



## Legislation Text

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**File #:** 190278, **Version:** 2

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### **Repeal of Ordinance Nos. 170487 and 190114 Relating to the Prohibition of Single-Use Carry Out Plastic Bags and Expanded Polystyrene Containers. (B)**

Ordinance No. 190278

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances, by repealing Division 4 of Article III, Chapter 27 and amending Sec. 2-339, relating to the prohibition of single-use carry out plastic bags and expanded polystyrene containers; providing directions to the codifier; providing a repealing clause; and providing an immediate effective date.

On August 14, 2019, the 3rd District Court of Appeals issued its Opinion in Case No. 3D17-0562 Florida Retail Federation, Inc. vs. The City of Coral Gables, Florida. A copy of the Opinion is attached in the back-up to this item. The 3rd DCA Opinion concludes "Because sections 403.708(9), 403.7033, and 500.90 are constitutional and by their plain language preempt the City's Ordinance regulating "polystyrene containers," we reverse the trial court's final judgment in favor of the City and remand for entry of final judgment in favor of FRF. This Opinion is now binding law in the State. In light of this and pursuant to the repeal requirements of Section 57.112, Florida Statutes, the Office of the City Attorney advised the City Commission to approve a Notice of Intent to Repeal Ordinances No. 170487 and No. 190114. The City Commission approved a Notice of Intent to Repeal on August 15, 2019 and directed the City Attorney to prepare and advertise this Ordinance.

The City Commission adopt the proposed ordinance.