

City of South Daytona
Office of the City Manager

1672 S. Ridgewood Avenue • South Daytona, FL 32121 • 386/322-3014



MEMORANDUM

To: Honorable Mayor, Vice-Mayor and members of the City Council
From: James L. Gillis Jr., City Manager
Re: Consideration of Resolution 2021-23, Urging the Florida Legislature to enact legislation to allow for counties and municipalities to regulate smoking in parks within the jurisdiction of the local government.
Date: August 18, 2021

AGENDA ITEM

Item # D11

Date: September 13, 2021

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 were to become a law, would allow local governments to regulate smoking in parks and on beaches. In March, the City Council approved Resolution 2021-08 which urged all members of the Florida Legislature to oppose unwarranted or overly broad preemptions of municipal Home Rule powers.

This resolution affirms it is the belief of the City Council in home rule and that the decision of whether smoking should be regulated in locally-controlled parks is most appropriately determined at the local level.

If approved, a letter along with a copy of Resolution 2021-23 will be sent to Governor DeSantis, President of the Florida Senate, Wilton Simpson, and Speaker of the Florida House of Representatives, Chris Sprowls.

RESOLUTION NO. 2021-23

A RESOLUTION OF THE CITY OF SOUTH DAYTONA, VOLUSIA COUNTY, FLORIDA, URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION TO ALLOW COUNTIES AND MUNICIPALITIES TO REGULATE SMOKING IN PARKS WITHIN THE JURISDICTION OF THE LOCAL GOVERNMENT; 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 were to become a law, would allow local governments to regulate smoking in parks; and

WHEREAS, the City Council of the City of South Daytona approved Resolution 2021-08 in support of the above-referenced bills; 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 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; 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: 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, regulating tobacco products that cause harmful smoke would reduce or eliminate potential exposure to toxic and cancerous chemicals; 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 regulated in locally-controlled parks is most appropriately determined at the local level; and

WHEREAS, the City Council of the City of South Daytona supports and encourages a legislative effort to bring and favorably approve similar bills during the 2022 legislative session.

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 Whereas provisions and adopts the 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 of smoking on locally-controlled public parks and providing enforcement authority to counties and municipalities.

SECTION 3. That the Mayor, City Council members, and City Manager or his designee, are 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 people as appropriate.

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

THIS RESOLUTION APPROVED ON FIRST AND ONLY READING this 13th day of September 2021 by the City Council of the City of South Daytona, Florida.

CITY OF SOUTH DAYTONA, FLORIDA

William C. Hall, Mayor

ATTEST: _____
James L. Gillis Jr, City Manager

APPROVED AS TO FORM AND LEGALITY:

Wade Vose, City Attorney