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**AGENDA ITEM
ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS**

Deadline for Submission - Wednesday 9 a.m. – Thirteen Days Prior to BCC Meeting

12/2/2025

BCC MEETING DATE

TO: Joy Andrews, County Administrator

DATE: October 3, 2025

FROM: Lex Taylor, Deputy County Attorney

PHONE: 904 209-0807

SUBJECT OR TITLE: Second Reading of Ordinance amending the St. Johns County Park Ordinance, adding definitions; adding prohibition of smoking and vaping in St. Johns County beaches and parks; amending to include cigarette butts and vaping paraphernalia as defined litter.

AGENDA TYPE: Business Item, Ordinance, Public Hearing

BACKGROUND INFORMATION:

Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide Counties the authority to exercise any power for municipal purposes, except if prohibited by law, and to adopt ordinances in furtherance of such authority. As of July 1, 2022, the Florida Legislature enacted Ch. 2022-13, Laws of Florida, which permits municipalities and counties to restrict smoking on their local beaches and in local parks. The Board has adopted Ordinance 2005-114, pertaining to public conduct in county parks (the "St. Johns County Parks Ordinance"). the Board has adopted Ordinance 2007-19, which was amended by Ordinance 2007-50, Ordinance 2009-60, 2013-25 and Ordinance 2024-5, pertaining to public conduct in county beaches (the "St. Johns County Beach Code"). At the St. Johns County Board meeting of August 20, 2025, appeared Charli Clay, a 7th grade student at Washington Classical Christian School, Izzy Howell, an 8th grade student; and Anila Lahiri, a history teacher at Washington Classical Christian School and the Civic Engagement Liaison at Anchor Faith Church who advocated for prohibiting smoking and vaping on St. Johns County beaches. This is the Second Hearing.

1. IS FUNDING REQUIRED? No

2. IF YES, INDICATE IF BUDGETED. No

IF FUNDING IS REQUIRED, MANDATORY OMB REVIEW IS REQUIRED:

INDICATE FUNDING SOURCE:

SUGGESTED MOTION/RECOMMENDATION/ACTION:

Motion to enact Ordinance 2025-_____, prohibiting smoking and vaping on St. Johns County Beaches and including cigarette butts and vaping paraphernalia in the definition of liter.

For Administration Use Only:

Legal: Rich Komando 11/7/2025
11/17/2025

OMB: Christopher Thompson 11/10/2025

Admin: Brad Bradley

ORDINANCE NO. 2025-_____

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE ST. JOHNS COUNTY PARK ORDINANCE 2005-114, SPECIFICALLY SECTION 4, ADDING DEFINITIONS; CREATING SECTION 20 TO PROHIBIT SMOKING AND VAPING AT ST. JOHNS COUNTY BEACHES AND PARKS; AMENDING SECTION 31 RELATED TO LITTER; ALSO AMENDING ST. JOHNS COUNTY'S BEACH CODE ORDINANCE 2007-19 AS AMENDED, SPECIFICALLY SECTION 1.01 DEFINITIONS; AMENDING SECTION 3.02 TO PROHIBIT SMOKING AND VAPING ON ST. JOHNS COUNTY BEACHES; AMENDING SECTION 3.09(a) RELATED TO LITTER; MAKING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Board of County Commissioners of St. Johns County, Florida (the "Board") is the governing body for St. Johns County, Florida; and

WHEREAS, the Board is authorized pursuant to Article VIII, Section 2 of the Florida Constitution, and Chapters 166 and Chapter 125, Florida Statutes, to enact Ordinances necessary to protect the health safety and wellbeing of its citizens; and

WHEREAS, as of July 1, 2022, the Florida Legislature enacted Ch. 2022-13, Laws of Florida, which permits counties to restrict smoking on their local beaches and at parks; and

WHEREAS, the Board adopted Ordinance 2005-114, pertaining to public conduct in county parks (the "St. Johns County Parks Ordinance"); and

WHEREAS, the Board adopted Ordinance 2007-19, which was amended by Ordinance 2007-50, Ordinance 2009-60, 2013-25 and Ordinance 2024-5, pertaining to public conduct in county beaches (the "St. Johns County Beach Code"); and

WHEREAS, at the St. Johns County Board meeting of August 20, 2025, appeared Charli Clay, a 7th grade student at Washington Classical Christian School, Izzy Howell, an 8th grade student; and Anila Lahiri, a history teacher at Washington Classical Christian School and the Civic Engagement Liaison at Anchor Faith Church who advocated for prohibiting smoking and vaping on St. Johns County beaches; and

WHEREAS, a 2006 U.S. Surgeon General's report states, "The Health Consequences of Involuntary Exposure to Tobacco Smoke", secondhand smoke (also known as environmental tobacco smoke, defined as smoke emitted from lighted, smoldering, or burning tobacco when the smoker is not inhaling, smoke emitted by the mouthpiece during puff drawing, and smoke exhaled by the smoker) causes coronary artery disease, asthma attacks, heart disease, heart attacks, stroke, and lung cancer in adults and Sudden Infant Death Syndrome, middle ear infections, bronchitis, asthma, pneumonia, and low birthweight in children; and

