



**County Commission Meeting**  
**August 17, 2022**  
**Agenda Item Number: R.12**  
**Agenda Item Summary #10963**

---

**BULK ITEM:** No

**DEPARTMENT:** Parks and Beaches

**TIME APPROXIMATE:**  
1:30 p.m.

**STAFF CONTACT:** John Allen 7868473358

---

**AGENDA ITEM WORDING:** A public hearing to consider an ordinance amending Chapter 18, Parks and Recreation, of the Monroe County Code, to add a new Section 18-4 prohibiting smoking within the boundaries of Monroe County Public Parks and Beaches.

---

**ITEM BACKGROUND:** During the 2022 Florida Legislative Assembly, the Legislature passed CS/HB 105, and it was signed by the Governor on June 24, 2022, which now grants counties and municipalities the legal authority to restrict smoking within the boundaries of county and municipal owned public beaches and parks, but it includes an exception for unfiltered cigars. The new law became effective on July 1, 2022. Chapter 2022-213, Laws of Florida, is now codified at Fla. Stat., Sec. 386.209, and falls within that chapter, which now has the title changed from “Florida Clean Indoor Air Act” to “Florida Clean Air Act.” Previously, the State preempted the regulation of smoking and did not allow counties and municipalities to regulate smoking, except school districts could further restrict smoking on school district property. However, the State does not currently preempt the regulation of vaping.

The proposed Ordinance will amend Chapter 18, Parks and Recreation, of the Monroe County Code, and add a new Section 18-4, which will prohibit smoking within the boundaries of Monroe County owned public parks and beaches, but will allow an exception for unfiltered cigars, pursuant to the statute. There is also a provision for penalties if a person violates subsection (a) of Sec. 18-4, which would be a noncriminal violation that would be punishable by a fine of not more than \$100 for the first violation and not more than \$500 for each subsequent violation. Exposure to secondhand smoke can cause numerous health problems and has been linked to cancer and other fatal diseases. Discarded cigarette butts are a major concern and the cause of litter on the County beaches and in the parks. The World Health Organization estimates that 4.5 trillion butts are littered every year. The Florida Keys environment and nearshore waters is important to protect for not only residents of the county, but also for the many tourists who frequent our County owned parks and beaches. County staff, who work at the parks and beaches, seek to provide a clean environment so locals and tourists have a pleasant experience when they visit County properties. This new ordinance will be a start in controlling the cigarette butt litter at the parks and beaches and allow all visitors to enjoy the outdoor air without having to inhale cigarette smoke of others or be exposed to the litter. Staff seeks Board

approval of the new ordinance.

---

**PREVIOUS RELEVANT BOCC ACTION:**

**July 20, 2022** BOCC gave its approval to advertise for the public hearing on this proposed ordinance at its August 17, 2022 meeting.

---

**CONTRACT/AGREEMENT CHANGES:**

N/A

---

**STAFF RECOMMENDATION:** Approval

---

**DOCUMENTATION:**

No Smoking Ordinance with penalties (Final for 8-17-22)  
Fla. Stat. Sec. 386.209

---

**FINANCIAL IMPACT:**

**Effective Date:** August 17, 2022

**Expiration Date:** N/A

**Total Dollar Value of Contract:** N/A

**Total Cost to County:** N/A

**Current Year Portion:** N/A

**Budgeted:** N/A

**Source of Funds:** N/A

**CPI:** N/A

**Indirect Costs:** None

**Estimated Ongoing Costs Not Included in above dollar amounts:** N/A

**Revenue Producing:** No      **If yes, amount:**

**Grant:** N/A

**County Match:** N/A

**Insurance Required:** N/A

**Additional Details:**

N/A

---

**REVIEWED BY:**

John Allen	Completed	08/02/2022 1:01 PM
Patricia Eables	Completed	08/02/2022 1:18 PM
Budget and Finance	Completed	08/02/2022 1:20 PM
Purchasing	Completed	08/02/2022 1:20 PM

Risk Management  
Lindsey Ballard  
Board of County Commissioners

Completed  
Completed  
Pending

08/02/2022 1:53 PM  
08/02/2022 2:07 PM  
08/17/2022 9:00 AM