

By the Committee on Environment and Natural Resources; and
Senators Gruters, Hutson, Perry, and Harrell

592-02884-21

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1 A bill to be entitled
2 An act relating to regulation of smoking in public
3 places; revising the title of part II of ch. 386,
4 F.S.; amending s. 386.201, F.S.; revising a short
5 title; amending s. 386.209, F.S.; authorizing counties
6 and municipalities to further restrict smoking, except
7 for smoking cigars or pipe tobacco, within the
8 boundaries of public beaches and public parks under
9 certain circumstances; creating s. 386.2095, F.S.;
10 prohibiting smoking within the boundaries of a state
11 park; providing an exception; amending ss. 381.84 and
12 386.211, F.S.; conforming provisions to changes made
13 by the act; providing an effective date.

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

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17 Section 1. Part II of chapter 386, Florida Statutes,
18 entitled "INDOOR AIR: SMOKING AND VAPING," is renamed "SMOKING
19 AND VAPING."

20 Section 2. Section 386.201, Florida Statutes, is amended to
21 read:

22 386.201 Short title ~~Popular name~~.—This part may be cited as
23 ~~by the popular name~~ the "Florida Clean ~~Indoor~~ Air Act."

24 Section 3. Section 386.209, Florida Statutes, is amended to
25 read:

26 386.209 Regulation of smoking preempted to state.—This part
27 expressly preempts regulation of smoking to the state and
28 supersedes any municipal or county ordinance on the subject;
29 however, counties and municipalities may further restrict

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30 smoking, except for smoking cigars or pipe tobacco, within the
31 boundaries of any public beaches and public parks that they own.
32 Municipalities may further restrict smoking, except for smoking
33 cigars or pipe tobacco, within the boundaries of public beaches
34 and public parks that are within their jurisdiction but are
35 owned by the county if doing so would not conflict with a county
36 ordinance. School districts may further restrict smoking by
37 persons on school district property. This section does not
38 preclude the adoption of municipal or county ordinances that
39 impose more restrictive regulation on the use of vapor-
40 generating devices than is provided in this part.

41 Section 4. Section 386.2095, Florida Statutes, is created
42 to read:

43 386.2095 Smoking prohibited in state parks.—A person may
44 not smoke within the boundaries of a state park. This
45 prohibition does not apply to smoking cigars or pipe tobacco.

46 Section 5. Paragraph (h) of subsection (3) of section
47 381.84, Florida Statutes, is amended to read:

48 381.84 Comprehensive Statewide Tobacco Education and Use
49 Prevention Program.—

50 (3) PROGRAM COMPONENTS AND REQUIREMENTS.—The department
51 shall conduct a comprehensive, statewide tobacco education and
52 use prevention program consistent with the recommendations for
53 effective program components contained in the 1999 Best
54 Practices for Comprehensive Tobacco Control Programs of the CDC,
55 as amended by the CDC. The program shall include the following
56 components, each of which shall focus on educating people,
57 particularly youth and their parents, about the health hazards
58 of tobacco and discouraging the use of tobacco:

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59 (h) *Enforcement and awareness of related laws.*—In
60 coordination with the Department of Business and Professional
61 Regulation, the program shall monitor the enforcement of laws,
62 rules, and policies prohibiting the sale or other provision of
63 tobacco to minors, as well as the continued enforcement of the
64 Florida Clean ~~Indoor~~ Air Act prescribed in chapter 386. The
65 advertisements produced in accordance with paragraph (a) may
66 also include information designed to make the public aware of
67 these related laws and rules. The departments may enter into
68 interagency agreements to carry out this program component.

69 Section 6. Section 386.211, Florida Statutes, is amended to
70 read:

71 386.211 Public announcements in mass transportation
72 terminals.—Announcements about the Florida Clean ~~Indoor~~ Air Act
73 shall be made regularly over public address systems in terminals
74 of public transportation carriers located in metropolitan
75 statistical areas with populations over 230,000 according to the
76 latest census. These announcements shall be made at least every
77 30 minutes and shall be made in appropriate languages. Each
78 announcement must include a statement to the effect that Florida
79 is a clean ~~indoor~~ air state and that smoking and vaping are
80 prohibited except as provided in this part.

81 Section 7. This act shall take effect July 1, 2021.