

Bill No. CS for SB 1308

Barcode 652286

CHAMBER ACTION

Senate

House

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The Committee on Criminal Justice (Crist) recommended the following amendment:

**Senate Amendment (with title amendment)**

On page 2, line 16, through page 4, line 17, delete those lines

and insert:

Section 1. Subsection (5) of section 386.203, Florida Statutes, is amended, present subsections (6) through (13) of that section are redesignated as subsections (7) through (14), respectively, and new subsections (6) and (15) are added to that section to read:

386.203 Definitions.--As used in this part:

(5)(a) "Enclosed indoor workplace" means any place where one or more persons engages in work, and which place is predominantly or totally bounded on all sides and above by physical barriers, regardless of whether such barriers consist of or include, without limitation, uncovered openings; screened or otherwise partially covered openings; or open or closed windows, jalousies, doors, or the like. A place is

Bill No. CS for SB 1308

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1 "predominantly" bounded by physical barriers during any time  
2 when both of the following conditions exist:

3 1.(a) It is more than 50 percent covered from above by  
4 a physical barrier that excludes rain;7 and

5 2.(b) More than 50 percent of the combined surface  
6 area of its sides is covered by closed physical barriers. In  
7 calculating the percentage of side surface area covered by  
8 closed physical barriers, all solid surfaces that block air  
9 flow, except railings, must be considered as closed physical  
10 barriers. This section applies to all such enclosed indoor  
11 workplaces and enclosed parts thereof without regard to  
12 whether work is occurring at any given time.

13 (b)(c) The term does not include any facility owned or  
14 leased by and used exclusively for noncommercial activities  
15 performed by the members and guests of a membership  
16 association, including social gatherings, meetings, dining,  
17 and dances, if no person or persons are engaged in work as  
18 defined in subsection(13)(12).

19 (6) "Person" has the same meaning as in s. 1.01(3).

20 (15) "Proprietor or other person in charge of an  
21 enclosed indoor workplace" means:

22 (a) When the enclosed indoor workplace is rented to a  
23 tenant, the tenant or the tenant's employees or agents,  
24 without limiting the ultimate responsibility of the tenant to  
25 implement the policy regarding smoking prohibition, or

26 (b) When the enclosed indoor workplace is not rented  
27 to a tenant, the owner of the enclosed indoor workplace or  
28 that owner's employees or agents, without limiting the  
29 ultimate responsibility of the owner of the enclosed indoor  
30 workplace to implement the policy regarding smoking  
31 prohibition in all enclosed indoor workplaces where (a) does

Bill No. CS for SB 1308

Barcode 652286

1 not apply.

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

5 And the title is amended as follows:

6       On page 1, line 4, delete that line

7

8 and insert:

9       terms "person" and "proprietor or other person

10       in charge of an enclosed indoor workplace" for

11       purposes of the act; amending

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