

1 Introduced by Council Member Carrico and Co-Sponsored by Council
2 Members Gay, Pittman, Freeman, Salem, Clark-Murray and Miller and
3 amended by the Neighborhoods, Community Services, Public Health and
4 Safety Committee:
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7 **ORDINANCE 2023-567-E**

8 AN ORDINANCE CONCERNING PROHIBITED ACTIVITIES IN
9 CITY PARKS; INCORPORATION OF RECITALS; AMENDING
10 SECTION 614.133 (PROHIBITED ACTIVITIES IN CITY
11 PARKS), CHAPTER 614 (PUBLIC ORDER AND SAFETY),
12 *ORDINANCE CODE*, TO PROHIBIT USE OF TOBACCO
13 PRODUCTS OR VAPOR-GENERATING DEVICES IN CITY
14 PARKS; PROVIDING AN EFFECTIVE DATE.
15

16 **WHEREAS**, while the regulation of smoking is generally
17 preempted to the Florida Legislature, in June 2022, Governor DeSantis
18 signed legislation amending Section 386.209, *Florida Statutes*,
19 granting city and county governments the authority to ban smoking
20 within the boundaries of public parks; and

21 **WHEREAS**, despite significant progress, tobacco use remains one
22 of the leading causes of preventable death and disease in the United
23 States; and

24 **WHEREAS**, exposure to secondhand smoke is harmful and
25 widespread and there is emerging evidence that exposure to the aerosol
26 produced by vapor-generating electronic devices may also be harmful;
27 and

28 **WHEREAS**, the City of Jacksonville owns and maintains public
29 parks for the enjoyment of the City's residents and its visitors and
30 strives to ensure these parks remain a clean and safe environment for
31 recreational activities; and

1 **WHEREAS,** in order to promote public health, safety and welfare,
2 the City Council finds that a prohibition of smoking and vaping in
3 City-owned parks will reduce exposure to secondhand smoke and aerosols
4 from vapor-generating devices and promotes a cleaner parks system;
5 now, therefore

6 **BE IT ORDAINED** by the Council of the City of Jacksonville:

7 **Section 1. Incorporation of Recitals.** The above recitals
8 are incorporated herein and made a part hereof by this reference.

9 **Section 2. Amending Section 614.133 (Prohibited activities**
10 **in City parks), Chapter 614 (Public Order and Safety), Ordinance**
11 **Code.** Section 614.133 (Prohibited activities in City parks), Chapter
12 614 (Public Order and Safety), *Ordinance Code*, is hereby amended to
13 read as follows:

14 **CHAPTER 614 - PUBLIC ORDER AND SAFETY**

15 * * *

16 **Sec. 614.133. - Prohibited activities in City parks.**

17 (a) It shall be unlawful for a person to engage in any of the
18 following activities in a City park or designated portion
19 thereof:

20 * * *

21 (3) Smoking tobacco products or use of vapor-generating
22 devices. As used in this subsection, "smoking" shall mean
23 inhaling, exhaling, burning, or otherwise using any tobacco
24 product, or the use of an electronic smoking device or
25 vapor-generating device. "Tobacco product" is defined to
26 include cigarettes, pipe tobacco, filtered cigars, chewing
27 tobacco, snuff, snus, or other plant product (including
28 marijuana, hemp or other plant-based products) intended
29 for inhalation, and any other lighted tobacco product,
30 whether natural or synthetic, except unfiltered cigars (the
31 regulation of which is pre-empted by Section 386.209,

1 Florida Statutes). The Director of Parks, Recreation and
2 Community Services shall update applicable parks policies
3 and signage, as deemed appropriate by the Director, to
4 notify the public of this prohibition. Notwithstanding the
5 foregoing, the presence or absence of signs shall not be a
6 defense to a charge of smoking in violation of this
7 Ordinance.

8 * * *

9 **Section 3. Effective Date.** This Ordinance shall become
10 effective upon signature by the Mayor or upon becoming effective
11 without the Mayor's signature.

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13 Form Approved:

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15 /s/ Mary E. Staffopoulos

16 Office of General Counsel

17 Legislation Prepared By: Mary E. Staffopoulos

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