

HB 1093

2007

1                   A bill to be entitled  
 2           An act relating to regulation of smoking; amending s.  
 3           386.209, F.S.; authorizing municipalities and counties to  
 4           regulate smoking at public outdoor athletic facilities  
 5           under certain circumstances; providing a definition;  
 6           providing an effective date.

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 8   Be It Enacted by the Legislature of the State of Florida:

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 10           Section 1. Section 386.209, Florida Statutes, is amended  
 11           to read:

12           386.209 Regulation of smoking preempted to state.--This  
 13           part expressly preempts regulation of smoking to the state and  
 14           supersedes any municipal or county ordinance on the subject,  
 15           with the exception of a municipal or county ordinance that  
 16           regulates smoking within 100 feet of a public outdoor athletic  
 17           facility while persons under the age of 18 are present. For the  
 18           purposes of this section, "outdoor athletic facility" means an  
 19           outdoor basketball court, volleyball court, tennis court,  
 20           racquetball court, badminton court, baseball field, softball  
 21           field, soccer field, skate park, or similar facility and any  
 22           portion thereof, including sidelines, dugouts, bleachers or  
 23           other spectator areas, restroom structures, and concession or  
 24           eating areas. "Outdoor athletic facility" includes a  
 25           freestanding playground, a swimming pool, and all areas adjacent  
 26           thereto.

27           Section 2. This act shall take effect July 1, 2007.