HB 105

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 provisions to changes made by the act; providing an 10 11 effective date. 12 13 Be It Enacted by the Legislature of the State of Florida: 14 15 Part II of chapter 386, Florida Statutes, Section 1. 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: Short title Popular name.-This part may be cited 20 386.201 as by the popular name the "Florida Clean Indoor Air Act." 21 Section 3. Section 386.209, Florida Statutes, is amended 22 23 to read: 24 386.209 Regulation of smoking preempted to state.-This 25 part expressly preempts regulation of smoking to the state and Page 1 of 3

CODING: Words stricken are deletions; words underlined are additions.

2022

HB 105

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

38 Section 4. Paragraph (h) of subsection (3) of section39 381.84, Florida Statutes, is amended to read:

381.84 Comprehensive Statewide Tobacco Education and Use
Prevention Program.-

PROGRAM COMPONENTS AND REQUIREMENTS. - The department 42 (3)43 shall conduct a comprehensive, statewide tobacco education and use prevention program consistent with the recommendations for 44 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 of tobacco and discouraging the use of tobacco: 50

## Page 2 of 3

CODING: Words stricken are deletions; words underlined are additions.

2022

HB 105

51 Enforcement and awareness of related laws.-In (h) 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 interagency agreements to carry out this program component. 60 61 Section 5. Section 386.211, Florida Statutes, is amended 62 to read: 386.211 Public announcements in mass transportation 63 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 statistical areas with populations over 230,000 according to the 67 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, 2022.

## Page 3 of 3

CODING: Words stricken are deletions; words underlined are additions.

2022