

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT IN
AND FOR SEMINOLE COUNTY,
FLORIDA

ADMINISTRATIVE ORDER NO.:
19-39-S
SUPERSEDES 00-17-S

IN RE: JUVENILE TOBACCO, NICOTINE PRODUCTS AND VAPING VIOLATIONS

Pursuant to Florida Statute Chapters 386, 569, and 877, cases alleging civil violations against minors for unlawful possession or use of tobacco and/or nicotine products and vaping are to be charged by the use of citation. Accordingly, the Court hereby adopts the attached Tobacco/Nicotine Products and Vaping Violation Citation.

The attached citation shall be the one and only charging document to be used by all county and municipal law enforcement agencies within Seminole County to enforce the civil infraction violations of chapters 386, 569 and 877 Florida Statutes within Seminole County. Those authorities are identified as the Seminole County Sheriff's Office, the Altamonte Springs Police Department, the Casselberry Police Department, the Lake Mary Police Department, the Longwood Police Department, the Oviedo Police Department, the Sanford Police Department and the Winter Springs Police Department.

The Clerk of the Court shall accept no other charging document in such cases from the above named law enforcement agencies. Any charging document not in compliance with this Order which is submitted to the Clerk by said agencies shall be returned by the Clerk to the submitting authority together with a copy of this Order.

DONE AND ORDERED this 4th day of November, 2019.

LISA DAVIDSON
LISA DAVIDSON
CHIEF JUDGE

Distribution to:

All Circuit and County Judges (Seminole County)
Court Administration (Seminole & Brevard Counties)
Clerk of Court (Seminole County)
Stat Attorney (Seminole County)
Public Defender (Seminole County)
Sheriff (Seminole County)
Bar Association (Seminole County)
Law Library (Seminole County)
Seminole County Sheriff's Office
Altamonte Springs Police Department
Casselberry Police Department
Lake Mary Police Department
Longwood Police Department
Oviedo Police Department
Sanford Police Department
Winter Springs Police Department

TOBACCO/NICOTINE/VAPING VIOLATION CITATION

| | | | | | | | |
|-----------------------------|---------------|-------------|----------|-----------------|--|--------------------------|-----|
| COUNTY OF | | CASE NUMBER | | | | | |
| CITY OF (IF APPLICABLE) | | | | | | | |
| OFFENSE DATE/TIME | | MONTH | DAY | YEAR | <input type="checkbox"/> AM <input type="checkbox"/> PM | | |
| NAME (PRINT) FIRST | | MIDDLE | LAST | | | | |
| STREET | | | | | | | |
| CITY | | STATE | ZIP CODE | | | | |
| TELEPHONE NUMBER | DATE OF BIRTH | MO | DAY | YR | RACE | SEX | HGT |
| DRIVER LICENSE OR ID NUMBER | STATE | CLASS | | YR LICENSE EXP. | | | |
| EXACT LOCATION OF OFFENSE | | | | | | CIRCLE ONE On or Near | |
| SCHOOL NAME (IF APPLICABLE) | | | | | | | |
| FACTS PERTAINING TO OFFENSE | | | | | | | |
| | | | | | | | |
| PARENT NAME (IF APPLICABLE) | | | | | | | |
| ADDRESS | | CITY | STATE | ZIP CODE | | | |

CHECK ONE OFFENSE FOR EACH CITATION

- Violation of **F.S. 386.212**: (prohibiting Any Person Under 18 from smoking tobacco or vaping on, in, or within 1,000 feet of public or private elementary, middle or secondary school property between 6 a.m. and midnight) (excluding when an occupant of a moving vehicle or a residence)
- Violation of **F.S. 569.11(1)**: (unlawful for any person under Age 18 to knowingly possess any tobacco product)
- Violation of **F.S. 569.11(2)**: (unlawful for any person under Age 18 to misrepresent age or military service in order to acquire any tobacco product)
- Violation of **F.S. 877.112 (6)** : (unlawful for any person under age 18 to knowingly possess any nicotine product or nicotine dispensing device)
- Violation of **F.S. 877.112 (7)**: (unlawful for any person under age 18 to misrepresent age or military service in order to acquire any nicotine product or nicotine dispensing device from a retailer, agent or employee of a retailer or to obtain from a vending machine)

FOR VIOLATION OF F.S. 569.11(1) or 569.11(2); 877.112(6) OR (7) ALSO INDICATE ONE OF THE FOLLOWING:

- First offense or a subsequent offense NOT within 12 weeks of commission of the first offense for the same violation.
- Second or subsequent offense committed within 12 weeks of commission of the first offense for same violation.

