A bill to be entitled
An act relating to smoking in state parks; amending s. 258.008, F.S.; clarifying that certain violations constitute a noncriminal infraction; creating s. 258.009, F.S.; prohibiting a person from smoking in a state park; defining the terms “smoke” and “smoking”; republishing s. 258.007(2), F.S., relating to rulemaking authority of the Division of Recreation and Parks of the Department of Environmental Protection; republishing s. 258.601, F.S., relating to the enforcement of prohibited activities by the department and the Division of Law Enforcement of the Fish and Wildlife Conservation Commission; providing an effective date.

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

Section 1. Subsection (1) of section 258.008, Florida Statutes, is amended, and subsection (2) of that section is republished, to read:

258.008 Prohibited activities; penalties.—
(1) Except as provided in subsection (3), any person who violates or otherwise fails to comply with this chapter or the rules adopted under this chapter commits a noncriminal infraction for which ejection from all property managed by the Division of Recreation and Parks and a fine of up to $500 may be imposed by the division. Fines paid under this subsection shall be paid to the Fish and Wildlife Conservation Commission and deposited in the State Game Trust Fund as provided in ss.

(2) In addition to penalties imposed under subsection (1), any person who fails to sign a citation given under subsection (1), fails to appear in court in response to such citation, or fails to comply with the court’s order commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. Section 258.009, Florida Statutes, is created to read:

258.009 Smoking prohibited in state parks.—A person may not smoke within the boundaries of a state park. For purposes of this section, the terms “smoke” and “smoking” have the same meaning as is provided for the term “smoking” in s. 386.203(10).

Section 3. Subsection (2) of section 258.007, Florida Statutes, is republished to read:

258.007 Powers of division.—

(2) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring duties on it and authority to impose penalties as provided in s. 258.008 for the violation of any rule authorized by this section.

Section 4. Section 258.601, Florida Statutes, is republished to read:

258.601 Enforcement of prohibited activities.—Prohibited activities under this chapter shall be enforced by the Department of Environmental Protection and the Division of Law Enforcement of the Fish and Wildlife Conservation Commission and its officers.

Section 5. This act shall take effect July 1, 2019.