in a container or package that bears any reasonable resemblance to a branded food product such that the product could be mistaken for the branded food product, especially by children.
- "Contaminants unsafe for human consumption" includes, but is not limited to, any microbe, fungus, yeast, mildew, herbicide, pesticide, fungicide, residual solvent, metal, or other contaminant found in any amount that exceeds any of the accepted limitations as determined by rules adopted by the Department of Health in accordance with s. 381.986, or other limitation pursuant to the laws of this state, whichever amount is less.
- "Independent testing laboratory" means a laboratory that:
    - Does not have a direct or indirect interest in the entity whose product is being tested;
    - Does not have a direct or indirect interest in a facility that processes, distributes, dispenses, or sells kratom products in the state or in another jurisdiction or cultivates, processes, distributes, dispenses, or sells marijuana, as defined in s. 381.986; and

    - Is certified by the Department of Health as a medical marijuana testing laboratory pursuant to s. 381.988, or is certified by the department as being substantially equivalent to a medical marijuana testing laboratory.
- "Manufacturer" means any person or entity that engages in the process of manufacturing, preparing, or packaging of kratom products.
- "Retailer" means any person or entity who sells kratom products to consumers.
- "Wholesaler" means any person or entity located inside or outside this state that delivers or sells products containing kratom to retailers or other persons for purposes of resale. (Section 1)

Certification of Laboratories

The bill requires the Department of Agriculture and Consumer Services (DACS) to certify any laboratory located within the state or another state which meets the qualifications of an independent testing laboratory. However, a medical marijuana testing laboratory certified pursuant to s. 381.988, F.S., is not required to receive certification. (Section 1)

The bill requires DACS, with the assistance of the Department of Health, to adopt rules establishing the standards for certification of independent testing laboratories, and adopt rules for the testing of kratom products. (Section 1)

The rules must include, but are not limited to:
- Security standards.
- Minimum standards for personnel.
- Sample collection methods and process standards.
- Proficiency testing for Mitragynine, 7-hydroxymitragynine, and contaminants unsafe for human consumption, as determined by department rule.
- Reporting content, format, and frequency.
- Audits and onsite inspections.
- Quality assurance.
- Equipment and methodology.
- Chain of custody.
- Any other standard the department deems necessary. (Section 1)

DACS is required to:
- Renew the certification biennially if the laboratory meets certain requirements or rules.
- Adopt rules establishing a procedure for initial certification and biennial renewal.
- Publish on its website a list of all laboratories that have received certification. (Section 1)

The bill authorizes DACS to refuse to issue, renew, suspend, or revoke, the certification of an independent testing laboratory that is found to be in violation of certain provisions or DACS rules. (Section 1)

The bill requires the laboratories that receive certification DACS to agree to random unannounced audits and onsite inspections by DACS. (Section 1)

Distribution and Retail Sales

The bill authorizes the distribution and sale of kratom products in the state under the following conditions:
- The kratom product must:
    - Not be adulterated with a dangerous non-kratom substance affecting the quality or strength of the product to a degree that renders the product injurious to a consumer.
    - Not be contaminated with contaminants unsafe for human consumption or an otherwise deleterious non-kratom substance, including a controlled substance;
    - Contain a level of 7-hydroxymitragynine in the alkaloid fraction that is no more than two percent of the overall alkaloid composition of the product; and
    - Not contain any synthetic alkaloids, including synthetic 7-hydroxymitragynine and synthetically derived compounds from a plant of the Mitragyna speciosa.

- The kratom product must be tested by the manufacturer, the wholesaler, and the retailer by an independent testing laboratory.
- The independent testing laboratory's certificate of analysis must state the kratom product was tested for:
    - Synthetic alkaloids.
    - 7-hydroxymitragynine.
    - Heavy metals.
    - Mycotoxins.
    - Pesticides.
    - Potency.
    - Residual solvents.
    - Any other controlled substance.
    - Any other substance the department deems necessary.
- The kratom product must be distributed or sold in a container that:
    - Includes scannable barcode or quick response code linked to the certificate of analysis of the kratom product;
    - Includes the kratom product testing number;
    - Includes the expiration date of the kratom product;
    - Is suitable to contain products for human consumption;
    - Is composed of materials designed to minimize exposure to light;
    - Mitigates exposure to high temperatures;
    - Is a single color and is not transparent. However, this does not apply to the universal symbol;
    - Does not contain any pictures or images other than a single logo, which may not be attractive to children and may be no more than 20 percent of the container;
    - Contains a clear and conspicuous warning developed by the department that the product is a kratom product;
    - Contains a universal symbol that indicates the presence of kratom, which must be developed by the department;
    - Is not attractive to children; and
    - Is compliant with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq., without regard to provided exemptions. For purposes of this subparagraph, a beverage in a sealed container is considered compliant with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq. (Section 1)

The bill does not require a wholesaler or retailer to test their kratom products if:
- The product is packaged in a container in a manner that may be sold to the ultimate consumer when the wholesaler or retailer receives the product from the manufacturer or wholesaler;
- The product was tested by the manufacturer or wholesaler; and
- The wholesaler or retailer does not open the container. (Section 1)

