

## FLORIDA CLEAN INDOOR AIR ACT

The purpose of the **Florida Clean Indoor Air Act (FCIAA)** is to protect people from the health hazards of second hand tobacco smoke and to implement the Florida Health initiative in section 20, Article X of the State Constitution. However, the intent of this legislation is not to inhibit, or otherwise obstruct, medical or scientific research or smoking-cessation programs approved by the Department of Health.

### FCIAA Provisions

- ❖ **Prohibition** – A person may not smoke in an enclosed indoor workplace, except as specified below (s.386.204, F.S.).

**Enclosed, indoor workplace means** – Any place where one or more persons engages in work, and which place is predominantly or totally bounded on all sides and above by physical barriers, regardless of whether such barriers consist of or includes, without limitation, uncovered openings; screened or otherwise partially covered openings; or open or closed windows, jalousies, doors, or the like.

The Department of Health considers enclosed indoor workplace to include, but not limited to the following:

- ◆ Public and private workplaces
  - ◆ Restaurants
  - ◆ Bowling centers
  - ◆ Private country clubs
  - ◆ Hotels/motels (excluding guest rooms)
  - ◆ Beauty/barber salons
  - ◆ Libraries
  - ◆ Auditoriums/theaters
  - ◆ Nursing homes/health care facilities
  - ◆ Educational facilities (private or public)
- ❖ **Penalties** – Any person who violates s. 386.204, F.S., commits a non-criminal violation as defined in s. 775.08(3), F.S., punishable by a fine of not more than \$100 for the first violation and not more than \$500 for each subsequent violation. Jurisdiction shall be with the appropriate county court (s. 386.208, F.S.).
  - ❖ **Specific exceptions** – Smoking is permitted in the following indoor locations (s.386.2045, F.S.):
    - ◆ Customs Smoking Room – s. 386.205, F.S.
    - ◆ Private Residence – as defined in s. 386.203(1), F.S.
    - ◆ Stand-Alone Bar – as defined in s. 386.203(11), F.S.
    - ◆ Retail Tobacco Store – as defined in s. 386.203(8), F.S.
    - ◆ Designated Smoking Guest Rooms at Public Lodging Establishments – as defined in s. 386.203(4), F.S.
    - ◆ Smoking Cessation Program, Medical or Scientific Research – s. 386.204(5), F.S.
    - ◆ Membership Association – as defined in s. 386.203(13), F.S., and provided that noncommercial activities are performed by members of the membership association.

## Key Points of the Law

- ❖ **Posting of signs; requiring policies** – The person in charge of an enclosed indoor workplace that prior to adoption of s.20, Art. X, Florida Constitution was required to post signs stating that smoking was permitted. Until July 1, 2005, must continue to post signs stating that smoking is NOT permitted in the enclosed indoor workplace (s. 386.206, F.S.).
  - ◆ The proprietor or other person in charge of an enclosed indoor workplace must develop and implement a policy regarding smoking prohibitions.

The following places are required to post signs if smoking is permitted:

  - ◆ A licensed stand-alone bar (at entrance),
  - ◆ A customs smoking room (airport in-transit lounge),
  - ◆ A smoking cessation program where tobacco smoking is an integral part of the cessation program approved by the Department of Health, and
  - ◆ Where scientific or medical research is being conducted and tobacco smoking is an integral part of the research.

- ❖ **Public announcement in mass transportation terminals** – Terminals of public transportation carries located in standard metropolitan statistical areas with populations over 230,000 are required to announce over public address systems every 30 minutes, in appropriate languages, that Florida is a clean indoor air state and that smoking is not allowed except in a customs smoking room in an in-transit lounge (s. 386.211, F.S.).
- ❖ **Smoking prohibiting near school property; penalty** – Smoking is prohibited for any person under 18 years of age in, on, or within 1,000 feet of the real property comprising a public or private elementary, middle, or secondary school. The law provides for penalties (s. 386.212, F.S.).

## Administration & Enforcement

The Department of Health shall enforce the FCIAA in workplaces not regulated by the Department of Business and Professional Regulation.

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**Respondent**

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**Name and Title of Certifying Representative**

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**Signature of Certifying Representative**

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**Date**