



MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC # 135-2014

LETTER TO COMMISSION

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: April 21, 2014

SUBJECT: **TOWN OF MIAMI LAKES RESOLUTIONS**

Attached for your information are two (2) resolutions passed by the Town of Miami Lakes on April 8, 2014:

Resolution 14-1204:

A Resolution Supporting Florida House Bill 153 And Florida Senate Bill 224, Amending Florida Statutes To Extend The Current Prohibitions Relating To Tobacco Products For Persons Under The Age Of 18, To Prohibit The Sale, Gifting, Possession Or Use Of Nicotine Dispensing Devices, Including, But Not Limited To, Electronic Cigarettes, To And By Persons Under The Age Of 18; Directing The Town Clerk To Forward This Resolution; And Providing For An Effective Date.

And

Resolution 14-1205:

A Resolution Supporting Florida House Bill 169, Relating To Tobacco And Nicotine Product Regulation, Including Creating Section 569.24, Florida Statutes To Expressly Preempt To The State The Regulation Of The Sale Of Tobacco Products, Nicotine Products, And Nicotine Dispensing Devices; Directing The Town Clerk To Forward This Resolution; And Providing For An Effective Date.

Please note that the City of Miami Beach passed and adopted a similar resolution on March 5, 2014. If you have any questions, please contact the City Clerk's Office at 305.673.7411.

JLM/REG

RECEIVED
2014 APR 23 AM 9:26
CITY CLERK'S OFFICE

RESOLUTION NO. 14-1204

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA SUPPORTING FLORIDA HOUSE BILL 153 AND FLORIDA SENATE BILL 224, AMENDING FLORIDA STATUTES TO EXTEND THE CURRENT PROHIBITIONS RELATING TO TOBACCO PRODUCTS FOR PERSONS UNDER THE AGE OF 18, TO PROHIBIT THE SALE, GIFTING, POSSESSION OR USE OF NICOTINE DISPENSING DEVICES, INCLUDING, BUT NOT LIMITED TO, ELECTRONIC CIGARETTES, TO AND BY PERSONS UNDER THE AGE OF 18; DIRECTING THE TOWN CLERK TO FORWARD THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, new, unregulated high-tech nicotine vaporizers, sometimes referred to as electronic cigarettes or e-cigarettes, have recently been made available to consumers, including minors; and

WHEREAS, the sale of electronic cigarettes is a growing market; and

WHEREAS, electronic cigarettes have the potential to encourage addictive and unhealthy habits in children; and

WHEREAS, Florida House Bill 153 and the similar Florida Senate Bill 224, if passed, provide for an amendment to the Florida Statutes to extend the current prohibitions relating to tobacco products for persons under the age of 18, to prohibit the sale, gifting, possession or use of nicotine dispensing devices, that includes electronic cigarettes, to and by persons under the age of 18; and

WHEREAS, the Town Council for the Town of Miami Lakes finds that such regulation should be uniform throughout the state, as the use of tobacco and nicotine dispensing devices by minors is an issue of state-wide concern; and

WHEREAS, the Town Council for the Town of Miami Lakes supports House Bill 153 and Senate Bill 224; and

WHEREAS, the Town Council for the Town of Miami Lakes has determined that it is in the public interest to support House Bill 153 and Senate Bill 224;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are incorporated herein by reference.

Section 2. Support of House Bill 153 and Senate Bill 224. The Town Council for the Town of Miami Lakes, Florida supports passage and adoption of House Bill 153 and Senate Bill 224, and urges the Florida Legislature to pass and the Governor to sign House Bill 153 and Senate Bill 224.

Section 3. Directions to Clerk. The Town Clerk is directed to distribute this Resolution to the Florida Governor, the President of the Florida Senate, the Speaker of the Florida House of Representatives, the Miami-Dade County Legislative Delegation, the Florida League of Cities, the Miami-Dade Board of County Commissioners, the Miami-Dade County League of Cities and each of the municipalities in Miami-Dade County.

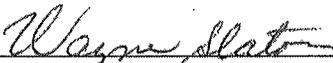
Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

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Passed and adopted this 8th day of April, 2014.

