



Kevin Madok, CPA

Clerk of the Circuit Court & Comptroller – Monroe County, Florida

September 9, 2022

Department of State
Administrative Code & Register
500 S Bronough Street
Tallahassee FL 32399-0250

To Whom It May Concern,

Attached is a copy of Ordinance No. 018-2022 of the Board of County Commissioners of Monroe County, Florida, amending Chapter 18 of the Monroe County Code to add a new Section 18-4 prohibiting smoking within the boundaries of Monroe County Public Parks and Beaches; providing for severability; providing for the repeal of all ordinances inconsistent herewith; providing for incorporation into the Monroe County Code of Ordinances; and providing an effective date.

This Ordinance was adopted by the Monroe County Board of County Commissioners at a regular meeting, held in formal session, on August 17, 2022. Should you have any questions please feel free to contact me at (305) 292-3550.

Respectfully Submitted,

Kevin Madok, CPA, Clerk of
the Circuit Court & Comptroller &
ex-officio to the Monroe County
Board of County Commissioners

by: Liz Yongue, Deputy Clerk

cc: Parks and Beaches
County Administrator
County Attorney
MuniCode
BOCC
File

KEY WEST
500 Whitehead Street
Key West, Florida 33040

MARATHON
3117 Overseas Highway
Marathon, Florida 33050

PLANTATION KEY
88770 Overseas Highway
Plantation Key, Florida 33070

ORDINANCE NO. 018 - 2022

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA AMENDING CHAPTER 18 OF THE MONROE COUNTY CODE TO ADD A NEW SECTION 18-4 PROHIBITING SMOKING WITHIN THE BOUNDARIES OF MONROE COUNTY PUBLIC PARKS AND BEACHES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the United States Department of Health and Human Services has found that tobacco smoke contains over 7,000 chemicals, including hundreds that are toxic and up to 69 that are known carcinogens; and

WHEREAS, exposure to secondhand smoke can cause numerous health problems and has been linked to cancer and other fatal diseases; and

WHEREAS, children and others in our county currently spend time in parks and beaches where they have no choice but to inhale secondhand smoke; and

WHEREAS, an estimated two-thirds of cigarette butts are discarded as litter; and

WHEREAS, cigarette butts are the most common form of litter on the planet, with the World Health Organization estimating that 4.5 trillion butts are littered every year; and

WHEREAS, cigarette butts are made of plastic and are a major contributor to marine plastic and microplastic pollution; and

WHEREAS, cigarette butts leach various toxic chemicals into the environment, including arsenic, formaldehyde, lead, and polyaromatic hydrocarbons; and

WHEREAS, the regulation of smoking was previously preempted to the state; and

WHEREAS, the State of Florida enacted chapter 2022-213, Laws of Florida, which grants counties and municipalities the legal authority to restrict smoking within the boundaries of county and municipal owned public beaches and public parks, but which includes an exception for unfiltered cigars; and

WHEREAS, chapter 2022-213, Laws of Florida is now codified at F.S. 386.209, which retains an express preemption of the regulation of smoking to the state except for the limited exception to regulate smoking at county and city owned parks and beaches; and

WHEREAS, the Board of County Commissioners intends to exercise its legislative and proprietary authority to ban smoking at all County owned parks and beaches, including those located within the city limits of any municipality located within the County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. Sec. 18-4 is hereby added to the Monroe County Code to read as follows:

Sec. 18-4. Smoking prohibited within County-owned public parks and public beaches.

- (a) It shall be prohibited for any person in or on any County-owned public park or public beach to smoke, burn, ignite, inhale, exhale, or possess any cigarette, pipe, or other lighted tobacco product other than an unfiltered cigar.
- (b) Any person who violates subsection (a) commits a noncriminal violation, punishable by a fine of not more than \$100 for the first violation and not more than \$500 for each subsequent violation.

Section 2. If any section, subsection, clause, or provision of this ordinance is held to be invalid or declared to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance.

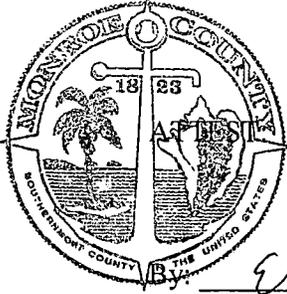
Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 4. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of Monroe County, Florida as an addition or amendment thereto, and shall be renumbered appropriately to conform with the uniform numbering system of the Monroe County Code.

Section 5. This Ordinance shall be filed with the Department of State and shall be effective as provided in F.S. 125.66(2).

