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CS/HB 105, Engrossed 1

2022 Legislature

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2 An act relating to the regulation of smoking by
3 counties and municipalities; revising the title of
4 part II of ch. 386, F.S.; amending s. 386.201, F.S.;
5 revising a short title; amending s. 386.209, F.S.;
6 authorizing counties and municipalities to further
7 restrict smoking within the boundaries of public
8 beaches and public parks under certain circumstances;
9 providing an exception; amending ss. 381.84 and
10 386.211, F.S.; conforming provisions to changes made
11 by the act; providing an effective date.

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

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

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

20 386.201 Short title ~~Popular name~~.—This part may be cited
21 as ~~by the popular name~~ the "Florida Clean ~~Indoor~~ Air Act."

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

24 386.209 Regulation of smoking preempted to state.—This
25 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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76 | Section 6. This act shall take effect July 1, 2022. |