

By the Committee on Environment and Natural Resources; and
Senators Gruters, Bradley, Farmer, Berman, Stewart, Rouson,
Boyd, and Hooper

592-02784-22

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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, with exceptions; amending
9 ss. 381.84 and 386.211, F.S.; conforming provisions to
10 changes made by the act; providing an effective date.

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

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

17 Section 2. Section 386.201, Florida Statutes, is amended to
18 read:

19 386.201 Short title ~~Popular name~~.—This part may be cited as
20 ~~by the popular name~~ the "Florida Clean Indoor Air Act."

21 Section 3. Section 386.209, Florida Statutes, is amended to
22 read:

23 386.209 Regulation of smoking preempted to state.—This part
24 expressly preempts regulation of smoking to the state and
25 supersedes any county or municipal ~~municipal or county~~ ordinance
26 on the subject; however, counties and municipalities may further
27 restrict smoking within the boundaries of any public beaches or
28 public parks that they own, except with regard to the smoking of
29 cigars that do not contain a filter or a plastic tip or the

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

42 Section 4. Paragraph (h) of subsection (3) of section
43 381.84, Florida Statutes, is amended to read:

44 381.84 Comprehensive Statewide Tobacco Education and Use
45 Prevention Program.—

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

55 (h) *Enforcement and awareness of related laws.*—In
56 coordination with the Department of Business and Professional
57 Regulation, the program shall monitor the enforcement of laws,
58 rules, and policies prohibiting the sale or other provision of

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

65 Section 5. Section 386.211, Florida Statutes, is amended to
66 read:

67 386.211 Public announcements in mass transportation
68 terminals.—Announcements about the Florida Clean ~~Indoor~~ Air Act
69 shall be made regularly over public address systems in terminals
70 of public transportation carriers located in metropolitan
71 statistical areas with populations over 230,000 according to the
72 latest census. These announcements shall be made at least every
73 30 minutes and shall be made in appropriate languages. Each
74 announcement must include a statement to the effect that Florida
75 is a clean ~~indoor~~ air state and that smoking and vaping are
76 prohibited except as provided in this part.

77 Section 6. This act shall take effect July 1, 2022.