

By Senator Gruters

23-00841-19

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1                                   A bill to be entitled  
2       An act relating to smoking in state parks; amending s.  
3       258.008, F.S.; clarifying that certain violations  
4       constitute a noncriminal infraction; creating s.  
5       258.009, F.S.; prohibiting a person from smoking in a  
6       state park; defining the terms "smoke" and "smoking";  
7       republishing s. 258.007(2), F.S., relating to  
8       rulemaking authority of the Division of Recreation and  
9       Parks of the Department of Environmental Protection;  
10      republishing s. 258.601, F.S., relating to the  
11      enforcement of prohibited activities by the department  
12      and the Division of Law Enforcement of the Fish and  
13      Wildlife Conservation Commission; providing an  
14      effective date.

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

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

21       258.008 Prohibited activities; penalties.—

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

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30 379.338, 379.339, and 379.3395.

31 (2) In addition to penalties imposed under subsection (1),  
32 any person who fails to sign a citation given under subsection  
33 (1), fails to appear in court in response to such citation, or  
34 fails to comply with the court's order commits a misdemeanor of  
35 the second degree, punishable as provided in s. 775.082 or s.  
36 775.083.

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

39 258.009 Smoking prohibited in state parks.—A person may not  
40 smoke within the boundaries of a state park. For purposes of  
41 this section, the terms "smoke" and "smoking" have the same  
42 meaning as is provided for the term "smoking" in s. 386.203(10).

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

45 258.007 Powers of division.—

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

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

53 258.601 Enforcement of prohibited activities.—Prohibited  
54 activities under this chapter shall be enforced by the  
55 Department of Environmental Protection and the Division of Law  
56 Enforcement of the Fish and Wildlife Conservation Commission and  
57 its officers.

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