

By the Committee on Regulated Industries; and Senators Bradley, Dean, and Hays

580-01741-13

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1 A bill to be entitled
2 An act relating to the Florida Clean Indoor Air Act;
3 amending s. 386.209, F.S.; authorizing municipalities
4 and counties to restrict smoking on certain
5 properties; providing limitations on such
6 restrictions; authorizing a law enforcement officer to
7 issue a citation under certain circumstances;
8 providing a definition; providing an effective date.

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

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12 Section 1. Section 386.209, Florida Statutes, is amended to
13 read:

14 386.209 Regulation of smoking preempted to state.—This part
15 expressly preempts regulation of smoking to the state and
16 supersedes any municipal or county ordinance on the subject,
17 except that: ~~however,~~

18 (1) School districts may further restrict smoking by
19 persons on school district property.

20 (2) Municipalities or counties may further restrict smoking
21 at entrances to public indoor workplaces and outdoor areas of
22 such workplaces, and property owned or controlled by a
23 municipality or county, including beaches, playgrounds as
24 defined in s. 775.215, public parks, and sports and recreation
25 areas, provided:

26 (a) The areas where smoking is restricted are identified by
27 “No Smoking” signs that delineate the area where smoking is
28 restricted;

29 (b) Designated smoking areas are provided and identified by

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30 signs that delineate the areas where smoking is authorized;

31 (c) Except as provided in paragraph (d), restrictions on
32 sidewalks or other footpaths are limited to sidewalks or
33 footpaths that are located within a beach, playground, public
34 park, or sports and recreation area;

35 (d) Restricted areas at entrances to an enclosed public
36 indoor workplace do not extend more than 75 feet from the
37 entrance or more than 75 feet from air intakes for HVAC systems,
38 operable windows, vents, or other openings through which smoke
39 may enter the workplace;

40 (e) The smoking restriction does not limit the ability of a
41 person to authorize smoking to the extent not prohibited by this
42 chapter. However, if a business is located on property owned or
43 operated by a municipality or county, the municipality or county
44 may require, as a condition for granting a lease, that smoking
45 be prohibited on such property; and

46 (f) A law enforcement officer, before issuing a citation
47 for a violation of this subsection, first directs the violator
48 to stop smoking and advises him or her of the penalties for a
49 violation. If the person does not heed the directive, the
50 officer must then ask the person to leave the premises. If the
51 person refuses to leave the premises, a civil citation may be
52 issued, punishable as provided in s. 386.208.

53
54 As used in this section, the term "public indoor workplace"
55 means any enclosed area owned or controlled by a municipality or
56 county which is public property used for public and governmental
57 purposes and to which the public is invited or allowed and which
58 includes, but is not limited to, administrative facilities,

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59 educational facilities, cultural and civic centers, healthcare
60 facilities, and recreational facilities.

61 Section 2. This act shall take effect July 1, 2013.