



AGENDA MEMORANDUM

City Attorney

City Council Regular Meeting Date: March 3, 2026

To: City Council
From: John Agnew, City Attorney
Date: February 19, 2026

SUBJECT: Second Reading of an Ordinance relating to 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. A draft ordinance was prepared for discussion at the City Council's February 3, 2026, meeting and was approved with minor modifications to move to First Reading later at the February 3, 2026 meeting. The draft ordinance 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.

Discussion and First Reading of the ordinance occurred at the February 3, 2026 City Council meeting.

FUNDING SOURCE: N/A.

RECOMMENDED ACTION: Adopt this ordinance at Second Reading.

Sanibel is and shall remain a barrier island sanctuary