

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, URGING THE FLORIDA LEGISLATURE TO ALLOW LOCAL CONTROL OF SMOKING REGULATIONS; URGING CITIZENS TO RECOGNIZE THE NEGATIVE IMPACT OF SECOND HAND SMOKE AND TO REFRAIN FROM SMOKING OR USING TOBACCO PRODUCTS ON CITY PROPERTY; DIRECTING THE CITY CLERK TO PROVIDE CERTIFIED COPIES OF THIS RESOLUTION TO CERTAIN MEMBERS OF THE FLORIDA LEGISLATURE AND TO GOVERNOR SCOTT PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, tobacco use is the number one cause of preventable death in the United States; and

WHEREAS, the detrimental effects of second-hand smoke on non-smokers are well documented; and

WHEREAS, second-hand smoke lingers in the air, and by-products remain on surfaces for extended periods of time, adversely impacting the health of everyone who uses public spaces; and

WHEREAS, the Florida Legislature enacted Florida Statute 386.209, which provides: "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; However, school districts may further restrict smoking by persons on school district property.”

WHEREAS the City Commission believes a smoking ban on City property, especially City parks, is one effective way to reduce the impact of second hand smoke on citizens and visitors in the City of Key West. However, the City cannot do so based upon Florida Statute 386.209.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA AS FOLLOWS:

Section 1: That the City Commission urges the Florida Legislature to amend chapter 386 to allow municipalities to regulate smoking in their communities, especially in public parks where the youth of Key West are most often impacted by second hand smoke.

Section 2: That the City Commission urges residents and visitors to always consider the negative impact of second hand smoke on others, and to refrain from smoking on City-owned property, including parks.

Section 3: That the City Clerk is hereby directed to transmit a certified copy of this Resolution to Representative Raschein, Senator Bullard, members of the Florida House and Senate leadership, and Governor Rick Scott.

Section 4: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this _____ day of _____, 2015.

Authenticated by the Presiding Officer and Clerk of the Commission on _____ day of _____, 2015.

Filed with the Clerk on _____, 2015.

Mayor Craig Cates	_____
Vice Mayor Mark Rossi	_____
Commissioner Teri Johnston	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____
Commissioner Tony Yaniz	_____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK