



883770

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/21/2013	.	
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The Committee on Regulated Industries (Thrasher) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

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

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



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13 (2) Municipalities or counties may further restrict smoking
14 at entrances to public indoor workplaces and outdoor areas of
15 such workplaces, and property owned or controlled by a
16 municipality or county, including beaches, playgrounds as
17 defined in s. 775.215, public parks, and sports and recreation
18 areas, provided:

19 (a) The areas where smoking is restricted are identified by
20 "No Smoking" signs that delineate the area where smoking is
21 restricted;

22 (b) Designated smoking areas are provided and identified by
23 signs that delineate the areas where smoking is authorized;

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

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

33 (e) The smoking restriction does not limit the ability of a
34 person to authorize smoking to the extent not prohibited by this
35 chapter. However, if a business is located on property owned or
36 operated by a municipality or county, the municipality or county
37 may require, as a condition for granting a lease, that smoking
38 be prohibited on such property; and

39 (f) A law enforcement officer, before issuing a citation
40 for a violation of this subsection, first directs the violator
41 to stop smoking and advises him or her of the penalties for a



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42 violation. If the person does not heed the directive, the
43 officer must then ask the person to leave the premises. If the
44 person refuses to leave the premises, a civil citation may be
45 issued, punishable as provided in s. 386.208.

46
47 As used in this section, the term "public indoor workplace"
48 means any enclosed area owned or controlled by a municipality or
49 county which is public property used for public and governmental
50 purposes and to which the public is invited or allowed and which
51 includes, but is not limited to, administrative facilities,
52 educational facilities, cultural and civic centers, healthcare
53 facilities, and recreational facilities.

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

55
56 ===== T I T L E A M E N D M E N T =====

57 And the title is amended as follows:

58 Delete everything before the enacting clause
59 and insert:

60 A bill to be entitled
61 An act relating to the Florida Clean Indoor Air Act;
62 amending s. 386.209, F.S.; authorizing municipalities
63 and counties to restrict smoking on certain
64 properties; providing limitations on such
65 restrictions; authorizing a law enforcement officer to
66 issue a citation under certain circumstances;
67 providing a definition; providing an effective date.