

ORDINANCE NO. 2022/013

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 50 "PARKS AND RECREATION" OF THE CITY CODE OF ORDINANCES, BY CREATING SECTION 50-115 "SMOKING PROHIBITED" TO PROHIBIT SMOKING AT PUBLIC BEACHES AND PUBLIC PARKS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

WHEREAS, Chapter 386, Part II of Florida Statutes, the Florida Clean Indoor Air Act, implements Article X, Section 20 of the Florida Constitution, which prohibits a person from smoking tobacco or using a vapor-generating electronic device in an enclosed indoor workplace, with certain exceptions; and

WHEREAS, on June 24, 2022, the Florida Governor signed into law House Bill 105 ("HB 105"), which amends the Florida Clean Indoor Air Act to allow counties and municipalities to restrict smoking within the boundaries of any public beach or park, except for unfiltered cigars; and

WHEREAS, prior to the enactment of HB 105, Florida Statutes completely preempted the regulation of smoking and did not allow counties or municipalities to regulate smoking; and

WHEREAS, HB 105 became effective on July 1, 2022; and

WHEREAS, the City desires to prohibit smoking at public beaches and parks; and

WHEREAS, staff recommends the City Commission adopt this ordinance, amending Chapter 50 "Parks and Recreation" of the City Code to prohibit smoking at public beaches and public parks within the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, AS FOLLOWS:

Section 1. The above "WHEREAS" clauses are true and correct and are made a part of this Ordinance.

Section 2. Chapter 50 "Parks and Recreation" of the City Code of Ordinances is hereby amended to read as follows:

Chapter 50 PARKS AND RECREATION

ARTICLE V. RULES AND REGULATIONS

Sec. 50-115. Smoking Prohibited on Municipal Beach and In Public Parks.

Smoking within the boundaries of any municipal/public beach or public park within the City is prohibited to the fullest extent permitted under state law. Any person in violation of this Section shall be fined in an amount not exceeding \$100.

Section 3. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. The provisions of this Ordinance are declared to be severable, and, if any section, sentence, clause and/or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, which shall remain in effect, it being the legislative intent that this Ordinance shall stand despite the invalidity of any part.

Section 5. It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Code of the City of Deerfield Beach, and that the sections of this Ordinance may be renumbered to accomplish such intent.

Section 6. That this Ordinance shall take effect immediately upon adoption on second reading.

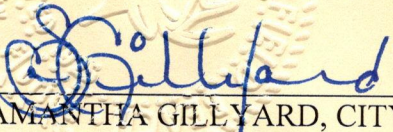
PASSED 1ST READING ON THIS 2ND DAY OF AUGUST, 2022.

PASSED 2ND READING ON THIS 16TH DAY OF AUGUST, 2022.



BILL GANZ, MAYOR

ATTEST:

SAMANTHA GILLYARD, CITY CLERK