

By Senator Bradley

7-00236-14

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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 a municipality  
4       or county to restrict smoking on certain properties;  
5       providing limitations on such restrictions;  
6       authorizing a law enforcement officer to issue a  
7       citation under certain circumstances; defining the  
8       term "playground"; providing an effective date.

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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) A school district ~~districts~~ may further restrict  
19       smoking by persons on school district property.

20       (2) A municipality or county may further restrict smoking  
21       in playground areas that are owned by the municipality or county  
22       if the area where smoking is restricted is clearly delineated by  
23       "No Smoking" signs. A law enforcement officer, before issuing a  
24       citation for a violation, must first direct the person smoking  
25       to stop smoking and advise him or her of the penalties for a  
26       violation. If the person smoking does not heed the directive,  
27       the officer must ask the person to leave the premises. If the  
28       person refuses to leave the premises, in addition to any other  
29       penalty, a civil citation may be issued, punishable as provided

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30 in s. 386.208. As used in this section, "playground" means a  
31 municipally owned or county-owned property that is a designated,  
32 independent area in a community or neighborhood which is  
33 designed solely for children and has one or more playground  
34 structures.

35 Section 2. This act shall take effect July 1, 2014.