

1                                   A bill to be entitled  
 2           An act relating to the Florida Clean Indoor Air Act;  
 3           amending s. 386.209, F.S.; authorizing a municipality  
 4           or county to restrict smoking on certain properties;  
 5           providing limitations on such restrictions;  
 6           authorizing a law enforcement officer to issue a  
 7           citation under certain circumstances; defining the  
 8           term "playground"; providing an effective date.

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

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 12           Section 1. Section 386.209, Florida Statutes, is amended  
 13           to read:

14           386.209 Regulation of smoking preempted to state.—This  
 15           part expressly preempts regulation of smoking to the state and  
 16           supersedes any municipal or county ordinance on the subject,  
 17           except that:~~; however,~~

18           (1) A school district districts may further restrict  
 19           smoking by persons on school district property.

20           (2) A municipality or county may further restrict smoking  
 21           in playground areas that are owned by the municipality or county  
 22           if the area where smoking is restricted is clearly delineated by  
 23           "No Smoking" signs. A law enforcement officer, before issuing a  
 24           citation for a violation, must first direct the person smoking  
 25           to stop smoking and advise him or her of the penalties for a  
 26           violation. If the person smoking does not heed the directive,

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27 the officer must ask the person to leave the premises. If the  
28 person refuses to leave the premises, in addition to any other  
29 penalty, a civil citation may be issued, punishable as provided  
30 in s. 386.208. As used in this section, "playground" means a  
31 municipally owned or county-owned property that is a designated,  
32 independent area in a community or neighborhood which is  
33 designed solely for children and has one or more playground  
34 structures.

35 Section 2. This act shall take effect July 1, 2014.