

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

595-03053-22

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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;  
9           requiring that any signs installed in relation to such  
10          restrictions include certain information; amending ss.  
11          381.84 and 386.211, F.S.; conforming provisions to  
12          changes made by the act; 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 county or municipal ~~municipal or county~~ ordinance  
28 on the subject; however:

29           (1) (a) Counties and municipalities may further restrict

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30 smoking within the boundaries of any public beaches or public  
31 parks that they own, except with regard to the smoking of cigars  
32 that do not contain a filter or plastic tip or the smoking of  
33 pipe tobacco in a pipe.

34 (b) Municipalities may further restrict smoking within the  
35 boundaries of any public beaches or public parks that are within  
36 their jurisdiction but are owned by the county if doing so would  
37 not conflict with a county ordinance, except that they may not  
38 further restrict the smoking of cigars that do not contain a  
39 filter or plastic tip or the smoking of pipe tobacco in a pipe.

40 (c) If a county or municipality restricts smoking within  
41 the boundaries of any public beach or public park under this  
42 subsection, any related signage installed must state that  
43 smoking is prohibited except as provided in s. 386.209 and  
44 provide a scannable quick response code linked to this section.

45 (2) School districts may further restrict smoking by  
46 persons on school district property.

47 (3) This section does not preclude the adoption of county  
48 or municipal ~~municipal or county~~ ordinances that impose more  
49 restrictive regulation on the use of vapor-generating devices  
50 than is provided in this part.

51 Section 4. Paragraph (h) of subsection (3) of section  
52 381.84, Florida Statutes, is amended to read:

53 381.84 Comprehensive Statewide Tobacco Education and Use  
54 Prevention Program.—

55 (3) PROGRAM COMPONENTS AND REQUIREMENTS.—The department  
56 shall conduct a comprehensive, statewide tobacco education and  
57 use prevention program consistent with the recommendations for  
58 effective program components contained in the 1999 Best

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59 Practices for Comprehensive Tobacco Control Programs of the CDC,  
60 as amended by the CDC. The program shall include the following  
61 components, each of which shall focus on educating people,  
62 particularly youth and their parents, about the health hazards  
63 of tobacco and discouraging the use of tobacco:

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

74 Section 5. Section 386.211, Florida Statutes, is amended to  
75 read:

76 386.211 Public announcements in mass transportation  
77 terminals.—Announcements about the Florida Clean ~~Indoor~~ Air Act  
78 shall be made regularly over public address systems in terminals  
79 of public transportation carriers located in metropolitan  
80 statistical areas with populations over 230,000 according to the  
81 latest census. These announcements shall be made at least every  
82 30 minutes and shall be made in appropriate languages. Each  
83 announcement must include a statement to the effect that Florida  
84 is a clean ~~indoor~~ air state and that smoking and vaping are  
85 prohibited except as provided in this part.

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