

RESOLUTION NO. 2019- _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE SUSTAINABILITY AND RESILIENCY COMMITTEE, AND AMENDING THE RULES AND REGULATIONS FOR BEACHFRONT CONCESSION OPERATIONS, BY REQUIRING ALL BEACHFRONT CONCESSIONAIRES AND THEIR THIRD PARTY CONCESSION OPERATORS TO UTILIZE 100% REUSABLE WARES IN CONNECTION WITH THEIR BEACHFRONT CONCESSION OPERATIONS; AND APPROVING THE FIFTH AMENDED AND RESTATED RULES AND REGULATIONS FOR BEACHFRONT CONCESSION OPERATIONS, INCORPORATING THIS AMENDMENT, WITH AN EFFECTIVE DATE OF OCTOBER 16, 2020; AND FURTHER AUTHORIZING THE ADMINISTRATION TO SUBMIT THE PROPOSED RULES AND REGULATIONS TO THE STATE OF FLORIDA FOR APPROVAL PRIOR TO IMPLEMENTATION; PROVIDED, HOWEVER, THAT SHOULD THE STATE MAKE MATERIAL CHANGES TO THE PROPOSED FORM OF THE RULES AND REGULATIONS, THE ADMINISTRATION WILL RESUBMIT THE RULES AND REGULATIONS TO THE CITY COMMISSION FOR APPROVAL.

WHEREAS, On January 31, 2001, the Mayor and City Commission adopted Resolution 2001-24251, approving a First Amendment to the Rules and Regulations for Beachfront Concession operations (Rules and Regulations), which Rules and Regulations prohibited the cooking or heating of food on the beachfront; and

WHEREAS, on September 5, 2001, the Mayor and City Commission adopted Resolution No. 2001-24571, approving the Second Amended and Restated Rules and Regulations for Beachfront Concession Operations; and

WHEREAS, on January 30, 2002, the Mayor and City Commission adopted Resolution No. 2002-24736, amending the Second Amended and Restated Rules and Regulations for Beachfront Concession operations to include rules for beach chair deployment, design guidelines for concession facilities, and rules for watersport operations, in accordance with the Administration's recommendations; and

WHEREAS, on March 17, 2003, the Second Amended and Restated Rules and Regulations for Beachfront Concession Operations were further amended to include the Administration's policy for vehicle operation on the beach; and

WHEREAS, on May 11, 2016, the Mayor and City Commission adopted Resolution No. 2016-29403, adopting the Third Amended and Restated Rules and Regulations for Beachfront Concession Operations; and

WHEREAS, on September 12, 2018, the Mayor and City Commission adopted Resolution No. 2018-30456, approving an amendment to the Rules and Regulations, to require all Upland Owner Concessionaires and their Third Party Concession Operators to utilize 100% reusable

wares in connection with their Beachfront Concession operations, including the delivery, service, and consumption of food and beverages (F&B); provided that said amendment be referred to the Sustainability and Resiliency Committee, for discussion and comment, prior to final approval by the City Commission; and

WHEREAS, on September 12, 2018, the Mayor and City Commission adopted Resolution No. 2018-30457, approving the Fourth Amended and Restated Rules and Regulations, to permit the utilization of mobile cooking/heating concession facilities, for a fee of \$10,000 per month, as part of the Beachfront Concession agreements issued annually to the Upland Property owners; and

WHEREAS, on April 23, 2019, the Sustainability and Resiliency Committee passed a motion to amend the terms of the Rules and Regulations for Beachfront Concession operations to require Concessionaires and their operators to utilize 100% reusable products, after the expiration of a one-year educational period, commencing in October, 2019, with full implementation in October, 2020; and

WHEREAS, the City, a world-renowned tourist destination, declares that it is in the interest of the public health, safety, and welfare of its residents and visitors to reduce litter and pollutants on the lands and in the waters of the City, and along its shores and famous beaches; and

WHEREAS, single-use plastic is neither readily recyclable nor biodegradable, and takes hundreds to thousands of years to degrade in the environment; and

WHEREAS, the discarded single-use plastic containers and wares contribute to overburdened landfills, threaten wildlife and marine life, and degrade and litter our beaches; and

WHEREAS, the distribution of single-use plastic wares by businesses to consumers and patrons has a detrimental effect on the environment of the City, County, and State; and

WHEREAS, as an environmental leader among local governments in the State of Florida, the goal of the City is to replace single-use plastics with reusable, recyclable, or compostable alternatives whenever possible; and

WHEREAS, in connection with the beachfront concession operations, the City could execute (1) letter agreements with an Upland Owner Concessionaire for: (i) a Commercial Beachfront Concession operation, permitting an Upland Owner Concessionaire to operate a Beachfront Concession for sales, services and rentals to the general public, in addition to its guests and residents, or (ii) a Non-Commercial Beachfront Concession operation, which permits an Upland Owner Concessionaire to operate a Beachfront Concession for sales, services and rentals solely to its guests and residents; or (2) a Beachfront Concession Agreement with a Direct City Concessionaire who operates a Beachfront Concession adjacent to public property for the general public, all collectively referred to as "Concessionaires" in the Fourth Amended and Restated Rules and Regulations; and

WHEREAS, the Administration recommends that after a one-year educational period, all Concessionaires and their Third Party Concession Operators be required to use wares which are

City Attorney 10/2/19 Date