

Department of Business and Professional Regulation

Division of Alcoholic Beverages
and Tobacco



Florida Clean Indoor Act

- The ban on enclosed indoor workplace smoking began on July 1, 2003 by 2003 Legislature: Chapter 386, Part II, Florida Statutes



Where is smoking allowed???

- Private residences not being used commercially for childcare, adult care, or a combination
- Retail tobacco shops
- Hotel guest rooms designated as smoking rooms
- Smoking cessation programs that have been approved by the Florida Department of Health Medical or scientific research

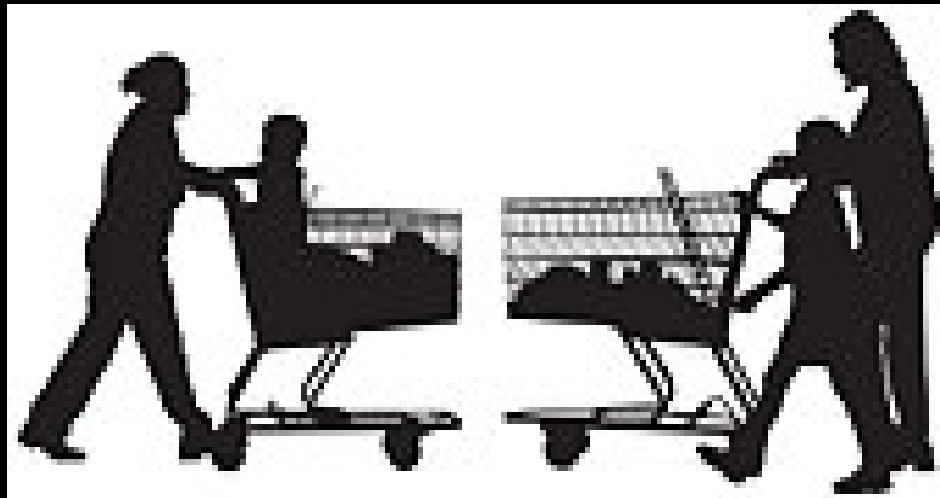
(cont.) Where is smoking allowed?

- “In-transit” airport smoking lounges under control of U.S. Customs and Border Protection
- Stand-alone bars
- Outdoor patios
- Membership association facilities used exclusively for non-commercial activity



Smoking in Convenience Stores

Smoking is NOT permitted



How are complaints filed?

- On the department's web site at www.MyFloridaLicense.com
- Customer Contact Center – 850-487-1395
- Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL 32399-1021
- For other enclosed workplaces call the Florida Department of Health – 1-800-337-3742

Action Resulting From A Complaint

- The department will review all complaints regarding violations alleged at a licensed premises. If the complaint is substantiated, the department may take enforcement action including monetary penalties.



Penalties for stand-alone bars are:

