

1 Introduced by Council Member Carrico and Co-Sponsored by Council  
2 Members Gay, Pittman and Freeman:

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4  
5 **ORDINANCE 2023-567**

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

13  
14 **WHEREAS**, while the regulation of smoking is generally  
15 preempted to the Florida Legislature, in June 2022, Governor DeSantis  
16 signed legislation amending Section 386.209, *Florida Statutes*,  
17 granting city and county governments the authority to ban smoking  
18 within the boundaries of public parks; and

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

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

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

30 **WHEREAS**, in order to promote public health, safety and welfare,  
31 the City Council finds that a prohibition of smoking and vaping in

1 City-owned parks will reduce exposure to secondhand smoke and aerosols  
2 from vapor-generating devices and promotes a cleaner parks system;  
3 now, therefore

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

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

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

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

13 \* \* \*

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

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

18 \* \* \*

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

