

RESOLUTION NO. 2025-046

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA OPPOSING SENATE BILL 1822 AND HOUSE BILL 565 THAT WOULD DEFINE THE TERM "AUXILIARY CONTAINERS" AND PROHIBIT LOCAL GOVERNMENTS FROM REGULATING THEM WHICH IS A DIRECT INTRUSION INTO THE CONSTITUTIONALLY ESTABLISHED HOME RULE POWERS OF THE TOWN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Senate Bill 1822 and House Bill 565 provides for the definition of auxiliary containers to be reusable or single-use bags, cups, bottles, cans, or other packaging that meet certain requirements such as the material of which they are made and the use of said containers; and

WHEREAS, Senate Bill 1822 and House Bill 565 further provides that regulation of auxiliary containers is expressly preempted by the State; and

WHEREAS, such a state preemption prohibits local governmental agencies and state governmental agencies from enacting any rule, regulation, or ordinance regarding the use, disposition, sale, prohibition, restriction, or tax of auxiliary containers, as well as making any current local governmental agency or state governmental agency rules and regulations unlawful; and

WHEREAS, the Town, and other municipalities throughout the State of Florida, have repeatedly fought to protect local government's home rule power against intrusions by the State; and

WHEREAS, the Town Council of the Town of Southwest believes that local government is the closest and most accessible and most responsive to residents; hence the Constitutionally established protected home rule powers should be respected and intrusion in municipal home rule should be strongly discouraged; and

WHEREAS, the Town Council of the Town of Southwest Ranches believes that such a State preemption on the regulation of recyclable and single-use auxiliary containers erodes not only home rule power but the ability to implement local legislation to meet the Town's Zero Waste initiatives that are in place to protect the Town's current and future environment; and

WHEREAS, the Town Council believes that the oppositions referenced herein are in the best interest of the health, safety, and welfare of all area residents.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

Section 1: The recitals above are true and correct and are incorporated herein by reference.

Section 2: The Town Council hereby formally opposes Senate Bill 1822 and House Bill 565, which intends to prohibit local regulation of auxiliary containers and erode Home Rule Power.

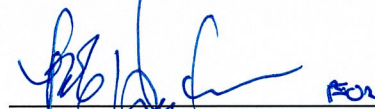
Section 4. The Town Clerk is directed to send a copy of this Resolution to the Florida State Senate, the Florida House of Representatives, the Florida League of Cities, and the Broward League of Cities.

Section 5. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 10th day of April, 2025, on a motion by C/m KUCZENSKI and seconded by C/m JABLONSKI.


Breitkreuz	<u>ABSENT</u>
Hartmann	<u>YES</u>
Allbritton	<u>YES</u>
Jablonski	<u>YES</u>
Kuczenski	<u>YES</u>

Ayes	<u>4</u>
Nays	<u>/</u>
Absent	<u>/</u>
Abstaining	<u>/</u>



Steve Breitkreuz, Mayor

Attest:



Debra Ruesga, Town Clerk

Approved as to Form and Correctness:



Keith Poliakoff, Town Attorney

1001.021.2025