

ENROLLED

CS/HB 105, Engrossed 1

2022 Legislature

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An act relating to the regulation of smoking by counties and municipalities; revising the title of part II of ch. 386, F.S.; amending s. 386.201, F.S.; revising a short title; amending s. 386.209, F.S.; authorizing counties and municipalities to further restrict smoking within the boundaries of public beaches and public parks under certain circumstances; providing an exception; amending ss. 381.84 and 386.211, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

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

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

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

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

386.209 Regulation of smoking preempted to state.—This part expressly preempts regulation of smoking to the state and

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26 | supersedes any county or municipal ~~municipal or county~~ ordinance  
 27 | on the subject; however, counties and municipalities may further  
 28 | restrict smoking within the boundaries of any public beaches and  
 29 | public parks that they own, except that they may not further  
 30 | restrict the smoking of unfiltered cigars. A municipality may  
 31 | further restrict smoking within the boundaries of public beaches  
 32 | and public parks that are within its jurisdiction but are owned  
 33 | by the county, unless such restriction conflicts with a county  
 34 | ordinance, except that they may not further restrict the smoking  
 35 | of unfiltered cigars. School districts may further restrict  
 36 | smoking by persons on school district property. This section  
 37 | does not preclude the adoption of county or municipal ~~municipal~~  
 38 | ~~or county~~ ordinances that impose more restrictive regulation on  
 39 | the use of vapor-generating devices than is provided in this  
 40 | part.

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

43 | 381.84 Comprehensive Statewide Tobacco Education and Use  
 44 | Prevention Program.—

45 | (3) PROGRAM COMPONENTS AND REQUIREMENTS.—The department  
 46 | shall conduct a comprehensive, statewide tobacco education and  
 47 | use prevention program consistent with the recommendations for  
 48 | effective program components contained in the 1999 Best  
 49 | Practices for Comprehensive Tobacco Control Programs of the CDC,  
 50 | as amended by the CDC. The program shall include the following

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51 components, each of which shall focus on educating people,  
 52 particularly youth and their parents, about the health hazards  
 53 of tobacco and discouraging the use of tobacco:

54 (h) *Enforcement and awareness of related laws.*—In  
 55 coordination with the Department of Business and Professional  
 56 Regulation, the program shall monitor the enforcement of laws,  
 57 rules, and policies prohibiting the sale or other provision of  
 58 tobacco to minors, as well as the continued enforcement of the  
 59 Florida Clean Indoor Air Act prescribed in chapter 386. The  
 60 advertisements produced in accordance with paragraph (a) may  
 61 also include information designed to make the public aware of  
 62 these related laws and rules. The departments may enter into  
 63 interagency agreements to carry out this program component.

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

66 386.211 Public announcements in mass transportation  
 67 terminals.—Announcements about the Florida Clean ~~Indoor~~ Air Act  
 68 shall be made regularly over public address systems in terminals  
 69 of public transportation carriers located in metropolitan  
 70 statistical areas with populations over 230,000 according to the  
 71 latest census. These announcements shall be made at least every  
 72 30 minutes and shall be made in appropriate languages. Each  
 73 announcement must include a statement to the effect that Florida  
 74 is a clean ~~indoor~~ air state and that smoking and vaping are  
 75 prohibited except as provided in this part.

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