

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2020-58

A RESOLUTION OF THE CITY COMMISSION CONTINUING THE STAY OF ENFORCEMENT OF CHAPTER 34, ARTICLES IX AND X OF THE CITY CODE IN RESPONSE TO THE CONCLUSION OF ALL APPEALS 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.

WHEREAS, on August 27, 2019, the City Commission adopted Resolution No. 2019-250 (incorporated herein by reference), after the ruling by the Third District Court of Appeal (Third DCA) in Florida Retail Federation, Inc., et al. v. the City of Coral Gables, Florida; and

WHEREAS, on August 27, 2019, the City Commission directed the City Attorney to proceed with appealing the decision of the Third DCA to the Florida Supreme Court; and

WHEREAS, on September 13, 2019, the City filed a motion with the Third DCA asking that it certify its opinion as presenting questions of great public importance and on September 19, 2019, the Third DCA denied the City's motion; and

WHEREAS, on October 18, 2019, the City filed a "Notice to Invoke the Discretionary Jurisdiction of the Florida Supreme Court," with the Florida Supreme Court, and subsequently filed a jurisdictional brief in support of the City's position; and

WHEREAS, on February 12, 2020, the Florida Supreme Court issued an order denying the City's petition for review, thereby concluding all possible appeals of Florida Retail Federation, Inc., et al. v. the City of Coral Gables, Florida; and

WHEREAS, the City remains wholly committed to protecting the environment and Home Rule, will continue to work to accomplish legislative changes to allow it to do so, and remains optimistic that the use expanded polystyrene and single-use plastic bags will not resume; and

WHEREAS, in accordance with the February 12th ruling by the Florida Supreme Court, the City Commission is continuing the stay of 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 62263 (use of single-use plastic bags by special event permittees); and

WHEREAS, the City Commission continues to urge businesses in the City, in the best interest of the environment, to continue 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;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

SECTION 2. That the City Commission hereby directs a continued stay in the enforcement of Chapter 34, Articles IX and X of the City Code, and specifically directs continued enforcement of Sections 2-730, 62-262, and 62-263.

SECTION 3. That the City Commission hereby urges businesses located within the City to continue protecting the environment by not using single-use plastic bags or products made with expanded polystyrene. The City Commission further officially requests that the Coral Gables Chamber of Commerce and Business Improvement District assist in the effort by encouraging businesses, through official green initiative programs or otherwise, to continue refraining from the use of these harmful products.

SECTION 4. That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-FIFTH DAY OF FEBRUARY, A.D., 2020.

(Moved: Lago /Seconded: Keon)

(Yeas: Lago, Mena, Fors, Jr., Keon, Valdes-Fauli)

(Unanimous: 5-0 Vote)

(Agenda Item: G-1)

APPROVED:


RAUL VALDES-FAULI
MAYOR

ATTEST:



BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


MIRIAM SOLER RAMOS
CITY ATTORNEY