The bill restricts the retail sale and delivery of kratom products, to the following methods:
- At establishments that:
    - Have a food permit from DACS; and
    - Prohibit persons under 21 years of age on the establishment's premises.
- At establishments that have a food permit from DACS and an alcoholic beverage quota license.
    - Establishments with a quota license, that allow persons under 21 years of age on the establishment's premises, are required to place kratom products, not including beverages, in an area inaccessible to customers.
    - Such establishments may place kratom products, not including beverages, in an open display unit as long as the unit is located in an area that is inaccessible to customers; or
- In accordance with the mail order, internet, and remote sales of kratom products requirements in s. 500.93, F.S. (Section 1)

The bill prohibits kratom products from being sold, given, bartered, furnished, or delivered to consumers at festivals, fairs, trade shows, farmers markets, expositions, or pop-up retail establishments except under certain circumstances.

The bill creates a graduated schedule of penalties for violations and the prohibition on underage sales, as follows:

- **First offense**: Second degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083, F.S., F.S.
- **Second offense within 12 months of the first offense**: First degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083, F.S.
- **Third or subsequent offense within 12 months of the second offense**: Felony of the third-degree, punishable as provided in s. 775.082 or s. 775.083, F.S. (Section 1)

DACS is also authorized to take any of the following actions against any person licensed or permitted for a violation: place on probation or reprimand the licensee or permit, revoke, suspend, or deny the issuance or renewal of the license or permit, impose an administrative fine not to exceed $5,000 per violation or assess costs associated with investigation and prosecution. (Section 1)

The bill requires DACS to enforce these provisions, and requires every state attorney, sheriff, police officer, and other appropriate county or municipal officer to enforce, or assist DACS in enforcement. (Section 1)

Mail order, Internet, Remote Sales, and Age Verification

The bill provides the following definitions:

- "Consumer" means a person in the state who comes into possession of any kratom product who, at the time of possession, is not intending to sell or distribute the kratom product, or is not a retailer.
- "Delivery sale" means any sale of a kratom product to a consumer in the state for which:
  - The consumer submits the order for the sale by telephonic or other voice transmission, mail, delivery service, or the Internet or other online service; or
  - The kratom product is delivered by use of mail or a delivery service.
- "Delivery service" means any person engaged in the commercial delivery of letters, packages, or other containers.
- "Legal minimum purchase age" means the minimum age at which an individual may legally purchase kratom products in the state.
- "Retailer" has the same meaning as provided in s. 581.217, F.S.
- "Shipping container" means a container in which kratom product is shipped in connection with a delivery sale.
- "Shipping document" means a bill of lading, airbill, United States Postal Service form, or any other document used to verify the undertaking by a delivery service to deliver letters, packages, or other containers.
- “Kratom Product” has the same meaning as provided in s. 500.92.
- “Wholesaler” has the same meaning as provided in s. 500.92. (Section 2)

The bill provides that:

- The sale of kratom products constitutes a delivery sale, as defined, and is a delivery sale regardless of whether the person accepting the order for the delivery sale is located inside or outside the state.
- A retailer is required to obtain a food permit from DACS under the Florida Food Safety Act before accepting an order for a delivery sale.
- A person may not make a delivery sale of kratom product to any individual who is not 21 years of age or older.
- Each person accepting an order for a delivery sale must comply with the:
  - Age verification requirements.
  - Disclosure requirements.
  - Shipping requirements. (Section 2)

The bill prohibits mailing, shipping, or otherwise delivering kratom products in connection with an order for a delivery sale unless, before the first delivery to the consumer, the person accepting the order:

- Obtains from the person submitting the order a certification that includes:
  - Reliable confirmation that the person is 21 years of age or older; and
  - A statement signed by the person in writing and under penalty of perjury which:
    - Certifies the address and date of birth of the person; and

        - Confirms that the person wants to receive delivery sales from a kratom product retailer and understands that, under the laws of the state, the following actions are illegal:
            - Signing another person's name to the certification;
            - Selling kratom products to individuals who are not 21 years of age or older; and
            - Purchasing kratom products, if the person making the purchase is not 21 years of age or older.
    - Makes a good faith effort to verify the information contained in the certification provided by the individual against a commercially available database that may be reasonably relied upon for accurate age information or obtains a photocopy or other image of a valid government-issued identification card stating the date of birth or age of the individual.
    - Provides to the individual, via electronic mail or other means, a notice.
    - If an order for kratom products is made pursuant to an advertisement on the Internet, receives payment for the delivery sale from the consumer by a credit or debit card issued in the name of the consumer, or by personal or company check of the consumer.
    - Submits, to each credit card acquiring company with which the person has credit card sales, identification information in an appropriate form and format so that the words "kratom product" may be printed in the purchaser's credit card statement when a purchase of kratom products is made by credit card payment.
    - Makes a telephone call after 5 p.m. to the purchaser confirming the order before shipping the kratom product. The telephone call may be a person-to-person call or a recorded message. The person accepting the order for delivery sale is not required to speak directly with a person and may leave a message on an answering machine or through voice mail. (Section 2)