WHEREAS, secondhand smoke is especially dangerous to children whose bodies are still developing and who are particularly vulnerable to the poisons of secondhand smoke; and

WHEREAS, prohibiting smoking on County beaches and at parks frequented by children and adults will help to reduce smoking-related illnesses and serve to improve health outcomes for residents and visitors; and

WHEREAS, another detrimental issue related to smoking on County beaches and parks is litter consisting of used cigarette filters, also known as "cigarette butts" and vaping paraphernalia, which contain hazardous substances that can be toxic to animals, and this Ordinance is intended to protect the environment from litter that can be toxic to animals and humans; and

WHEREAS, research conducted by the Ocean Conservancy, a nonprofit environmental advocacy group, found that cigarette butts are the fourth most harmful type of litter to marine life due to ingestion and contamination of the environment, and thus harm seabirds, sea turtles and marine mammals; and

WHEREAS, pursuant to Section 166.041(c)(2), Florida Statutes, notice was given by publication in a newspaper of general circulation in the County, notifying the public of this proposed Ordinance and of the time and dates of the public hearings; and

WHEREAS, two (2) public hearings were held before the Board pursuant to the published notice described above; and

WHEREAS, the Board has determined that it is in the interest of the public health, safety and welfare that the St. Johns County Parks Ordinance and the St. Johns County Beach Code be amended to prohibit smoking and vaping at all public beaches and parks, in accordance with Section 386.209, Florida Statutes as amended; and

WHEREAS, the Board finds that St. Johns County Ordinance No. 2025-__ will preserve, promote, and protect the health, safety, and welfare of its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are adopted as legislative findings by the St. Johns County Board of County Commissioners and incorporated and made a material part of this Ordinance.

Section 2. Definitions. Section 4 of St. Johns County Ordinance 2005-114 is amended to add the following definitions:

SMOKE / SMOKING – means inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, or electronic nicotine or vaping product, including cigarettes, cigars, pipe tobacco, electronic pens, e-cigarettes and any other lighted tobacco or electronic vaping product, in accordance with § 386.209, F.S.

VAPE / VAPING – means to inhale or exhale vapor produced by a vapor generating electronic device or to possess a vapor-generating electronic device while that device is actively employing an electronic, a chemical, or a mechanical means designed to produce vapor or aerosol from a nicotine product or any other substance. The term does not include the mere possession of a vapor-generating electronic device.

VAPING PARAPHERNALIA -- means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in packaging, repackaging, storing, containing, transporting, inhaling, or otherwise introducing into the human body vapor or aerosol from a nicotine product or any other substance.

Section 3. Section 20 of St. Johns County Ordinance 2005-114 is amended as follows:

Section 20. Smoking and vaping.

- (a) It shall be prohibited for any person on the beach or in the Atlantic Ocean within 600 feet of the County Beach Shoreline to smoke or vape.
- (b) It shall be prohibited for any person to smoke or vape within the County's park property.
- (c) In accordance with § 386.209, F.S. the County's smoking restrictions do not include the use of unfiltered cigars.
- (d) Notwithstanding the prohibition set forth in paragraph (a) above, the possession of Tobacco and Vaping paraphernalia in sealed original packages in any vehicle, vessel, or conveyance for purposes of storing or transporting such and not for purposes of selling or consuming such within park property are not a violation of this Ordinance.
- (e) The permission granted under this section shall be subject to all ordinances, laws, rules and regulations applicable in the County, and any grantee shall be responsible for compliance thereto. The permission granted may also be subject to, and granted with, specific conditions as set forth by the department, and the grantee shall be responsible for insuring compliance thereto.

Section 4. Section 31 of St. Johns County Ordinance 2005-114 is amended as follows:

Section 3~~1~~². Refuse, trash and litter.

(a) No person shall take into, dump, deposit or litter any bottles, broken glass, ashes, printed material, cigarette butts, vaping paraphernalia, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash upon any park property. Persons shall place all bottles, broken glass, ashes, printed material, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash in the proper receptacles where provided; where receptacles are not provided, same shall be carried away from park property by the person or persons responsible for its presence and properly disposed of elsewhere.

(b) No person shall affix printed material or any other item to any vehicle or property within park property other than his or her own vehicle.

Section 5. Definitions. Section 1.01 Definitions of St. Johns County Ordinance 2007-19 is amended as follows:

SMOKE / SMOKING – means inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, or electronic nicotine or vaping product, including cigarettes, cigars, pipe tobacco, electronic pens, e-cigarettes and any other lighted tobacco or electronic vaping product, in accordance with § 386.209, F.S..

VAPE / VAPING – means to inhale or exhale vapor produced by a vapor generating electronic device or to possess a vapor-generating electronic device while that device is actively employing an electronic, a chemical, or a mechanical means designed to produce vapor or aerosol from a nicotine product or any other substance. The term does not include the mere possession of a vapor-generating electronic device.

