AGENDA DATE: June 16, 2015, Regular Meeting

DEPARTMENT: Commissioner

EXECUTIVE BRIEF

TITLE:
Resolution No. 26-2015 - support legislation to establish regulations or ban of disposable plastic bags

SUMMARY:
The Resolution support the environmental initiative of House Bill 661 and Senate Bill 966 to establish a program for the regulation or ban of disposable plastic bags by coastal municipalities.

BACKGROUND AND JUSTIFICATION:
Currently, municipalities cannot regulate or ban the use of disposable plastic bags. State Representative George Richardson introduced House Bill 661 and State Senator Dwight Bullard filed Senate Bill 966 for consideration during the 2015 Regular Session of the Florida State Legislature. House Bill 661 and Senate Bill 966 proposed a pilot program for coastal municipalities to establish regulations or ban the use of disposable plastic bags. The pilot program for the pilot program, has received a request to show its support for the underlying environmental initiative. House Bill 661 and Senate Bill 966 in hopes of having similar bills passed in the future.

MOTION:
I move to approve/disapprove Resolution No. 26-2015.

ATTACHMENT(S):
Fiscal Analysis Impact – not applicable
House Bill 661
Senate Bill 966
Resolution
A bill to be entitled
An act relating to disposable plastic bags; creating
s. 403.70325, F.S.; authorizing certain municipalities
to establish pilot programs for the regulation or ban
of disposable plastic bags; providing program
criteria; providing for expiration of the program;
directing participating municipalities to collect data
and submit reports to the municipal governing body and
the Department of Environmental Protection;
authorizing municipalities to continue such regulation
or ban after the program expires under certain
conditions; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 407.70325, Florida Statutes, is created
to read:

403.70325 Municipal pilot program for regulation or ban of
disposable plastic bags.—

(1) Notwithstanding s. 403.7033, a municipality with a
population of fewer than 100,000 may establish a pilot program
to regulate or ban disposable plastic bags. A municipality
establishing a pilot program shall, by December 31, 2015, enact
an ordinance for the regulation or ban of disposable plastic
bags that begins January 1, 2016, and expires June 30, 2016.
Such ordinance may not include any new taxes or fees on the use

CODING: Words stricken are deletions; words underlined are additions.
or distribution of disposable plastic bags.

(2) A municipality that establishes a pilot program shall:

(a) Collect data pertaining to the impact of such
regulation or ban.

(b) By April 1, 2018, submit a report on the impact of
such regulation or ban to the governing body of the municipality
at a public hearing that is open to comments from the public.

(c) Provide a copy of the report to the department.

(3) A municipality may continue to regulate or ban
disposable plastic bags after June 30, 2018, if the municipality
enacts an ordinance after April 1, 2018, indicating that the
municipality will continue the regulation or ban of plastic
bags, notwithstanding s. 403.7033.

Section 2. Section 403.7033, Florida Statutes, reads:
403.7033 Departmental analysis of particular recyclable
materials.—The Legislature finds that prudent regulation of
recyclable materials is crucial to the ongoing welfare of
Florida's ecology and economy. As such, the Department of
Environmental Protection shall undertake an analysis of the need
for new or different regulation of auxiliary containers,
wrappings, or disposable plastic bags used by consumers to carry
products from retail establishments. The analysis shall include
input from state and local government agencies, stakeholders,
private businesses, and citizens, and shall evaluate the
efficacy and necessity of both statewide and local regulation of
these materials. To ensure consistent and effective
53 implementation, the department shall submit a report with
54 conclusions and recommendations to the Legislature no later than
55 February 1, 2010. Until such time that the Legislature adopts
56 the recommendations of the department, no local government,
57 local governmental agency, or state government agency may enact
58 any rule, regulation, or ordinance regarding use, disposition,
59 sale, prohibition, restriction, or tax of such auxiliary
60 containers, wrappings, or disposable plastic bags.
61 Section 3. This act shall take effect July 1, 2015.
By the Committee on Environmental Preservation and Conservation; and Senators Bullard, Soto, and Sobel

592-03760-15  2015966c1
1  A bill to be entitled
2  An act relating to disposable plastic bags; creating
3  s. 403.70325, F.S.; authorizing certain municipalities
4  to establish pilot programs for the regulation or ban
5  of disposable plastic bags; providing program
6  criteria; providing for expiration of the program;
7  directing participating municipalities to collect data
8  and submit reports to the municipal governing body and
9  the Department of Environmental Protection;
10  republishing s. 403.7033, F.S.; providing an effective
11  date.
12
13  Be It Enacted by the Legislature of the State of Florida:
14
15  Section 1. Section 403.70325, Florida Statutes, is created
16  to read:
17  403.70325 Municipal pilot program for regulation or ban of
18  disposable plastic bags.—
19  (1) Notwithstanding s. 403.7033, a municipality with a
20  population of fewer than 100,000 which is a coastal community
21  may establish a pilot program to regulate or ban disposable
22  plastic bags. A municipality establishing a pilot program shall,
23  by December 31, 2015, enact an ordinance for the regulation or
24  ban of disposable plastic bags that begins January 1, 2016, and
25  expires June 30, 2018. Such ordinance may not include any new
26  taxes or fees on the use or distribution of disposable plastic
27  bags.
28  (2) A municipality that establishes a pilot program shall:
29  (a) Collect data pertaining to the impact of such
regulation or ban.  