In addition to these shipping requirements, a person accepting an order for a delivery sale is authorized to request that a consumer provide an electronic mail address. (Section 2)

The bill requires the pre delivery shipping notice to include prominent and clearly legible statements that sales of kratom products are:

- Illegal if made to individuals who are not 21 years of age or older.
- Restricted to those individuals who provide verifiable proof of age. (Section 2)

The bill requires each person who mails, ships, or otherwise delivers kratom products in connection with an order for a delivery sale to:

- Ship the kratom product in a container that complies with the container requirements in s. 500.92, F.S.
- Include as part of the shipping documents, in a clear and conspicuous manner, the following statement: "Kratom product: Florida law prohibits shipping to individuals under 21 years of age."
- Use a method of mailing, shipping, or delivery which obligates the delivery service to require proof that the individual accepting the order for the delivery sale is 21 years of age or older and resides at the address listed on the order label, by reviewing a valid, government-issued identification card bearing a photograph of the individual who signs to accept delivery of the shipping container. (Section 2)

If the person accepting a purchase order for a delivery sale delivers the kratom product without using a delivery service, the person must comply with all of the requirements which apply to a delivery service. Any failure to comply constitutes a violation. (Section 2)

The delivery sale provisions do not apply to delivery sales of kratom products to a retailer or wholesaler. (Section 2)

The bill provides that an individual 21 years of age or older who knowingly violates any provision of the shipping requirements commits a second degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083, F.S., and the Attorney General, or a state attorney may bring an action to prevent or restrain violations. (Section 2)

Seizure and Destruction of Contraband Kratom Products

The bill provides that kratom products sold, offered for sale, delivered, or distributed contrary to any provision of ss. 500.92-500.93, F.S., of the Florida Kratom Consumer Protection Act:

- Are declared to be contraband;

- Are subject to seizure and confiscation under the Florida Contraband Forfeiture Act by any person whose duty it is to enforce those sections; and
- Must be disposed of as follows:
    - A court having jurisdiction must order such kratom products forfeited upon a showing that, by a preponderance of the evidence, such devices were sold, offered for sale, delivered, or distributed contrary to any provision of ss. 500.92-500.93, F.S. Once any chapter 120, F.S. proceedings related to such products have been completed, the court must order any seized kratom products destroyed except as provided by applicable court orders. A record of the place where such products were seized, the kinds and quantities of such products destroyed, and the time, place, and manner of the destruction of such products must be kept, and a return under oath reporting the destruction must be made to the court by the officer who destroys such products.
    - DACS or seizing law enforcement agency must keep a full and complete record of all products seized under this section showing:
        - The exact kinds, quantities, and forms of such products;
        - The persons from whom such products were seized and to whom they were delivered;
        - By whose authority such products were seized, delivered, and destroyed; and
        - The dates of the seizure, disposal, or destruction of such products.
    - Such record must be open to inspection by all persons charged with the enforcement of ss. 500.92-500.93, F.S.
    - The cost of seizure, confiscation, and destruction of contraband kratom products is borne by the person from whom such products are seized.
    - Except as otherwise provided, the procedures of the Florida Contraband Forfeiture Act apply to this Act.
    - Kratom products has the same meaning as provided in s. 500.92, F.S. (Section 3)

Ingesting Kratom Products Near School Property

The bill prohibits ingesting kratom products in, on, or within 1,000 feet of the real property comprising a public or private elementary, middle, or secondary school between the hours of 6 a.m. and midnight. This section does not apply to any person occupying a moving vehicle or within a private residence. (Section 4)

The bill authorizes law enforcement officers to issue a citation as prescribed by a county or municipality for violations, that include:

- The date and time of issuance.
- The name and address of the person cited.
- The date and time the civil infraction was committed.
- The statute violated.
- The facts constituting the violation.
- The name and authority of the law enforcement officer.
- The procedure for the person to follow to pay the civil penalty, to contest the citation, or to appear in court.
- The applicable civil penalty if the person elects not to contest the citation.
- The applicable civil penalty if the person elects to contest the citation. (Section 4)

The bill provides that such citations are deemed a civil infraction punishable by a maximum civil penalty of $25, or 50 hours of community service or, where available, successful completion of a school-approved anti-drug "alternative to suspension" program. (Section 4)

The bill provides that failure to comply with the citation is deemed as a waiver of the right to contest the citation and an order to show cause may be issued by the court. (Section 4)

Division of Alcoholic Beverages and Tobacco

The bill authorizes:

- An alcoholic beverage vendor licensed to operate a place of business where beverages are sold only in sealed containers for consumption off the premises (package store licensee) to sell kratom products in accordance with the Florida Kratom Consumer Protection Act. (Section 5)

- An alcoholic beverage quota licensee to sell kratom products in accordance with the Florida Kratom Consumer Protection Act. (Section 6)
- The Department of Business and Professional Regulation (DBPR) Division of Alcoholic Beverages and Tobacco (ABT) to discipline the permit of a retail tobacco products dealer, or a retail nicotine products dealer, for violations of the Florida Kratom Consumer Protection Act. (Section 7 and 8)

Effective Date
The effective date of the bill is January 1, 2026. (Section 9)

RULEMAKING:

The bill requires DACS to adopt rules:
- Establishing standards for certification of independent testing laboratories.
- For the testing of kratom products.
- A procedure for initial certification and biennial renewal.

