

IN THE SUPREME COURT OF FLORIDA

CASE NO.: SC19-1798

Lower Tribunal No(s):

3D17-562; 132016CA018370000001

THE CITY OF CORAL GABLES, FLORIDA

Petitioner.

v.

FLORIDA RETAIL FEDERATION, INC., *et. al.*,

Respondents,

_____ /

**CITY OF MIAMI BEACH’S
NOTICE OF INTENT TO FILE AMICUS BRIEF**

Pursuant to Rule 9.370(d)¹ of the Florida Rules of Appellate Procedure, notice is given that, should the Court accept jurisdiction of this case, the City of Miami Beach will seek leave to file an *amicus* brief on the merits in support of Petitioner City of Coral Gables.

Since the Trial Court below determined, *inter alia*, that Florida Statutes sections 403.7033 and 403.708(9) did not have preemptive effect and were unconstitutional, the Miami Beach City Commission has enacted legislation regulating

¹ “When a party has invoked the discretionary jurisdiction of the supreme court, an amicus curiae may file a notice with the court indicating its intent to seek leave to file an amicus brief on the merits should the court accept jurisdiction....”. *Id.* On October 18, 2019, Appellee below, City of Coral Gables, filed its “Notice to Invoke the Discretionary Jurisdiction of the Florida Supreme Court”.

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certain uses and dispositions of plastic bags in the City², based in part on the Commission's finding that such legislation was necessary for the preservation of the City's environment and the public health, safety and welfare of City residents and visitors and future generations. Although the City of Miami Beach's laws were not before the Courts below, Miami Beach's interest in filing an *amicus* brief is based on the concern that the District Court's decision finding State preemption defies Constitutional principles affording municipal home rule and will erode such municipal powers for the City of Miami Beach as well as for the other 400+ incorporated municipalities in the State of Florida.

Respectfully submitted,

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² City legislation adopted prior to the District Court's subject decision.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent

via electronic mail on this 22 day of October, 2019 to:

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