

1 A bill to be entitled
 2 An act relating to the Florida Clean Indoor Air Act;
 3 amending s. 386.209, F.S.; authorizing a municipality
 4 or county to restrict smoking on certain properties;
 5 providing limitations on such restrictions;
 6 authorizing a law enforcement officer to issue a
 7 citation under certain circumstances; defining the
 8 term "playground"; providing an effective date.

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

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12 Section 1. Section 386.209, Florida Statutes, is amended
 13 to read:

14 386.209 Regulation of smoking preempted to state.—This
 15 part expressly preempts regulation of smoking to the state and
 16 supersedes any municipal or county ordinance on the subject,
 17 except that: ~~however,~~

18 (1) A school district districts may further restrict
 19 smoking by persons on school district property.

20 (2) A municipality or county may further restrict smoking
 21 in playground areas that are owned by the municipality or county
 22 if the area where smoking is restricted is clearly delineated by
 23 "No Smoking" signs. A law enforcement officer, before issuing a
 24 citation for a violation, must first direct the person smoking
 25 to stop smoking and advise him or her of the penalties for a
 26 violation. If the person smoking does not heed the directive,

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27 | the officer must ask the person to leave the premises. If the
28 | person refuses to leave the premises, in addition to any other
29 | penalty, a civil citation may be issued, punishable as provided
30 | in s. 386.208. As used in this section, "playground" means a
31 | municipally owned or county-owned property that is a designated,
32 | independent area in a community or neighborhood which is
33 | designed solely for children and has one or more playground
34 | structures.

35 | Section 2. This act shall take effect July 1, 2014.