



## Legislation Details (With Text)

**File #:** ID 2022-395    **Version:** 1    **Name:** Enforcement  
**Type:** Discussion and Possible Action    **Status:** Agenda Ready  
**File created:** 9/8/2022    **In control:** Regular City Commission Meeting  
**On agenda:** 9/21/2022    **Final action:**  
**Title:** DISCUSSION OF REGULATING SMOKING IN CITY PARKS  
**Sponsors:**  
**Indexes:**  
**Code sections:**

**Attachments:** 1. BACKGROUND - STATE STATUTE, 2. BACKGROUND - DFB ORDINANCE, 3. BACKGROUND - PP ORDINANCE, 4. BACKGROUND - PB ORDINANCE, 5. BACKGROUND - SURVEY

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

**TO:** Mayor and City Commission

**FROM:** Cale Curtis, City Manager

**DATE:** September 21, 2022

### DISCUSSION OF REGULATING SMOKING IN CITY PARKS

**BACKGROUND:** The Florida Legislature passed HB 105 during the 2022 legislative session, referred to as the “Florida Clean Air Act”, effective July 1, 2022, *State Statute 386.209; Regulation of smoking preempted to state*. This new law allows municipalities, such as the City of Margate to regulate and/or prohibit smoking within the boundaries of city parks.

Current Code Chapter 27-1: Parks Supervised by the Recreation Director, allows for the City to implement any smoking regulations as a park rule through all City Parks with the approval of the City Manager. Which means the City can remove violators from the park, and trespass accordingly.

Should the City Commission adopt an ordinance restricting, or prohibiting smoking in a City park as a separate ordinance, this action will allow law enforcement to write violators a notice to appear in court.

**RECOMMENDATION:** For consideration of the City Commission.

**FISCAL IMPACT:** None

**CONTACT PERSON:** Michael A. Jones, CPRP - Director of Parks and Recreation, 954-972-6458,  
majones@margatefl.com