

RESOLUTION NO. 17-6

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, SUPPORTING THE REPEAL OF STATE PREEMPTION OF SMOKING REGULATIONS AND RESTORATION OF LOCAL CONTROL OF SMOKE-FREE AIR LAWS IN THE STATE OF FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

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 setting, such as workplace 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 effected 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.

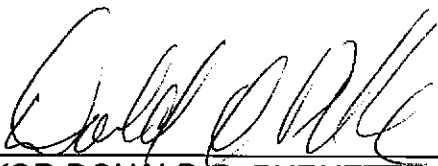
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. The City Council City of the Port Orange 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.

Section 2. The City Council of the City of Port Orange strongly encourages other local governmental entities in Florida to adopt similar resolutions.

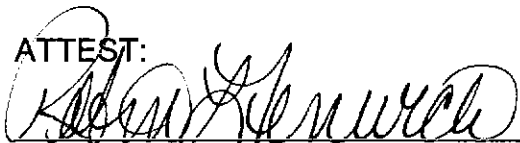
Section 3. The City Clerk, through the City Manager, is requested to forward a copy of this Resolution to State Representative, Thomas J. Leek, and State Senator, Dorothy Hukill.

Section 4. This resolution shall become effective upon adoption.



MAYOR DONALD O. BURNETTE

ATTEST:



Robin L. Fenwick, CMC, City Clerk

Adopted on the 7th day of February, 2017.

Reviewed and Approved: 

Matthew J. Jones, Deputy City Attorney