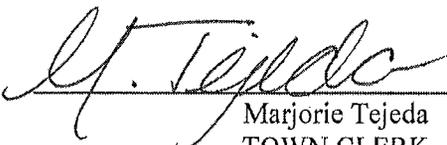
The foregoing resolution was offered by Nelson Rodriguez who moved its adoption. The motion was seconded by Cesar Mestre and upon being put to a vote, the vote was as follows:

Mayor Wayne Slaton	<u>Yes</u>
Vice Mayor Manny Cid	<u>Yes</u>
Councilmember Tim Daubert	<u>Yes</u>
Councilmember Tony Lama	<u>Yes</u>
Councilmember Cesar Mestre	<u>Yes</u>
Councilmember Frank Mingo	<u>Yes</u>
Councilmember Nelson Rodriguez	<u>Yes</u>



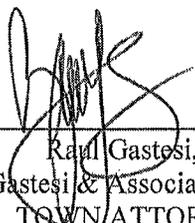
Wayne Slaton
MAYOR

Attest:



Marjorie Tejada
TOWN CLERK

Approved as to form and legal sufficiency:



Raul Gastosi, Jr.
Gastosi & Associates, P.A.
TOWN ATTORNEY

RESOLUTION NO. 14-1205

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA SUPPORTING FLORIDA HOUSE BILL 169, RELATING TO TOBACCO AND NICOTINE PRODUCT REGULATION, INCLUDING CREATING SECTION 569.24, FLORIDA STATUTES TO EXPRESSLY PREEMPT TO THE STATE THE REGULATION OF THE SALE OF TOBACCO PRODUCTS, NICOTINE PRODUCTS, AND NICOTINE DISPENSING DEVICES; DIRECTING THE TOWN CLERK TO FORWARD THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, new, unregulated high-tech nicotine vaporizers, sometimes referred to as electronic cigarettes or e-cigarettes, have recently been made available to consumers, including minors; and

WHEREAS, the sale of electronic cigarettes is a growing market; and

WHEREAS, electronic cigarettes have the potential to encourage addictive and unhealthy habits in children; and

WHEREAS, several Florida municipalities have recently adopted local ordinances regulating nicotine dispensing devices; and

WHEREAS, Florida House Bill 169 provides, among other things, for preemption to the State the regulation of sale of tobacco products; and

WHEREAS, the Town Council for the Town of Miami Lakes finds that such regulation should be uniform throughout the state, as the use of tobacco and nicotine dispensing devices by minors is an issue of state-wide concern; and

WHEREAS, the Town Council for the Town of Miami Lakes supports House Bill 169; and

WHEREAS, the Town Council for the Town of Miami Lakes has determined that it is in the public interest to support House Bill 169;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are incorporated herein by reference.

Section 2. Support of House Bill 169. The Town Council for the Town of Miami Lakes, Florida supports passage and adoption of House Bill 169, and urges the Florida Legislature to pass and the Governor to sign House Bill 169.

Section 3. Directions to Clerk. The Town Clerk is directed to distribute this Resolution to the Florida Governor, the President of the Florida Senate, the Speaker of the Florida House of Representatives, the Miami-Dade County Legislative Delegation, the Florida League of Cities, the Miami-Dade Board of County Commissioners, the Miami-Dade County League of Cities and each of the municipalities in Miami-Dade County.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

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Passed and adopted this 8th day of April, 2014.

The foregoing resolution was offered by Nelson Rodriguez who moved its adoption. The motion was seconded by Cesar Mestre and upon being put to a vote, the vote was as follows:

Mayor Wayne Slaton	<u>yes</u>
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Councilmember Tim Daubert	<u>yes</u>
Councilmember Tony Lama	<u>yes</u>
Councilmember Cesar Mestre	<u>yes</u>
Councilmember Frank Mingo	<u>yes</u>
Councilmember Nelson Rodriguez	<u>yes</u>

Wayne Slaton
Wayne Slaton
MAYOR

Attest:

Marjorie Tejada
Marjorie Tejada
TOWN CLERK

Approved as to form and legal sufficiency:

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TOWN ATTORNEY