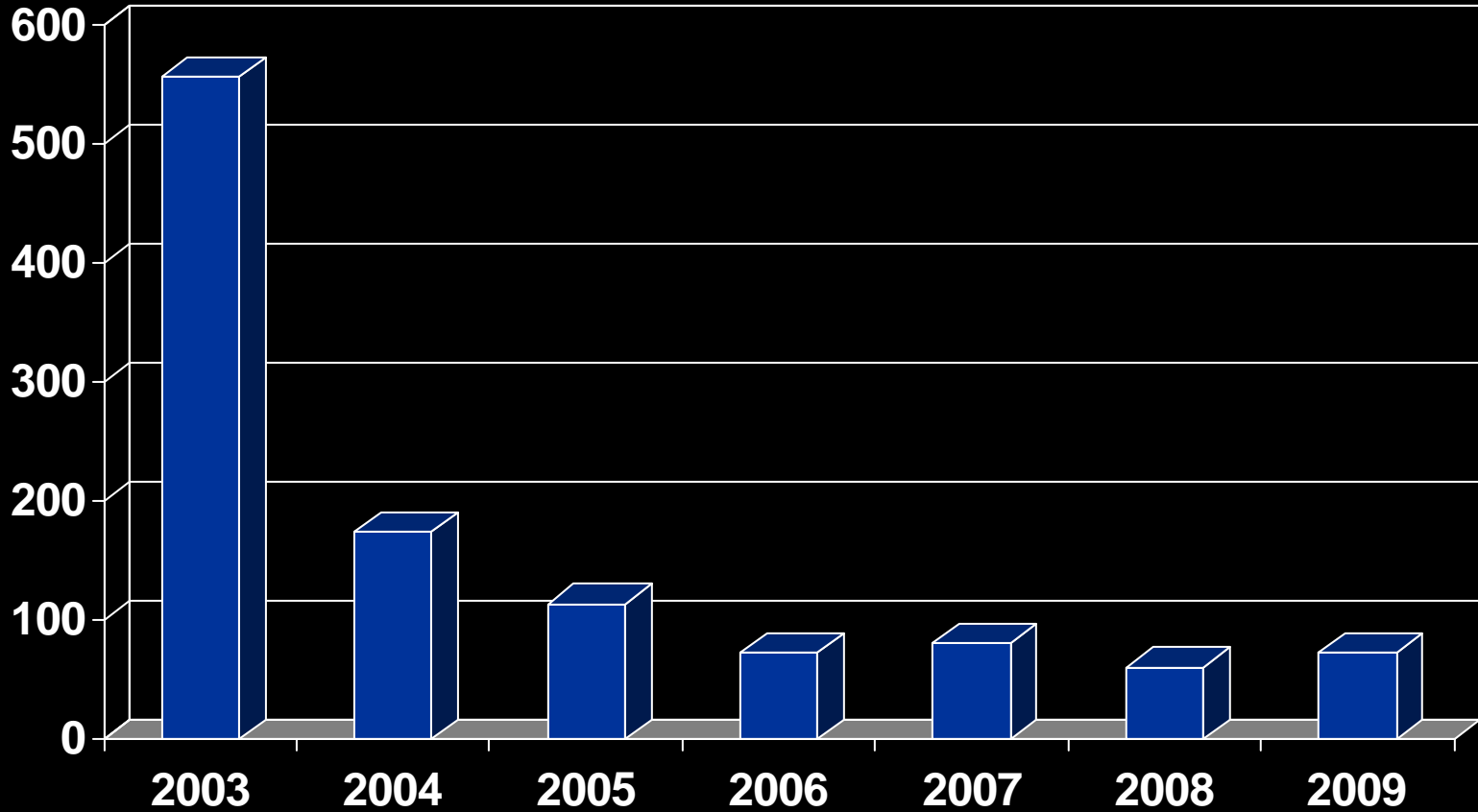
- **First violation:** Warning or a fine of up to \$500, or both;
- **Second violation:** If within 2 years of the first violation, a fine of not less than \$500 or more than \$2,000
- **Third violation:** If within 2 years of the first violation, a suspension of the smoking designation not to exceed 30 days and a fine of not less than \$500 or more than \$2,000;
- **Fourth and subsequent violations:** 60- day suspension of smoking designation and a fine of not less than \$500 or more than \$2,000, or revocation of smoking designation

