

By the Committee on Style and Drafting

350-00434-17

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REVISION 4

A proposal to amend Section 7 of Article II of the State Constitution to prohibit the drilling for exploration and extraction of oil and natural gas in specified coastal waters and amend Section 20 of Article X of the State Constitution to establish a general prohibition on the use of vapor-generating electronic devices in enclosed indoor workplaces.

Be It Proposed by the Constitution Revision Commission of Florida:

Section 7 of Article II of the State Constitution is amended to read:

ARTICLE II

GENERAL PROVISIONS

SECTION 7. Natural resources and scenic beauty.—

(a) It shall be the policy of the state to conserve and protect its natural resources and scenic beauty. Adequate provision shall be made by law for the abatement of air and water pollution and of excessive and unnecessary noise and for the conservation and protection of natural resources.

(b) Those in the Everglades Agricultural Area who cause water pollution within the Everglades Protection Area or the Everglades Agricultural Area shall be primarily responsible for paying the costs of the abatement of that pollution. For the purposes of this subsection, the terms "Everglades Protection Area" and "Everglades Agricultural Area" shall have the meanings as defined in statutes in effect on January 1, 1996.

(c) To protect the people of Florida and their environment,

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33 drilling for exploration or extraction of oil or natural gas is
34 prohibited on lands beneath all state waters which have not been
35 alienated and that lie between the mean high water line and the
36 outermost boundaries of the state's territorial seas. This
37 prohibition does not apply to the transportation of oil and gas
38 products produced outside of such waters. This subsection is
39 self-executing.

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41 Section 20 of Article X of the State Constitution is
42 amended to read:

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ARTICLE X

44

MISCELLANEOUS

45 SECTION 20. Workplaces without tobacco smoke or vapor.—

46 (a) PROHIBITION. As a Florida health initiative to protect
47 people from the health hazards of second-hand tobacco smoke and
48 vapor, tobacco smoking and the use of vapor-generating
49 electronic devices are ~~is~~ prohibited in enclosed indoor
50 workplaces. This section does not preclude the adoption of
51 ordinances that impose more restrictive regulation on the use of
52 vapor-generating electronic devices than is provided in this
53 section.

54 (b) EXCEPTIONS. As further explained in the definitions
55 below, tobacco smoking and the use of vapor-generating
56 electronic devices may be permitted in private residences
57 whenever they are not being used commercially to provide child
58 care, adult care, or health care, or any combination thereof;
59 and further may be permitted in retail tobacco shops, vapor-
60 generating electronic device retailers, designated smoking guest
61 rooms at hotels and other public lodging establishments; and

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62 stand-alone bars. However, nothing in this section or in its
63 implementing legislation or regulations shall prohibit the
64 owner, lessee, or other person in control of the use of an
65 enclosed indoor workplace from further prohibiting or limiting
66 smoking or the use of vapor-generating electronic devices
67 therein.

68 (c) DEFINITIONS. For purposes of this section, the
69 following words and terms shall have the stated meanings:

70 (1) "Smoking" means inhaling, exhaling, burning, carrying,
71 or possessing any lighted tobacco product, including cigarettes,
72 cigars, pipe tobacco, and any other lighted tobacco product.

73 (2) "Second-hand smoke," also known as environmental
74 tobacco smoke (ETS), means smoke emitted from lighted,
75 smoldering, or burning tobacco when the smoker is not inhaling;
76 smoke emitted at the mouthpiece during puff drawing; and smoke
77 exhaled by the smoker.

78 (3) "Work" means any person's providing any employment or
79 employment-type service for or at the request of another
80 individual or individuals or any public or private entity,
81 whether for compensation or not, whether full or part-time,
82 whether legally or not. "Work" includes, without limitation, any
83 such service performed by an employee, independent contractor,
84 agent, partner, proprietor, manager, officer, director,
85 apprentice, trainee, associate, servant, volunteer, and the
86 like.

87 (4) "Enclosed indoor workplace" means any place where one
88 or more persons engages in work, and which place is
89 predominantly or totally bounded on all sides and above by
90 physical barriers, regardless of whether such barriers consist

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91 of or include uncovered openings, screened or otherwise
92 partially covered openings; or open or closed windows,
93 jalousies, doors, or the like. This section applies to all such
94 enclosed indoor workplaces without regard to whether work is
95 occurring at any given time.