The bill requires the Department of Health to assist DACS in developing rules for the certification of independent testing laboratories.

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 and DBPR, 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.[1] The leaves are crushed and then smoked, brewed with tea, or placed into gel capsules.[2] Consumption of kratom leaves can produce stimulant and sedative effects, and may also lead to psychotic symptoms.[3]

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.[4] Low doses of kratom are said to produce a stimulant effect, while higher doses may produce an opioid-like effect.[5] Additionally, research points to the potential for

[1] Drug Enforcement Administration, *Kratom* (April 2020), https://www.dea.gov/sites/default/files/2020-06/Kratom-2020_0.pdf (last visited Feb. 10, 2026).
[2] *Id*.
[3] *Id*.
[4] *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 10, 2026).
[5] Fluyau and Neelambika, *supra* note 6.

further development of mitragynine and the use of kratom as a harm reduction agent.[6] Even so, the toxicity of kratom remains a topic of discussion, as well as its potential to cause herb-drug interactions and even be involved in fatalities.[7] 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.[8]

According to the FDA, 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.[9]

In December 2023, a Tampa Bay Times analysis of medical examiner reports identified 587 Florida overdose deaths involving kratom since 2013.[10]

Florida Kratom Consumer Protection Act of 2023

In 2023, the Legislature enacted the Florida Kratom Consumer Protection Act,[11] 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.[12]

The Florida Department of Agriculture and Consumer Services (DACS) is required to adopt rules to implement the act. The rules include the following requirements:[13]

- Each establishment distributing products consisting of or containing kratom products must be permitted as a Food Establishment pursuant 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.[14]

State and Federal Prohibitions

Currently, kratom is not listed as a controlled substance under federal law or Florida law. In 2016, the U.S. Drug Enforcement Administration (DEA) submitted a notice of intent to place kratom into Schedule I of the Controlled

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[6] *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. 10, 2026).
[7] *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. 10, 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.
[8] NAT'L CENTER FOR COMPLEMENTARY AND INTEGRATIVE HEALTH, *Kratom*, https://www.nccih.nih.gov/health/kratom (last visited Feb. 10, 2026).
[9] U.S. Food & Drug Administration, *FDA and Kratom*, https://www.fda.gov/news-events/public-health-focus/fda-and-kratom (last visited Feb. 10, 2026).
[10] 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. 10, 2026).
[11] Ch. 2023-182, Laws of Fla.
[12] S. 500.92, F.S.
[13] R. 5K-4.030, F.A.C.
[14] *Id.*

Substances Act (CSA) based on abuse potential and risk to public health.[15] However, the DEA withdrew the notice a few months later based on public comments.[16] 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.[17] The DEA continues to label kratom as a drug of concern.[18]

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.[19] 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.[20]

In 2015, the FDA issued an import alert[21] that labels kratom as an adulterating ingredient.[22] 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.[23] 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.[24]

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.[25]

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.[26] The rule and a superseding emergency rule,[27] 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.[28]

In 2014, Sarasota County banned kratom, labeling it as a designer drug.[29] 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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[15] 81 FR 59929.
[16] 81 FR 70652
[17] 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. 10, 2026).
[18] U.S. Drug Enforcement Administration, *Kratom*, https://www.dea.gov/factsheets/kratom (last visited Mar. 28, 2025).
[19] U.S. Food and Drug Administration, *FDA and Kratom*, https://www.fda.gov/news-events/public-health-focus/fda-and-kratom (last visited Mar. 25, 2025).
[20] *Id*.
[21] U.S. Food and Drug Administration, *Import Alert 54-15*, Import Alert 54-15 (fda.gov) (last visited Feb. 10, 2026).
[22] *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.
[23] 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. 10, 2026).
[24] *Id.*
[25] 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.)
[26] 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).
[27] R. 2ER25-3, F.A.C.
[28] S. 893.03(1), F.S.
[29] *See* Sarasota, FL., Code of Ordinances, Sec. 62-351 (2014).

Kratom is illegal in Alabama,[30] Arkansas,[31] Indiana,[32] Louisiana,[33] Vermont,[34] Washington D.C., and Wisconsin.[35] Other states such as Arizona,[36] Georgia,[37] Rhode Island,[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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[30] *See* Alabama Public Health, *Controlled Substance List* (Jan. 20, 2021), https://www.alabamapublichealth.gov/blog/assets/controlledsubstanceslist.pdf (last visited Feb. 10, 2026).
[31] *See* Arkansas Department of Health, *List of Controlled Substances*, available at https://codeofarrules.arkansas.gov/Rules/PartDocument?partID=705 (last visited Feb. 2, 2026).
[32] *See* IC 35-31.5-2-321.
[33] *See* Louisiana Department of Revenue, New penalties for Kratom in effect Aug. 1, Louisiana Department of Revenue, (last visited Feb. 10, 2026).
[34] *See* Vt. Admin. Code 12-5-23:4.0.
[35] *See* W.S.A. 961.14.
[36] *See* AZ Rev Stat § 36-795.02.
[37] *See* GA Code § 16-13-121.
[38] Rhode Island Kratom Act, webserver.rilegislature.gov/Statutes/TITLE21/21-28.12/21-28.12-3.htm (last visited Feb. 10, 2026).
[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*, https://www.congress.gov/crs-product/LSB11082 (last visited Feb. 10, 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, https://www.everycrsreport.com/reports/R43609.html (last visited Feb. 10, 2026).

