

By Senator Gruters

23-00453-19

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1                   A bill to be entitled  
2       An act relating to smoking; renaming part II of ch.  
3       386, F.S.; expanding its application to include  
4       outdoor areas; creating s. 386.2122, F.S.; prohibiting  
5       the smoking of tobacco on public beaches; providing  
6       civil penalties; authorizing a law enforcement officer  
7       to issue a citation as prescribed by a county or  
8       municipality to any person who smokes tobacco on a  
9       public beach; requiring a citation to include  
10      specified information; specifying that a person who  
11      fails to comply with the directions on the citation  
12      waives the right to contest the citation and  
13      authorizing the court to issue an order to show cause;  
14      providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

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18       Section 1. Part II of chapter 386, Florida Statutes,  
19       entitled "INDOOR AIR: TOBACCO SMOKE," is renamed "TOBACCO  
20       SMOKE."

21       Section 2. Section 386.2122, Florida Statutes, is created  
22       to read:

23       386.2122 Smoking prohibited on public beaches; penalty.—

24       (1) It is unlawful for any person to smoke tobacco on a  
25       public beach.

26       (2) A person who violates subsection (1) commits a civil  
27       infraction punishable by a maximum penalty not to exceed \$25 or  
28       10 hours of community service.

29       (3) A law enforcement officer may issue a citation in such

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30 form as prescribed by a county or municipality to any person who  
31 violates subsection (1). Such citation must contain:

32 (a) The date and time of issuance.

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

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

35 (d) The statute violated.

36 (e) The facts constituting the violation.

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

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

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

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

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

47 Section 3. This act shall take effect July 1, 2019.