

By Senator Gruters

23-00367-22

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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 within  
7       the boundaries of public beaches and public parks  
8       under certain circumstances; creating s. 386.2095,  
9       F.S.; prohibiting smoking within the boundaries of a  
10      state park; amending ss. 381.84 and 386.211, F.S.;  
11      conforming provisions to changes made by the act;  
12      providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

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

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

21       386.201 Short title ~~Popular name~~.—This part may be cited as  
22 ~~by the popular name~~ the "Florida Clean ~~Indoor~~ Air Act."

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

25       386.209 Regulation of smoking preempted to state.—This part  
26 expressly preempts regulation of smoking to the state and  
27 supersedes any municipal or county ordinance on the subject;  
28 however, counties and municipalities may further restrict  
29 smoking within the boundaries of any public beaches or public

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

39 Section 4. Section 386.2095, Florida Statutes, is created  
40 to read:

41 386.2095 Smoking prohibited in state parks.—A person may  
42 not smoke within the boundaries of a state park.

43 Section 5. Paragraph (h) of subsection (3) of section  
44 381.84, Florida Statutes, is amended to read:

45 381.84 Comprehensive Statewide Tobacco Education and Use  
46 Prevention Program.—

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

56 (h) *Enforcement and awareness of related laws.*—In  
57 coordination with the Department of Business and Professional  
58 Regulation, the program shall monitor the enforcement of laws,

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

66 Section 6. Section 386.211, Florida Statutes, is amended to  
67 read:

68 386.211 Public announcements in mass transportation  
69 terminals.—Announcements about the Florida Clean ~~Indoor~~ Air Act  
70 shall be made regularly over public address systems in terminals  
71 of public transportation carriers located in metropolitan  
72 statistical areas with populations over 230,000 according to the  
73 latest census. These announcements shall be made at least every  
74 30 minutes and shall be made in appropriate languages. Each  
75 announcement must include a statement to the effect that Florida  
76 is a clean ~~indoor~~ air state and that smoking and vaping are  
77 prohibited except as provided in this part.

78 Section 7. This act shall take effect July 1, 2022.