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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



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

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

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

ARTICLE X
MISCELLANEOUS

SECTION 20. Workplaces without tobacco smoke or vapor.—

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

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



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

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

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

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

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



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

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

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

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

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



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

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

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

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



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

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

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

CONSTITUTIONAL AMENDMENT

ARTICLE II, SECTION 7

ARTICLE X, SECTION 20

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



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

