

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COMMISSION OF  
THE CITY OF KEY WEST, FLORIDA, SETTING  
GOALS TO MAKE KEY WEST FREE FROM SINGLE  
USE PLASTIC PRODUCTS, POLYSTYRENE, AND  
PLASTIC STRAWS; PROVIDING FOR AN  
EFFECTIVE DATE**

WHEREAS, the City Commission for the City of Key West recognizes all of the harmful impacts that single use plastics have on our environment, including our near and offshore waters and reefs; and

WHEREAS, the City Commission for the City of Key West recognizes the global trend towards banning single use plastics such as polystyrene, plastic grocery bags, plastic straws, cups, "to go containers" and cutlery as being harmful to the environment; and

WHEREAS, the City Commission for the City of Key West has already passed Resolution 19-174 on June 18, 2019 that directs the city manager to develop language that restricts the use of polystyrene by individuals on public property, as well as by vendors on public property that are in a contractual relationship with the city for the provision of goods or services, unless such use is otherwise preempted by

law; and

WHEREAS, the City of Key West recognizes the state statutory prohibition of enacting any local regulations that prohibits the use or sale of polystyrene products contained in F.S.500.90; and

WHEREAS, the City of Key West also recognizes that the issue of local regulation of polystyrene products is currently being litigated on appeal at the 3<sup>rd</sup> District Court of Appeal in Florida Retail Federation, Inc. and Super Progresso, Inc. v. The City of Coral Gables 3D17-0562; and

WHEREAS, the City of Key West is aligned with the position of the City of Coral Gables in its appeal against the Florida Retail Federation regarding "home rule" that provides local governments the power to address important issues of local concern. Specifically, the way in which expanded polystyrene is harming the economic, environmental and aesthetic fabric of our community; and

WHEREAS, plastic pollution from locally provided sources, knows no political boundaries and is a matter of large local concern, representing significant risk to the

ecosystems of the FL Keys National Marine Sanctuary and economic livelihoods in Key West and greater Monroe County; and

WHEREAS, other municipalities in Florida have moved to adopt enforceable policies that ban the retail Distributions of Polystyrene and other single use plastics after the effective date of the pre-emptive Florida polystyrene statute (F.S. 500.90), including Miami Beach, Miami Dade County, Gainesville, and Bal Harbour at this time; and

WHEREAS, the City of Key West further recognizes that Gov. Ron DeSantis vetoed H.B.771 on May 10, 2019 that would have preempted local governments from banning plastic straws; thereby allowing municipalities to ban plastic straws, and

WHEREAS, the Florida Department of Environmental Protection has encouraged Florida residents, schools and businesses to reduce plastic use, and

WHEREAS, The City of Key West's aspirational goal is to eventually be free of single use plastic products including polystyrene and every business in Key West should partner with the City to work toward that goal. We should work

together as residents, the City and our business community to establish an ethic to protect our environment.

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

Section 1: City Manager and City Attorney are directed to provide an ordinance banning retail distributed single use convenience plastics (cups, lids, straws, bags, "to go containers", utensils/ cutlery, etc.) to the City Commission for its consideration, along with options for omitting, or muting enforcement of all parts deemed unenforceable, by superseding law. Models of recent comprehensive laws, such as "Vermont Act No. 69 (S.113): Conservation and land development; solid waste; single-use products; carryout bags: An act relating to the management of single-use products" should be used to assure efficiency in defining the regulation and assuring the comprehensiveness of the regulation, including establishing an ongoing community expert advisory group focused on continued improvements in plastic distribution and use reduction in the Key West and more broadly in Monroe County.

Section 2: The City Manager is directed to coordinate with other cities such as the Village of Islamorada and Monroe County to implement this goal and bring back a report in October 2019. The City Manager is further directed to inform the city's lobbyists that this issue should be made a high priority for the city's lobbyist and is also directed to work alongside Monroe County to include their lobbying efforts with the state legislature.

Section 3: That the City Clerk is directed to transmit a certified copy of this Resolution to the Mayor of the Village of Islamorada and the Mayor of each municipality in Monroe County, Monroe County Mayor David Rice, Florida Governor Ron DeSantis, and State Representative Holly Raschein.

Section 4: 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 \_\_\_\_\_, 2019.

Authenticated by the Presiding Officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Filed with the Clerk on \_\_\_\_\_, 2019.

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

\_\_\_\_\_  
TERI JOHNSTON, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK