

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Hasner offered the following:

2  
3 **Amendment (with directory and title amendments)**

4 On page 3, line 28, through page 10, line 5,  
5 remove: all of said lines

6  
7 and insert:

8  
9 Section 2. Section 386.204, Florida Statutes, is amended  
10 to read:

11 386.204 Prohibition.--

12 (1) A person may not smoke in an enclosed indoor  
13 workplace, except as otherwise provided in s. 386.2045.

14 (2) A proprietor or other person in charge of an enclosed  
15 indoor workplace may not permit smoking in that enclosed indoor

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16 workplace. If the proprietor or other person in charge of an  
17 enclosed indoor workplace observes smoking in that workplace or  
18 has been notified of observed smoking in that workplace in  
19 violation of this part, the proprietor or other person in charge  
20 of the enclosed indoor workplace shall request the violator to  
21 stop smoking and, if the violator does not comply, the  
22 proprietor or other person in charge of the enclosed indoor  
23 workplace shall require the violator to leave the premises. A  
24 proprietor or other person in charge of an enclosed indoor  
25 workplace who fails to comply with this subsection is subject to  
26 the procedures and penalties prescribed in ss. 386.207 and  
27 561.695, as applicable.

28 Section 3. Subsections (2) and (4) of section 386.2045,  
29 Florida Statutes, are amended to read:

30 386.2045 Enclosed indoor workplaces; specific  
31 exceptions.--Notwithstanding s. 386.204, tobacco smoking may be  
32 permitted in each of the following places:

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

37 (4) STAND-ALONE BAR.--A business that meets the definition  
38 of a stand-alone bar as defined in s. 386.203(12) ~~s. 386.203(11)~~  
39 and that otherwise complies with all applicable provisions of  
40 the Beverage Law and this part.

41 Section 4. Subsection (1) of section 386.205, Florida  
42 Statutes, is amended to read:

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43           386.205 Customs smoking rooms.--A customs smoking room may  
44 be designated by the person in charge of an airport in-transit  
45 lounge under the authority and control of the Bureau of Customs  
46 and Border Protection of the United States Department of  
47 Homeland Security. A customs smoking room may only be designated  
48 in an airport in-transit lounge under the authority and control  
49 of the Bureau of Customs and Border Protection of the United  
50 States Department of Homeland Security. A customs smoking room  
51 may not be designated in an elevator, restroom, or any common  
52 area as defined by s. 386.203. Each customs smoking room must  
53 conform to the following requirements:

54           (1) Work, other than essential services defined in s.  
55 386.203(7) ~~s. 386.203(6)~~, must not be performed in the room at  
56 any given time.

57           Section 5. Section 386.206, Florida Statutes, is amended  
58 to read:

59           386.206 Posting of signs; requiring policies.--

60           ~~(1) The person in charge of an enclosed indoor workplace  
61 that prior to adoption of s. 20, Art. X of the State  
62 Constitution was required to post signs under the requirements  
63 of this section must continue to conspicuously post, or cause to  
64 be posted, signs stating that smoking is not permitted in the  
65 enclosed indoor workplace. Each sign posted pursuant to this  
66 section must have letters of reasonable size which can be easily  
67 read. The color, design, and precise place of posting of such  
68 signs shall be left to the discretion of the person in charge of  
69 the premises.~~

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70        (1)~~(2)~~ The proprietor or other person in charge of an  
71 enclosed indoor workplace must develop and implement a policy  
72 regarding the smoking prohibitions established in this part.  
73 The policy may include, but is not limited to, procedures to be  
74 taken when the proprietor or other person in charge witnesses or  
75 is made aware of a violation of s. 386.204 in the enclosed  
76 indoor workplace and must include a policy which prohibits an  
77 employee from smoking in the enclosed indoor workplace. In order  
78 to increase public awareness, the person in charge of an  
79 enclosed indoor workplace may, at his or her discretion, post  
80 "NO SMOKING" signs as deemed appropriate.

81        (2)~~(3)~~ The person in charge of an airport terminal that  
82 includes a designated customs smoking room must conspicuously  
83 post, or cause to be posted, signs stating that no smoking is  
84 permitted except in the designated customs smoking room located  
85 in the customs area of the airport. Each sign posted pursuant to  
86 this section must have letters of reasonable size that can be  
87 easily read. The color, design, and precise locations at which  
88 such signs are posted shall be left to the discretion of the  
89 person in charge of the premises.

