

The purpose of the **Florida Clean Indoor Air Act (FCIAA)** is to protect people from the health hazards of secondhand tobacco smoke and to implement the Florida health initiative in section 20, Article X of the State Constitution. However, the intent of this legislation is not to inhibit, or otherwise obstruct, medical or scientific research or smoking cessation programs approved by the Department of Health.

FCIAA Provisions

➤ **Prohibition** -- A person may not smoke in an enclosed indoor workplace (s. 386.204, F.S.).

"**Enclosed Indoor Workplace**" means any place where one or more persons engages in work, and which place is predominantly or totally bounded on all sides and above by physical barriers, regardless of whether such barriers consist of or include, without limitation, uncovered openings; screened or otherwise partially covered openings; or open or closed windows, жалousies, doors, or the like.

The following are examples of some places the Department of Health has treated as enclosed indoor workplaces:

- ◆ Public & Private Workplace
- ◆ Tenant Building
- ◆ Shopping Mall
- ◆ Child / Adult Care Center
- ◆ Convenient Store
- ◆ Beauty / Barber Shop
- ◆ Public Library
- ◆ Auditorium / Theater
- ◆ Health Care Facility
- ◆ Educational Facility

➤ **Penalties** -- Any person who violates s. 386.204, F.S., commits a noncriminal violation as defined in s. 775.08(3), F.S., punishable by a fine of not more than \$100 for the first violation and not more than \$500 for each subsequent violation. Jurisdiction shall be with the appropriate county court (s. 386.208, F.S.).

➤ **Specific exceptions** -- Tobacco smoking may be permitted in the following places:

- ◆ **Private Residence** - as defined in s. 386.2045(1), F.S.
- ◆ **Retail Tobacco Shop** - as defined in s. 386.2045(2), F.S.
- ◆ **Designated Smoking Guest Room** - as defined in s. 386.2045(3), F.S.
- ◆ **Stand-Alone Bar** - as defined in s. 386.203(11), F.S.
- ◆ **Smoking Cessation Program, Medical or Scientific Research** - as defined in s. 386.2045(5), F.S.
- ◆ **Customs Smoking Room** - as defined in s. 386.2045(6)
- ◆ **Membership Association** - as defined in s. 386.203(13), F.S., and provided that noncommercial activities are performed by members of the membership association.

Key Points of the Law

➤ **Posting of signs; requiring policies** --The proprietor or other person in charge of an enclosed indoor workplace must develop and implement a policy regarding smoking prohibitions. The policy may include, but is not limited to, procedures to be taken when the proprietor or other person in charge witnesses or is made aware of a violation of s. 386.204 in the enclosed indoor workplace and must include a policy which prohibits an employee from smoking in the enclosed indoor workplace.

The following places are required to post signs if smoking is permitted:

- ◆ A licensed Stand-Alone Bar
- ◆ A Customs Smoking Room
- ◆ A Smoking Cessation Program
- ◆ Scientific or Medical Research

➤ **Public announcement in mass transportation Terminals** --Terminals of public transportation carriers located in standard metropolitan statistical areas with populations over 230,000 are required to announce over public address systems every 30 minutes, in appropriate languages, that Florida is a clean indoor air state and that smoking is not allowed except in a customs smoking room in an airport in-transit lounge (s. 386.211, F.S.).

➤ **Smoking prohibited near school property; penalty** --Smoking is prohibited for any person under 18 years of age in, on, or within 1,000 feet of the real property comprising a public or private elementary, middle, or secondary school between the hours of 6:00 a.m. and midnight. The law provides for penalties (s. 386.212, F.S.).

Administration & Enforcement

The Department of Health (DOH) and the Department of Business and Professional Regulation (DBPR) are responsible for enforcement of the Florida Clean Indoor Air Act.

➤ DBPR shall enforce the FCIAA in the following workplaces:

Restaurant	Bar & Lounge
Package Store w/lounge	Dog Track
Billiard	VFW
Bowling Center	Elks Lodge
Bingo Hall	American Legion
Casino Ship	Eagles
Adult Arcade	Moose Lodge
Hotel & Motel	Jai Alai
Horse Track	

➤ For information regarding enforcement for premises licensed by DBPR, call **(850) 487-1395** or visit their website at www.state.fl.us/dbpr.

Florida Department of Health

- Department of Health shall enforce the FCIAA in workplaces not regulated by DBPR only if the provisions of the law apply.

To report a violation of the FCIAA,
To request a copy of the statute, and
To obtain information on secondhand smoke,

call

The Florida Clean Indoor Air Act Program

1-800-337-3742

or

Visit the website

www.doh.state.fl.us/tobacco/FCIAA.html

- Want to Quit Smoking?
Call the Florida Quit-For-Life Line
Tobacco Use Cessation Hotline
1-877-822-6669
- For information about mold,
radon & indoor air quality, call
1-800-543-8279



Chapter 386, F.S. The Florida Clean Indoor Air Act (FCIAA)

A Guide for the Department of Health

Sections 386.201 - 386.2125
Florida Statutes