



## **CITY OF LAKE WORTH**

7 North Dixie Highway · Lake Worth, Florida 33460 · Phone: 561-586-1600 · Fax: 561-586-175

**AGENDA DATE:** June 16, 2015, Regular Meeting

**DEPARTMENT:** Commissioner Am

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### **EXECUTIVE BRIEF**

**TITLE:**

Resolution No. 26-2015 - support legislation to establish regulations or ban of disposal 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 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. Both bills failed during the Regular Session. However, the City, as a coastal municipality which would have qualified for the pilot program, has received a request to show its support for the underlying environmental initiative. The City will support 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

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          authorizing municipalities to continue such regulation  
 11          or ban after the program expires under certain  
 12          conditions; providing an effective date.

13  
 14   Be It Enacted by the Legislature of the State of Florida:

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

18          403.70325 Municipal pilot program for regulation or ban of  
 19          disposable plastic bags.-

20          (1) Notwithstanding s. 403.7033, a municipality with a  
 21          population of fewer than 100,000 may establish a pilot program  
 22          to regulate or ban disposable plastic bags. A municipality  
 23          establishing a pilot program shall, by December 31, 2015, enact  
 24          an ordinance for the regulation or ban of disposable plastic  
 25          bags that begins January 1, 2016, and expires June 30, 2018.  
 26          Such ordinance may not include any new taxes or fees on the use

27 or distribution of disposable plastic bags.

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

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

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

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

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

40 Section 2. Section 403.7033, Florida Statutes, reads:

41 403.7033 Departmental analysis of particular recyclable  
42 materials.—The Legislature finds that prudent regulation of  
43 recyclable materials is crucial to the ongoing welfare of  
44 Florida's ecology and economy. As such, the Department of  
45 Environmental Protection shall undertake an analysis of the need  
46 for new or different regulation of auxiliary containers,  
47 wrappings, or disposable plastic bags used by consumers to carry  
48 products from retail establishments. The analysis shall include  
49 input from state and local government agencies, stakeholders,  
50 private businesses, and citizens, and shall evaluate the  
51 efficacy and necessity of both statewide and local regulation of  
52 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

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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

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30 regulation or ban.

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

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

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

37 403.7033 Departmental analysis of particular recyclable  
38 materials.—The Legislature finds that prudent regulation of  
39 recyclable materials is crucial to the ongoing welfare of  
40 Florida's ecology and economy. As such, the Department of  
41 Environmental Protection shall undertake an analysis of the need  
42 for new or different regulation of auxiliary containers,  
43 wrappings, or disposable plastic bags used by consumers to carry  
44 products from retail establishments. The analysis shall include  
45 input from state and local government agencies, stakeholders,  
46 private businesses, and citizens, and shall evaluate the  
47 efficacy and necessity of both statewide and local regulation of  
48 these materials. To ensure consistent and effective  
49 implementation, the department shall submit a report with  
50 conclusions and recommendations to the Legislature no later than  
51 February 1, 2010. Until such time that the Legislature adopts  
52 the recommendations of the department, no local government,  
53 local governmental agency, or state government agency may enact  
54 any rule, regulation, or ordinance regarding use, disposition,  
55 sale, prohibition, restriction, or tax of such auxiliary  
56 containers, wrappings, or disposable plastic bags.

57 Section 3. This act shall take effect upon becoming a law.

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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

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50 establishment of a pilot program for the coastal municipalities to regulate or ban  
51 the use of disposable plastic bags.

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

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56 SECTION 3: This Resolution shall become effective upon adoption.

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58 The passage of this Resolution was moved by Commissioner  
59 \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and  
60 upon being put to a vote, the vote was as follows:

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Mayor Pam Triolo

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Vice Mayor Scott Maxwell

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Commissioner Christopher McVoy

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Commissioner Andy Amoroso

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Commissioner Ryan Maier

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68 Mayor Pam Triolo thereupon declared this Resolution duly passed and  
69 adopted on the 16<sup>th</sup> day of June, 2015.

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LAKE WORTH CITY COMMISSION

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By: \_\_\_\_\_  
Pam Triolo, Mayor

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ATTEST:

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Pamela J. Lopez, City Clerk