Licensees who allow smoking on a non-smoking premise

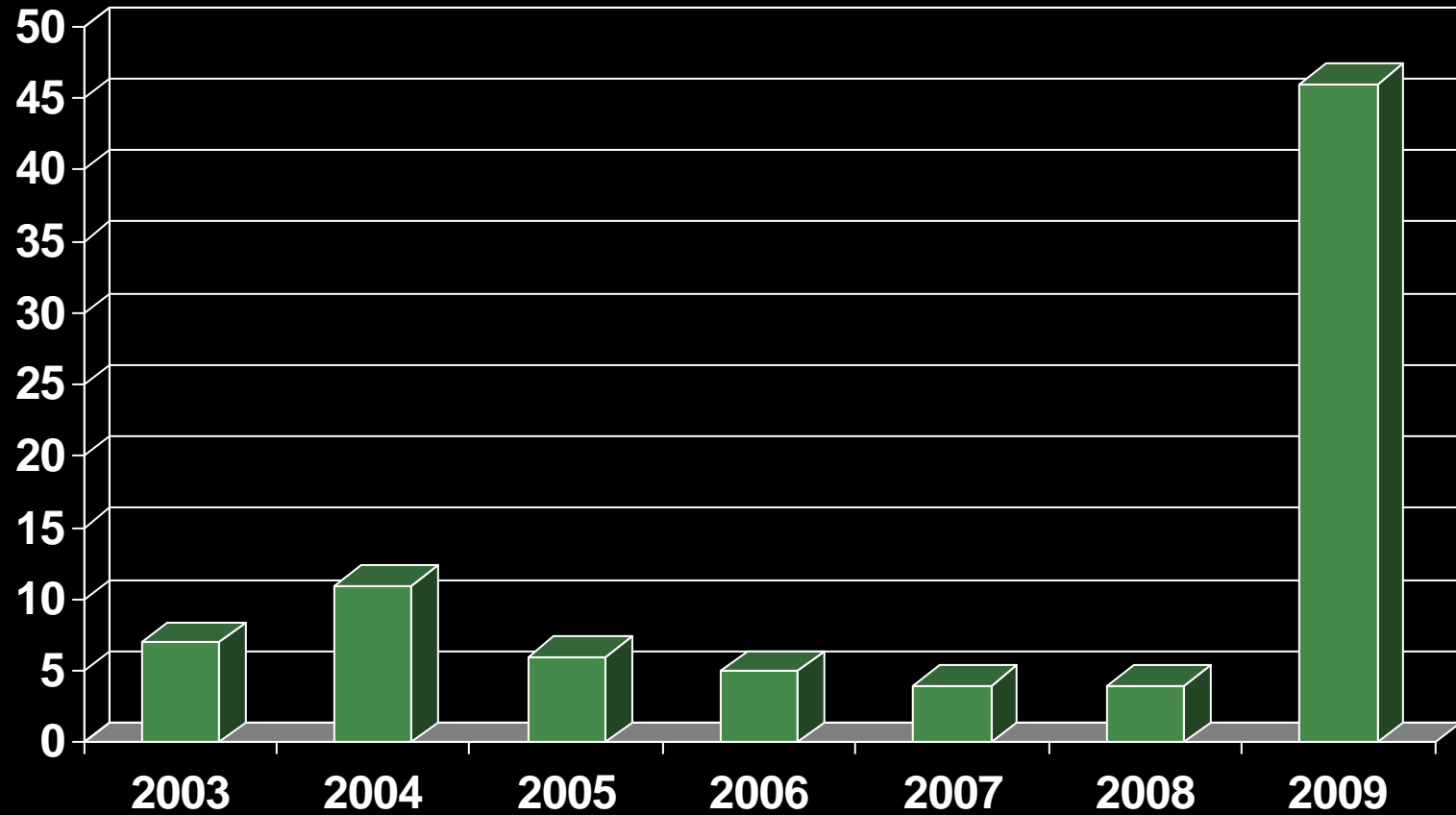
- First, the licensee will be issued a notice to comply. Failure to comply within 30 days will result in the following penalties:
 - **First Violation:** Civil penalty of not less than \$250 and not to exceed \$750; and
 - **Subsequent Violations:** Civil penalty of not less than \$500 and not to exceed \$2,000



