

Bill No. CS for CS for SB 742

Amendment No. ____ Barcode 913620

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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2	04/30/2003 11:36 AM	.	
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11 Senators Diaz de la Portilla and Smith moved the following
12 amendment:

13
14 **Senate Amendment**

15 On page 2, line 8, through page 8, line 7, delete those
16 lines

17
18 and insert:

19 Section 1. Section 386.201, Florida Statutes, is
20 reenacted to read:

21 386.201 Short title.--This part may be cited as the
22 "Florida Clean Indoor Air Act."

23 Section 2. Section 386.202, Florida Statutes, is
24 amended to read:

25 386.202 Legislative intent.--The purpose of this part
26 is to protect people from the public health hazards of
27 second-hand, comfort, and environment by creating areas in
28 public places and at public meetings that are reasonably free
29 from tobacco smoke and to implement the Florida health
30 initiative in s. 20, Art. X of the State Constitution by
31 providing a uniform statewide maximum code. This part shall

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1 ~~not be interpreted to require the designation of smoking~~
2 ~~areas. However, it is the intent of the Legislature to~~
3 ~~discourage the designation of any area within a government~~
4 ~~building as a smoking area. It is the intent of the~~
5 Legislature to not inhibit, or otherwise obstruct, smoking
6 cessation programs, medical research, or scientific research
7 in this state. The Legislature finds that tobacco smoking that
8 is integral to a smoking cessation program, medical research,
9 or scientific research does not present a credible public
10 health hazard from second-hand smoke.

11 Section 3. Section 386.203, Florida Statutes, is
12 amended to read:

13 386.203 Definitions.--As used in this part, the term:

14 (1) "Commercial use of a private residence" means any
15 time during which the owner, lessee, or other person occupying
16 or controlling the use of a private residence is furnishing in
17 the private residence, or causing or allowing to be furnished
18 in the private residence, child care, adult care, or health
19 care, or any combination thereof, and receiving or expecting
20 to receive compensation therefor.

21 (2) "Common area" means a hallway, corridor, lobby,
22 aisle, water fountain area, restroom, stairwell, entryway, or
23 conference room in a public place.

24 (3) "Department" means the Department of Health.

25 (4) "Designated smoking guest rooms at public lodging
26 establishments" means the sleeping rooms and directly
27 associated private areas, such as bathrooms, living rooms, and
28 kitchen areas, if any, rented to guests for their exclusive
29 transient occupancy in public lodging establishments including
30 hotels, motels, resort condominiums, transient apartments,
31 transient lodging establishments, rooming houses, boarding

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1 houses, resort dwellings, bed and breakfast inns, and the
2 like; and designated by the person or persons having
3 management authority over such public lodging establishment as
4 rooms in which smoking may be permitted.

5 (5) "Enclosed indoor workplace" means a workplace that
6 is predominantly or totally bounded on all sides and above by
7 physical barriers.

8 (a) Except as provided in paragraph (b), the term does
9 not include a workplace that does not have physical barriers
10 of any kind from above, a workplace that is totally bounded
11 from above but of which at least 25 percent of contiguous
12 surface area of the sides is without a physical barrier of any
13 kind separating the workplace from the exterior of the
14 building within which the workplace is located, or a workplace
15 that is bounded on all sides and above by physical barriers
16 consisting of no more than 50 percent of the total bounded
17 surface area of the workplace.

18 (b) The term does not apply to a workplace in a
19 restaurant that is bounded on all sides and above by physical
20 barriers consisting of no more than 25 percent of the total
21 bounded surface area of the workplace, provided that if such a
22 workplace is totally or predominantly bounded from above it
23 must use a ventilation system to significantly reduce the
24 accumulation of second-hand tobacco smoke.

25 (6) "Essential services" means those services that are
26 essential to the maintenance of any enclosed indoor room,
27 regardless of whether the room is a workplace, including, but
28 not limited to, janitorial services, repairs, or renovations.

29 (7) "Government building" means a building or portion
30 of a building owned by or leased to the state or a political
31 subdivision of the state and used for governmental purposes.