96 (5) "Commercial" use of a private residence means any time
97 during which the owner, lessee, or other person occupying or
98 controlling the use of the private residence is furnishing in
99 the private residence, or causing or allowing to be furnished in
100 the private residence, child care, adult care, or health care,
101 or any combination thereof, and receiving or expecting to
102 receive compensation therefor.

103 (6) "Retail tobacco shop" means any enclosed indoor
104 workplace dedicated to or predominantly for the retail sale of
105 tobacco, tobacco products, and accessories for such products, in
106 which the sale of other products or services is merely
107 incidental.

108 (7) "Designated smoking guest rooms at public lodging
109 establishments" means the sleeping rooms and directly associated
110 private areas, such as bathrooms, living rooms, and kitchen
111 areas, if any, rented to guests for their exclusive transient
112 occupancy in public lodging establishments including hotels,
113 motels, resort condominiums, transient apartments, transient
114 lodging establishments, rooming houses, boarding houses, resort
115 dwellings, bed and breakfast inns, and the like; and designated
116 by the person or persons having management authority over such
117 public lodging establishment as rooms in which smoking may be
118 permitted.

119 (8) "Stand-alone bar" means any place of business devoted

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120 during any time of operation predominantly or totally to serving
121 alcoholic beverages, intoxicating beverages, or intoxicating
122 liquors, or any combination thereof, for consumption on the
123 licensed premises; in which the serving of food, if any, is
124 merely incidental to the consumption of any such beverage; and
125 that is not located within, and does not share any common
126 entryway or common indoor area with, any other enclosed indoor
127 workplace including any business for which the sale of food or
128 any other product or service is more than an incidental source
129 of gross revenue.

130 (9) "Vapor-generating electronic device" means any product
131 that employs an electronic, a chemical, or a mechanical means
132 capable of producing vapor or aerosol from a nicotine product or
133 any other substance, including, but not limited to, an
134 electronic cigarette, electronic cigar, electronic cigarillo,
135 electronic pipe, or other similar device or product, any
136 replacement cartridge for such device, and any other container
137 of a solution or other substance intended to be used with or
138 within an electronic cigarette, electronic cigar, electronic
139 cigarillo, electronic pipe, or other similar device or product.

140 (10) "Vapor-generating electronic device retailer" means
141 any enclosed indoor workplace dedicated to or predominantly for
142 the retail sale of vapor-generating electronic devices and
143 components, parts, and accessories for such products, in which
144 the sale of other products or services is merely incidental.

145 (d) LEGISLATION. In the next regular legislative session
146 occurring after voter approval of this section or any amendment
147 to this section ~~amendment~~, the ~~Florida~~ legislature shall adopt
148 legislation to implement this section and any amendment to this

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149 section amendment in a manner consistent with its broad purpose
 150 and stated terms, and having an effective date no later than
 151 July 1 of the year following voter approval. Such legislation
 152 shall include, without limitation, civil penalties for
 153 violations of this section; provisions for administrative
 154 enforcement; and the requirement and authorization of agency
 155 rules for implementation and enforcement. This section does not
 156 ~~Nothing herein shall~~ preclude the legislature from enacting any
 157 law constituting or allowing a more restrictive regulation of
 158 tobacco smoking or the use of vapor-generating electronic
 159 devices than is provided in this section.

160

161 BE IT FURTHER PROPOSED that the following statement be placed on
 162 the ballot:

163

164 CONSTITUTIONAL AMENDMENT

165

ARTICLE II, SECTION 7

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ARTICLE X, SECTION 20

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168 PROHIBITS OFFSHORE OIL AND GAS DRILLING; PROHIBITS VAPING
 169 IN ENCLOSED INDOOR WORKPLACES.—Prohibits drilling for the
 170 exploration or extraction of oil and natural gas beneath all
 171 state-owned waters between the mean high water line and the
 172 state's outermost territorial boundaries. Adds use of vapor-
 173 generating electronic devices to current prohibition of tobacco
 174 smoking in enclosed indoor workplaces with exceptions; permits
 more restrictive local ordinances.