

RESOLUTION NO. 2014 - _____

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, URGING THE FLORIDA LEGISLATURE TO AMEND SECTION 403.7033, FLORIDA STATUTES TO ALLOW FOR THE REGULATION OF PLASTIC BAGS USED BY RETAIL ESTABLISHMENTS, OR IN THE ALTERNATIVE TO REPEAL THE BAN ON LOCAL AND STATE REGULATION OF THE USE OF PLASTIC BAGS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Key Biscayne (the “Village”) is increasingly concerned about the adverse environmental consequences of the use of plastic bags by retail establishments; and

WHEREAS, the Florida Legislature has adopted Section 403.7033, Florida Statutes, which prevents local governments from enacting “any rule, regulation, or ordinance regarding use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings, or disposable plastic bags,” until such time that the Legislature adopts the recommendations of the Florida Department of Environmental Protection relating to the use of such containers, wrappings, or bags; and

WHEREAS, in 2010, the Florida Department of Environmental Protection sent its recommendations to the Florida Legislature for adoption, but the Legislature has failed to adopt such recommendations; and

WHEREAS, as such, the Village urges the Florida Legislature to amend Section 403.7033, Florida Statutes to allow for the regulation of plastic bags used by retail establishments, or in the alternative to repeal the ban on local and state regulation of the use of plastic bags; and

WHEREAS, the Village Council finds that this Resolution is in the best interest and welfare of the residents of Village.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. Each of the above stated recitals are hereby adopted, confirmed and incorporated herein.

Section 2. Urging the Florida Legislature. The Village Council hereby urges the Florida Legislature to amend Section 403.7033, Florida Statutes to allow for the regulation of plastic bags used by retail establishments, or in the alternative to repeal the ban on local and state regulation of the use of plastic bags.

Section 3. Transmittal. The Village Clerk is hereby authorized to transmit this Resolution to the Governor, President of the Florida Senate, and Speaker of Florida House of Representatives.

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

PASSED AND ADOPTED this ____ day of _____, 2014.

MAYRA PEÑA LINDSAY, MAYOR

ATTEST:

CONCHITA H. ALVAREZ, MMC
VILLAGE CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

VILLAGE ATTORNEY