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## RESOLUTION NO. 22-10

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, URGING ALL MEMBERS OF THE FLORIDA LEGISLATURE AND GOVERNOR RON DESANTIS TO SUPPORT SENATE BILL 224 (GRUTERS) AND HOUSE BILL 105 IN THE 2022 LEGISLATIVE SESSION WHICH, IF ENACTED, WOULD AUTHORIZE COUNTIES AND MUNICIPALITIES TO RESTRICT SMOKING ON PUBLIC BEACHES AND IN PUBLIC PARKS, DIRECTING THE CITY'S STATE LOBBYISTS TO ADVOCATE IN FAVOR OF SENATE BILL 224 AND HOUSE BILL 105, AND PROVIDING FOR DISTRIBUTION, SEVERABILITY, RESCISSION OF CONFLICTING RESOLUTION PROVISIONS, AND AN EFFECTIVE DATE.

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WHEREAS, according to the National Center for Chronic Disease Prevention and Health Promotion of the Centers for Disease Control and Prevention:

- Tobacco use is the leading cause of preventable disease, disability, and death in the United States;
- About 34 million US adults smoke cigarettes, and 58 million nonsmokers are exposed to secondhand smoke. Every day, about 1,600 young people under age 18 try their first cigarette, and nearly 200 become daily cigarette smokers;
- Cigarette smoking causes more than 480,000 deaths annually, including 41,000 deaths from secondhand smoke. For every American who dies because of smoking, at least 30 are living with a serious smoking-related illness;
- Smoking-related illness cost the United States over \$300 billion each year, including more than \$225 billion in direct medical costs;
- Secondhand smoke, which affects 58 million nonsmoking Americans, also causes stroke, lung cancer, and coronary heart disease in adults. Children who are exposed to secondhand smoke are at increased risk of SIDS, impaired lung function, acute respiratory infections, middle ear disease, and more frequent and severe asthma attacks;
- Cigarette smoking is a major cause of heart disease and stroke and causes 1 in every 4 deaths from heart disease and stroke. Nonsmokers who breathe secondhand smoke at home or work have a 25% to 30% higher risk of heart disease and a 20% to 30% higher risk of stroke;
- Cigarette smoking can cause lung disease by damaging the airways and the small air sacs (alveoli) found in the lungs. It can cause chronic obstructive pulmonary disease (COPD), which includes emphysema and chronic bronchitis;

- The risk of developing type 2 diabetes is 30% to 40% higher for current smokers than nonsmokers;
- Cigarette smoking during pregnancy increases the risk of pregnancy complications, including premature birth, low birth weight, certain birth defects, and SIDS;

and

WHEREAS, according to a study by the National Academies of Sciences, Engineering and Medicine titled *Public Health Consequences of E-Cigarettes*, The National Academies Press (2018), “[t]here is conclusive evidence that in addition to nicotine, most e-cigarette products contain and emit numerous potentially toxic substances”; and

WHEREAS, according to *Some e-cigarette ingredients are surprisingly more toxic than others*, UNC Health and UNC School of Medicine, March 27, 2018, the University of North Carolina School of Medicine “found that e-liquid ingredients are extremely diverse, and some of them are more toxic than nicotine alone and more toxic than just the standard base ingredients in e-cigarettes – propylene glycol and vegetable glycerin”; and

WHEREAS, according to the European Heart Journal, Volume 41, Issue 15, 14 April 2020, Page 1523, Published 25 March 2020, “[i]n a recent study, Kuntic *et al.* reported that inhaled acrolein may be the main culprit for their observations of acute adverse effects of e-cigarette use on vascular function, caused by oxidative stress in blood vessels.” (Citation footnote omitted).; and

WHEREAS, according to the American Lung Association, “[b]oth the U.S. Surgeon General and the National Academies of Science, Engineering and Medicine have warned about the risks of inhaling secondhand e-cigarette emissions, which are created when an e-cigarette user exhales the chemical cocktail created by e-cigarettes.”; and

WHEREAS, according to the Ocean Conservancy, during the 2019 International Coastal Cleanup, volunteers in 116 countries collected 4.2 million cigarette butts; and

WHEREAS, Section 386.209, Florida Statutes (2021), “expressly preempts regulation of smoking to the state and supersedes any municipal or county ordinance on the subject”; and

WHEREAS, notwithstanding the preemption provided in Section 386.209, Florida Statutes (2021), Senate Bill 224 (Gruters) would authorize counties and municipalities to “further restrict smoking within the boundaries of any public beaches or public parks that they

own,” and authorize municipalities to “further restrict smoking within the boundaries of any public beaches or public parks that are within their jurisdiction but are owned by the county if doing so would not conflict with a county ordinance.”; and

WHEREAS, a similar bill to Senate Bill 224 (Gruters), to wit, House Bill 105, has been filed in the Florida House of Representatives; and

WHEREAS, the City of Fort Lauderdale strives to provide healthy and clean environments for its residents and visitors; and

WHEREAS, providing smoke-free zones on public beaches and in public parks would be one way to keep the City of Fort Lauderdale beautiful by eliminating discarded cigarette butts and other smoking-related trash; and

WHEREAS, smoke-free zones would help protect residents and visitors from unhealthy and unwanted second-hand smoke, leading to more enjoyable visits to the City’s parks and beaches; and

WHEREAS, the City of Fort Lauderdale, and its residents and visitors, would benefit from legislation that would authorize the prohibition of smoking on public beaches and in public parks within its jurisdiction;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the City Commission of the City of Fort Lauderdale, Florida, urges all members of the Florida Legislature and Governor Ron DeSantis to support Senate Bill 224 (Gruters) and House Bill 105 in the 2022 legislative session, and any other similar legislation that would authorize the prohibition of smoking on public beaches and in public parks.

SECTION 2. That the City Commission directs the City Clerk to transmit copies of this Resolution to the City’s state lobbyists, Governor Ron DeSantis, Senate President Wilton Simpson, Speaker of the House Chris Sprowls, the Broward League of Cities, the Florida League of Cities, the Broward County Legislative Delegation, the Broward County Board of County Commissioners, the Palm Beach County League of Cities, the Miami-Dade County League of Cities, and any other interested parties.

SECTION 3. That the City Commission directs the City’s state lobbyists to advocate in favor of Senate Bill 224 (Gruters) and House Bill 105 in the 2022 legislative session.

SECTION 4. That if any clause, section, or other part of this Resolution shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Resolution shall not be affected thereby, but shall remain in full force and effect.

SECTION 5. That all resolutions or parts of resolutions in conflict herewith, be and the same are hereby rescinded to the extent of such conflict.

SECTION 6. That this resolution shall take effect immediately upon its adoption.

ADOPTED this 5th day of January, 2022.

  
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Mayor  
DEAN J. TRANTALIS

ATTEST:



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City Clerk  
JEFFREY A. MODARELLI