

Bill No. CS for SB 44-A

Amendment No. ____ Barcode 815706

CHAMBER ACTION

Senate

House

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Senator Diaz de la Portilla moved the following amendment:

Senate Amendment (with title amendment)

On page 7, line 5, through page 11, line 31, delete those lines

and insert:

Section 4. Section 386.204, Florida Statutes, is amended to read:

386.204 Prohibition.--A person may not smoke in an enclosed indoor workplace, except as otherwise provided in s. 386.2045 ~~a public place or at a public meeting except in designated smoking areas. These prohibitions do not apply in cases in which an entire room or hall is used for a private function and seating arrangements are under the control of the sponsor of the function and not of the proprietor or person in charge of the room or hall.~~

Section 5. Section 386.2045, Florida Statutes, is created to read:

386.2045 Enclosed indoor workplaces; specific exceptions.--Notwithstanding s. 386.204, tobacco smoking may

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1 be permitted in each of the following places:

2 (1) PRIVATE RESIDENCE.--A private residence whenever
3 it is not being used commercially to provide child care, adult
4 care, or health care, or any combination thereof as defined in
5 s. 386.203(1).

6 (2) RETAIL TOBACCO SHOP.--An enclosed indoor workplace
7 dedicated to or predominantly for the retail sale of tobacco,
8 tobacco products, and accessories for such products, as
9 defined in s. 386.203(8).

10 (3) DESIGNATED SMOKING GUEST ROOM.--A designated
11 smoking guest room at a public lodging establishment as
12 defined in s. 386.203(4).

13 (4) STAND-ALONE BAR.--A business that meets the
14 definition of a stand-alone bar as defined in s. 386.203(11)
15 and that otherwise complies with all applicable provisions of
16 the Beverage Law and part II of this chapter.

17 (5) SMOKING-CESSATION PROGRAM, MEDICAL OR SCIENTIFIC
18 RESEARCH.--An enclosed indoor workplace, to the extent that
19 tobacco smoking is an integral part of a smoking-cessation
20 program approved by the department, or medical or scientific
21 research conducted therein. Each room in which tobacco smoking
22 is permitted must comply with the signage requirements in s.
23 386.206.

24 (6) CUSTOMS SMOKING ROOM.--A customs smoking room in
25 an airport in-transit lounge under the authority and control
26 of the Bureau of Customs and Border Protection of the United
27 States Department of Homeland Security subject to the
28 restrictions contained in s. 386.205.

29 Section 6. Section 386.205, Florida Statutes, is
30 amended to read:

31 386.205 Customs Designation of smoking rooms areas.--

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1 (1) A customs smoking room areas may be designated by
2 the person in charge of an airport in-transit lounge under the
3 authority and control of the Bureau of Customs and Border
4 Protection of the United States Department of Homeland
5 Security a public place. A customs smoking room may only be
6 designated in an airport in-transit lounge under the authority
7 and control of the Bureau of Customs and Border Protection of
8 the United States Department of Homeland Security. A customs
9 smoking room may not be designated in an elevator, restroom,
10 or any common area as defined by s. 386.203. Each customs
11 smoking room must conform to the following requirements:

12 (a) Work, other than essential services defined in s.
13 386.203(6), must not be performed in the room at any given
14 time.

15 (b) Tobacco smoking must not be permitted in the room
16 while any essential services are being performed in the room.

17 (c) Each customs smoking room must be enclosed by
18 physical barriers that are impenetrable by second-hand tobacco
19 smoke and prevent the escape of second-hand tobacco smoke into
20 the enclosed indoor workplace.

21 (d) Each customs smoking room must exhaust tobacco
22 smoke directly to the outside and away from air intake ducts,
23 and be maintained under negative pressure, with respect to
24 surrounding spaces, sufficient to contain tobacco smoke within
25 the room.

26 (e) Each customs smoking room must comply with the
27 signage requirements in s. 386.206. If a smoking area is
28 designated, existing physical barriers and ventilation systems
29 shall be used to minimize smoke in adjacent nonsmoking areas.
30 This provision shall not be construed to require fixed
31 structural or other physical modifications in providing these

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1 ~~areas or to require operation of any existing heating,~~
2 ~~ventilating, and air-conditioning system (HVAC system) in any~~
3 ~~manner which decreases its energy efficiency or increases its~~
4 ~~electrical demand, or both, nor shall this provision be~~
5 ~~construed to require installation of new or additional HVAC~~
6 ~~systems.~~

7 ~~(2)(a) A smoking area may not be designated in an~~
8 ~~elevator, school bus, public means of mass transportation~~
9 ~~subject only to state smoking regulation, restroom, hospital,~~
10 ~~doctor's or dentist's waiting room, jury deliberation room,~~
11 ~~county health department, day care center, school or other~~
12 ~~educational facility, or any common area as defined in s.~~
13 ~~386.203. However, a patient's room in a hospital, nursing~~
14 ~~home, or other health care facility may be designated as a~~
15 ~~smoking area if such designation is ordered by the attending~~
16 ~~physician and agreed to by all patients assigned to that room.~~

17 ~~(b) Notwithstanding anything in this part to the~~
18 ~~contrary, no more than one-half of the rooms in any health~~
19 ~~care facility may be designated as smoking areas.~~

20 ~~(3) In a workplace where there are smokers and~~
21 ~~nonsmokers, employers shall develop, implement, and post a~~
22 ~~policy regarding designation of smoking and nonsmoking areas.~~
23 ~~Such a policy shall take into consideration the proportion of~~
24 ~~smokers and nonsmokers. Employers who make reasonable efforts~~
25 ~~to develop, implement, and post such a policy shall be deemed~~
26 ~~in compliance. An entire area may be designated as a smoking~~
27 ~~area if all workers routinely assigned to work in that area at~~
28 ~~the same time agree. With respect to the square footage in any~~
29 ~~public place as described in subsection (4), this square~~
30 ~~footage shall not include private office work space which is~~
31 ~~not a common area as defined in s. 386.203(6) and which is~~

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1 ~~ordinarily inaccessible to the public.~~

2 ~~(4)(a) No more than one-half of the total square~~
3 ~~footage in any public place within a single enclosed indoor~~
4 ~~area used for a common purpose shall be reserved and~~
5 ~~designated as a smoking area.~~

6 ~~(b) The square footage limitation set forth in~~
7 ~~paragraph (a) shall not apply to any restaurant subject to~~
8 ~~this part. With respect to such restaurants:~~

9 ~~1. No more than 50 percent of the seats existing in a~~
10 ~~restaurant's dining room at any time shall be located in an~~
11 ~~area designated as a smoking area.~~

12 ~~2. Effective October 1, 2001, no more than 35 percent~~
13 ~~of the seats existing in a restaurant's dining room at any~~
14 ~~time shall be located in an area designated as a smoking area.~~

15 ~~(5) A smoking area may not contain common areas which~~
16 ~~are expected to be used by the public.~~

17 ~~(6) Each state agency may adopt rules for~~
18 ~~administering this section which take into consideration the~~
19 ~~provisions of this part.~~

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22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 On page 1, lines 13 and 14, delete those lines

25

26 and insert:

27 smoking rooms in airport in-transit lounges;

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