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 17th day of August, 2022.

| | |
|-------------------------------------|------------|
| Mayor David Rice | <u>Yes</u> |
| Mayor <i>Pro Tem</i> Craig Cates | <u>Yes</u> |
| Commissioner Michelle Coldiron | <u>Yes</u> |
| Commissioner James K. Scholl | <u>Yes</u> |
| Commissioner Holly Merrill Raschein | <u>Yes</u> |



KEVIN MADOK, CLERK

Kevin Madok
As Deputy Clerk

MONROE COUNTY BOARD OF
COUNTY COMMISSIONERS

By: *David P. Rice*
David P. Rice, Mayor

FILED FOR RECORD

2022 SEP -9 PM 12:10

CLERK CIR. CT.
MONROE COUNTY, FL

MONROE COUNTY ATTORNEY'S OFFICE
APPROVED AS TO FORM
Patricia Eables
PATRICIA EABLES
ASSISTANT COUNTY ATTORNEY
DATE: 8/10/2022

THE CITIZEN

KEY WEST

The Florida Keys Only Daily Newspaper, Est. 1876
PO Box 1800, Key West FL 33041
P: (305) 292-7777 ext. 219 F: (305) 295-8025
legals@keysnews.com

MONROE COUNTY PARKS & BEACHES
1111 12TH ST STE 408
KEY WEST FL 33040

Account: 430114

Ticket: 3857530

PUBLISHER'S AFFIDAVIT

STATE OF FLORIDA COUNTY OF MONROE

Before the undersigned authority personally appeared

_____Melinda Prescott_____, who on oath says that he or she is

The legal advertising representative of the Key West Citizen, a five day newspaper published in Key West, in Monroe County, Florida; that the attached copy of advertisement, being a legal notice in the matter of No Smoking Ordinance was published in said newspaper in the issues of:

Saturday, August 6, 2022

Affiant further says that the Key West Citizen is a newspaper published in Key West, in said Monroe County, Florida and that the said newspapers has heretofore been continuously published in said Monroe County, Florida Tuesday thru Saturday weekly, and has been entered as periodicals matter at the post office in Key West, in said Monroe County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Melinda Prescott
(Signature of Affiant)

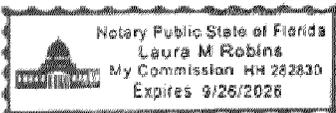
Affirmed and subscribed before me this 10th day of August 2022

Laura M Robins
(Notary Public Signature)

_____Laura M Robins_____
(Notary Public Printed Name)

My commission expires _____9/26/2026_____

Personally Known X Produced Identification _____
Type of Identification Produced _____ (Notary Seal) _____



NOTICE OF INTENTION TO CONSIDER ADOPTION OF COUNTY ORDINANCE

NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN that on August 17, 2022, at 1:30 P.M., or as soon thereafter as the matter may be heard, at the Harvey Government Center, 1200 Truman Ave, Key West, Florida, the Board of County Commissioners of Monroe County, Florida, intends to consider adopting the following ordinance:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA AMENDING CHAPTER 18 OF THE MONROE COUNTY CODE TO ADD A NEW SECTION 18-4 PROHIBITING SMOKING WITHIN THE BOUNDARIES OF MONROE COUNTY PUBLIC PARKS AND BEACHES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

The proposed ordinance may be inspected by the public at the Monroe County website by viewing the agenda packet for the August 17, 2022 meeting, which will be posted beginning on August 5, 2022, at: <http://monroecountyfl.iqm2.com/citizens/default.aspx>. The ordinance may also be viewed at the Monroe County Attorney's office at 1111 12th St., Ste. 408, Key West, FL 33040.

The public can participate in the August 17, 2022, meeting of the Board of County Commissioners of Monroe County, FL by attending in person or via Zoom. The Zoom link can be found in the agenda at <http://monroecountyfl.iqm2.com/citizens/default.aspx>.

ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the County Administrator's Office, by phoning (305) 292-4441, between the hours of 8:30a.m.—5:00p.m., prior to the scheduled meeting; if you are hearing or voice-impaired, call "711". Live Closed-Captioning is available via our web portal @ <http://monroecountyfl.iqm2.com/Citizens/Default.aspx> for meetings of the Monroe County Board of County Commissioners.

Dated at Key West, Florida, this 2nd day of August 2022.

(SEAL)
KEVIN MADOK, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Monroe County, Florida
08/06/2022 - KWC
430114 3857530