



PERSSON & COHEN, P.A.

ATTORNEYS AND COUNSELORS AT LAW

David P. Persson
Andrew H. Cohen
Kelly M. Fernandez*
Maggie D. Mooney-Portale*
R. David Jackson
Regina A. Kardash

* Board Certified City, County and Local Government Law

Telephone (941) 375-3565
Facsimile (941) 451-8375
Email: dpersson@swflgovlaw.com

Reply to: Venice

January 3, 2017

The Honorable John W. Holic, Mayor
and Members of the City Council
401 West Venice Avenue
Venice, Florida 34285

Re: Smoking Ban in Public Parks

Dear Mayor Holic and Council Members:

In 2010, the City enacted an ordinance banning smoking in certain public areas. After the City passed its ban, the State passed a law that preempted local governments from enacting smoking bans in public places. The City ordinance is, therefore, unenforceable and has not been enforced since the State took its action several years ago.

There were efforts by members of the State legislature to have the State reconsider its preemption but those efforts have thus far failed. Rather than to continue to have an invalid law on the books, the City Clerk and I recommend that it be repealed. We, therefore, have prepared this ordinance for your consideration.

If you have any questions, please contact me.

Respectfully,

David P. Persson

DPP/dgb

Enclosure

cc: Lori Stelzer

Lakewood Ranch
6853 Energy Court
Lakewood Ranch, Florida 34240

St. Petersburg
111 Second Avenue NE, Suite 536
St. Petersburg, Florida 33701

Venice
217 Nassau Street S.
Venice, Florida 34285