



City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:	Item Type:		1 st Reading	2 nd Reading
12/14/2022	<input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Other	Ordinance Reading	11/2/2022	12/14/2022
		Public Hearing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
		Advertising Required	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Quasi-Judicial:	<input type="checkbox"/>	<input type="checkbox"/>
File No.:				
22-387				
Fiscal Impact (\$):	Account Balance (\$):	Funding Source:	Project Number:	
n/a	n/a	n/a	n/a	
Contract/P.O. Required	RFP/RFQ/Bid Number:	Sponsor Name:	Department:	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	n/a	Cathie Schanz	Parks, Recreation, and Open Spaces	
Strategic Plan Focus Areas:				
<input type="checkbox"/> Finance & Budget		<input checked="" type="checkbox"/> Organizational Capacity		<input type="checkbox"/> Infrastructure/Projects
Implementation Timeline:				
Estimated Start Date: 1/1/2023 Estimated End Date: n/a				

SHORT TITLE:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES SECTION 16-8, "PROHIBITED ACTIVITIES," TO ADD PROHIBITION OF SMOKING OR VAPING ON OR WITHIN ANY PUBLIC PARK IN THE CITY, INCLUDING WITHIN THE BOUNDARIES OF THE MUNICIPAL BEACHES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

STAFF SUMMARY:

Summary:

This agenda items seeks to amend the City's code to prohibit smoking and vaping in City Parks and the City beach to protect the health, safety and welfare of its residents.

Background:

Florida Statutes previously preempted the regulation of smoking and did not allow municipalities to regulate smoking. Effective July 1, 2022, Florida Statute 386.01 was amended to allow municipalities to restrict smoking within the boundaries of any public beach and public park with exceptions.

The Florida Clean Indoor Air Act has been changed to the Florida Clean Air Act to account for the broader application of the act. The Act aims to protect the public from the health hazards of secondhand tobacco smoke.

According to data from the Ocean Conservancy, cigarette butts are the most common piece of trash that volunteers pick up on Florida beaches.

Passive smoke is a risk for non-smokers and seeing people smoke poses a long-term risk to children. Implementing 100% smoke-free environments is the only effective way to protect the population from exposure to smoking's harmful effects.

The state previously preempted the regulation of smoking and did not allow counties or municipalities to regulate smoking. CS/HB 105 passed the house on February 24, 2022, and subsequently passed the Senate on March 2, 2022. The bill, effective July 1, 2022, amended Florida Statute 368.01 authorizing municipalities to restrict smoking on public areas including beaches and parks. The only exception to the law is unfiltered cigars — which are still permitted under this new law.

Current Situation:

The City of Hallandale Beach wishes to join other Florida municipalities in protecting the health, safety and welfare of its residents and seeks to amend its code to prohibit smoking and vaping in City Parks and the City beach.

Why Action is Necessary:

Pursuant to Article V, Division I, Section 5.01 of The City of Hallandale Beach City Charter, a City Ordinance is to be adopted to amend an existing Ordinance.

Cost Benefit:

Implementing this ordinance has no negative fiscal impact on the City.

PROPOSED ACTION:

Staff recommends the City Commission approve the proposed Ordinance on first reading and schedule second reading for December 14, 2022.

ATTACHMENT(S):

- Exhibit 1 – Proposed Ordinance
- Exhibit 2 – House Bill 105
- Exhibit 3 – House Bill 105 Analysis

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Assistant City Manager

Reviewed By: Noemy Sandoval

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Assistant City Manager