IMPORTANT INSTRUCTION TO INDIVIDUAL CHARGED WITH A NON-CRIMINAL VIOLATION NOT REQUIRING A COURT APPEARANCE:

You are charged with a **NONCRIMINAL VIOLATION** which requires that you select one of the options provided on the back of this citation with the Clerk of the Circuit Court in Seminole County **WITHIN THIRTY (30) CALENDAR DAYS**. If you fail to select an option within **30** days, the Court will impose an appropriate penalty, which may include directing the Department of Highway Safety and Motor Vehicles to withhold issuance of or to suspend your driver's license or driving privilege as provided by Florida Statute.

I PROMISE TO APPEAR BEFORE THE COUNTY COURT AND ANSWER TO THE CHARGES IN THIS CITATION BY REQUESTING A HEARING OR WAIVE MY APPEARANCE BY COMPLYING WITH THE CIVIL PENALTIES AS INSTRUCTED IN THIS CITATION. I UNDERSTAND MY SIGNATURE IS NOT AN ADMISSION OF GUILT OR WAIVER OF RIGHTS.

X

SIGNATURE OF PERSON CITED

OFFICER

ID NUMBER

SIGNATURE OF OFFICER

AGENCY

OPTIONS:

If charged with violating F. S. 569.11(1), F. S. 569.11(2), F.S. 877.112 (6), or 877.112 (7) you may contest the citation by appearing in person at one of the Clerk's offices listed below within 30 days of the issuance of this citation and requesting a hearing **or** provide proof of completion to the clerk of court within thirty (30) days, as applicable below:

- A.** If a first or subsequent offense (not within 12 weeks of the first offense): complete 16 hours of community service **OR** pay a civil penalty in the amount of \$25.00 plus a \$5.00 fee, by mail or in person to the Clerk of Court. In addition you must also complete a school-approved anti-tobacco program, if available; or
- B.** If it is a second offense within 12 weeks of the first offense, you must pay a \$25.00 fine plus a \$5.00 fee, payable by mail or in person to the Clerk of Court.
- C.** If it is a third or subsequent offense not within 12 weeks of the first offense the penalties are as provided in section A above.

If the Court determines you committed the offense, and you have failed to complete community service, pay the fine or attend a school approved anti-tobacco and nicotine program, if locally available, (as applicable) the Court may direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or to suspend your driver's license or driving privilege for 30 days if it is a first offense or if it is a subsequent offense not within 12 weeks of a first offense **OR** if you fail to pay the \$25.00 fine plus a \$5.00 fee, resulting from a second violation committed with 12 weeks of a first violation, the Court may request the suspension or withholding of the issuance of your license for a period of 45 days.

If charged with violating F.S. 386.212, you may contest the citation by appearing in person at one of the Clerk's offices listed below within 30 days of the issuance of this citation and request a hearing or provide proof of completion to the clerk of court within thirty (30) days of one of the following:

- A.** Pay a civil penalty in the amount of \$25.00 plus a \$5.00 fee, by mail or in person to the Clerk of Court; or
- B.** Complete a school-approved anti-tobacco "alternative to suspension" program or anti-vaping "alternative to suspension" program, if available (as applicable); or
- C.** Complete 50 hours of community service.

The Clerk must receive proof of completion of your election within thirty (30) days of receipt of your citation. If you fail to comply with the directions on this citation, you shall be deemed to have waived your right to contest the citation and an order to show cause may be issued by the court.

FOR SPECIFIC INFORMATION AND ASSISTANCE CONTACT:

SEMINOLE COUNTY COURTHOUSES

CRIMINAL JUSTICE CENTER

101 Eslinger Way
Sanford, FL 32773
407-665-4300

CIVIL COURTHOUSE LOCATION

301 N. Park Ave
Sanford, FL 32771
407-665-4300

CASSELBERRY BRANCH

376 Wilshire Boulevard
Casselberry, FL 32707
407-665-4700

ALTAMONTE SPRINGS BRANCH

990 N. State Rd 434 #1124
Altamonte Springs, FL 32714
407-665-4270