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

Florida Food Safety Act

The purpose of the Florida Food Safety Act (Act)[46] 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,[47] Agriculture Marketing Act of 1946,[48] and Federal Trade Commission Act.[49][50]

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.[51] The division accomplishes this through the permitting[52] and inspection[53] of food establishments,[54] 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.[55] The Division also proactively monitors food from manufacturing and distribution to retail.[56]

As part of its responsibilities, DACS can impose a variety of disciplinary actions against food establishments for specified violations.[57] This includes, but is not limited to, revoking or suspending[58] the permit of a food establishment or imposing Class II[59] administrative fines.[60] 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.[61]

Many FDA regulations have been adopted as rules of the division.[62]

The following are examples when food is deemed adulterated: [63]

- 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;

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[46] *See* ch. 500, F.S.
[47] 21 U.S.C. §§ 301-399d.
[48] 7 U.S.C. §§ 1621-1629.
[49] 5 U.S.C. §§ 41-58, as amended.
[50] S. 500.02, F.S.
[51] FDACS, *Division of Food Safety*, https://www.fdacs.gov/Divisions-Offices/Food-Safety (last visited Feb. 10, 2026).
[52] S. 500.12, F.S.
[53] S. 500.147, F.S.
[54] 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.
[55] S. 500.09(6), F.S.
[56] S. 500.81(3)(b)1., F.S.
[57] S. 500.121, F.S.
[58] *Id.*
[59] The fine for each Class II violation cannot exceed $5,000. S. 570.971(1)(b), F.S.
[60] S. 500.121, F.S.
[61] S. 500.172, F.S.
[62] R. 5K-4.002, F.A.C.
[63] S. 500.10, F.S.

- 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.[64]

DACS may inspect food that may be adulterated or misbranded;[65] seize food that is adulterated or misbranded;[66] 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;[67] and impose a fine for adulterated or misbranded food, not to exceed $5,000[68] per violation.[69]

Florida Contraband Forfeiture Act

The Florida Contraband Forfeiture Act[70] prescribes procedures for law enforcement agencies to follow when seizing, forfeiting, and disposing of property under the act. Property may only be seized if the owner of the property is arrested for a criminal offense that forms the basis for determining that the property is a contraband article, or if one of the following circumstances apply:[71]

- The owner of the property cannot be identified after a diligent search, or the person in possession of the property denies ownership and the owner of the property cannot be identified by means that are available to the employee or agent of the seizing agency at the time of the seizure;
- The owner of the property is a fugitive from justice or is deceased;
- An individual who does not own the property is arrested for a criminal offense that forms the basis for determining that the property is a contraband article and the owner of the property had actual knowledge of the criminal activity;
- The owner of the property agrees to be a confidential informant; or
- The property is a monetary instrument.

Florida Clean Indoor Air ACT

The FCIAA prohibits any person under the age of 21 from smoking tobacco or vaping within 1,000 feet of a public or private elementary, middle, or secondary school between the hours of 6 a.m. and midnight. A violation of this prohibition is punishable by a maximum noncriminal civil penalty not to exceed $25, 50 hours of community service or, where available, successful completion of a school-approved anti-tobacco "alternative to suspension."[72]

Division of Alcoholic Beverages and Tobacco

The Division of Alcoholic Beverages and Tobacco (ABT) within the Department of Business and Professional Regulation (DBPR) is the state agency responsible for the regulation and enforcement of alcoholic beverages, tobacco products, and nicotine products. Alcoholic beverages are regulated by the Beverage Law,[73] which governs the manufacture, distribution, and sale of wine, beer, and liquor by manufacturers, distributors, and vendors.[74] Tobacco and nicotine products are regulated by the tobacco and nicotine products law, which governs the purchasing, possessing, and regulation of the marketing, sale, or delivery by manufacturers and dealers.[75]

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[64] S. 500.11(1)(n), F.S.; 21 U.S.C. s. 343 (r)(6)(C.
[65] S. 500.147(1), F.S.
[66] S. 500.173, F.S.
[67] S. 500.12(4), F.S.
[68] S. 570.971(1)(b), F.S.
[69] S. 500.121, F.S.
[70] Ss. 932.701-932.7062, F.S.,
[71] S. 932.703(1), F.S.
[72] S. 386.212, F.S.
[73] S. 561.01(6), F.S., provides that the "The Beverage Law" means chs. 561, 562, 563, 564, 565, 567, and 568, F.S.
[74] *See* s. 561.14, F.S.
[75] *See* ch. 569, F.S.