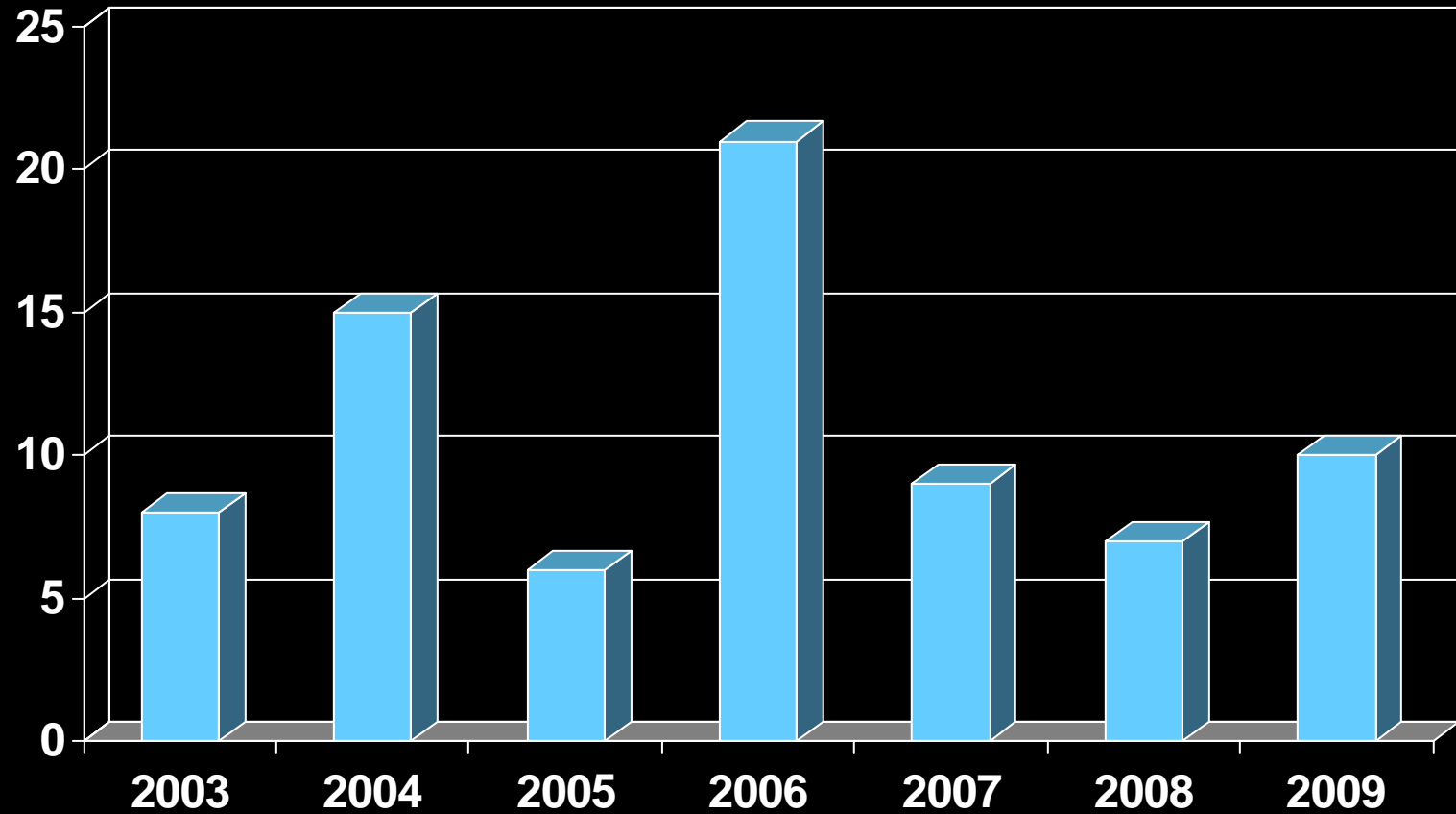
SS/SSF; Failure to meet Criteria



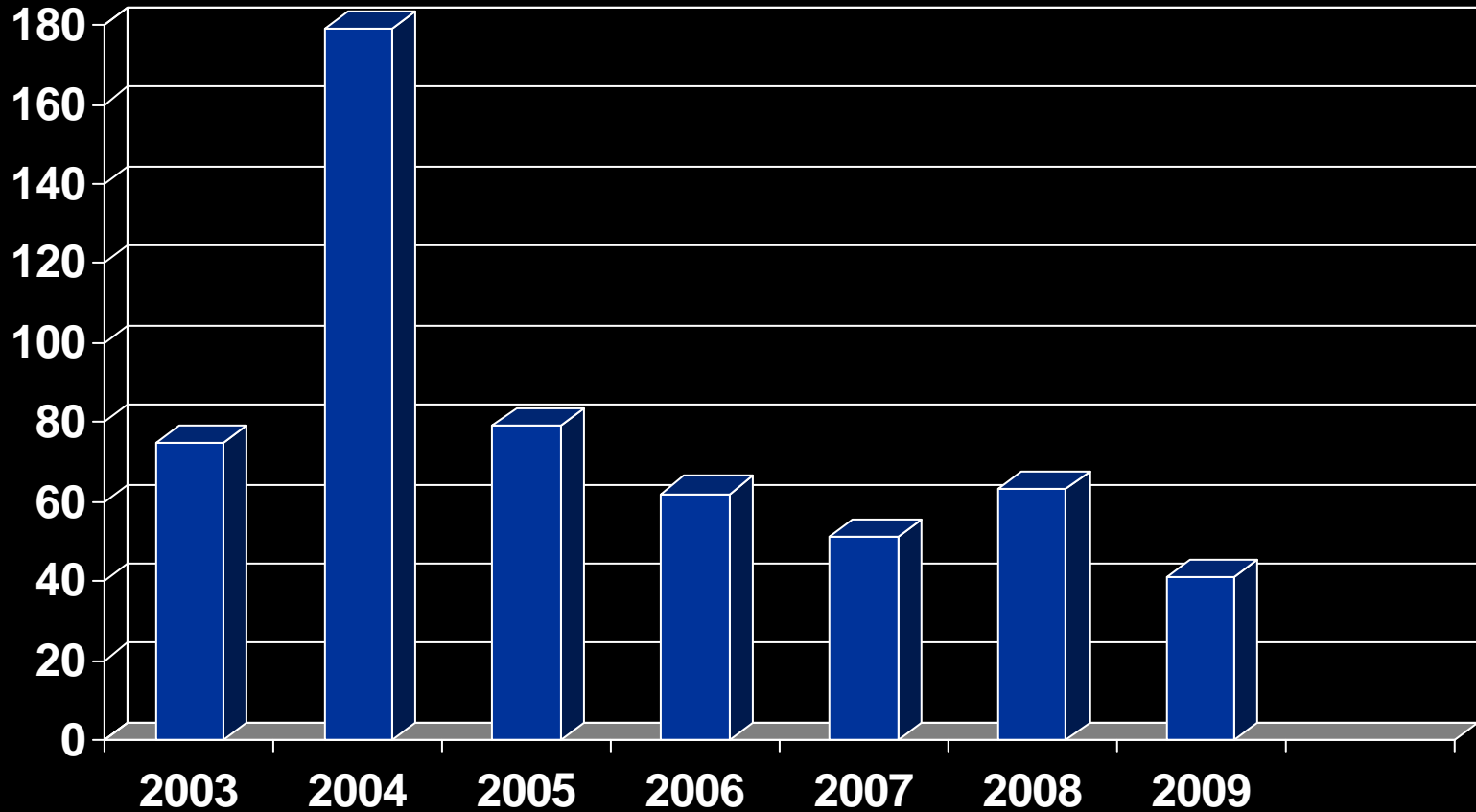
Failure to post no smoking signs



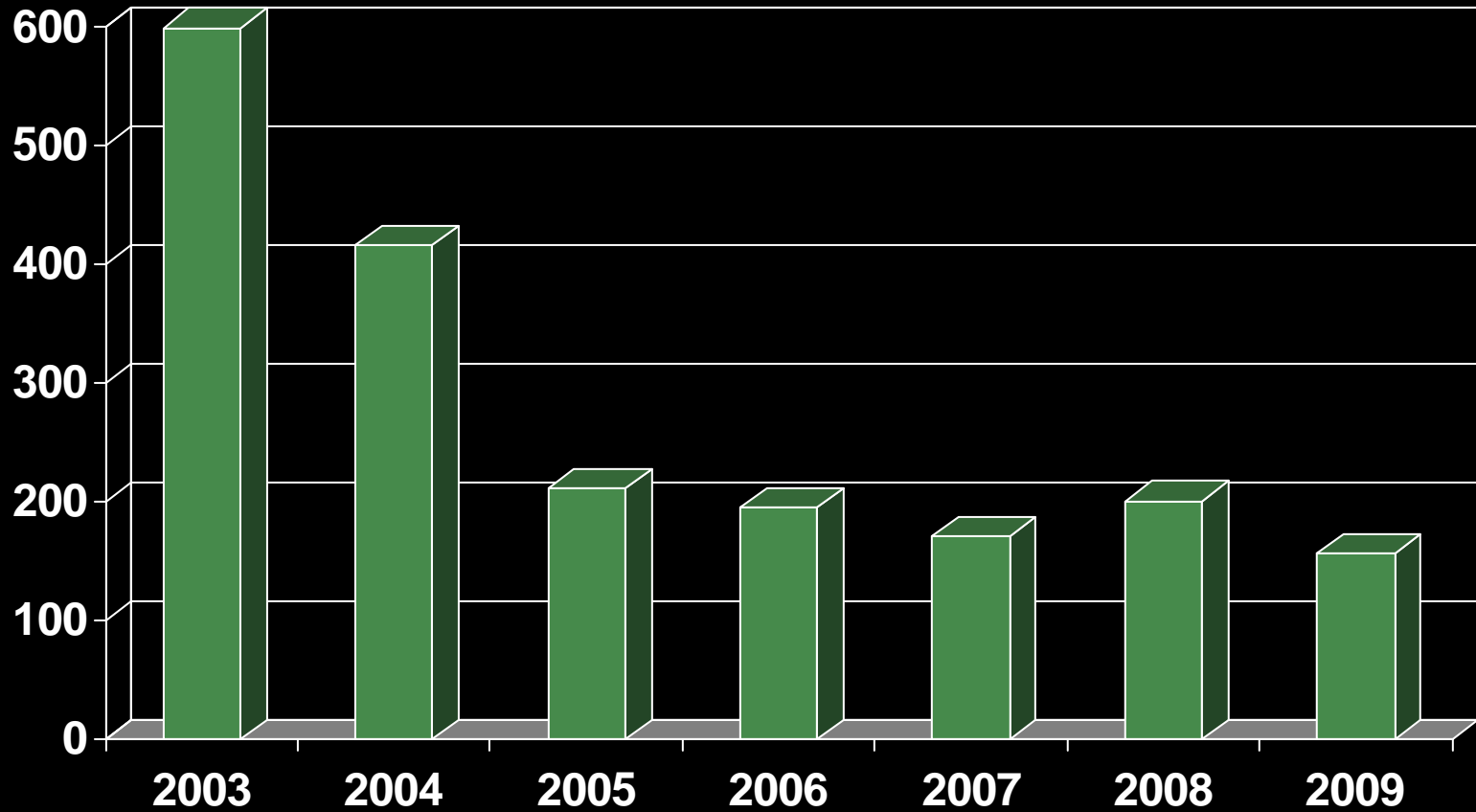
