

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: April 15, 2015

Division: County Commission

Bulk Item: Yes No X

Department: County Commission

Staff Contact /Phone #: Rhonda Haag, 453-8774

AGENDA ITEM WORDING: Approval of a Resolution supporting the initiatives by local municipalities in Florida to lessen the negative impact of single-use plastic bags on our environment.

ITEM BACKGROUND: The resolution supports current Florida Senate Bill 966 and House Bill 661, which, if passed, would allow certain municipalities to establish pilot programs for the regulation or ban of disposable plastic bags. The bills have been filed in this year's Florida legislative session - Senate Bill SB966 and companion House Bill HB661 that pertain to "Disposable Plastic Bags". Session ends May 1st. 2015.

These bills would grant local municipalities and counties the right to control and enact their own legislation on plastic bags so that they can run a pilot program, gather statistics and determine if the program is effective in plastic bag reduction. At the moment the State of Florida prohibits any local municipalities from charging or enacting any 'tax' on plastic bags.

More than 33,000 jobs in the Florida Keys are supported by ocean recreation and tourism, accounting for 58 percent of the local economy and \$2.3 billion in annual sales.
http://sanctuaries.noaa.gov/science/socioeconomic/pdfs/fk_final.pdf
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In 2000–2001, the artificial and natural reefs off Palm Beach, Broward, Miami-Dade and Monroe counties supported almost 28 million person-days of recreational diving, fishing and viewing activities. These activities generated about \$4.4 billion in local sales, almost \$2 billion in local income, and 70,400 full and part-time jobs. See: <http://coralreef.noaa.gov/aboutcorals/values/tourismrecreation/>

Overall, the State of Florida has a \$65 billion annual tourism industry that is linked to the state's natural resources. See <http://www.visitflorida.org/tools-resources/research/>.

Disposable plastic bags contribute to litter, clog storm drains, are a burden on public works departments, become marine debris, affect water quality, are a nuisance to storm-water treatment systems, create freshwater and ocean pollution and can cause lost revenue where communities have tourism-dependent economies – including the Florida Keys.

PREVIOUS RELEVANT BOCC ACTION: Not applicable.

CONTRACT/AGREEMENT: Not applicable.

There is no fiscal impact associated with the approval of this resolution. Investments in community sustainability are expected to provide long-term cost benefits to the region.

TOTAL COST: \$0 **INDIRECT COST: _____**

BUDGETED: Yes ___ No X

DIFFERENTIAL OF LOCAL PREFERENCE: N/A

COST TO COUNTY: \$0 **SOURCE OF FUNDS: N/A**

REVENUE PRODUCING: Yes ___ No X **AMOUNT PER MONTH _____ Year _____**

APPROVED BY: County Atty *NWC* OMB/Purchasing _____ Risk Management _____

DOCUMENTATION: Included X Not Required _____

DISPOSITION: _____

AGENDA ITEM # _____

Revised 7/09

RESOLUTION No. _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, SUPPORTING THE INITIATIVES BY LOCAL GOVERNMENTS IN FLORIDA TO LESSEN THE NEGATIVE IMPACT OF SINGLE-USE PLASTIC BAGS ON OUR ENVIRONMENT.

WHEREAS, Monroe County is diligent in its efforts to preserve the beautiful environment that supports the tourism industry which is so vital to the economy of Monroe County and the State of Florida; and

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

WHEREAS, plastic bags create the potential for death of land and marine animals through entanglement and ingestion; and

WHEREAS, the expansive usage of single-use shopping bags and their typical disposal rates creates an impediment to the County'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 County's curbside recycling and composting programs; and

WHEREAS, reusable bags are considered to be the best option to reduce waste and litter, protect wildlife and conserve resources; and

WHEREAS, the Board of County Commissioners for Monroe County acknowledges that some businesses have taken affirmative steps to accomplish this goal and recognizes their proactive efforts; and

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

WHEREAS, it is in the public interest for the Florida Legislature to provide statewide deregulation of the proliferation of single-use shopping bags; and

WHEREAS, if the State does not act to regulate the proliferation of single-use shopping bags the Board of County Commissioners for Monroe County would like to potentially enact regulations governing the use of plastic checkout bags;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

SECTION 1. Monroe County is committed to the long-term goal of reducing the harms of plastic pollution on our fragile environment and committed to ensuring a thriving, attractive and safe environment for current and future residents and tourists.

SECTION 2. Monroe County does hereby support initiatives to lessen the negative impact of single-use plastic bags specifically, and supports the promotion of reusable shopping bags as the best alternative to single-use plastic or single-use paper bags.

SECTION 3. Monroe County supports the State Legislature's action to allow local municipalities in the State of Florida to regulate their own local communities in an effort to alleviate the harms cause by single-use shopping bags; and, therefore, Monroe County opposes any statewide preemption on local efforts to determine the best course of action with regards to protection of the local environment and tourism economy.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said board held on the 15th day of April, 2015.

Mayor Danny L. Kolhage, District 1 _____
Commissioner George Neugent, District 2 _____
Commissioner Heather Carruthers, District 3 _____
Commissioner David Rice, District 4 _____
Commissioner Sylvia Murphy, District 5 _____

(Seal)


Attest: Amy Heavilin, Clerk

BOARD OF COUNTY
COMMISSIONERS OF MONROE COUNTY,
FLORIDA

By: _____
Deputy Clerk

BY: _____
Mayor Danny L. Kolhage

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:



NATILEENE W. CASSEL
ASSISTANT COUNTY ATTORNEY
Date 3/30/2015

BACKUP FOR:

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF MONROE COUNTY, FLORIDA,
SUPPORTING THE INITIATIVES BY LOCAL
GOVERNMENTS IN FLORIDA TO LESSEN THE
NEGATIVE IMPACT OF SINGLE-USE PLASTIC BAGS
ON OUR ENVIRONMENT.**

By Senator Bullard

39-00151A-15

2015966__

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; republishing s. 403.7033, F.S.; providing
 13 an effective date.

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

16
 17 Section 1. Section 403.70325, Florida Statutes, is created
 18 to read:

19 403.70325 Municipal pilot program for regulation or ban of
 20 disposable plastic bags.—

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

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

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

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

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

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

40 bags, notwithstanding s. 403.7033.

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

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

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

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:

15
 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
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40 | Section 2. Section 403.7033, Florida Statutes, reads:
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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.