

RESOLUTION NO. 2134-14

**A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA,
ASKING THE STATE LEGISLATURE TO REPEAL FLORIDA
STATUTE 386.209 WHICH PREEMPTS REGULATION OF
SMOKING TO THE STATE AND TO ALLOW LOCAL
GOVERNMENTS TO REGULATE SMOKING IN PARKS;
AUTHORIZING THE CITY CLERK TO TRANSMIT THIS
RESOLUTION; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, municipalities have city parks set aside for human enjoyment and to promote the public health, safety and welfare of the citizens; and

WHEREAS, city parks are utilized for summer camps and sports such as soccer, lacrosse, baseball, football and cheerleading; and

WHEREAS, Florida Statute 386.209 denies municipalities the right to regulate smoking in public parks to prevent exposure to second hand smoke (SHS) by non-smokers; and

WHEREAS, non-smokers who are exposed to secondhand smoke breathe in nicotine and toxic chemicals by the same route smokers do; and

WHEREAS, SHS has been linked to lung cancer. There is also evidence suggesting it may be linked to childhood leukemia and cancers of the larynx, pharynx, brain, bladder, rectum, stomach and breast; and

WHEREAS, SHS is responsible for an estimated 46,000 deaths from heart disease in non-smokers, and between 150,000 and 300,000 lower respiratory tract infections in children under 18 months of age; and

WHEREAS, the City of Winter Park believes it should be able to protect the health, safety and welfare of its residents and those who utilize its city park system;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA:

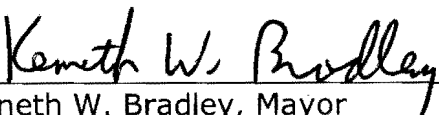
Section 1. The foregoing Whereas clauses are hereby ratified and incorporate as the legislative intent of this Resolution.

Section 2. The City Commission of the City of Winter Park, Florida urges Legislators throughout the State of Florida to repeal Florida Statute 386.209 which preempts the regulation of smoking in parks to the State and to allow municipalities to regulate smoking in public parks.

Section 3. The City Clerk is hereby directed to transmit copies of this Resolution to the Winter Park Legislative Delegation, the Speaker of the House, the Minority Whip and the President of the Senate, the Majority Leader, the Minority Leader, the Tri County League of Cities and the Florida League of Cities.

Section 4. Effective date. This Resolution shall be effective immediately upon its adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this 27th day of January, 2014.



Kenneth W. Bradley, Mayor

ATTEST:



Cynthia S. Bonham, MMC, City Clerk