

1                                   A bill to be entitled  
 2           An act relating to the regulation of smoking by  
 3           counties and municipalities; revising the title of  
 4           part II of ch. 386, F.S.; amending s. 386.201, F.S.;  
 5           revising a short title; amending s. 386.209, F.S.;  
 6           authorizing counties and municipalities to further  
 7           restrict smoking within the boundaries of public  
 8           beaches and public parks under certain circumstances;  
 9           amending ss. 381.84 and 386.211, F.S.; conforming  
 10          provisions to changes made by the act; providing an  
 11          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  
 19 to read:

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

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

24           386.209 Regulation of smoking preempted to state.—This  
 25 part expressly preempts regulation of smoking to the state and

26 | supersedes any municipal or county ordinance on the subject;  
27 | however, counties and municipalities may further restrict  
28 | smoking within the boundaries of any public beaches and public  
29 | parks that they own. Municipalities may further restrict smoking  
30 | within the boundaries of public beaches and public parks that  
31 | are within their jurisdiction but are owned by the county,  
32 | unless such restriction conflicts with a county ordinance.  
33 | School districts may further restrict smoking by persons on  
34 | school district property. This section does not preclude the  
35 | adoption of municipal or county ordinances that impose more  
36 | restrictive regulation on the use of vapor-generating devices  
37 | than is provided in this part.

38 | Section 4. 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  
59 these related laws and rules. The departments may enter into  
60 interagency agreements to carry out this program component.

61           Section 5. Section 386.211, Florida Statutes, is amended  
62 to 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 6. This act shall take effect July 1, 2021.