Failure to implement policy



Allowing smoking in workplace



Smoking in licensed prohibited premises



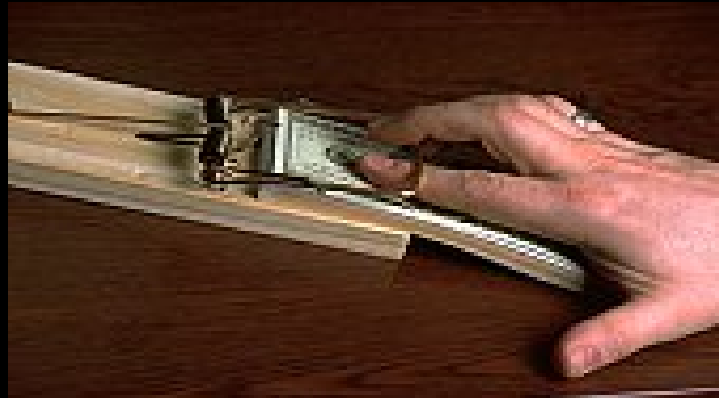
Underage Surveys/Compliance Checks

- Florida Statutes 569.101 states:
 - It is unlawful to sell, deliver, barter, furnish, or give, directly or indirectly, to any person who is under 18 years of age, any tobacco product.

