

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, URGING THE FLORIDA LEGISLATURE TO DEFEAT HB 975/SB 798, WHICH WOULD PROHIBIT LOCAL GOVERNMENTS FROM PROHIBITING OR RESTRICTING PRIVATE WASTE MANAGEMENT PROVIDERS; DIRECTING THE CITY CLERK TO PROVIDE CERTIFIED COPIES OF THIS RESOLUTION TO CERTAIN MEMBERS OF THE FLORIDA LEGISLATURE; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Florida Courts have long recognized the unique nature of garbage collection as a necessary public service for the maintenance of any community that cannot be subject to the whims of the market without endangering the health and welfare of the residents:

*"The collection of garbage is certainly a useful, indeed an indispensable, part of urban society. The private business of its collection, however, is not, nor has it ever been, akin in any way to 'ordinary' examples of private enterprise - the selling of shoes, the repair of automobiles, or the selling of motel rooms. ... Unlike virtually every other enterprise, the 'business' may not only be regulated, but in fact exclusively performed - as an essential part of a 'public service' - by municipalities or other governmental subdivisions, even if such a decision results in the complete preclusion of private facilities for the same use."*¹

¹ United Sanitation Services of Hillsborough, Inc. v. City of Tampa, 302 So.2d 435 (Fla.2nd DCA 1974)

WHEREAS, State Representative Jeff Holcombe and State Senator Blaise Ingoglia have introduced HB 975 and SB 798, respectively, which would preempt local governments from regulating, prohibiting or restricting private waste management providers with respect to commercial, industrial or multifamily properties; and

WHEREAS, if approved, these bills would preempt local government's ability to exclusively provide these services or contract with a single entity to provide these services; and

WHEREAS, the Florida League of Cities estimates that the fiscal impact of these bills will be in the hundreds of millions of dollars statewide; and

WHEREAS, for the City of Key West, which is situated far from landfills and recycling facilities, the inability to restrict competing services would make the provision of services to all customers, including single-family residential customers, cost prohibitive; and

WHEREAS, the effect of these bills will be to limit a city's ability to control the delivery of quality solid waste services to commercial and multifamily property, address illegal dumping and smooth the cost allocation of waste and recycling services across residential properties in the city; and

WHEREAS, the decision to keep the provision of solid waste collection within the City's control is a complex determination

made by local officials based on the unique and specific factors affecting our community, including the availability of reliable private services, the size of the community, roadways and accessibility. A City's ability to respond quickly to solid waste concerns is necessary. It is not a determination that should be dictated by the state in an attempt to treat all communities as if they were the same; and

WHEREAS, the City Commission finds that enactment of HB 975/SB 798 would have an adverse effect on the health, welfare and economic interests of businesses and residents of the City of Key West; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA AS FOLLOWS:

Section 1: That the Key West City Commission urges the Florida Legislature to defeat House Bill 975/SB 798, which would ban local governments from prohibiting or restricting or regulating private waste management providers.

Section 2: That the City Clerk is hereby authorized to transmit a certified copy of this Resolution to Governor Ron DeSantis, Representative Jeff Holcombe (HB 975 Sponsor), Representative James "Jim" Mooney, Jr, Senator Blaise Ingoglia (SB 798 Sponsor), and Senator Ana Maria Rodriguez.

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this _____ day of _____, 2023.

Authenticated by the Presiding Officer and Clerk of the Commission on _____ day of _____, 2023.

Filed with the Clerk on _____, 2023.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Lissette Carey	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK