

# City of South Daytona

## Office of the City Manager

Post Office Box 214960 • South Daytona, FL 32121 • 386/322-3010 • FAX 386/322-3008



### MEMORANDUM

**AGENDA ITEM**  
# D21 DATE 3/9/2021

**To:** The Honorable Mayor and Members of the City Council

**From:** James L. Gillis, Jr., City Manager *JLG*

**Re:** Resolution No. 2021-03 Urging the Florida Legislature to Enact Legislation to Allow Municipalities to Regulate Smoking in Parks

**Date:** March 4, 2021

---

Senate Bill 334 and House Bill 229 are currently being sponsored in the 2021 Legislative Session of the State of Florida where, if one of the bills was to become law, would allow local governments to regulate smoking in parks and beaches. Our children who participate in sporting events at our fields or play on the playground areas in our parks should not have to inhale secondhand smoke from adults nearby.

Staff was approached by the City of Daytona Beach Shores who asked if we could present a copy of their resolution before our City Council for consideration. Staff is recommending that Resolution No. 2021-03, which is attached as Exhibit A for review, be considered for adoption and sent to the Legislature voicing our support for our children's future.

**EXHIBIT A**

RESOLUTION NO. 2021-03

## **RESOLUTION NO. 2021-03**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION TO ALLOW MUNICIPALITIES TO REGULATE SMOKING IN PARKS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, during the 2021 Legislative Session of the State of Florida, Senator Gruters and Representative Altman sponsored Senate Bill 334 and House Bill 229 , respectively, which, if one of the bills was to become a law, would allow local governments to regulate smoking in parks and on beaches; and

**WHEREAS**, according to United States Center for Disease Control, the combination of smoke from the burning of tobacco products and the smoked exhaled from the smoker, referred to as secondhand smoke, exposes nonsmokers to thousands of chemicals, hundreds of which are toxic and approximately 70 known to cause cancer, as detailed in the following link: [https://www.cdc.gov/tobacco/data\\_statistics/sgr/2010/consumer\\_booklet/chemicals\\_smoke/index.htm](https://www.cdc.gov/tobacco/data_statistics/sgr/2010/consumer_booklet/chemicals_smoke/index.htm); and

**WHEREAS**, as of 2018, nearly 14 of every 100 (14.0 %) U.S. adults aged 18 years or older currently smoke cigarettes, as detailed in the following link given below: [https://www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/adult\\_data/cig\\_smoking/index.htm#:~:text=This%20means%20an%20estimated%2034.1,with%20a%20smoking%2Drelated%20disease](https://www.cdc.gov/tobacco/data_statistics/fact_sheets/adult_data/cig_smoking/index.htm#:~:text=This%20means%20an%20estimated%2034.1,with%20a%20smoking%2Drelated%20disease;); and

**WHEREAS**, there is no risk-free level of secondhand smoke exposure; even brief exposure can be harmful to health, as detailed in the following link: [https://www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/secondhand\\_smoke/health\\_effects/index.htm#:~:text=There%20is%20no%20risk%2Dfree,infant%20death%20syndrome%20\(SIDS\)](https://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/health_effects/index.htm#:~:text=There%20is%20no%20risk%2Dfree,infant%20death%20syndrome%20(SIDS);); and

**WHEREAS**, approximately 2.5 million nonsmokers have died from health-related illnesses caused by exposure to secondhand smoke since 1964, as detailed in the following link: [https://www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/secondhand\\_smoke/health\\_effects/index.htm#:~:text=There%20is%20no%20risk%2Dfree,infant%20death%20syndrome%20\(SIDS\)](https://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/health_effects/index.htm#:~:text=There%20is%20no%20risk%2Dfree,infant%20death%20syndrome%20(SIDS);); and

**WHEREAS**, prohibiting tobacco products that cause harmful smoke prevents potential exposure to toxic and cancerous chemicals, as detailed here; and

**WHEREAS**, according to the Ocean Conservancy, cigarette butts and food wrappers are the most common waste items on beaches, as detailed in the following link: <https://oceanconservancy.org/trash-free-seas/international-coastal-cleanup/annual-data-release/>; and

**WHEREAS,** the City of South Daytona affirms its belief that the decision of whether smoking should be allowed in city parks and beaches is most appropriately determined at the local level; and

**WHEREAS,** the City Council of the City of South Daytona finds that passage of the aforementioned bills is in the best interest of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, FLORIDA:**

**SECTION 1.** The City Council hereby acknowledges the above provisions and adopts same as legislative findings.

**SECTION 2.** That the City Council of the City of South Daytona hereby encourages the Florida Legislature to pass legislation allowing the regulation in municipal parks and providing enforcement authority to municipalities (currently in the form of Senate Bill 334 and House Bill 239).

**SECTION 3.** That the Mayor is hereby authorized to distribute a copy of this Resolution to the Governor, the President of the Florida Senate, the Speaker of the Florida House of Representatives, and to other lawmakers as appropriate.

**SECTION 4.** This Resolution shall take effect immediately upon its adoption.

**APPROVED AND ADOPTED** upon first and final reading at the regular public meeting held by the City Council of the City of South Daytona, Florida, on the 9<sup>th</sup> day of March 2021.

SIGNED:

\_\_\_\_\_  
William C. Hall, Mayor

ATTEST:

\_\_\_\_\_  
James L. Gillis, Jr., City Manager  
as Appointed City Clerk

Approved as to form and sufficiency

\_\_\_\_\_  
Vose Law Firm, City Attorney