

RESOLUTION 2011-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPE CANAVERAL, BREVARD COUNTY, FLORIDA, SUPPORTING RESTORATION OF LOCAL CONTROL OF SMOKE-FREE AIR LAWS IN THE STATE OF FLORIDA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer; and

WHEREAS, the World Health Organization has determined that there is no safe level of exposure to secondhand tobacco smoke, and in 2007 declared that there is undisputable evidence that implementing 100% smoke-free environments is the only effective way to protect the population from the harmful effects of exposure to secondhand smoke; and

WHEREAS, in 2010 the U.S. Surgeon General reported for the first time the damage smoking can do at the cellular and organ level and the evidence on the mechanisms by which smoking causes disease indicates that there is no risk-free level of exposure to tobacco smoke; and

WHEREAS, local governments have both the right and the responsibility to adopt laws that protect the health and safety of their residents; and

WHEREAS, more than 3,100 local governments throughout the country have successfully implemented smoke-free air laws to protect people against the harmful effects of secondhand smoke; and

WHEREAS, the tobacco industry, in an effort to negate such local legislation, has long had as its chief legislative strategy the preemption of local authority to regulate tobacco; and

WHEREAS, multiple states have successfully overturned preemption and restored local control to enact and enforce smoke-free air laws; and

WHEREAS, Florida has had a preemptive state law since 1985, which prohibits local government from enacting laws that restrict smoking in any indoor or outdoor settings, such as workplaces and public places, or restrict the marketing, advertising, and point of sale of tobacco products; and

WHEREAS, protecting people from the harmful effects of secondhand smoke is best accomplished by local communities working directly with the people most affected by smoke-free air laws; and

WHEREAS, the Florida Legislature should not deprive local governments of the authority to protect people from the harmful effects of secondhand smoke;


NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Cape Canaveral, Florida urges the Florida Legislature to repeal the State's preemption of local smoke-free air and other tobacco-related laws, and restore the right of local governments to enact and enforce smoke-free air and other tobacco-related laws.

AND BE IT FURTHER RESOLVED that the City Council of the City of Cape Canaveral, Florida strongly encourages other local governmental entities in Florida to adopt similar resolutions.

PASSED AND ADOPTED BY the City of Cape Canaveral City Council this 4th day of January, 2011.


ATTEST:


Angefa Apperson, City Clerk


Rocky Randels, Mayor

Name	For	Against
Robert Hoog	<u>Motion</u>	_____
Jim Morgan	<u>X</u>	_____
Buzz Petsos	<u>X</u>	_____
Rocky Randels	<u>X</u>	_____
Betty Walsh	<u>Second</u>	_____

Approved as to Form:


Anthony A. Garganese, City Attorney