

1 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY**
2 **OF ORLANDO, FLORIDA, RELATING TO PUBLIC**
3 **HEALTH; PROVIDING FINDINGS OF FACT RELATING**
4 **TO THE NEGATIVE HEALTH IMPACTS OF**
5 **SECONDHAND SMOKE ON PUBLIC HEALTH; URGING**
6 **THE CITIZENS OF ORLANDO NOT TO SMOKE IN**
7 **PARKS AND OTHER PUBLIC PLACES WHERE**
8 **CHILDREN COMMONLY GATHER; URGING THE**
9 **FLORIDA LEGISLATURE TO SUPPORT MUNICIPAL**
10 **HOME RULE POWER; PROVIDING FOR**
11 **SEVERABILITY, REPEAL OF CONFLICTING**
12 **RESOLUTIONS, CORRECTION OF SCRIVENER’S**
13 **ERRORS, AND AN EFFECTIVE DATE.**
14

15 **WHEREAS**, according to the Centers for Disease Control and Prevention, United States
16 Department of Health and Human Services (hereinafter the “CDC”), tobacco use is the leading
17 preventable cause of disease, disability, and death in the United States, and
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19 **WHEREAS**, the adverse health effects of cigarette smoking account for an estimated
20 443,000 deaths, or nearly one of every five deaths, each year in the United States; and
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22 **WHEREAS**, more deaths are caused each year by tobacco use than by all deaths from
23 human immunodeficiency virus (HIV), illegal drug use, alcohol use, motor vehicle injuries,
24 suicides, and murders, combined; and
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26 **WHEREAS**, smoking causes coronary heart disease, the leading cause of death in the
27 United States, lung cancer, leukemia, bladder cancer, cancer of the cervix, cancer of the
28 esophagus, kidney cancer, stomach cancer, cancer of the uterus, and other forms of cancer; and
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30 **WHEREAS**, second-hand smoke causes lung cancer, heart disease, ear infections, and
31 respiratory illnesses, among other ailments, and is especially harmful to children; and
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33 **WHEREAS**, second-hand smoke causes serious health problems for children, including
34 bronchitis, asthma, pneumonia, ear infections, and sudden infant death syndrome (SIDS); and
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36 **WHEREAS**, an estimated 88 million nonsmoking Americans, including 54% of children
37 aged 3 to 11 years, are exposed to secondhand smoke, and as a result of this exposure, each year
38 an estimated 3,000 nonsmoking Americans die of lung cancer, more than 46,000 die of heart
39 disease, and as many as 300,000 children younger than 18 months suffer from lower respiratory
40 tract infections; and
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42 **WHEREAS**, every year, an estimated 56,400 nonsmoking Americans – including about
43 27 City of Orlando residents – die from heart disease and lung cancer caused by secondhand
44 smoke; and
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46 **WHEREAS**, in 2002, the people of Florida amended the Florida Constitution to prohibit
47 tobacco smoking in enclosed indoor workplaces in order “to protect people from the health
48 hazards of second-hand tobacco smoke...,” (sec. 20, Art. X, Fla. Con.); and
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50 **WHEREAS**, in 2003, the Florida Legislature amended the Florida Clean Indoor Air Act
51 (Part II, Ch. 386, Fla. Stat.) “to protect people from the health hazards of secondhand tobacco
52 smoke and to implement the Florida health initiative in s. 20, Art. X of the State Constitution;”
53 and
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55 **WHEREAS**, the Florida Clean Indoor Air Act “expressly preempts regulation of
56 smoking to the state and supersedes any municipal or county ordinance on the subject...” (sec.
57 386.209, Fla. Stat.); and
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59 **WHEREAS**, in its 2011 session, the Florida Legislature amended the Florida Clean
60 Indoor Air Act to permit “school districts [to] further restrict smoking by persons on school
61 district property” (Ch. 2011-108, Laws of Fla.); and
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63 **WHEREAS**, the City Council of the City of Orlando, Florida (hereinafter the “Orlando
64 City Council”), hereby finds and declares that scientific evidence overwhelming and
65 conclusively finds that secondhand smoke is a serious risk to public health; and
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67 **WHEREAS**, the Orlando City Council hereby finds and declares that the public health
68 risks associated with secondhand smoke are preventable; and
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70 **WHEREAS**, the Orlando City Council hereby finds and declares that it is especially
71 important to protect children from secondhand smoke, and that because children often play in
72 public parks, these places are particularly vulnerable to the negative health impacts of
73 secondhand smoke; and
74

75 **WHEREAS**, the Orlando City Council hereby finds and declares that children enjoying
76 public parks should enjoy the right to be free from exposure to secondhand smoke; and
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78 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE**
79 **CITY OF ORLANDO, FLORIDA, AS FOLLOWS:**
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81 **SECTION 1. SECONDHAND SMOKE IN PUBLIC PLACES.** The Orlando City
82 Council hereby urges all Orlandoans to consider the public health hazards associated with
83 secondhand smoke and not to smoke where children commonly play.
84

85 **SECTION 2. HOME RULE.** The Orlando City Council hereby urges the Florida
86 Legislature to support local home-rule power over municipally-owned property, especially
87 public parks and other public places where children play.
88

89 **SECTION 3. NOTICE TO LEGISLATIVE DELEGATION.** The Orlando City
90 Council hereby directs that copies of this resolution be delivered to each member of Orange
91 County’s legislative delegation.

