

By Senator Gruters

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1 A bill to be entitled
2 An act relating to smoking in public places; amending
3 s. 386.202, F.S.; revising legislative intent;
4 amending s. 386.203, F.S.; defining the term "public
5 place"; revising the definition of the terms "smoking"
6 and "vape" or "vaping"; amending s. 386.204, F.S.;
7 prohibiting smoking in public places in this state,
8 with exceptions; providing applicability; amending s.
9 386.205, F.S.; revising requirements for customs
10 smoking rooms to prohibit smoking and vaping of
11 marijuana products at any time; amending s. 561.695,
12 F.S.; conforming a cross-reference; providing an
13 effective date.

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

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17 Section 1. Section 386.202, Florida Statutes, is amended to
18 read:

19 386.202 Legislative intent.—The purpose of this part is to
20 protect people from the health hazards of secondhand tobacco and
21 marijuana smoke and vapor and to implement the Florida health
22 initiative in s. 20, Art. X of the State Constitution. It is the
23 intent of the Legislature to not inhibit, or otherwise obstruct,
24 medical or scientific research, or smoking or vaping cessation
25 programs approved by the Department of Health.

26 Section 2. Present subsections (9) through (17) of section
27 386.203, Florida Statutes, are redesignated as subsections (10)
28 through (18), respectively, a new subsection (9) is added to
29 that section, and present subsections (11) and (13) of that

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30 section are amended, to read:

31 386.203 Definitions.—As used in this part:

32 (9) "Public place" means a place to which the public has
33 access, including, but not limited to, streets; sidewalks;
34 highways; public parks; public beaches; and the common areas,
35 both inside and outside, of schools, hospitals, government
36 buildings, apartment buildings, office buildings, lodging
37 establishments, restaurants, transportation facilities, and
38 retail shops.

39 (12)~~(11)~~ "Smoking" means inhaling, exhaling, burning,
40 carrying, or possessing any lighted tobacco or marijuana
41 product, including cigarettes, cigars, pipe tobacco, and any
42 other lighted tobacco or marijuana product.

43 (14)~~(13)~~ "Vape" or "vaping" means to inhale or exhale vapor
44 produced by a vapor-generating electronic device or to possess a
45 vapor-generating electronic device while that device is actively
46 employing an electronic, a chemical, or a mechanical means
47 designed to produce vapor or aerosol from a nicotine or
48 marijuana product or any other substance. The term does not
49 include the mere possession of a vapor-generating electronic
50 device.

51 Section 3. Section 386.204, Florida Statutes, is amended to
52 read:

53 386.204 Prohibition.—A person may not smoke or vape in an
54 enclosed indoor workplace or a public place, except as otherwise
55 provided in s. 386.2045. This prohibition does not apply to the
56 smoking of unfiltered cigars.

57 Section 4. Subsection (6) is added to section 386.205,
58 Florida Statutes, to read:

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59 386.205 Customs smoking rooms.—A customs smoking room may
60 be designated by the person in charge of an airport in-transit
61 lounge under the authority and control of the Bureau of Customs
62 and Border Protection of the United States Department of
63 Homeland Security. A customs smoking room may be designated only
64 in an airport in-transit lounge under the authority and control
65 of the Bureau of Customs and Border Protection of the United
66 States Department of Homeland Security. A customs smoking room
67 may not be designated in an elevator, restroom, or any common
68 area as defined by s. 386.203. Each customs smoking room must
69 conform to the following requirements:

70 (6) Smoking or vaping of marijuana products is prohibited
71 in the room at any time.

72 Section 5. Paragraph (a) of subsection (5) of section
73 561.695, Florida Statutes, is amended to read:

74 561.695 Stand-alone bar enforcement; qualification;
75 penalties.—

76 (5) After the initial designation, to continue to qualify
77 as a stand-alone bar, the licensee must provide to the division
78 annually, on or before the licensee's annual renewal date, an
79 affidavit that certifies, with respect to the preceding 12-month
80 period, the following:

81 (a) No more than 10 percent of the gross revenue of the
82 business is from the sale of food consumed on the licensed
83 premises as specified ~~defined~~ in s. 386.203(13) ~~s. 386.203(12)~~.

84
85 The division shall establish by rule the format of the affidavit
86 required by this subsection. A licensed vendor shall not
87 knowingly make a false statement on the affidavit required by

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88 this subsection. In addition to the penalties provided in
89 subsection (7), a licensed vendor who knowingly makes a false
90 statement on the affidavit required by this subsection may be
91 subject to suspension or revocation of the vendor's alcoholic
92 beverage license under s. 561.29.

93 Section 6. This act shall take effect July 1, 2025.