



## AGENDA MEMORANDUM

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*City Attorney*

City Council Regular Meeting Date: February 3, 2026

**To:** City Council  
**From:** John Agnew, City Attorney  
**Date:** January 27, 2026

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**SUBJECT:** Expansion of smoking prohibition to all Sanibel public parks and beaches

**BACKGROUND:** The City currently has an ordinance prohibiting smoking within Sanibel Community Park but there are otherwise no regulations to prohibit or restrict smoking or vaping at any other City park or public beach. While Section 386.209, Florida Statutes, preempts local governments from imposing restrictions on the smoking of unfiltered cigars, it otherwise authorizes a county or municipality to restrict smoking within the boundaries of any public beaches and public parks owned by a county or municipality, or which are owned by the county but are within the jurisdiction of a municipality located within the county.

At its January 2026 meeting, the Sanibel City Council directed staff to prepare a draft ordinance for discussion that would provide broad restrictions on smoking and vaping within the City's parks and beaches, similar to the ordinance passed in June 2025 by the Lee County Board of County Commissioners. The draft ordinance prepared for discussion at the City Council's February 3, 2026 meeting proposes to amend the City's existing smoking prohibition ordinance, codified within Sanibel Code Chapter 36, Article III, to expand the prohibition of smoking that currently exists solely within Community Park to prohibit smoking and vaping at all public parks and public beaches owned by the City of Sanibel or Lee County, which are within the City's jurisdiction, in accordance with Section 386.209, Florida Statutes.

**FUNDING SOURCE:** N/A.

**RECOMMENDED ACTION:** Discussion and direction to proceed to First Reading.

*Sanibel is and shall remain a barrier island sanctuary*