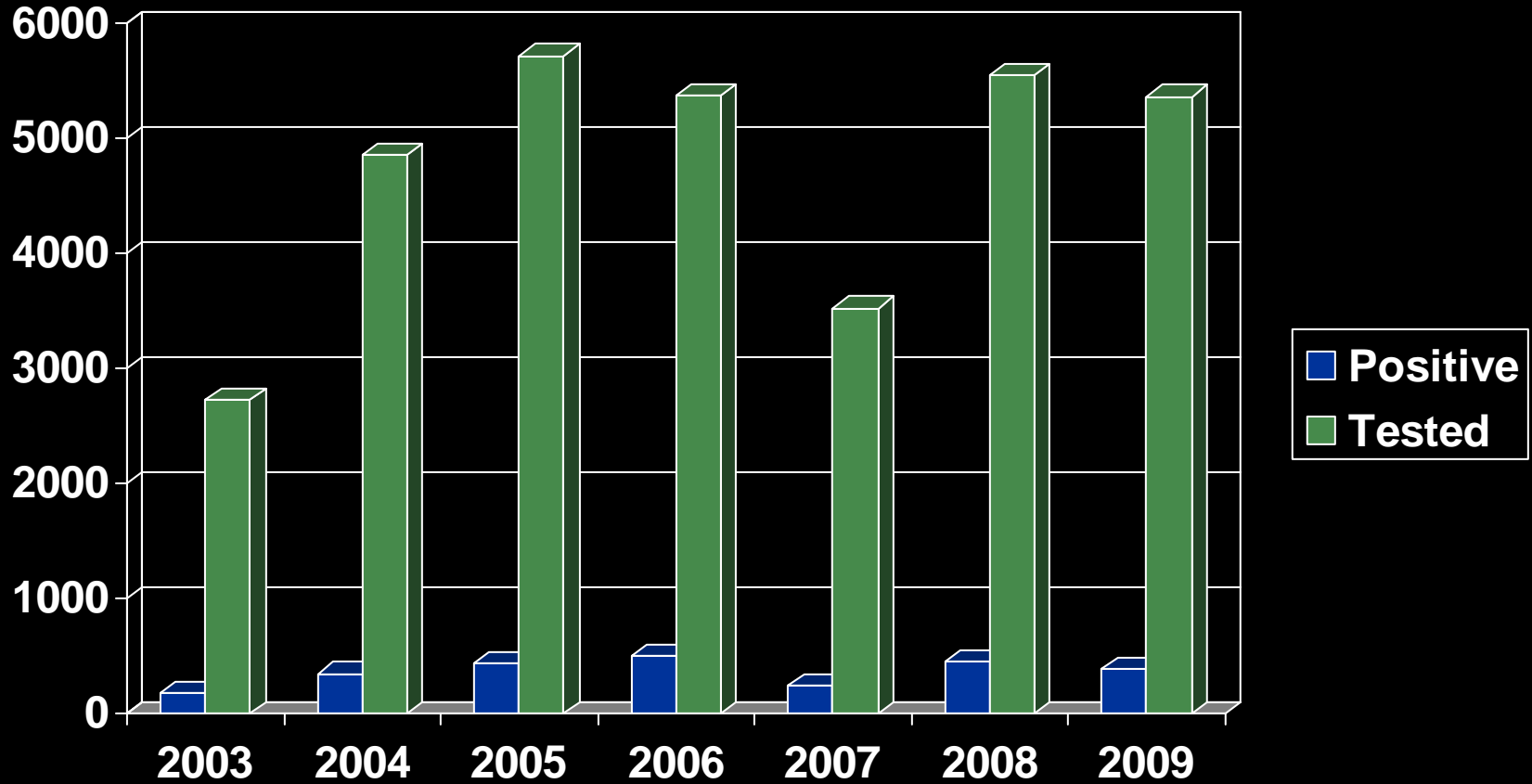


Florida Statute 569.101

- Any person who violates subsection (1) commits a misdemeanor of the second degree. However, any person who violates subsection (1) for a second or subsequent time within a 1 year of the first violation, commits a misdemeanor of the first degree.



Results of Tobacco Surveys



Totals for Tobacco Surveys

- Total tobacco surveys: **33,259**
- Total positive tobacco surveys: **2,613**
- Compliance Rate: **92.1%**



Retail Tobacco Shops

- Any enclosed indoor workplace dedicated to or predominantly for the retail sale of tobacco, tobacco products, and accessories for such products, in which the sale of other products or services is merely incidental.
 - Example: Hookah Bars



Florida Statute 569.11

- It is unlawful for any person under 18 years of age to knowingly possess any tobacco product. Any person under 18 years of age who violates the provisions of this subsection commits a noncriminal violation.



Violations of 569.11

- 1st Violation: 16 hours of community service or, instead of community service a \$25 fine, In addition, the person must attend a school-approved anti-tobacco program, if locally available.

