

**LEE COUNTY, FLORIDA  
BUSINESS IMPACT ESTIMATE  
PROPOSED COUNTY ORDINANCE**

**NAME OF ORDINANCE:** Adopt Amendment Prohibiting Smoking and Vaping at County Parks and Public Beaches

**I. SUMMARY OF ORDINANCE**

**A. Statement of Purpose**

An ordinance amending Chapter 20 of the Lee County Code of Ordinances, Parks and Recreation, to prohibit smoking and vaping at county parks and public beaches.

**B. Narrative Summary of Ordinance (Several Sentence Summary)**

Florida Statutes Section 386.209 has generally preempted the regulation of smoking to the state, with certain exceptions, including the ability for local governments to prohibit smoking at schools and indoor park facilities. The statute was amended in 2019 to further allow local governments to prohibit smoking and vaping at all county parks and public beaches. Unfiltered cigars are exempt under the statute. Currently, Chapter 20 of the Lee County Code of Ordinances prohibits smoking at schools and indoor park facilities. This amendment will expand the prohibition to smoking and vaping at all county parks and public beaches, with certain exceptions, in accordance with Florida Statutes Section 386.209, as amended.

**II. BUSINESS IMPACT ESTIMATE**

- A. Estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted: **N/A – Ordinance only applies to individuals smoking and vaping at county parks and beaches.**
- B. Identification of any new charge or fee on businesses subject to the proposed ordinance or for which businesses will be financially responsible: **N/A – Ordinance only applies to individuals smoking and vaping at county parks and beaches.**
- C. Estimate of the county's regulatory costs, including estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs: **No additional enforcement costs – The ordinance will continue to be enforced by Parks & Rec, including the appeal process. The fine schedule will continue to be \$100, \$200, and \$300 for a first, second, and third offense, and will only apply to individuals smoking or vaping at county parks and beaches.**
- D. Estimate of the number of businesses likely to be impacted by the ordinance: **N/A – Ordinance applies to individuals smoking and vaping at county parks and beaches**