Tobacco and Nicotine Product Retailers

In order to sell tobacco products or nicotine products at retail in Florida, a person must obtain a retail tobacco products dealer permit or retail nicotine products dealer permit from the Division. A person must obtain a permit for each place of business or premises where tobacco or nicotine products are sold. [76]

The Division may discipline a tobacco retailer or nicotine product retailer's permit for violating any of the provisions relating to the retail sale of such products. Such discipline includes administrative fines up to $1,000 and suspension or revocation of a permit.[77]

However, the Division may not discipline a tobacco retailer or nicotine product retailer's permit for other violations of the law, including violating the state hemp program.

Package Stores

A package store is a vendor operating a place of business where beverages are sold only in sealed containers for consumption off the premises.[78] Package stores may not sell, offer, or expose for sale any merchandise other than such beverages, and such places of business must be devoted exclusively to such sales. However, package stores may sell, in addition to alcoholic beverages:[79]

- bitters,
- grenadine,
- nonalcoholic mixer-type beverages,
- fruit juices produced in this state,
- home bar, and party supplies and equipment,
- miniatures of no alcoholic content, and
- tobacco products.

Quota Licensees

Currently, there is not a limit on the number of licenses the Division may issue to businesses selling malt beverages or wine. However, the law limits the number of licenses for selling distilled spirits to one license per 7,500 residents within the county with a minimum of three licenses per county for counties that have approved the sale of intoxicating liquors. These licenses are known as quota licenses and are the only type of alcoholic beverage license that is limited in number.[80]

Current law limits the types of items quota licensees may sell. Currently, quota licensees may only sell alcoholic beverages, bitters, grenadine, nonalcoholic mixer-type beverages, fruit juices, party supplies, party-type foods, miniatures of no alcoholic content, nicotine products, and tobacco products. If the quota licensee allows for the consumption of alcohol on the licensee's establishment then they may also sell items customarily sold in a restaurant.[81]

Current law does not prohibit quota licensees from selling products containing kratom; however, it also does not specifically allow it.

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2023	CS/HB 179	Andrade	Gruters	The bill became law on July 1, 2023

[76] Ss. 569.003 and 569.32, F.S.
[77] Ss. 569.006 and 569.35, F.S.
[78] S. 565.02(1)(a), F.S.
[79] S. 565.04, F.S.
[80] S. 561.20, F.S.
[81] S. 565.045, F.S.

OTHER RESOURCES:

United States Drug Enforcement Administration, Kratom

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
Orig. Comm.: Industries & Professional Activities Subcommittee			Anstead	Miralia

A bill to be entitled

An act relating to kratom; amending s. 500.92, F.S.; including additional provisions in the Florida Kratom Consumer Protection Act; providing definitions; requiring the Department of Agriculture and Consumer Services to certify certain laboratories; providing for the distribution and retail sale of kratom products; revising and providing penalties; authorizing the department to take certain actions against licensees and permittees; providing jurisdiction for certain law enforcement agencies; creating s. 500.93, F.S.; providing definitions; providing for mail order, Internet, and remote sales of kratom products; providing applicability; providing penalties; creating s. 500.94, F.S.; providing for the seizure and destruction of contraband kratom products; creating s. 500.95, F.S.; prohibiting the ingestion of kratom products near school properties; providing exceptions; providing penalties; amending ss. 565.04 and 565.045, F.S.; authorizing specified businesses to sell kratom products; amending ss. 569.006 and 569.35, F.S.; conforming provisions to changes made by the act;; 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) SHORT TITLE.—Sections 500.92-500.95 This section may be cited as the "Florida Kratom Consumer Protection Act."

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

(a) "Attractive to children" means manufactured in the shape of or packaged in containers or packages displaying humans, or animals, that are featured in a manner other than their natural form and are in a form commonly known to appeal primarily to children, toys or cartoons that are featured in any manner, or any other forms that have similar features to humans, cartoons, animals or toys that target children; manufactured in a form or packaged in a container or package that bears any reasonable resemblance to an existing candy or snack product that is familiar to the public; or manufactured in a form or packaged in a container or package that bears any reasonable resemblance to a branded food product such that the product could be mistaken for the branded food product, especially by children.

(b) "Contaminants unsafe for human consumption" includes, but is not limited to, any microbe, fungus, yeast, mildew, herbicide, pesticide, fungicide, residual solvent, metal, or other contaminant found in any amount that exceeds any of the accepted limitations as determined by rules adopted by the

Department of Health in accordance with s. 381.986, or other limitation pursuant to the laws of this state, whichever amount is less.

(c) "Independent testing laboratory" means a laboratory that:

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

2. Does not have a direct or indirect interest in a facility that cultivates, processes, distributes, dispenses, or sells kratom products in this state or in another jurisdiction or cultivates, processes, distributes, dispenses, or sells marijuana, as defined in s. 381.986(1); and

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

(d) "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 edible form.

