

PROPOSED

RESOLUTION NO. 2020-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, URGING THE FLORIDA LEGISLATURE TO APPROVE SENATE BILL 182 AND HOUSE BILL 6043, REPEALING THE PREEMPTION OF LOCAL GOVERNMENT REGULATION OF AUXILIARY CONTAINERS, WRAPPINGS, DISPOSABLE PLASTIC BAGS, AND POLYSTYRENE MATERIALS; DIRECTING THE COUNTY ADMINISTRATOR TO PROVIDE A COPY OF THIS RESOLUTION TO THE OFFICIALS DESIGNATED HEREIN; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

(Sponsored by Commissioner Lamar P. Fisher)

WHEREAS, the Broward County Board of County Commissioners ("Board") consistently seeks to preserve the beautiful environment that supports the tourism industry and that is vital to the economy of Broward County and the State of Florida;

WHEREAS, disposable plastic bags and polystyrene containers are detrimental because they do not fully degrade in our oceans or land environment and they introduce unsafe chemicals into our environment;

WHEREAS, disposable plastic bags and polystyrene containers threaten the lives of land and marine animals through entanglement and ingestion;

WHEREAS, the expansive usage of disposable plastic bags and polystyrene containers and their typical disposal rates create an impediment to Broward County's waste reduction and recycling goals while creating unsightly litter;

WHEREAS, disposable plastic bags and polystyrene containers are difficult to recycle and frequently contaminate material that is processed through curbside recycling and composting programs;

1 WHEREAS, reusable bags and biodegradable containers are considered to be the
2 best options to reduce waste and litter, protect wildlife, and conserve resources;

3 WHEREAS, the Board acknowledges that some businesses have taken affirmative
4 steps to accomplish this goal and recognizes their proactive efforts;

5 WHEREAS, it is in the public interest for the Board to encourage and enable the
6 location of a viable reusable bag manufacturing operation in the State of Florida;

7 WHEREAS, it is in the public interest for the Florida Legislature to allow local
8 governments to take steps to reduce the use of disposable plastic bags and polystyrene
9 containers;

10 WHEREAS, the Florida Legislature under "The Energy, Climate Change, and
11 Economic Security Act of 2008," enacted House Bill 7135, creating Sections 403.7033
12 and 500.90, Florida Statutes;

13 WHEREAS, Section 403.7033, Florida Statutes, requires the Florida Department
14 of Environmental Protection (DEP) to perform an analysis and submit a report to the
15 Legislature by February 1, 2010, regarding the necessity and efficacy of both statewide
16 and local regulation of bags used by consumers to carry products from retail
17 establishments;

18 WHEREAS, the statute also provides that until such time that the Legislature
19 adopts the recommendations of DEP, no local or state government may enact any
20 regulation or tax on the use of such retail bags;

21 WHEREAS, the DEP analysis determined a need for new or different regulations
22 of bags used by customers to carry products from retail establishments, and recommends
23 the implementation of new standards to encourage the use of reusable bags to benefit
24 the State's environment;

1 WHEREAS, the Florida Legislature has not adopted the recommendations of the
2 DEP analysis required by Section 403.7033, Florida Statutes, and continues to preempt
3 local regulation of auxiliary containers, wrappings, disposable containers, and
4 polystyrene products;

5 WHEREAS, Senate Bill 182 and House Bill 6043 have been filed for the
6 2020 Legislative Session and would repeal 500.90, Florida Statutes, and the preemptions
7 of local government regulation contained in Sections 403.7033, Florida Statutes; and

8 WHEREAS, the Board supports the adoption of Senate Bill 182 and House Bill
9 6043, so that local government can enact appropriate legislation relating to the regulation
10 of plastic bags and polystyrene containers, NOW, THEREFORE,

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12 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
13 BROWARD COUNTY, FLORIDA:

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15 Section 1. The Board hereby urges the Florida Legislature and Florida
16 Governor to enact Senate Bill 182 and House Bill 6043.

17 Section 2. The Board hereby directs the County Administrator to transmit a copy
18 of this Resolution to the Governor of Florida, the President of the Florida Senate, the
19 Speaker of the Florida House of Representatives, and the Broward County Legislative
20 Delegation.

21 Section 3. Severability.

22 If any portion of this Resolution is determined by any court to be invalid, the invalid
23 portion will be stricken, and such striking will not affect the validity of the remainder of this
24 Resolution. If any court determines that this Resolution, in whole or in part, cannot be

1 legally applied to any individual, group, entity, property, or circumstance, such
2 determination will not affect the applicability of this Resolution to any other individual,
3 group, entity, property, or circumstance.

4 Section 4. Effective Date.

5 This Resolution is effective upon adoption.

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7 ADOPTED this day of , 2020. **PROPOSED**

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9 Approved as to form and legal sufficiency:
10 Andrew J. Meyers, County Attorney

11
12 By /s/ Kristin M. Carter 01/13/2020
13 Kristin M. Carter (date)
14 Assistant County Attorney

15 By /s/ Rocio Blanco Garcia 01/13/2020
16 Rocio Blanco Garcia (date)
17 Assistant County Attorney

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24 KMC/gmb
Polystyrene Preemption Resolution
01/13/2020