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1 (8) "Physical barrier" includes an uncovered opening,
2 a screened or otherwise partially covered opening, or an open
3 or closed window, jalousie, or door.

4 (9)(1) "Public place" means the following enclosed,
5 indoor areas used by the general public:

6 (a) Government buildings;

7 (b) Public means of mass transportation and their
8 associated terminals not subject to federal smoking
9 regulation;

10 (c) Elevators;

11 (d) Hospitals;

12 (e) Nursing homes;

13 (f) Educational facilities;

14 (g) Public school buses;

15 (h) Libraries;

16 (i) Courtrooms;

17 (j) Jury waiting and deliberation rooms;

18 (k) Museums;

19 (l) Theaters;

20 (m) Auditoriums;

21 (n) Arenas;

22 (o) Recreational facilities;

23 (p) Restaurants;

24 (q) Retail stores, ~~except a retail store the primary~~
25 ~~business of which is the sale of tobacco or tobacco related~~
26 ~~products;~~

27 (r) Grocery stores;

28 (s) Buildings that contain an enclosed indoor
29 workplace ~~Places of employment;~~

30 (t) Health care facilities;

31 (u) Day care centers; and

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1 (v) Common areas of retirement homes and condominiums.

2 ~~(2) "Government building" means any building or any~~
3 ~~portion of any building owned by or leased to the state or any~~
4 ~~political subdivision thereof and used for governmental~~
5 ~~purposes.~~

6 ~~(10)(3)~~ "Public meeting" means all meetings open to
7 the public, including meetings of homeowner, condominium, or
8 renter or tenant associations unless such meetings are held in
9 a private residence.

10 (11) "Second-hand smoke" means smoke emitted from
11 lighted, smoldering, or burning tobacco when the smoker is not
12 inhaling; smoke emitted at the mouthpiece during puff drawing;
13 and smoke exhaled by the smoker.

14 ~~(12)(4)~~ "Smoking" means inhaling, exhaling, burning,
15 carrying, or possessing a lighted tobacco product, including
16 cigarettes, cigars, pipe tobacco possession of a lighted
17 cigarette, lighted cigar, lighted pipe, or any other lighted
18 tobacco product.

19 ~~(5)~~ "Smoking area" means ~~any designated area meeting~~
20 ~~the requirements of ss. 386.205 and 386.206.~~

21 (13) "Work" means performing an employment or
22 employment-type service for, or at the request of, another
23 person or a public or private entity, regardless of whether
24 the employment or employment-type service is performed for
25 compensation or on a full-time or part-time basis, whether
26 legally or not. The term includes employment or
27 employment-type service performed by an employee, independent
28 contractor, agent, partner, proprietor, manager, officer,
29 director, apprentice, trainee, associate, servant, volunteer,
30 or similar person. The term does not include noncommercial
31 activities performed by members of a membership organization.

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1 (14) "Workplace" means a room where one or more
2 persons perform work. This section applies to all such
3 workplaces without regard to whether work is occurring at any
4 given time. The term does not include any facility owned or
5 leased by and used exclusively for noncommercial activities
6 performed by the members and guests of a membership
7 organization, including social gatherings, meetings, dining,
8 and dances, if no person or persons are engaged in work as
9 defined in subsection (13). Each facility in which tobacco
10 smoking is permitted during the activities of a membership
11 organization must comply with the signage requirements in s.
12 386.206.

13 (15) "Membership organization" means a charitable,
14 nonprofit, or veterans' organization that holds a current
15 exemption under s. 501(c)(3), s. 501(c)(4), s. 501(c)(7), s.
16 501(c)(8), s. 501(c)(10), s. 501(c)(19), or s. 501(d) of the
17 Internal Revenue Code.

18 ~~(6) "Common area" means any hallway, corridor, lobby,~~
19 ~~aisle, water fountain area, restroom, stairwell, entryway, or~~
20 ~~conference room in any public place.~~

21 ~~(7) "Department" means the Department of Health.~~

22 ~~(8) "Division" means the Division of Hotels and~~
23 ~~Restaurants of the Department of Business and Professional~~
24 ~~Regulation.~~

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