

RESOLUTION NO. 03-2017

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, SUPPORTING THE STATE LEGISLATURE'S EFFORTS TO AMEND SECTION 403.7033, UNDER HOUSE BILL 93 AND COMPANION SENATE BILL 162, WHICH AMENDMENTS WOULD PROVIDE FOR LOCAL REGULATION AND ENFORCEMENT OF PLASTIC BAGS UNDER THE STATE'S PROPOSED GUIDELINES; ALTERNATIVELY, SHOULD THE STATUTE NOT BE AMENDED, THE TOWN COUNCIL REQUESTS THE REPEAL OF SECTION 403.7033, FLORIDA STATUTES, SO THAT LOCAL GOVERNMENTS ARE NO LONGER PREEMPTED FROM ENACTING APPROPRIATE LEGISLATION RELATING TO THE REGULATION OF PLASTIC BAGS.

WHEREAS, the Town Council of the Town of Palm Beach is diligent in its efforts to preserve the beautiful environment that supports the tourism industry which is so vital to the economy of the Town of Palm Beach 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 Town'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 Town'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, Council 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 Council 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, the Florida Legislature under "The Energy, Climate Change, and Economic Security Act of 2008", enacted House Bill 7135, creating Section 403.7033, Florida Statutes; and

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

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

WHEREAS, the DEP analysis determined a need for new or different regulations of bags used by customers to carry products from retail establishments and recommend the implementation of new standards requiring the prohibition of plastic carryout bags encourages the use of reusable bags to the benefit of the State's environment; and

WHEREAS, this year House Bill 93 was proposed in the state legislature, along with companion Senate Bill 162, which bills propose: an amendment to Section 403.7033; which would provide legislative findings; deleting obsolete provisions; create definitions; create statewide standards for reusable bags and recyclable paper bags for stores located within a county or municipality that adopts ordinances pursuant to the statute; would require affected stores to charge customers a fee for each recyclable paper bag provided; would prohibit affected stores from providing plastic carryout bags or other types of bags; would provide for the allocation of fees collected, reporting requirements for affected stores; and authorizing local governments to impose a penalty and create ordinances to regulate the use of carryout bags to adopt ordinances pursuant to the statute; and

WHEREAS, through the proposed bills, the Legislature has indicated a legislative belief that it is necessary and appropriate to adopt uniform statewide standards prohibiting the use of plastic carryout bags, which would authorize local governments to adopt these regulations by local ordinance; and

WHEREAS, the bill is being amended and has not been enacted; and

WHEREAS, the Town Council supports the efforts to amend Section 403.7033, under House Bill 93 and companion Senate Bill 162 and supports the enactment of the bills, and, alternatively, requests that Section 403.7033, Florida Statutes, be repealed, so that local government can enact appropriate legislation relating to the regulation of plastic bags.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA:

Section 1. The Mayor and Town Council support the State Legislature's efforts to amend Section 403.7033, under House Bill 93 and companion Senate Bill 162, which amendments would provide for local regulation and enforcement of plastic bags under the State's proposed guidelines; and, alternatively, should the legislation not be enacted, the Town Council requests that the State Legislature repeal Section 403.7033, Florida Statutes, so that local governments are no longer preempted from enacting appropriate legislation relating to the regulation of plastic bags.

Section 2. This Resolution shall become effective immediately upon passage.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of January, 2017.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Bobbie Lindsay, Town Council Member

ATTEST:

Dannielle H. Moore, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret A. Zeidman, Town Council Member

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