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 and within a specified
9	distance of the public entrance or exit of a business
10	under certain circumstances; providing exceptions;
11	amending ss. 381.84 and 386.211, F.S.; conforming
12	provisions to changes made by the act; providing an
13	effective date.
14	
15	Be It Enacted by the Legislature of the State of Florida:
16	
17	Section 1. Part II of chapter 386, Florida Statutes,
18	entitled "INDOOR AIR: SMOKING AND VAPING," is renamed "SMOKING
19	AND VAPING."
20	Section 2. Section 386.201, Florida Statutes, is amended
21	to read:
22	386.201 <u>Short title</u> Popular name .—This part may be cited
23	<u>as</u> by the popular name the "Florida Clean Indoor Air Act."
24	Section 3. Section 386.209, Florida Statutes, is amended
25	to read:
	Page 1 of 4

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

2022

2022

26	386.209 Regulation of smoking preempted to stateThis
27	part expressly preempts regulation of smoking to the state and
28	supersedes any <u>county or municipal</u> municipal or county ordinance
29	on the subject, except as expressly authorized by this part;
30	however, school districts may further restrict smoking by
31	persons on school district property. This section does not
32	preclude the adoption of <u>county or municipal</u> municipal or county
33	ordinances that impose more restrictive regulation on the use of
34	vapor-generating devices than is provided in this part.
35	(1) School districts may further restrict smoking by
36	persons on school district property.
37	(2) Counties and municipalities may further restrict
38	smoking within the boundaries of any public beaches and public
39	parks that they own. A municipality may further restrict smoking
40	within the boundaries of public beaches and public parks that
41	are within its jurisdiction but are owned by the county, unless
42	such restriction conflicts with a county ordinance.
43	(3) Counties and municipalities may further restrict
44	smoking or vaping within 25 feet of a public entrance or exit of
45	any business located within the boundaries of its jurisdiction.
46	This subsection does not apply to:
47	(a) A stand-alone bar;
48	(b) A retail tobacco shop;
49	(c) A vapor-generating electronic device retailer; or
50	(d) Any other business that derives no more than 10
	Page 2 of 4

Page 2 of 4

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

51 percent of its gross revenue from the sale of food consumed on 52 the licensed premises. 53 Section 4. Paragraph (h) of subsection (3) of section 54 381.84, Florida Statutes, is amended to read: 55 381.84 Comprehensive Statewide Tobacco Education and Use 56 Prevention Program.-57 (3) PROGRAM COMPONENTS AND REQUIREMENTS.-The department 58 shall conduct a comprehensive, statewide tobacco education and 59 use prevention program consistent with the recommendations for effective program components contained in the 1999 Best 60 61 Practices for Comprehensive Tobacco Control Programs of the CDC, as amended by the CDC. The program shall include the following 62 components, each of which shall focus on educating people, 63 64 particularly youth and their parents, about the health hazards 65 of tobacco and discouraging the use of tobacco: 66 (h) Enforcement and awareness of related laws.-In coordination with the Department of Business and Professional 67 68 Regulation, the program shall monitor the enforcement of laws, 69 rules, and policies prohibiting the sale or other provision of 70 tobacco to minors, as well as the continued enforcement of the 71 Florida Clean Indoor Air Act prescribed in chapter 386. The 72 advertisements produced in accordance with paragraph (a) may 73 also include information designed to make the public aware of 74 these related laws and rules. The departments may enter into interagency agreements to carry out this program component. 75

Page 3 of 4

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

2022

76 Section 5. Section 386.211, Florida Statutes, is amended 77 to read:

78 386.211 Public announcements in mass transportation terminals.-Announcements about the Florida Clean Indoor Air Act 79 80 shall be made regularly over public address systems in terminals of public transportation carriers located in metropolitan 81 82 statistical areas with populations over 230,000 according to the 83 latest census. These announcements shall be made at least every 84 30 minutes and shall be made in appropriate languages. Each announcement must include a statement to the effect that Florida 85 86 is a clean indoor air state and that smoking and vaping are 87 prohibited except as provided in this part.

88

Section 6. This act shall take effect July 1, 2022.

Page 4 of 4

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

2022