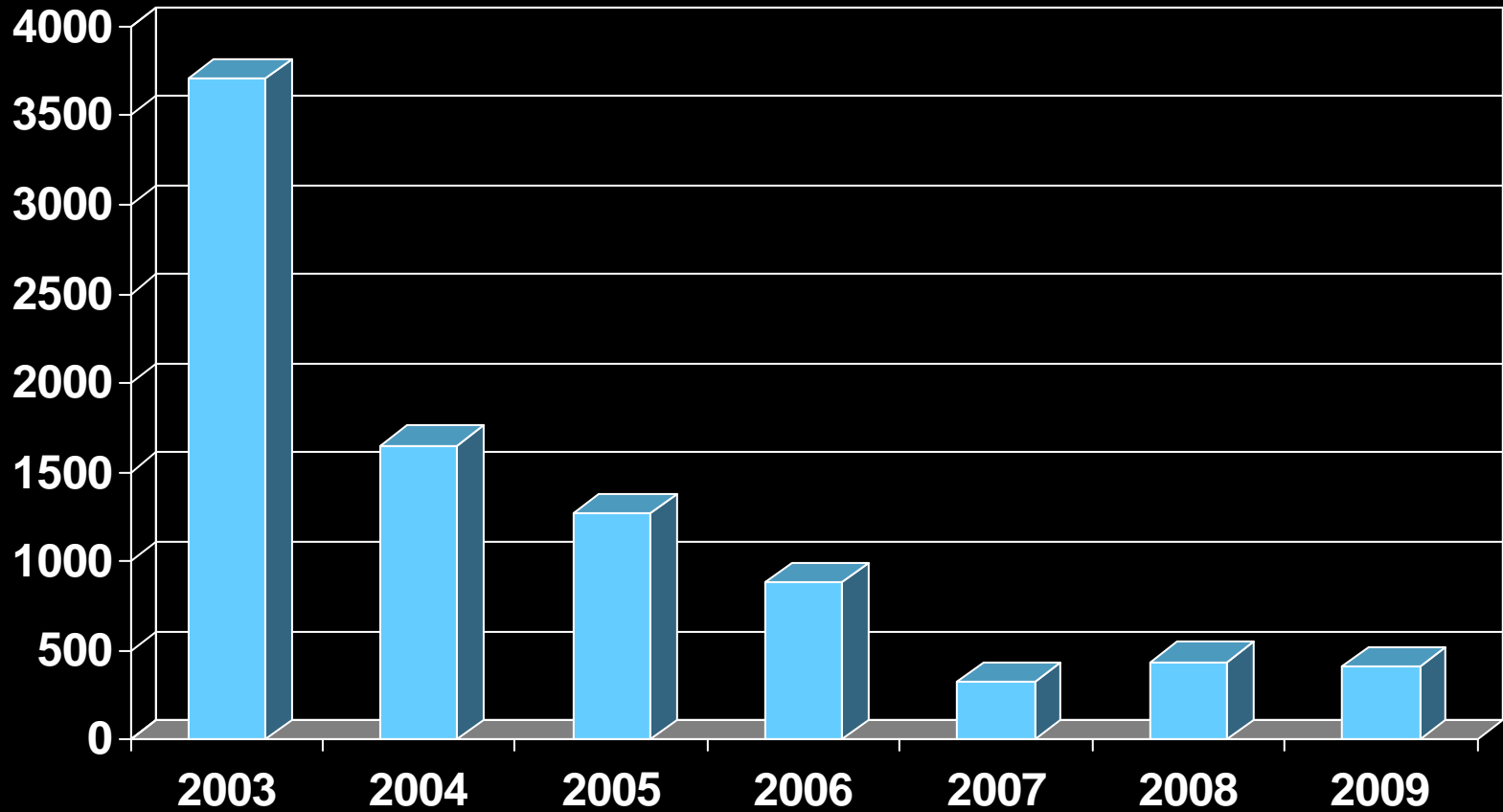


Violations of 562.11

- Second Violation within 12 weeks of the first violation, a \$25 fine; or
- For a 3rd or subsequent violation within 12 weeks of the first violation, the court must direct the DHSMV to withhold issuance of or suspend or revoke the person's driver's license or driving privilege



Citations Issued



QUESTIONS?????