



City of Coral Gables
SPECIAL CITY COMMISSION MEETING
August 27, 2019

ITEM TITLE:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA, STAYING ENFORCEMENT OF CHAPTER 34, ARTICLES IX AND X OF THE CITY CODE IN RESPONSE TO THE RULING BY THE THRID DISTRICT COURT OF APPEAL IN FLORIDA RETAIL FEDERATION, INC. ET AL. V. THE CITY OF CORAL GABLES, FLORIDA, CONTINUING ENFORCEMENT OF SECTIONS 2-730, 62-262, AND 62-263 OF THE CITY CODE, AND ENCOURAGING BUSINESSES TO CONTINUE COMPLYING WITH CHAPTER 34, ARTICLES IX AND X, BY NOT RESUMING THE USE OF PRODUCTS MADE WITH EXPANDED POLYSTYRENE OR SINGLE-USE PLASTIC BAGS

BRIEF HISTORY:

On August 14, 2019, the Third District Court of Appeal found that the trial court erred in concluding that three statutes, preempting the City's ability to regulate the use of expanded polystyrene and single-use plastic bags, are unconstitutional and reversed the lower court's ruling.

The City is currently evaluating next steps both judicially and legislatively, and remains optimistic that the use expanded polystyrene and single-use plastic bags will not resume. However in accordance with the August 14th ruling, the City Commission is staying enforcement of Chapter 34, Articles IX and X of the City Code, and continuing enforcement of Sections 2-730 (use of expanded polystyrene by City contractors/vendors), 62-262 (use of expanded polystyrene by special event permittees), and 62-263 (use of single-use plastic bags by special event permittees).

During the stay, though, the City Commission urges businesses in the City, in the best interest of the environment, to continuing complying with Chapter 34, Articles IX and X by not using products made with expanded polystyrene and not resuming the use of single-use plastic bags.

ATTACHMENT(S):

1. Draft Resolution