

RESOLUTION No. 24-01

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, URGING THE FLORIDA LEGISLATURE TO ENACT SENATE BILL 498, OR SIMILAR LEGISLATION THAT WOULD REPEAL THE PREEMPTION OF LOCAL LAWS REGULATING THE USE OR SALE OF AUXILIARY CONTAINERS, WRAPPINGS AND DISPOSABLE PLASTIC BAGS, AS WELL AS POLYSTYRENE PRODUCTS; URGING THE FLORIDA LEGISLATURE AND GOVERNOR RON DESANTIS TO SUPPORT AND APPROVE THE LEGISLATION; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 500.90, Florida Statutes, titled “Regulation of polystyrene products preempted to department” provides that the regulation of the use or sale of polystyrene products is preempted to the State of Florida, and provides a limited exemption allowing for a local government to restrict the use of polystyrene by individuals on public property, temporary vendors on public property, or entities engaged in a contractual relationship with the local government for the provision of goods or services; and

WHEREAS, Section 403.7033, Florida Statutes, titled “Departmental analysis of particular recyclable materials,” provides in part that until such time that the Florida Legislature adopts the recommendations of the department, no local government may enact any rule, regulation, or ordinance regarding use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings, or disposable plastic bags; and

WHEREAS, on February 16, 2023, Senator Linda Stewart introduced Senate Bill (SB) 498 for consideration during the 2024 session of the Florida Legislature; and

WHEREAS, SB 498 removes the preemption of local laws regarding the regulation of auxiliary containers, wrappings, or disposable plastic bag, and the use or sale of polystyrene products, contained in Sections 403.7033, and 500.90, Florida Statutes; and

WHEREAS, the City Council believes that environmental issues of this nature should be determined locally, in accordance with the City's home rule authority; and

WHEREAS, it is in the best interests of residents and visitors of the City, and of the State of Florida, to adopt Senate Bill 498.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated herein.

Section 2. Support of SB 498. The City Council for the City of Doral urges the Florida Legislature to enact Senate Bill 498, or similar legislation, and urges the Florida Legislature to adopt, and Governor Ron DeSantis to support and approve, the bill.

Section 3. Transmittal. The City Clerk for the City of Doral is hereby directed to transmit certified copies of this resolution to the Governor, Senate President, House Speaker, Senator Ana Maria Rodriguez, and the Chair and remaining Members of the Miami-Dade County State Legislative Delegation.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

The Co-Sponsors of the foregoing resolution are Mayor Christi Fraga, Vice Mayor Oscar Puig-Corve and Councilwoman Maureen Porras.

The foregoing Resolution was offered by Vice Mayor Puig-Corve who moved its adoption. The motion was seconded by Councilmember Pineyro and upon being put to a vote, the vote was as follows:

Mayor Christi Fraga	Yes
Vice Mayor Oscar Puig-Corve	Yes
Councilwoman Digna Cabral	Yes
Councilman Rafael Pineyro	Yes
Councilwoman Maureen Porras	Yes

PASSED AND ADOPTED this 10 day of January, 2024.



CHRISTI FRAGA, MAYOR

ATTEST:



CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



VALERIE VICENTE, ESQ. for
NABORS, GIBLIN & NICKERSON, P.A.
CITY ATTORNEY