

20176004er

REVISION 4

A proposal to revise the State Constitution by the Constitution  
Revision Commission of Florida.

A proposed revision relating to environmental health;  
amending Section 7 of Article II of the State  
Constitution to prohibit the drilling for exploration  
or extraction of oil and natural gas in specified  
state waters; and amending 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

20176004er

30 Everglades Agricultural Area shall be primarily responsible for  
31 paying the costs of the abatement of that pollution. For the  
32 purposes of this subsection, the terms "Everglades Protection  
33 Area" and "Everglades Agricultural Area" shall have the meanings  
34 as defined in statutes in effect on January 1, 1996.

35 (c) To protect the people of Florida and their environment,  
36 drilling for exploration or extraction of oil or natural gas is  
37 prohibited on lands beneath all state waters which have not been  
38 alienated and that lie between the mean high water line and the  
39 outermost boundaries of the state's territorial seas. This  
40 prohibition does not apply to the transportation of oil and gas  
41 products produced outside of such waters. This subsection is  
42 self-executing.

43  
44 Section 20 of Article X of the State Constitution is  
45 amended to read:

46 ARTICLE X

47 MISCELLANEOUS

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

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

57 (b) EXCEPTIONS. As further explained in the definitions  
58 below, tobacco smoking and the use of vapor-generating

20176004er

59 electronic devices may be permitted in private residences  
60 whenever they are not being used commercially to provide child  
61 care, adult care, or health care, or any combination thereof;  
62 and further may be permitted in retail tobacco shops, vapor-  
63 generating electronic device retailers, designated smoking guest  
64 rooms at hotels and other public lodging establishments; and  
65 stand-alone bars. However, nothing in this section or in its  
66 implementing legislation or regulations shall prohibit the  
67 owner, lessee, or other person in control of the use of an  
68 enclosed indoor workplace from further prohibiting or limiting  
69 smoking or the use of vapor-generating electronic devices  
70 therein.

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

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

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

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

20176004er

88 apprentice, trainee, associate, servant, volunteer, and the  
89 like.

90 (4) "Enclosed indoor workplace" means any place where one  
91 or more persons engages in work, and which place is  
92 predominantly or totally bounded on all sides and above by  
93 physical barriers, regardless of whether such barriers consist  
94 of or include uncovered openings, screened or otherwise  
95 partially covered openings; or open or closed windows,  
96 jalousies, doors, or the like. This section applies to all such  
97 enclosed indoor workplaces without regard to whether work is  
98 occurring at any given time.

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

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

111 (7) "Designated smoking guest rooms at public lodging  
112 establishments" means the sleeping rooms and directly associated  
113 private areas, such as bathrooms, living rooms, and kitchen  
114 areas, if any, rented to guests for their exclusive transient  
115 occupancy in public lodging establishments including hotels,  
116 motels, resort condominiums, transient apartments, transient

20176004er

117 lodging establishments, rooming houses, boarding houses, resort  
118 dwellings, bed and breakfast inns, and the like; and designated  
119 by the person or persons having management authority over such  
120 public lodging establishment as rooms in which smoking may be  
121 permitted.

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

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

143 (10) "Vapor-generating electronic device retailer" means  
144 any enclosed indoor workplace dedicated to or predominantly for  
145 the retail sale of vapor-generating electronic devices and

20176004er

146 components, parts, and accessories for such products, in which  
147 the sale of other products or services is merely incidental.

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

163  
164 BE IT FURTHER PROPOSED that the following statement be placed on  
165 the ballot:

166  
167 CONSTITUTIONAL AMENDMENT

168 ARTICLE II, SECTION 7

169 ARTICLE X, SECTION 20

170 PROHIBITS OFFSHORE OIL AND GAS DRILLING; PROHIBITS VAPING  
171 IN ENCLOSED INDOOR WORKPLACES.—Prohibits drilling for the  
172 exploration or extraction of oil and natural gas beneath all  
173 state-owned waters between the mean high water line and the  
174 state's outermost territorial boundaries. Adds use of vapor-

20176004er

175 generating electronic devices to current prohibition of tobacco  
176 smoking in enclosed indoor workplaces with exceptions; permits  
177 more restrictive local vapor ordinances.