



Amendment No. ____ (for drafter's use only)

Senate Action

House Action

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Representative Glickman

offered the following amendment:

Amendment (with title amendment)

On page...6..., between lines 24 and 25,

inserts:

Section 10. Section 386.204, Florida Statutes, is amended to read:

386.204 Prohibition.--

(1) No person may smoke in a public place or at a public meeting except in designated smoking areas. These prohibitions do not apply in cases in which an entire room or hall is used for a private social function and seating arrangements are under the control of the sponsor of the function and not of the proprietor or person in charge of the room or hall.

~~(2) A proprietor or other person in charge of a public place shall respond to any observed violation of subsection (1) by notifying any violator of the prohibition against smoking contained in said subsection. A proprietor or other person in charge of a public place shall respond to any complaint of a possible violation of subsection (1) by investigating the complaint and, if the complaint is found to be valid, shall notify the violator of the prohibition against smoking contained in said subsection.~~

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Code: 000019-066-3813 Date: 03/03/92 Time: 6:37 p.m.

1 Section 11. Subsections (1) and (2) of section
 2 386.207, Florida Statutes, are amended to read:
 3 386.207 Administration; enforcement; civil penalties;
 4 exemptions.--
 5 (1) The department or the division shall enforce ss.
 6 386.204(2), 386.205, and 386.206 and to implement such
 7 enforcement shall adopt, in consultation with the State Fire
 8 Marshal, rules specifying procedures to be followed by
 9 enforcement personnel in investigating complaints and
 10 notifying alleged violators, rules defining types of cases for
 11 which exemptions may be granted, and rules specifying
 12 procedures by which appeals may be taken by aggrieved parties.
 13 (2) Public agencies responsible for the management and
 14 maintenance of government buildings shall report observed
 15 violations to the department or division. The State Fire
 16 Marshal shall report to the department or division observed
 17 violations of ss. 386.204(2), 386.205, and 386.206 found
 18 during its periodic inspections conducted pursuant to its
 19 regulatory authority. The department or the division, upon
 20 notification of observed violations of ss. 386.204(2),
 21 386.205, and 386.206, shall issue to the proprietor or other
 22 person in charge of such public place a notice to comply with
 23 ss. 386.204(2), 386.205, and 386.206. If such person fails to
 24 comply within 30 days after receipt of such notice, the
 25 department or the division shall assess a civil penalty
 26 against him not to exceed \$100 for the first violation and not
 27 to exceed \$500 for each subsequent violation. The imposition
 28 of such fine shall be in accordance with the provisions of
 29 chapter 120. If a person refuses to comply with ss.
 30 386.204(2), 386.205, and 386.206, after having been assessed
 31 such penalty, the department or the division may file a

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1 | complaint in the circuit court of the county in which such
2 | public place is located to require compliance.

3 | section 12. Section 386.208, Florida Statutes, is
4 | amended to read:

5 | 386.208 Penalties.--Any person who violates s.
6 | 386.204(1) is guilty of a noncriminal violation as provided
7 | for in s. 775.08(3), punishable by a fine of not more than
8 | \$100 for the first violation and not more than \$500 for each
9 | subsequent violation.

10 | (and renumber the subsequent section)

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and the title is amended as follows:

On page...1..., line..23...,

after the semicolon insert:

amending s. 386.203, F.S.; expanding the definition of "public
place"; amending s. 386.204, F.S.; requiring notification to
violators of the prohibition against smoking in a public
place; amending s. 386.207, F.S.; providing for enforcement;
amending s. 386.208, F.S.; correcting a cross reference;

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