RESOLUTION 15-07-66

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, URGING THE FLORIDA LEGISLATURE TO ALLOW LOCAL CONTROL OF SMOKING REGULATIONS; URGING CITIZENS TO RECOGNIZE THE NEGATIVE IMPACT OF SECONDHAND SMOKE AND TO REFRAIN FROM SMOKING OR USING TOBACCO PRODUCTS ON VILLAGE PROPERTY; DIRECTING THE VILLAGE CLERK TO PROVIDE CERTIFIED COPIES OF THIS RESOLUTION TO CERTAIN MEMBERS OF THE FLORIDA LEGISLATURE AND TO GOVERNOR SCOTT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Village Council of Islamorada, Village of Islands (the "Village") is elected to represent the best interests of Village residents; and

WHEREAS, tobacco use is the number one cause of preventable death in the United States; and

WHEREAS, the detrimental effects of secondhand smoke on non-smokers are well documented; and

WHEREAS, secondhand smoke lingers in the air, and by-products remain on surfaces for extended periods of time, which adversely impacts the health of everyone who uses public spaces; and

WHEREAS, the Florida Legislature enacted Florida Statute 386.209, which provides: "Regulation of smoking preempted to state.—This part expressly preempts regulation of smoking to the state and supersedes any municipal or county ordinance on the subject; However, school districts may further restrict smoking by persons on school district property."; and

WHEREAS the Village Council believes a smoking ban on Village property, especially Village parks, is one effective way to reduce the impact of secondhand smoke on citizens and visitors in the Village; and
WHEREAS, the Village is preempted from enacting any such regulations due to Florida Statute 386.209; and

WHEREAS, the Village Council finds that urging the Florida Legislature to allow local control of smoking regulations and urging citizens to refrain from smoking or using tobacco products on Village property, and especially in Village parks, is in the best interest of the Village.

NOW THEREFORE BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Urging Amendment to Chapter 386. The Village Council urges the Florida Legislature to amend Chapter 386 to allow municipalities to regulate smoking in their communities, especially in public parks where the youth of Islamorada are most often impacted by secondhand smoke.

Section 3. Urging Restraint from Tobacco Use. The Village Council urges residents and visitors to always consider the negative impact of secondhand smoking on Village-owned property, especially parks.

Section 4. Transmittal. The Village Clerk is hereby directed to transmit a copy of this resolution to Representative Raschein, Senator Bullard, members of the Florida House and Senate leadership and Governor Rick Scott.

Section 5. Effective Date. This resolution shall become effective immediately upon its adoption.

Motion to adopt by Councilman Chris Sante, seconded by Vice Mayor Deb Gillis.
FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Mike Forster          YES
Vice Mayor Deb Gillis       YES
Councilman Jim Mooney        YES
Councilman Chris Sante       YES
Councilman Dennis Ward       YES

PASSED AND ADOPTED ON THIS 30TH DAY OF JULY, 2015.

________________________________________
MIKE FORSTER, MAYOR

ATTEST:

________________________________________
KELLY TOTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF ISLAMORADA,
VILLAGE OF ISLANDS ONLY

________________________________________
ROGET V. BRYAN, VILLAGE ATTORNEY