

1 A bill to be entitled
 2 An act relating to the regulation of smoking; amending s.
 3 386.212, F.S.; authorizing district school boards to adopt
 4 rules to regulate smoking tobacco on property owned or
 5 leased by the school district; providing a penalty;
 6 providing an effective date.

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

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 10 Section 1. Section 386.212, Florida Statutes, is amended
 11 to read:

12 386.212 Smoking prohibited on or near school property;
 13 penalty.—

14 (1) It is unlawful for any person under 18 years of age to
 15 smoke tobacco in, on, or within 1,000 feet of the real property
 16 comprising a public or private elementary, middle, or secondary
 17 school between the hours of 6 a.m. and midnight. A district
 18 school board may adopt rules to prohibit any person from smoking
 19 tobacco on or in any other facility or property owned or leased
 20 by the district between the hours of 6 a.m. and midnight. This
 21 section does not apply to any person occupying a moving vehicle
 22 or within a private residence.

23 (2) A law enforcement officer may issue a citation in such
 24 form as prescribed by a county or municipality to any person
 25 violating the provisions of this section. Any such citation must
 26 contain:

- 27 (a) The date and time of issuance.
 28 (b) The name and address of the person cited.

- 29 (c) The date and time the civil infraction was committed.
- 30 (d) The statute violated.
- 31 (e) The facts constituting the violation.
- 32 (f) The name and authority of the law enforcement officer.
- 33 (g) The procedure for the person to follow to pay the
- 34 civil penalty, to contest the citation, or to appear in court.
- 35 (h) The applicable civil penalty if the person elects not
- 36 to contest the citation.
- 37 (i) The applicable civil penalty if the person elects to
- 38 contest the citation.
- 39 (3) Any person issued a citation pursuant to this section
- 40 shall be deemed to be charged with a civil infraction punishable
- 41 by a maximum civil penalty not to exceed \$25, or 50 hours of
- 42 community service or, where available, successful completion of
- 43 a school-approved anti-tobacco "alternative to suspension"
- 44 program.
- 45 (4) Any person who fails to comply with the directions on
- 46 the citation shall be deemed to waive his or her right to
- 47 contest the citation and an order to show cause may be issued by
- 48 the court.
- 49 Section 2. This act shall take effect July 1, 2011.