

By Senator Gruters

22-00705B-26

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

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

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

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

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

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section are amended, to read:

386.203 Definitions.—As used in this part:

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

~~(12)(11)~~ “Smoking” means inhaling, exhaling, burning, carrying, or possessing any lighted tobacco or marijuana product, including cigarettes, cigars, pipe tobacco, and any other lighted tobacco or marijuana product.

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

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

386.204 Prohibition.—A person may not smoke or vape in an enclosed indoor workplace or smoke or vape a marijuana product in a public place, except as otherwise provided in s. 386.2045.

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

386.205 Customs smoking rooms.—A customs smoking room may

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be designated by the person in charge of an airport in-transit lounge under the authority and control of the Bureau of Customs and Border Protection of the United States Department of Homeland Security. A customs smoking room may be designated only in an airport in-transit lounge under the authority and control of the Bureau of Customs and Border Protection of the United States Department of Homeland Security. A customs smoking room may not be designated in an elevator, restroom, or any common area as defined by s. 386.203. Each customs smoking room must conform to the following requirements:

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

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

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

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

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

The division shall establish by rule the format of the affidavit required by this subsection. A licensed vendor shall not knowingly make a false statement on the affidavit required by this subsection. In addition to the penalties provided in

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subsection (7), a licensed vendor who knowingly makes a false statement on the affidavit required by this subsection may be subject to suspension or revocation of the vendor's alcoholic beverage license under s. 561.29.

Section 6. This act shall take effect July 1, 2026.