



333670

CRC ACTION

Commissioner .
Comm: FAV .
04/05/2018 .
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The Committee on Style and Drafting (Jordan) recommended the following:

1 **CRC Amendment (with title amendment)**

2
3 Delete everything after the proposal clause
4 and insert:

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

7 ARTICLE II

8 GENERAL PROVISIONS

9 SECTION 7. Natural resources and scenic beauty.-



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

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

22 (c) To protect the people of Florida and their environment,
23 drilling for exploration or extraction of oil or natural gas is
24 prohibited on lands beneath all state waters which have not been
25 alienated and that lie between the mean high water line and the
26 outermost boundaries of the state's territorial seas. This
27 prohibition does not apply to the transportation of oil and gas
28 products produced outside of such waters. This subsection is
29 self-executing.

30
31 Section 20 of Article X of the State Constitution is
32 amended to read:

33 ARTICLE X

34 MISCELLANEOUS

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

36 (a) PROHIBITION. As a Florida health initiative to protect
37 people from the health hazards of second-hand tobacco smoke and
38 vapor, tobacco smoking and the use of vapor-generating



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39 electronic devices are ~~is~~ prohibited in enclosed indoor
40 workplaces. This section does not preclude the adoption of
41 ordinances that impose more restrictive regulation on the use of
42 vapor-generating electronic devices than is provided in this
43 section.

44 (b) EXCEPTIONS. As further explained in the definitions
45 below, tobacco smoking and the use of vapor-generating
46 electronic devices may be permitted in private residences
47 whenever they are not being used commercially to provide child
48 care, adult care, or health care, or any combination thereof;
49 and further may be permitted in retail tobacco shops, vapor-
50 generating electronic device retailers, designated smoking guest
51 rooms at hotels and other public lodging establishments; and
52 stand-alone bars. However, nothing in this section or in its
53 implementing legislation or regulations shall prohibit the
54 owner, lessee, or other person in control of the use of an
55 enclosed indoor workplace from further prohibiting or limiting
56 smoking or the use of vapor-generating electronic devices
57 therein.

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

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

63 (2) "Second-hand smoke," also known as environmental
64 tobacco smoke (ETS), means smoke emitted from lighted,
65 smoldering, or burning tobacco when the smoker is not inhaling;
66 smoke emitted at the mouthpiece during puff drawing; and smoke
67 exhaled by the smoker.



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68 (3) "Work" means any person's providing any employment or
69 employment-type service for or at the request of another
70 individual or individuals or any public or private entity,
71 whether for compensation or not, whether full or part-time,
72 whether legally or not. "Work" includes, without limitation, any
73 such service performed by an employee, independent contractor,
74 agent, partner, proprietor, manager, officer, director,
75 apprentice, trainee, associate, servant, volunteer, and the
76 like.

77 (4) "Enclosed indoor workplace" means any place where one
78 or more persons engages in work, and which place is
79 predominantly or totally bounded on all sides and above by
80 physical barriers, regardless of whether such barriers consist
81 of or include uncovered openings, screened or otherwise
82 partially covered openings; or open or closed windows,
83 jalousies, doors, or the like. This section applies to all such
84 enclosed indoor workplaces without regard to whether work is
85 occurring at any given time.

86 (5) "Commercial" use of a private residence means any time
87 during which the owner, lessee, or other person occupying or
88 controlling the use of the private residence is furnishing in
89 the private residence, or causing or allowing to be furnished in
90 the private residence, child care, adult care, or health care,
91 or any combination thereof, and receiving or expecting to
92 receive compensation therefor.

93 (6) "Retail tobacco shop" means any enclosed indoor
94 workplace dedicated to or predominantly for the retail sale of
95 tobacco, tobacco products, and accessories for such products, in
96 which the sale of other products or services is merely



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97 incidental.

98 (7) "Designated smoking guest rooms at public lodging
99 establishments" means the sleeping rooms and directly associated
100 private areas, such as bathrooms, living rooms, and kitchen
101 areas, if any, rented to guests for their exclusive transient
102 occupancy in public lodging establishments including hotels,
103 motels, resort condominiums, transient apartments, transient
104 lodging establishments, rooming houses, boarding houses, resort
105 dwellings, bed and breakfast inns, and the like; and designated
106 by the person or persons having management authority over such
107 public lodging establishment as rooms in which smoking may be
108 permitted.

109 (8) "Stand-alone bar" means any place of business devoted
110 during any time of operation predominantly or totally to serving
111 alcoholic beverages, intoxicating beverages, or intoxicating
112 liquors, or any combination thereof, for consumption on the
113 licensed premises; in which the serving of food, if any, is
114 merely incidental to the consumption of any such beverage; and
115 that is not located within, and does not share any common
116 entryway or common indoor area with, any other enclosed indoor
117 workplace including any business for which the sale of food or
118 any other product or service is more than an incidental source
119 of gross revenue.

120 (9) "Vapor-generating electronic device" means any product
121 that employs an electronic, a chemical, or a mechanical means
122 capable of producing vapor or aerosol from a nicotine product or
123 any other substance, including, but not limited to, an
124 electronic cigarette, electronic cigar, electronic cigarillo,
125 electronic pipe, or other similar device or product, any



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126 replacement cartridge for such device, and any other container
127 of a solution or other substance intended to be used with or
128 within an electronic cigarette, electronic cigar, electronic
129 cigarillo, electronic pipe, or other similar device or product.

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

135 (d) LEGISLATION. In the next regular legislative session
136 occurring after voter approval of this section or any amendment
137 to this section amendment, the ~~Florida~~ legislature shall adopt
138 legislation to implement this section and any amendment to this
139 section amendment in a manner consistent with its broad purpose
140 and stated terms, and having an effective date no later than
141 July 1 of the year following voter approval. Such legislation
142 shall include, without limitation, civil penalties for
143 violations of this section; provisions for administrative
144 enforcement; and the requirement and authorization of agency
145 rules for implementation and enforcement. This section does not
146 ~~Nothing herein shall~~ preclude the legislature from enacting any
147 law constituting or allowing a more restrictive regulation of
148 tobacco smoking or the use of vapor-generating electronic
149 devices than is provided in this section.

150
151 BE IT FURTHER PROPOSED that the following statement be placed on
152 the ballot:

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154 PROHIBITS OFFSHORE OIL AND GAS DRILLING; PROHIBITS VAPING



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155 IN ENCLOSED INDOOR WORKPLACES.—Prohibits drilling for the
156 exploration or extraction of oil and natural gas beneath all
157 state-owned waters between the mean high water line and the
158 state’s outermost territorial boundaries. Adds vapor-generating
159 devices to current prohibition of tobacco smoking in enclosed
160 indoor workplaces with exceptions; permits more restrictive
161 local ordinances.

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163

164 ===== T I T L E A M E N D M E N T =====

165 And the title is amended as follows:

166 Delete everything before the proposal clause
167 and insert:

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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.