VAPING PARAPHERNALIA -- means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in packaging, repackaging, storing, containing, transporting, inhaling, or otherwise introducing into the human body vapor or aerosol from a nicotine product or any other substance.

Section 6. Section 3 of St. Johns County Ordinance 2007-19 is amended as follows:

Section 3.011 Smoking or Vaping Prohibited on Beach.

It shall be prohibited for any person on the beach or in the Atlantic Ocean within 600 feet of the County Beach Shoreline to smoke or vape, in accordance with § 386.209, F.S..

Section 3.09 Litter

- (a) It shall be prohibited for any person to discard or otherwise dispose of or abandon any trash, garbage, bottles, cigarette butts, vaping paraphernalia, containers, cans, dead fish, or other parts thereof, or any other litter, except in designated containers for that purpose. It is further unlawful to dispose of any household garbage on the beach.
- (b) Any personal property including but not limited to tents shelters, chairs, catamarans, trailers, towels, shoes, and other such items that are left on the beach overnight is hereby declared a public nuisance and shall be subject to removal from the beach with other beach trash and debris.

Section 7. Directions to the codifier. It is the intention of the Board of County Commissioners of St. Johns County, Florida that this ordinance shall become and be made a part of the St. Johns County Code, and that when codified; the sections and paragraphs of this ordinance may be renumbered or re-lettered to accomplish such intention.

Section 8. Savings Clause. The remaining portions of St. Johns County Ordinance 2007-19, as previously amended, shall remain in full force and effect.

Section 9. Conflicts. This Ordinance is in addition to the Laws of Florida and shall not limit or reduce said laws or penalties. In the event this Ordinance conflicts with any other applicable regulation or law on any given provision, the more restrictive shall apply, unless preempted by state or federal law.

Section 10. Severance Clause. It is the intent of the Board of County Commissioners of St. Johns County, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, subsections, sentences, clauses, phrases, or provision of this Ordinance.

Section 11. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the County Clerk and County Attorney, may be corrected with the endorsement of the County Administrator without the need for public hearing or further action by the Board.

Section 12. Codification. The Board intends that this Ordinance will be made a part of the St. Johns County Parks Ordinance.

Section 13. Effective Date. This Ordinance shall take effect upon its being filed with the Department of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this ____ day of _____ 2025.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
Krista Joseph, Chair

ATTEST: Brandon J. Patty,
Clerk of Court & Comptroller

By: _____
Deputy Clerk

Effective Date: _____

AFFIDAVIT OF PUBLICATION

Brandon Patty, Clerk of Circuit Attn: Artricia Allen Deputy Cler
Brandon Patty, Clerk of Circuit Court & Comptroller
4010 Lewis Speedway
St Augustine FL 32084-8637

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of the St Augustine Record, published in St Johns County, Florida; that the attached copy of advertisement, being a Public Notices, was published on the publicly accessible website of St Johns County, Florida, or in a newspaper by print in the issues of, on:

SAG St Augustine Record 11/17/2025
SAG staugustine.com 11/17/2025

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 11/17/2025

Legal Clerk

Notary, State of WI, County of Brown

8-25-26

My commission expires

Publication Cost: \$120.32
Tax Amount: \$0.00
Payment Cost: \$120.32
Order No: 11797964 # of Copies:
Customer No: 764114 1
PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

MARIAH VERHAGEN
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARING OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS
NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing to consider adoption of the following ordinance at a regular meeting on Tuesday, December 2, 2025, at 9:00 a.m. in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida:

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE ST. JOHNS COUNTY PARK ORDINANCE 2005-114, SPECIFICALLY SECTION 4, ADDING DEFINITIONS, ERATING SECTION 20 TO PROHIBIT SMOKING AND VAPING AT ST. JOHNS COUNTY BEACHES AND PARKS; AMENDING SECTION 31 RELATED TO LITTER; ALSO AMENDING ST. JOHNS COUNTY'S BEACH CODE ORDINANCE 2007-19 AS AMENDED, SPECIFICALLY SECTION 1.01 DEFINITIONS; AMENDING SECTION 3.02 TO PROHIBIT SMOKING AND VAPING ON ST. JOHNS COUNTY BEACHES; AMENDING SECTION 3.09(a) RELATED TO LITTER; MAKING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the Richard O. Watson Judicial Center, 4010 Lewis Speedway, St. Augustine, Florida, and may be examined by interested parties prior to the said public hearing. Please take note that the proposed ordinance is subject to revision prior to hearing or adoption. All parties having any interest in said ordinance will be afforded an opportunity to be heard at the public hearing.

If a person decides to appeal any decision made with respect to any matter considered at the hearing, such person will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING-IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the ADA Coordinator, at (904) 209-0400 or at the Facilities Management Department, 2418 Dobbs Road, St. Augustine, FL 32086. For hearing-impaired individuals: Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of this hearing.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
BRANDON J. PATTY, ITS CLERK
By: ARTRICIA K. ALLEN, Deputy Clerk