Rule 7.05 Decorum. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission shall be barred from further appearance before the commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.

Rule 6.05 Agenda. The good and welfare portion of the agenda set for 8:15 p.m. shall be restricted to discussion on subjects not already specifically scheduled on the agenda for discussion and debate. In no event shall this portion of the agenda be allotted more than 45 minutes with each speaker to be given no more than three minutes, unless by vote of a majority of the members of the commission present, it is agreed to extend the time frames. Likewise, commission members shall be restricted to speaking three minutes each unless an extension is granted in the same manner as set forth in the prior sentence.

Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Town Clerk prior to engaging in lobbying activities per Town Code Sec. 2-235. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit community-based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance; and any person who only appears as a representative of a neighborhood, homeowners or condominium association without compensation for the appearance, whether direct or indirect or contingent, to express support of or opposition to any item.

Per Miami Dade County Fire Marshal, the Commission Chambers has a maximum capacity of 99 people. Once reached this capacity, people will be asked to watch the meeting from the first floor.

* Denotes agenda items as “must haves” which means there will be significant impacts if the item is not addressed tonight. If these items have not been heard by 10 p.m., the order of the agenda will be changed to allow them to be heard.
1. Opening
   A. Call to Order
   B. Roll Call of Members
   C. Pledge of Allegiance

2. Repealing of Ordinance No. 2019-1698 (Amending Section 34-11 of the
   Town Code to Prohibit the Distribution, Sale or Use of Single-Use Plastics,
   including Single Use Plastics (Bags) – Guillermo Olmedillo, Town Manager

   AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF
   SURFSIDE, FLORIDA, REPEALING ORDINANCE NO. 2019-1698, WHICH
   AMENDED PORTIONS OF SECTION 34-11, “PROHIBITION ON
   DISTRIBUTION, SALE OR USE OF PLASTIC STRAWS” OF THE TOWN’S
   CODE OF ORDINANCES, AND AMENDED THE TITLE TO “PROHIBITION
   ON DISTRIBUTION, SALE OR USE OF SINGLE-USE PLASTICS,”
   PROVIDED FOR DEFINITIONS FOR SINGLE-USE PLASTICS, AND
   REGULATING SINGLE-USE PLASTICS; PROVIDING FOR CODIFICATION;
   PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND
   PROVIDING FOR AN EFFECTIVE DATE.

3. Adjournment

   Respectfully submitted,

   [Signature]

   Guillermo Olmedillo
   Town Manager

   THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS
   WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED
   SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT
   DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863
   EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

   IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA
   STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF
   SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS
   MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR
   SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE
   PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND
   EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY ATTEND THIS MEETING.

THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.
To: Honorable Mayor, Vice-Mayor and Members of the Town Commission

From: Guillermo Olmedillo, Town Manager

Date: August 26, 2019

Subject: Repealing of Ordinance No. 2019-1698 (Amending Section 34-11 of the Town Code to Prohibit the Distribution, Sale or Use of Single-Use Plastics, including Single Use Plastic Bags).

At the August 13, 2019 Town Commission meeting, for recent legal challenges and applicable state legislation, the Town Commission directed staff to prepare a Notice of Intent to Repeal Ordinance No. 2019-1698 (Amending Section 34-11 of the Town Code to prohibit the distribution, sale or use of single-use plastics, including single-use plastic bags). The Notice of Intent to Repeal was published on August 16, 2019, as required by Section 57.112, Florida Statutes, and the attached Ordinance will be heard on first reading on this date with second reading to occur on September 10, 2019.

Repeal of Ordinance No. 2019-1698 in its entirety will result in the reinstatement of Section 34-11 of the Code as existed prior to adoption of Ordinance No. 2019-1698.

Commission direction: Town Staff recommends approval on first reading of the proposed ordinance.
ORDINANCE NO. 2019-________

AN ORDINANCE OF THE TOWN COMMISSION OF THE
TOWN OF SURFSIDE, FLORIDA, REPEALING
ORDINANCE NO. 2019-1698, WHICH AMENDED
PORTIONS OF SECTION 34-11, “PROHIBITION ON
DISTRIBUTION, SALE OR USE OF PLASTIC STRAWS”
OF THE TOWN’S CODE OF ORDINANCES, AND
AMENDED THE TITLE TO “PROHIBITION ON
DISTRIBUTION, SALE OR USE OF SINGLE-USE
PLASTICS,” PROVIDED FOR DEFINITIONS FOR
SINGLE-USE PLASTICS, AND REGULATING SINGLE-
USE PLASTICS; PROVIDING FOR CODIFICATION;
PROVIDING FOR SEVERABILITY; PROVIDING FOR
CONFLICTS; AND PROVIDING FOR AN EFFECTIVE
DATE.

WHEREAS, on July 9, 2019, the Town of Surfside (the “Town”) Commission adopted
Ordinance No. 2019-1698 amending Section 34-11 of the Town Code of Ordinances (“Code”) to
provide a prohibition on the distribution, sale, or use of single-use plastics, including single-use
plastic bags; and

WHEREAS, given recent legal challenges and applicable state legislation, the Town
Commission desires to repeal Ordinance No. 2019-1698 and reinstate the provisions of Section
34-11 of the Town Code as existed prior to the adoption of Ordinance No. 2019-1698; and

WHEREAS, the Town Commission finds that this Ordinance is in the best interests of
the Town.

NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE
HEREBY ORDAINS:¹

Section 1. Recitals. The above-stated recitals are true and correct and are
incorporated herein by this reference.

Section 2. Repeal. That Ordinance No. 2019-1698 is hereby repealed in its entirety.
Section 34-11 of the Town Code shall be reinstated as it existed prior to the adoption of
Ordinance No. 2019-1698.

Section 3. Codification. It is the intent of the Town Commission that the provisions
of this ordinance shall become and be made a part of the Town’s Code of Ordinances, and that
the sections of this Ordinance may be renumbered or relabeled, and the word “ordinance” may
be changed to “section,” “article,” “regulation,” or such other appropriate word or phrase in
order to accomplish such intentions.

¹ Coding: Strikethrough words are deletions to the existing words. Underlined words are additions to the existing words. Changes
between first and second reading are indicated with highlighted double-struck-through and double underline.
Section 4. **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. **Conflicts.** All ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. **Effective Date.** This Ordinance shall become effective immediately upon final adoption on second reading.

PASSED on first reading on the 26th day of August, 2019.

PASSED AND ADOPTED on second reading on the 10th day of September, 2019.

On Final Reading Moved By: ______________________

On Final Reading Second By: ______________________

FINAL VOTE ON ADOPTION

Commissioner Barry Cohen   ______
Commissioner Michael Karukin ______
Commissioner Tina Paul ______
Vice Mayor Daniel Gielchinsky ______
Mayor Daniel Dietch ______

____________________________
Daniel Dietch
Mayor

ATTEST:

____________________________
Sandra Novoa, MMC
Town Clerk
APPROVED AS TO FORM AND LEGALITY FOR THE USE AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:

Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney