

By Senator Bradley

7-00236-14

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A bill to be entitled

An act relating to the Florida Clean Indoor Air Act;
amending s. 386.209, F.S.; authorizing a municipality
or county to restrict smoking on certain properties;
providing limitations on such restrictions;
authorizing a law enforcement officer to issue a
citation under certain circumstances; defining the
term "playground"; providing an effective date.

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

Section 1. 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
supersedes any municipal or county ordinance on the subject,
except that: ~~however,~~

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

(2) A municipality or county may further restrict smoking
in playground areas that are owned by the municipality or county
if the area where smoking is restricted is clearly delineated by
"No Smoking" signs. A law enforcement officer, before issuing a
citation for a violation, must first direct the person smoking
to stop smoking and advise him or her of the penalties for a
violation. If the person smoking does not heed the directive,
the officer must ask the person to leave the premises. If the
person refuses to leave the premises, in addition to any other
penalty, a civil citation may be issued, punishable as provided

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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.