

**SUBJECT
FLORIDA CLEAN
INDOOR AIR ACT**

**POLICY NUMBER
6.02**



POLICY MAINTENANCE ADMINISTRATOR: Chief, Bureau of Office Services

PURPOSE/SCOPE: To comply with the "Florida Clean Indoor Air Act" by prohibiting smoking and vaping in and around the Kirkman Building and other leased or owned buildings, or areas of buildings, under the control of the department.

I. AUTHORITY

Chapter 386, Part II, Florida Statutes, Indoor Air: Smoking and Vaping

Section 823.12, Florida Statutes, Smoking in elevators unlawful; penalty

[Florida Clean Indoor Air Act](#)

II. RELATED POLICIES

MP 3.06, Disciplinary Process

MP 7.04, Employee Assistance Program

III. DEFINITIONS

- A. Enclosed Indoor Workplace – 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, without limitation, uncovered openings; screened or otherwise partially covered openings; or open or closed windows, жалousies, doors, or the like.
- B. Smoking – Inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigarettes, cigars, pipe tobacco, and any other lighted tobacco product.
- C. Vape or Vaping – To inhale or exhale vapor produced by a vapor-generating electronic device, or to possess a vapor-generating electronic device while that device is actively employing an electronic, a chemical, or a mechanical means designed to produce vapor or aerosol from a nicotine product or any other substance. The term does not include the mere possession of a vapor-generating electronic device.

Executive Director SIGNED ORIGINAL ON FILE	Effective Date 07/01/1983
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- D. Vapor – Aerosolized or vaporized nicotine or other aerosolized or vaporized substance produced by a vapor-generating electronic device or exhaled by the person using such a device.
- E. Vapor-Generating Electronic Device – 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.
- F. Work – 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.

IV. POLICY

The department prohibits all members and customers from smoking and vaping in all enclosed indoor workplace areas of buildings owned or leased by the department. Areas will be designated where smoking and vaping will be permitted.

All members will comply with this policy as authorized under the Florida Clean Indoor Air Act, and understand that violations of the policy may subject the member to disciplinary action.

Customers seen smoking or vaping in areas not designated for smoking or vaping will be directed to the appropriate areas.

The intent of the Florida Clean Indoor Air Act and this policy is to protect people, members and customers from the health hazards of secondhand smoke and vapor. Pursuant to section 386.207(2), Florida Statutes, public agencies responsible for the management and maintenance of government buildings shall report observed violations to the Department of Health (DOH).

V. ROLES AND RESPONSIBILITIES

- A. Division of Administrative Services (DAS), Chief of Office Services – Will administer this policy in and around the Kirkman Building, and will coordinate with the Bureau of Personnel Services to determine whether disciplinary action may be necessary for members reported to have violated the policy.

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- B. FHP Troop Commanders, Motorist Services (MS) Office Managers or Assistant Office Managers, and FLHSMV Regional Administrators – In field offices, with the approval of the respective Bureau Chief or higher-level manager, will administer this policy in and around their facilities, and will coordinate with the Bureau of Personnel Services to determine whether disciplinary action may be necessary for members reported to have violated the policy.
- C. Members – Will comply with this policy, and understand that violations of the policy may subject the member to disciplinary action. Members will also report any observed violations of the policy by other members or customers to the Chief of Office Services (for the Kirkman Building), or (for field offices) to the Troop Commanders, Office Managers or Regional Administrators responsible for their particular facility.
- D. Bureau of Personnel Services – Will coordinate with the DAS Chief of Office Services, Bureau or Division Managers and Supervisors, FHP Troop Commanders, MS Field Office Managers, Assistant Managers, or Regional Administrators to administer any disciplinary action that may be determined necessary for members' violations of this policy.

VI. PROCEDURES

- A. All enclosed indoor workplace areas of buildings owned, leased, or under the control of the department are to be considered smoke-free zones.
- B. Smoke-free zones include each external entryway and adjacent walkways to all department buildings.
- C. Individuals charged with the implementation of this policy may post "SMOKE-FREE ZONE" signs. Signs will have letters of reasonable size, which can be easily read, and will be posted in highly visible locations.
- D. Smoking areas for the use of members during break and meal periods will be designated outside of department-owned or leased buildings. Smoking areas will not affect or interfere with public access to the buildings. Smoking areas will be located to prevent smoke from entering buildings through doorways, windows, or ventilation systems. Permission will be obtained from the property owner or manager before designating smoking areas outside of buildings that are leased by the department.

A graphic of the Neil Kirkman Building showing designated smoke-free and smoking zones is linked [here](#).