

Town of Windermere



RESOLUTION 2012-04

A RESOLUTION OF THE TOWN OF WINDERMERE, FLORIDA RELATING TO PUBLIC HEALTH; PROVIDING FINDINGS OF FACT RELATING TO THE NEGATIVE HEALTH IMPACTS OF SECONDHAND SMOKE ON PUBLIC HEALTH; URGING THE CITIZENS OF THE TOWN OF WINDERMERE NOT TO SMOKE IN PARKS AND OTHER PUBLIC PLACES WHERE CHILDREN COMMONLY GATHER; URGING THE FLORIDA LEGISLATURE TO SUPPORT MUNICIPAL HOME RULE POWER; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLCITING RESOLUTIONS, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, According to the Center for Disease Control and Prevention, United States Department of Health and Human Services (hereinafter the "CDC"), tobacco use is the leading preventable cause of disease, disability, and death in the United States, and

WHEREAS, the adverse health effects of cigarette smoking account for an estimated 443,000 deaths, or nearly one of every five deaths, each year in the United States, and

WHEREAS, more deaths are caused each year by tobacco use than by all deaths from human immunodeficiency virus (HIV), illegal drug use, alcohol use, motor vehicle injuries, suicide, and murders, combined; and

WHEREAS, smoking causes coronary heart disease, the leading cause of death in the United States, lung cancer, leukemia, bladder cancer, cancer of the cervix, cancer of the esophagus, kidney cancer, stomach cancer, cancer of the uterus, and other forms of cancer, and

WHEREAS, second hand smoke causes lung cancer, heart disease, ear infections, and respiratory illnesses, among other ailments, and is especially harmful to children, and

WHEREAS, second hand smoke causes serious health problems for children, including bronchitis, asthma, pneumonia, ear infections, and sudden infant death syndrome (SIDS), and

WHEREAS, an estimated 88 million nonsmoking Americans, including 54% of children aged 3 to 11 years, are exposed to secondhand smoke, and as a result of this exposure, each year an estimated 3,000 nonsmoking Americans die of lung cancer, more than 46,000 die of heart disease, and as many as 300,000 children younger than 18 months suffer from lower respiratory tract infections; and

WHEREAS, every year, an estimated 56,400 nonsmoking Americans die from heart disease and lung cancer caused by secondhand smoke; and

WHEREAS, in 2002, the people of Florida amended the Florida Constitution to prohibit tobacco smoking in enclosed indoor workplaces in order “to protect people from the health hazards of second-hand tobacco smoke . . .,” (sec. 20, Art. X, Fla. Const.); and

WHEREAS, in 2003, the Florida Legislature amended the Florida Clean Indoor Act (Part II, Ch. 386, Fla. Stat.) “to protect people from the health hazards of secondhand tobacco and to implement the Florida health initiative in s.20, Art. X of the State Constitution;” and

WHEREAS, in the 2011 session, the Florida Legislature amended the Florida Clean Indoor Air Act to permit “school districts [to] further restrict smoking by persons on school district property” (Ch. 2011-108, Laws of Fla.); and

WHEREAS, the Council of the Town of Windermere, Florida (hereinafter the “Council”), hereby finds and declares that scientific evidence overwhelming and conclusively finds that secondhand smoke is a serious risk to public health; and

WHEREAS, the Council hereby finds and declares that the public health risks associated with secondhand smoke are preventable; and

WHEREAS, the Council hereby finds and declares that it is especially important to protect children from secondhand smoke, and that because children often play in public parks, these places are particularly vulnerable to the negative health impacts of secondhand smoke; and

WHEREAS, the Council hereby finds and declares that children and others enjoying public parks should enjoy the right to be free from exposure to secondhand smoke.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF WINDERMERE, FLORIDA, AS FOLLOWS:

Section 1. *Secondhand Smoke in Public Places.* The Council hereby urges all persons of the Town of Windermere to consider the public health hazards associated with secondhand smoke and to not smoke where children are playing and gathering

Section 2. *Home Rule.* The Council hereby urges the Florida Legislature to support local home-rule power over Town-owned property, especially public parks and other public places where children play.

Section 3. *Notice to Legislative Delegation.* The Council hereby directs the Town Clerk to deliver a copy of this resolution to each member of the Town of Windermere’s Legislative Representation.

Section 4. Severability. If any provision of this resolution or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are severable.

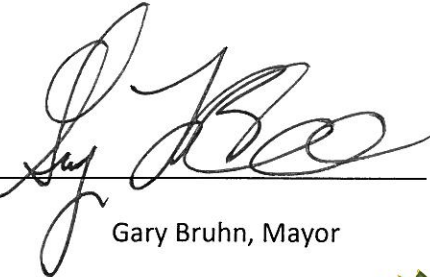
Section 5. Effective Date. This resolution shall take effect upon its adoption


ADOPTED this 14th day of February, 2012.

TOWN OF WINDERMERE, FLORIDA

By: Town Council

ATTEST:

BY: 
Gary Bruhn, Mayor


Dorothy Burkhalter
Town Clerk
Town of Windermere

