

RESOLUTION NO. 20-__

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, URGING THE FLORIDA LEGISLATURE TO APPROVE SENATE BILL 182, ALSO KNOWN AS “PREEMPTION OF RECYCLABLE AND POLYSTYRENE MATERIALS,” AND ANY COMPANION HOUSE BILLS RELATING TO THE REPEAL OF SECTIONS 403.7033 AND 500.90, FLORIDA STATUTES REGARDING THE USE OR SALE OF SINGLE-USE PLASTIC BAGS AND POLYSTYRENE MATERIALS AND PREEMPTION OF LOCAL LAWS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Cutler Bay (the “Town”), is committed to environmental conscientiousness and leadership, and towards that end has previously adopted various Ordinances and Resolutions in efforts to reduce litter and pollutants on the lands and in the waters of the Towns; and

WHEREAS, on July 16, 2008, the Town Council adopted Resolution No. 08-42 supporting the Legislation to restrict the use of plastic shopping bags, or in the alternative to repeal the ban on local and state regulation on the use of plastic shopping bags; and

WHEREAS, on August 15, 2012, the Town Council adopted Resolution No. 12-42 supporting State Legislation relating to disposable plastic bags and recyclable paper bags; and

WHEREAS, on May 17, 2017, the Town Council adopted Ordinance No. 17-04 to prohibit the sale or use of expanded polystyrene food services articles by Town contractors; and

WHEREAS, on June 19, 2019, the Town Council adopted Ordinance No. 19-11 to prohibit the sale, distribution, and use of plastic straws; and

WHEREAS, on September 18, 2019, the Town Council adopted Resolution No. 19-69 encouraging an amendment to Florida Statute § 403.7033 that would permit local governments to enact rules, regulations, or ordinances regarding the use, disposition, sale, prohibition, restriction, or tax of auxiliary containers, wrappings, and disposable bags; and

WHEREAS, as a leader in the State for promoting environmental stewardship, the Town is increasingly concerned about the adverse environmental and political consequences of the use of auxiliary containers, wrappings, and disposable bags by retail establishments; and

WHEREAS, expanded polystyrene, a petroleum by-product commonly known as Styrofoam, is a common pollutant which fragments into smaller non-biodegradable pieces that are ingested by marine life and other wildlife, thus harming and killing them; and

WHEREAS, the Town believes that it is critical to act decisively to reduce the use of auxiliary containers, wrappings, disposable bags, and polystyrene containers; and

WHEREAS, the Town urges the Florida Legislature to approve Senate Bill 182 and any companion House bills eliminating preemption language in Sections 403.7033 and 500.90, Florida Statutes, so that local governments can enact appropriate legislation relating to the regulation of plastic bags and polystyrene containers; and

WHEREAS, the Town Council finds that this Resolution will promote the health, safety and welfare of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, THAT:

Section 1. **Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

Section 2. **Urging.** The Town Council hereby urges the Florida Legislature to approve Senate Bill 182 and any companion House bills repealing the preemption in Sections 403.7033 and 500.90, Florida Statutes.

Section 3. **Transmittal.** The Town Clerk is hereby directed to transmit a copy of this Resolution to Governor Ronald Dion DeSantis; the State Senate President; the State Speaker of the House; the Miami-Dade County Legislative Delegation; and the Florida Environmental Regulation Commission.

Section 4. **Effective Date.** This Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED this ____ day of February, 2020.

TIM MEERBOTT
Mayor

Attest:

DEBRA E. EASTMAN, MMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L.
Town Attorney

Moved By: _____
Seconded By: _____

FINAL VOTE AT ADOPTION:

Mayor Tim Meerbott	_____
Vice Mayor Sue Ellen Loyzelle	_____
Council Member Robert “BJ” Duncan	_____
Council Member Michael P. Callahan	_____
Council Member Roger Coriat	_____