

West's Florida Statutes Annotated  
Title XXIX. Public Health (Chapters 381-408)  
Chapter 386. Sanitary Nuisances; Florida Clean Air Act (Refs & Annos)  
Part II. Smoking and Vaping (Refs & Annos)

West's F.S.A. § 386.209

386.209. Regulation of smoking preempted to state

Effective: July 1, 2022

[Currentness](#)

This part expressly preempts regulation of smoking to the state and supersedes any county or municipal ordinance on the subject; however, counties and municipalities may further restrict smoking within the boundaries of any public beaches and public parks that they own, except that they may not further restrict the smoking of unfiltered cigars. A municipality may further restrict smoking within the boundaries of public beaches and public parks that are within its jurisdiction but are owned by the county, unless such restriction conflicts with a county ordinance, except that they may not further restrict the smoking of unfiltered cigars. School districts may further restrict smoking by persons on school district property. This section does not preclude the adoption of county or municipal ordinances that impose more restrictive regulation on the use of vapor-generating devices than is provided in this part.

#### **Credits**

Laws 1985, c. 85-257, § 9; Laws 1992, c. 92-185, § 8. Amended by Laws 2003, c. 2003-398, § 10, eff. July 1, 2003; Laws 2011, c. 2011-108, § 1, eff. July 1, 2011; Laws 2019, c. 2019-14, § 10, eff. July 1, 2019; Laws 2022, c. 2022-213, § 3, eff. July 1, 2022.

West's F. S. A. § 386.209, FL ST § 386.209

Current with laws, joint and concurrent resolutions and memorials through July 4, 2023, in effect from the 2023 Special B Session and the 2023 first regular session. Some statute sections may be more current, see credits for details. The statutes are subject to change as determined by the Florida Revisor of Statutes. (These changes will be incorporated later this year.)

---

End of Document

© 2023 Thomson Reuters. No claim to original U.S. Government Works.