

#### **64I-4.002 On-Site Investigations of Enclosed Indoor Workplaces.**

During inspections or investigations of any Florida Clean Indoor Air Act (FCIAA) complaint, DOH environmental health personnel shall document all observed violation(s) of Section 386.206, F.S.

(1) The proprietor or other person in charge of an enclosed indoor workplace shall develop a policy regarding the prohibition of smoking in an enclosed indoor workplace. Such policy must include a prohibition of smoking in the enclosed indoor workplace. Should there be no written policy, a violation of Section 386.206(2), F.S., exists and shall be documented as: "Failure to develop a policy regarding smoking prohibition."

(2) The proprietor or other person in charge of an enclosed indoor workplace shall implement a policy regarding smoking prohibition. If persons are observed violating the policy, and the proprietor or other person in charge witnesses or is made aware of a violation of Section 386.204, F.S., in the enclosed indoor workplace but nonetheless fails to implement the policy, a violation of Section 386.206(2), F.S., exists and shall be documented as: "Failure to implement a policy regarding smoking prohibition."

(3) The proprietor or other person in charge of an enclosed indoor workplace where a smoking cessation program, medical research, or scientific research is conducted shall conspicuously post, or cause to be posted, signs designating areas where smoking is permitted for such purposes within the enclosed indoor workplace. If such signs are not posted then a violation of Section 386.206(4), F.S., exists and will be documented as: "Failure to post signs designating smoking permitted areas."

(4) The proprietor or other person in charge of an enclosed indoor workplace where, prior to the adoption of section 20, Art. X of the State Constitution was required to post signs under Section 386.206, F.S., shall continue to post signs stating that smoking is prohibited within the enclosed indoor workplace. If such signs are not posted then a violation of Section 386.206(1), F.S., exists and shall be documented as: "Failure to post smoking prohibited signs."

*Specific Authority 386.207, 386.2125 FS. Law Implemented 386.206, 386.207 FS. History—New 2-27-94, Amended 2-19-96, 4-2-96, Formerly 10D-105.009, 64D-1.002, Amended 11-5-02, 8-16-04, Formerly 64E-25.002.*