

1 **RESOLUTION NO. 2013-11**

2
3 **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCOA BEACH,**
4 **FLORIDA, SUPPORTING HOME RULE AND THE CITY'S ABILITY TO REGULATE**
5 **SMOKE-FREE AREAS, REQUESTING THE CITY CLERK TO FORWARD THE**
6 **RESOLUTION TO STATE REPRESENTATIVES, AND PROVIDING FOR AN EFFECTIVE**
7 **DATE.**

8 **WHEREAS**, in 2013, Florida celebrates the 10th anniversary of the Clean Indoor Air Act,
9 which brought smoke-free air to indoor workplaces in the Sunshine State; and

10 **WHEREAS**, the anniversary is cause for reflection on the Clean Indoor Air Act to provide
11 for expansion of the rules; and

12 **WHEREAS**, multiple Florida communities have tried to adopt smoke-free park and beach
13 laws, only to be told they are prohibited from doing so by the pre-emptive state law; and

14 **WHEREAS**, Florida's law prohibits cities and counties from adopting their own smoke-
15 free protections, and

16 **WHEREAS**, cities and counties have adopted resolutions asking the Florida legislature to
17 repeal preemption and restore local control for smoke-free air, and

18 **WHEREAS**, the 2013 Florida legislature is considering bills: SB258 and HB439 that
19 would allow cities and counties to adopt smoke-free laws for outdoor city/county property, like
20 parks and beaches, so long as there is a designated smoking area.

21 **NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCOA**
22 **BEACH; BREVARD COUNTY, FLORIDA, AS FOLLOWS:**

23 **SECTION 1:** The Cocoa Beach City Commission agrees that smoking is not healthy, and that it causes
24 litter and environmental problems.
25

26 **SECTION 2:** The Cocoa Beach City Commission is of the belief that any decisions taken about
27 regulating smoking, should be taken at a local level, with the involvement of the local community, and urges
28 the State legislators to support Home Rule rights.
29

30 **SECTION 3:** The City Clerk is requested to forward a copy of this Resolution to the State
31 Representatives.
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33 **SECTION 4:** This Resolution shall become effective upon its adoption.
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35 Upon Motion by Commissioner _____ and Seconded by Commissioner _____
36 this Resolution was duly adopted at a Regular Meeting of the City Commission of the City of Cocoa Beach,
37 Florida, held on the _____ day of _____, 2013.
38

39 _____
40 Dave Netterstrom,
41 Mayor-Commissioner

42 ATTEST:

43 _____
44 Loredana Kalaghchy, MMC
45 City Clerk