90        (3)~~(4)~~ The proprietor or other person in charge of an  
91 enclosed indoor workplace where a smoking cessation program,  
92 medical research, or scientific research is conducted or  
93 performed must conspicuously post, or cause to be posted, signs  
94 stating that smoking is permitted for such purposes in  
95 designated areas in the enclosed indoor workplace. Each sign  
96 posted pursuant to this section must have letters of reasonable

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97 size which can be easily read. The color, design, and precise  
98 locations at which such signs are posted shall be left to the  
99 discretion of the person in charge of the premises.

100 ~~(5) The provisions of subsection (1) shall expire on July~~  
101 ~~1, 2005.~~

102 Section 6. Section 386.208, Florida Statutes, is amended  
103 to read:

104 386.208 Penalties.--

105 (1) Any person who violates s. 386.204 commits a  
106 noncriminal violation as defined in s. 775.08(3), punishable by  
107 a fine of not more than \$100 for the first violation and not  
108 more than \$500 for each subsequent violation. Jurisdiction shall  
109 be with the appropriate county court.

110 (2) A law enforcement officer may issue a citation in such  
111 form as prescribed by a county or municipality to any person who  
112 violates the provisions of this part. Any such citation must  
113 contain:

114 (a) The date and time of issuance.

115 (b) The name and address of the person cited.

116 (c) The date and time the civil infraction was committed.

117 (d) The statute violated.

118 (e) The facts constituting the violation.

119 (f) The name and authority of the law enforcement officer.

120 (g) The procedure for the person to follow in order to pay  
121 the fine, contest the citation, or appear in court.

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122       (h) The applicable range of the fine for the violation,  
123 which may not be more than \$100 for a first violation and not  
124 more than \$500 for each subsequent violation.

125       (3) Any person who fails to comply with the directions of  
126 the citation shall be deemed to have waived his or her right to  
127 contest the citation and the court may issue an order to show  
128 cause.

129       (4) If a person who violates s. 386.204, or any provision  
130 of this part, refuses to comply with the request of the  
131 proprietor or other person in charge of an enclosed indoor  
132 workplace to stop smoking or otherwise comply with the  
133 provisions of this part, a law enforcement officer may remove  
134 the violator from the premises.

135       (5) This section does not limit any other action or remedy  
136 that is available to a proprietor or other person in charge of  
137 an enclosed indoor workplace and does not limit the authority of  
138 a law enforcement officer, the department, or the Division of  
139 Hotels and Restaurants and the Division of Alcoholic Beverages  
140 and Tobacco of the Department of Business and Professional  
141 Regulation to enforce the provisions of this part or any other  
142 rule, law, or ordinance.

143       Section 7. Subsections (1), (5), (6), (7), and (8) of  
144 section 561.695, Florida Statutes, are amended to read:

145       561.695 Stand-alone bar enforcement; qualification;  
146 penalties.--

147       (1) The division shall designate as a stand-alone bar the  
148 licensed premises of a vendor that operates a business that

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149 meets the definition of a stand-alone bar in s. 386.203(12) ~~s-~~  
150 ~~386.203(11)~~ upon receipt of the vendor's election to permit  
151 tobacco smoking in the licensed premises.

152 (5) After the initial designation, to continue to qualify  
153 as a stand-alone bar the licensee must provide to the division  
154 annually, on or before the licensee's annual renewal date, an  
155 affidavit that certifies, with respect to the preceding 12-month  
156 period, the following:

157 (a) No more than 10 percent of the gross revenue of the  
158 business is from the sale of food consumed on the licensed  
159 premises as defined in s. 386.203(12)~~(11)~~.

160

161

162 ===== D I R E C T O R Y A M E N D M E N T =====

163

164 On page 2, lines 27 and 28,  
165 remove: all of said lines

166

167 and insert:

168

169 Section 1. Subsection (5) of section 386.203, Florida  
170 Statutes, is amended, present

171

172

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

174 On page 1, lines 5 through 14,  
175 remove: all of said lines

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**(LATE FILED)**

HOUSE AMENDMENT

Bill No. CS/CS/SB 1348

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176

177 and insert:

178

179 purposes of the act; amending s. 386.204, F.S.;

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