

1 A bill to be entitled
 2 An act relating to smoking, vaping, and nicotine
 3 products; amending s. 386.212, F.S.; providing
 4 penalties for subsequent violations for smoking or
 5 vaping near school property; amending s. 569.42, F.S.;
 6 providing penalties for subsequent violations against
 7 certain persons who possess any nicotine product;
 8 providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

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 12 Section 1. Subsection (3) of section 386.212, Florida
 13 Statutes, is amended to read:

14 386.212 Smoking and vaping prohibited near school
 15 property; penalty.—

16 (3) (a) Any person issued a citation pursuant to this
 17 section shall be deemed to be charged with a civil infraction
 18 punishable by a maximum civil penalty not to exceed \$25, or 50
 19 hours of community service and if locally ~~or, where~~ available,
 20 successful completion of a school-approved anti-tobacco, anti-
 21 nicotine, or anti-vaping "alternative to suspension" program.

22 (b) Any person issued a citation for a second or
 23 subsequent violation of this section shall be deemed to be
 24 charged with a civil infraction punishable by a maximum civil
 25 penalty not to exceed \$50 or 100 hours of community service and

26 must be evaluated for completion of a nicotine and tobacco
27 cessation program, if locally available.

28 Section 2. Subsections (1), (2), and (3) of section
29 569.42, Florida Statutes, are amended to read:

30 569.42 Possession, misrepresenting age or military service
31 to purchase, and purchase of nicotine products by persons under
32 21 years of age prohibited; penalties; jurisdiction; disposition
33 of fines.—

34 (1) It is unlawful for any person under 21 years of age to
35 knowingly possess any nicotine product. Any person under 21
36 years of age who violates this subsection commits a civil
37 infraction ~~noncriminal violation as provided in s. 775.08(3),~~
38 punishable by:

39 (a) For a first violation, 16 hours of community service
40 or, instead of community service, a \$25 fine. In addition, the
41 person must attend a school-approved anti-tobacco, and anti-
42 nicotine, or anti-vaping program, if locally available; or

43 (b) For a second or subsequent violation ~~within 12 weeks~~
44 ~~after the first violation,~~ a \$25 fine. In addition, the person
45 must be evaluated for participation in and completion of
46 nicotine and tobacco cessation program, if locally available.

47
48 ~~Any second or subsequent violation not within the 12-week period~~
49 ~~after the first violation is punishable as provided for a first~~
50 ~~violation.~~

51 (2) It is unlawful for any person under 21 years of age to
 52 misrepresent his or her age or military service for the purpose
 53 of inducing a dealer or an agent or employee of the dealer to
 54 sell, give, barter, furnish, or deliver any nicotine product, or
 55 to purchase, or attempt to purchase, any nicotine product from a
 56 person or a vending machine. Any person under 21 years of age
 57 who violates this subsection commits a civil infraction
 58 ~~noncriminal violation as defined in s. 775.08(3)~~, punishable by:

59 (a) For a first violation, 16 hours of community service
 60 or, instead of community service, a \$25 fine and, in addition,
 61 the person must attend a school-approved anti-tobacco, ~~and~~ anti-
 62 nicotine, or anti-vaping program, if locally available; or

63 (b) For a second or subsequent violation ~~within 12 weeks~~
 64 ~~after the first violation~~, a \$25 fine. In addition, the person
 65 must be evaluated for completion of nicotine and tobacco
 66 cessation classes, if locally available.

67
 68 ~~Any second or subsequent violation not within the 12-week period~~
 69 ~~after the first violation is punishable as provided for a first~~
 70 ~~violation.~~

71 (3) Any person under 21 years of age cited for committing
 72 a civil infraction ~~noncriminal violation~~ under this section must
 73 sign and accept a civil citation indicating a promise to appear
 74 before the county court or comply with the requirement for
 75 paying the fine and must attend a school-approved anti-tobacco,

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76 | ~~and anti-nicotine, or anti-vaping~~ program, if locally available
77 | for a first violation, or be evaluated for participation in and
78 | completion of nicotine and tobacco cessation classes, if locally
79 | available, for a second violation. If a fine is assessed for a
80 | violation of this section, the fine must be paid within 30 days
81 | after the date of the citation or, if a court appearance is
82 | mandatory, within 30 days after the date of the hearing.

83 | Section 3. This act shall take effect July 1, 2024.