(e) "Manufacturer" means any person or entity that engages in the process of manufacturing, preparing, or packaging kratom products.

(f) "Retailer" means any person or entity that sells kratom products to consumers.

(g) "Wholesaler" means any person or entity located within or outside this state which delivers or sells products containing kratom to retailers or other persons in this state for purposes of resale.

(3) CERTIFICATION OF LABORATORIES. —

(a) The department must certify any laboratory located within this state or another state which meets the qualifications of an independent testing laboratory. However, a medical marijuana testing laboratory certified pursuant to s. 381.988 is not required to receive certification by the department.

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

1. Security standards.

2. Minimum standards for personnel.

3. Sample collection methods and process standards.

4. Proficiency testing for Mitragynine, 7-hydroxymitragynine, and contaminants unsafe for human consumption, as determined by department rule.

5. Reporting content, format, and frequency.

6. Audits and onsite inspections.

7. Quality assurance.

8. Equipment and methodology.

9. Chain of custody.

10. Any other standard the department deems necessary.

(c) The department shall adopt rules establishing a procedure for initial certification and biennial renewal. The department shall renew the certification biennially if the laboratory meets the requirements of this section or any rules adopted under this subsection.

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

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

(f) A laboratory that receives certification from the department under this subsection agrees to random unannounced audits and onsite inspections by the department or its agents.

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

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

1. The kratom product:

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

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

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

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

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

a. Synthetic alkaloids.

b. 7-hydroxymitragynine.

c. Heavy metals.

d. Mycotoxins.

e. Pesticides.

f. Potency.

g. Residual solvents.

h. Any other controlled substance.

i. Any other substance the department deems necessary.

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

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

b. The kratom product testing number; and

c. The expiration date of the kratom product.

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

e. The toll-free telephone number for the national Poison Help line.

f. The total number of servings of the product.

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

a. Is suitable to contain products for human consumption;

b. Is composed of materials designed to minimize exposure to light;

c. Mitigates exposure to high temperatures;

d. Is a single color and not transparent. However, the universal symbol, scannable barcode, quick response code, and any text must be a different color than the container and

package, and any text must be in black or white. This sub-subparagraph does not apply to beverage containers and packages;

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

f. Does not contain any text, pictures, or images that directly or indirectly markets the product as causing or may cause an intoxicating or psychotropic effect. This sub-subparagraph does not apply to the warning and symbol requirements provided in sub-subparagraphs g. and i.

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

h. Is not attractive to children;

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

j. Is compliant with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq., without regard to provided exemptions. For purposes of this sub-subparagraph, a beverage in a sealed container is considered compliant with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq. However, for purposes of

this sub-subparagraph, a beverage in a sealed container is considered compliant.

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

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

2. Was tested in accordance with this paragraph by the manufacturer or wholesaler; and

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

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

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

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

3. In accordance with the mail order, Internet, and remote sales of kratom products requirements in s. 500.93.

(d) Kratom products may not be sold, given, bartered, furnished, or delivered to consumers at wholesale. Kratom products may not be sold, given, bartered, furnished, or delivered to consumers at festivals, fairs, trade shows, farmers' markets, expositions, or pop-up retail establishments unless the festival, fair, trade show, farmers' market, exposition, or pop-up retail establishment prohibits persons under 21 years of age from attending and every retailer selling kratom products at the festival, fair, trade show, farmers' market, exposition, or pop-up retail establishment has a food permit from the department.

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

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

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

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

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

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

(8) ENFORCEMENT.—The department shall enforce this section. Every state attorney, sheriff, police officer, and other appropriate county or municipal officer shall enforce, or assist any agent of the department in enforcing, this section and rules adopted by the department.

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

Section 2. Section 500.93, Florida Statutes, is created to read:

500.93 Mail order, Internet, and remote sales of kratom products; age verification.—

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

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

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

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

2. The kratom products are delivered by use of mail or a delivery service.

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

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

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

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

(2)(a) A sale of kratom products constituting a delivery sale under paragraph (1)(b) is a delivery sale regardless of whether the person accepting the order for the delivery sale is

located within or outside this state.

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

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

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

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

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

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

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

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

1. Reliable confirmation that the person is 21 years of age or older; and

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

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

b. Confirms that the person wants to receive delivery

sales from a kratom product retailer and understands that, under the laws of the state, the following actions are illegal:

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

(II) Selling kratom products to persons who are not 21 years of age or older; and

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

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

(c) Provides to the person, by e-mail or other means, a notice meeting the requirements of subsection (4).

(d) If an order for kratom products is made pursuant to an advertisement on the Internet, receives payment for the delivery sale from the consumer by a credit or debit card issued in the name of the consumer, or by personal or company check of the consumer.

(e) Submits, to each credit card acquiring company with which the person has credit card sales, identification information in an appropriate form and format so that the words "kratom product" may be printed in the purchaser's credit card

statement when a purchase of kratom products is made by credit card payment.

(f) Makes a telephone call after 5 p.m. to the purchaser confirming the order before shipping the kratom products. The telephone call may be a person-to-person call or a recorded message. The person accepting the order for delivery sale is not required to speak directly with a person and may leave a recorded message.

