

By the Committee on Regulated Industries; and Senator Altman

580-02580-11

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1 A bill to be entitled

2 An act relating to the regulation of smoking; amending  
3 s. 386.212, F.S.; authorizing a district school board  
4 to adopt rules prohibiting any person from smoking  
5 tobacco on or in any district-owned or district-leased  
6 facility or property during a specified time of the  
7 day; amending s. 386.209, F.S.; providing an exception  
8 to the state preemption of the regulation of smoking  
9 in the state; providing an effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13 Section 1. Subsection (1) of section 386.212, Florida  
14 Statutes, is amended to read:

15 386.212 Smoking prohibited near school property; penalty.—

16 (1) It is unlawful for any person under 18 years of age to  
17 smoke tobacco in, on, or within 1,000 feet of the real property  
18 comprising a public or private elementary, middle, or secondary  
19 school between the hours of 6 a.m. and midnight. A district  
20 school board may adopt rules prohibiting any person from smoking  
21 tobacco on or in any other district-owned or district-leased  
22 facility or property between the hours of 6 a.m. and midnight.  
23 This section does not apply to any person occupying a moving  
24 vehicle or within a private residence.

25 Section 2. Section 386.209, Florida Statutes, is amended to  
26 read:

27 386.209 Regulation of smoking preempted to state.—Except as  
28 provided in s. 386.212, this part expressly preempts regulation  
29 of smoking to the state and supersedes any municipal or county

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30 ordinance on the subject.

31 Section 3. This act shall take effect July 1, 2011.