

By Senator Gruters

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1 A bill to be entitled
2 An act relating to smoking on public beaches and in
3 public parks; revising the title of part II of ch.
4 386, F.S.; amending s. 386.201, F.S.; revising a short
5 title; amending s. 386.209, F.S.; authorizing counties
6 to further restrict smoking within the boundaries of
7 certain public beaches and public parks; creating s.
8 386.2095, F.S.; prohibiting smoking within the
9 boundaries of a state park; amending ss. 381.84 and
10 386.211, F.S.; conforming provisions to changes made
11 by the act; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Part II of chapter 386, Florida Statutes,
16 entitled "INDOOR AIR: SMOKING AND VAPING," is renamed "SMOKING
17 AND VAPING."

18 Section 2. Section 386.201, Florida Statutes, is amended to
19 read:

20 386.201 Short title ~~Popular name~~.—This part may be cited as
21 ~~by the popular name~~ the "Florida Clean ~~Indoor~~ Air Act."

22 Section 3. Section 386.209, Florida Statutes, is amended to
23 read:

24 386.209 Regulation of smoking preempted to state.—This part
25 expressly preempts regulation of smoking to the state and
26 supersedes any municipal or county ordinance on the subject;
27 however, counties may further restrict smoking within the
28 boundaries of any public beaches and public parks that they own
29 and school districts may further restrict smoking by persons on

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30 school district property. This section does not preclude the
31 adoption of municipal or county ordinances that impose more
32 restrictive regulation on the use of vapor-generating devices
33 than is provided in this part.

34 Section 4. Section 386.2095, Florida Statutes, is created
35 to read:

36 386.2095 Smoking prohibited in state parks.—A person may
37 not smoke within the boundaries of a state park.

38 Section 5. Paragraph (h) of subsection (3) of section
39 381.84, Florida Statutes, is amended to read:

40 381.84 Comprehensive Statewide Tobacco Education and Use
41 Prevention Program.—

42 (3) PROGRAM COMPONENTS AND REQUIREMENTS.—The department
43 shall conduct a comprehensive, statewide tobacco education and
44 use prevention program consistent with the recommendations for
45 effective program components contained in the 1999 Best
46 Practices for Comprehensive Tobacco Control Programs of the CDC,
47 as amended by the CDC. The program shall include the following
48 components, each of which shall focus on educating people,
49 particularly youth and their parents, about the health hazards
50 of tobacco and discouraging the use of tobacco:

51 (h) *Enforcement and awareness of related laws.*—In
52 coordination with the Department of Business and Professional
53 Regulation, the program shall monitor the enforcement of laws,
54 rules, and policies prohibiting the sale or other provision of
55 tobacco to minors, as well as the continued enforcement of the
56 Florida Clean Indoor Air Act prescribed in chapter 386. The
57 advertisements produced in accordance with paragraph (a) may
58 also include information designed to make the public aware of

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59 these related laws and rules. The departments may enter into
60 interagency agreements to carry out this program component.

61 Section 6. Section 386.211, Florida Statutes, is amended to
62 read:

63 386.211 Public announcements in mass transportation
64 terminals.—Announcements about the Florida Clean ~~Indoor~~ Air Act
65 shall be made regularly over public address systems in terminals
66 of public transportation carriers located in metropolitan
67 statistical areas with populations over 230,000 according to the
68 latest census. These announcements shall be made at least every
69 30 minutes and shall be made in appropriate languages. Each
70 announcement must include a statement to the effect that Florida
71 is a clean ~~indoor~~ air state and that smoking and vaping are
72 prohibited except as provided in this part.

73 Section 7. This act shall take effect July 1, 2020.