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

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

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

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

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

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

(b) Include as part of the shipping documents, in a clear

and conspicuous manner, the following statement: "Kratom product: Florida law prohibits shipping to persons under 21 years of age."

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

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

(6) This section does not apply to delivery sales of kratom products to a retailer or wholesaler.

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

(8) The Attorney General, the Attorney General's designee, or a state attorney may bring an action in the appropriate court

in the state to prevent or restrain violations of this section by any person.

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

500.94 Seizure and destruction of contraband kratom products.—All kratom products sold, offered for sale, delivered, or distributed contrary to any provision of s. 500.92 or s. 500.93 are declared to be contraband, are subject to seizure and confiscation under the Florida Contraband Forfeiture Act by any person whose duty it is to enforce those sections, and must be disposed of as follows:

(1) A court having jurisdiction shall order such kratom products forfeited upon a showing that, by a preponderance of the evidence, such products were sold, offered for sale, delivered, or distributed contrary to any provision of s. 500.92 or s. 500.93. Once any chapter 120 proceedings related to such products have been completed, the court shall order any seized kratom products destroyed except as provided by applicable court orders. A record of the place where such products were seized, the kinds and quantities of such products destroyed, and the time, place, and manner of the destruction of such products must be kept, and a return under oath reporting the destruction must be made to the court by the officer who destroys such products.

(2) The department or seizing law enforcement agency shall keep a full and complete record of all products seized under

this section showing:

(a) The exact kinds, quantities, and forms of such products;

(b) The persons from whom such products were seized and to whom such products were delivered;

(c) By whose authority such products were seized, delivered, and destroyed; and

(d) The dates of the seizure, disposal, or destruction of such products.

Such record must be open to inspection by all persons charged with the enforcement of ss. 500.92 and 500.93.

(3) The cost of seizure, confiscation, and destruction of contraband kratom products is borne by the person from whom such products are seized.

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

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

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

(1) A person may not ingest kratom products in, on, or within 1,000 feet of the real property comprising a public or private elementary, middle, or secondary school between the

hours of 6 a.m. and midnight. This section does not apply to any person in a moving vehicle or within a private residence.

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

(a) The date and time of issuance.

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

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

(d) The statute violated.

(e) The facts constituting the violation.

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

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

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

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

(3) Any person issued a citation pursuant to this section is charged with a civil infraction, punishable by a civil penalty of up to $25, 50 hours of community service, or, if available, successful completion of a school-approved, anti-drug, alternative-to-suspension program.

(4) Any person who fails to comply with the directions on the citation waives his or her right to contest the citation, and an order to show cause may be issued by the court.

(5) For purposes of this section "kratom product" has the same meaning as provided in the Kratom Consumer Protection Act.

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

565.04 Package store restrictions.—

(1) Vendors licensed under s. 565.02(1)(a) shall not in said place of business sell, offer, or expose for sale any merchandise other than such beverages, and such places of business shall be devoted exclusively to such sales; provided, however, that such vendors shall be permitted to sell bitters; grenadine; nonalcoholic mixer-type beverages, not to include fruit juices produced outside this state; fruit juices produced in this state; home bar and party supplies and equipment, including but not limited to glassware and party-type foods; miniatures of no alcoholic content; nicotine products; and tobacco products. Such places of business shall have no openings permitting direct access to any other building or room, except to a private office or storage room of the place of business from which patrons are excluded. Vendors licensed under 565.02(1)(a) may sell kratom products in accordance with the Florida Kratom Consumer Protection Act.

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

565.045 Regulations for consumption on premises; penalty;

exemptions.—

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

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

569.006 Retail tobacco products dealers; administrative penalties.—The division may suspend or revoke the permit of the dealer upon sufficient cause appearing of the violation of any of the provisions of s. 500.92, s. 500.93, or this chapter, including part II of this chapter if the dealer deals, at retail, in nicotine products within the state or allows a nicotine products vending machine to be located on its premises within the state, by a dealer or by a dealer's agent or employee. The division may also assess and accept administrative fines of up to $1,000 against a dealer for each violation. The division shall deposit all fines collected into the General Revenue Fund as collected. An order imposing an administrative fine becomes effective 15 days after the date of the order. The division may suspend the imposition of a penalty against a dealer, conditioned upon the dealer's compliance with terms the division considers appropriate.

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

569.35 Retail nicotine product dealers; administrative penalties.—The division may suspend or revoke the permit of a dealer, including the retail tobacco products dealer permit of a retail tobacco products dealer as defined in s. 569.002(4), upon sufficient cause appearing of the violation of any of the provisions of s. 500.92, s. 500.93, or this part, by a dealer, or by a dealer's agent or employee. The division may also assess and accept an administrative fine of up to $1,000 against a dealer for each violation. The division shall deposit all fines collected into the General Revenue Fund as collected. An order imposing an administrative fine becomes effective 15 days after the date of the order. The division may suspend the imposition of a penalty against a dealer, conditioned upon the dealer's compliance with terms the division considers appropriate.

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