(b) By April 1, 2013, submit a report on the impact of such regulation or ban to the governing body of the municipality at a public hearing that is open to comments from the public.  

(c) Provide a copy of the report to the department.  

Section 2. Section 403.7033, Florida Statutes, is republished to read:  

403.7033 Departmental analysis of particular recyclable materials.—The Legislature finds that prudent regulation of recyclable materials is crucial to the ongoing welfare of Florida’s ecology and economy. As such, the Department of Environmental Protection shall undertake an analysis of the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments. The analysis shall include input from state and local government agencies, stakeholders, private businesses, and citizens, and shall evaluate the efficacy and necessity of both statewide and local regulation of these materials. To ensure consistent and effective implementation, the department shall submit a report with conclusions and recommendations to the Legislature no later than February 1, 2010. Until such time that the Legislature adopts the recommendations of the department, no local government, local governmental agency, or state government agency may enact any rule, regulation, or ordinance regarding use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings, or disposable plastic bags.  

Section 3. This act shall take effect upon becoming a law.
RESOLUTION NO. 26-2015 OF THE CITY OF LAKE WORTH, FLORIDA,
SUPPORTING HOUSE BILL 661, AND COMPANION SENATE BILL 966,
AUTHORIZING A PILOT PROGRAM FOR COASTAL MUNICIPALITIES TO
REGULATE OR BAN THE USE OF DISPOSABLE PLASTIC BAGS; AND
PROVIDING AN EFFECTIVE DATE

WHEREAS, plastic bags have been determined to be detrimental to the
environment because they do not fully degrade in our oceans or landfills and they
introduce unsafe chemicals into our environment; and

WHEREAS, plastic bags have been known to cause death by choking,
entanglement and ingestion to both land and marine animals; and

WHEREAS, the expansive usage of disposable plastic bags and their
typical disposal rates creates an impediment to the City’s waste reduction and
recycling goals while creating unsightly litter; and

WHEREAS, single-use plastic bags are difficult to recycle and frequently
contaminate material that is processed through the City’s curbside recycling
program; and

WHEREAS, Section 403.7033 currently prohibits local governments from
enacting any ordinances, rules or regulations regarding the use, disposition, sale,
prohibition, restriction, or tax of disposable plastic bags; and

WHEREAS, State Representative David Richardson has introduced
House Bill 661 and State Senator Dwight Bullard has filed Senate Bill 966 for
consideration during the 2015 Regular Session of the Florida State Legislature;
and

WHEREAS, House Bill 661 and Senate Bill 966 would authorize coastal
municipalities with a population of fewer than one hundred thousand (100,000)
to establish a pilot program to regulate or ban disposable plastic bags; and

WHEREAS, both House Bill 661 and Senate Bill 966 died during the 2015
Regular Session of the Florida State Legislature; and

WHEREAS, the Mayor and City Commission have determined that the
enactment of House Bill 661 and Senate Bill 966 (or a similar bill) would benefit
the residents and visitors of the City of Lake Worth; would protect the City’s
beaches and marine life; and, would serve a valid public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF LAKE
WORTH, FLORIDA, that:

SECTION 1: The Mayor and City Commission of the City of Lake Worth support
the enactment of House Bill 661 and Senate Bill 966 (or a similar bill) for the
establishment of a pilot program for the coastal municipalities to regulate or ban
the use of disposable plastic bags.

SECTION 2: The Mayor and City Commission direct the City Manager to cause
a copy of this resolution to be forwarded to all appropriate parties.

SECTION 3: This Resolution shall become effective upon adoption.

The passage of this Resolution was moved by Commissioner
______________, seconded by Commissioner ________________, and
upon being put to a vote, the vote was as follows:

Mayor Pam Triolo
Vice Mayor Scott Maxwell
Commissioner Christopher McVoy
Commissioner Andy Amoroso
Commissioner Ryan Maier

Mayor Pam Triolo thereupon declared this Resolution duly passed and
adopted on the 16th day of June, 2015.

LAKE WORTH CITY COMMISSION

By: _________________________

Pam Triolo, Mayor

ATTEST:

Pamela J. Lopez, City Clerk