

MEMORANDUM

TO: Tom Harmer, Town Manager

From: Allen Parsons, AICP
Director, Planning, Zoning & Building Department

Report Date: August 8, 2022

Meeting Date: September 12, 2022

Subject: Ordinance 2022-20, Amending Chapter 92, Parks, Public Beaches, Public Beach and Bay Accesses and Public Places

Recommended Action

Forward Ordinance 2022-20 to the October 3, 2022 Regular Meeting for second reading and public hearing.

Background

This past session the Florida Legislature amended Florida Statutes, Chapter 386.209, and eliminated a Statutory preemption that had prohibited local governments from regulating smoking at public beaches and parks. The revised Statute was renamed the "Florida Clean Air Act," from the prior title of the "Florida Clean Indoor Air Act" to account for the broader application of the legislation. The legislation was expressly intended to allow local governments the power to protect the public from secondhand smoke's various health hazards¹ and to reduce the associated litter² that can accompany smoking. The bill was approved by the Governor on June 24, 2022, Ch. 2022-213, Laws of Florida, and became effective on July 1, 2022.

The Town Commission provided direction at the July 1, 2022 Regular Meeting to have staff develop an ordinance for consideration that would prohibit smoking at the Town's public beaches and parks, consistent with the Florida Clean Air Act.

Ordinance 2022-20 would add smoking to the list of prohibited activities listed in Town Code Section 92.05 (Prohibited activities in Town parks, public places, public beaches, and public beach and bay accesses) at public beaches, public

¹ In 2021, an estimated 15.5 percent of the adults in Florida were tobacco smokers. Tobacco smoke contains over 7,000 chemicals, including hundreds that are toxic and up to 69 that are known to cause cancer. More than 480,000 deaths annually in the United States are caused by cigarette smoking, with exposure to secondhand smoke causing an estimated 41,000 deaths each year. Secondhand smoke is generally defined as smoke from burning tobacco products or smoke that is exhaled by a tobacco smoker. Exposure to secondhand smoke can cause numerous health problems and has been causally linked to cancer and other fatal diseases. Studies suggest that secondhand smoke in crowded outdoor areas can cause concentrations of air contaminants comparable to those caused by indoor smoking. Source: HB 105 Legislative Analysis

² Smoked cigarette butts (CB) or cigarette filters are among the most commonly littered items with 6.3 trillion cigarettes consumed worldwide. Littered CB do not easily biodegrade and may take up to 14 years to disappear, accumulating as one of the most common wastes in the world. Tobacco product waste, including littered CB, contains toxic chemicals that are released into the environment. Cigarette tobacco and cigarette products contain over 7000 chemicals including some that are toxins and carcinogens. Source: Food and Drug Administration, Health & Human Services Report, Venugopal et. al., Jan. 2021.

beach and bay accesses, and public parks, as authorized by Florida Statute 386.209. Consistent with State legislation, smoking of unfiltered cigars would be exempt from this prohibition.

Similar to other existing prohibitions in public places, like littering, or using profane language, non-emergency enforcement of the smoking prohibitions would be responded to, when calls are received by the Police Department subject to officer availability. Enforcement will also occur when a violation is directly observed by an officer while on patrol in an area where their use is prohibited. Violations of Prohibited Activities in Public Places (Sec. 92.05) are included in the Town's Schedule of Violations and Fines and are subject to citations of \$100 for a first offense, \$250 for a second offense and \$500 for a third and any subsequent offense.

Updated signage would be the primary anticipated expense. No additional resources are expected to be needed.

Public outreach via social media, the Town's website, local media outlets, and other Town publications such as the Town Manager Brief, etc. will be used to inform the public of the new smoking prohibition.

Staff Recommendation

Forward Ordinance 2022-20 to the October 3, 2022 Regular Meeting for second reading and public hearing.

Attachments

- A. Ordinance 2022-20 (Available in Town Clerk's Office)
- B. PowerPoint Presentation (Available in Town Clerk's Office)

End of Agenda Item