RESOLUTION
11-2020

A RESOLUTION OF THE CITY OF BOCA RATON
STRONGLY ENCOURAGING THE FLORIDA LEGISLATURE
TO ADDRESS THE ENVIRONMENTAL IMPACT OF SINGLE-
USE PLASTIC BAGS AND POLYSTYRENE MATERIALS BY
DEVELOPING MEANINGFUL REGULATIONS LIMITING THE
USE OF SINGLE-USE PLASTIC BAGS AND POLYSTYRENE
MATERIALS AND/OR BY APPROVING SENATE BILL 182
AND ANY COMPANION HOUSE BILLS THAT AMEND
SECTION 403.7033 AND SECTION 500.90, FLORIDA
STATUTES, TO ELIMINATE THE STATE PREEMPTION OF
REGULATIONS REGARDING THE USE, RESTRICTION AND
PROHIBITION OF SINGLE-USE PLASTIC BAGS AND
POLYSTYRENE MATERIALS; PROVIDING FOR
SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING
AN EFFECTIVE DATE

WHEREAS, The City of Boca Raton is a coastal community that understands the sensitive
nature of the ocean and land environments; and
WHEREAS, one of the strategic goals of the City is to be a vibrant and sustainable community; and

WHEREAS, single-use plastic bags and polystyrene materials can be detrimental to the environment because they do not fully degrade in either the ocean or the land environments and they can introduce unsafe chemicals into the environment; and

WHEREAS, single-use plastic bags and polystyrene materials create the potential for the death of land and marine animals through entanglement and ingestion of chemicals and micro-plastics; and

WHEREAS, the City's Gumbo Limbo Nature Center is a sea turtle hospital facility that regularly observes the impact of single use plastics on marine life, with one hundred percent of the juvenile washback turtles necropsied at the facility having consumed plastic and many of the adult turtles have also been impacted by plastic; and

WHEREAS, the significant usage of single-use plastic bags and polystyrene materials and their low disposal and recycling rates creates an impediment to the City's waste reduction and recycling goals while creating unsightly litter and pollution; and

WHEREAS, single-use plastic bags and polystyrene materials frequently contaminate material that is processed through the City's curbside recycling program; and

WHEREAS, reusable bags and biodegradable containers are more favorable options to reduce waste and litter, protect wildlife and conserve resources; and

WHEREAS, the Florida Legislature under "The Energy, Climate Change, and Economic Security Act of 2008", enacted House Bill 7135, creating Sections 403.7033, Florida Statutes, and which stated "[t]he Legislature finds that prudent regulation of recyclable materials is crucial to the ongoing welfare of Florida's ecology and economy"; and

WHEREAS, Section 403.7033 required the Florida Department of Environmental Protection (FDEP) 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 2010 DEP analysis and report determined a need for regulations for single-use paper and plastic bags that would benefit the State's environment; and

WHEREAS, Section 403.7033 also provides that until such time that the Legislature adopts the recommendations contained in the FDEP's 2010 report, no local government may enact any regulation or tax on the use of such single-use plastic bags; and

WHEREAS, Section 500.90, Florida Statutes, preempts local regulation of the use or sale of polystyrene products; and

WHEREAS alternatives to plastic retail bags and polystyrene foam containers, and other single use plastics which are reusable or biodegradable are readily available and economically feasible; and

WHEREAS, the City Council passed Resolution No. 59-2019 in May 2019 that encouraged restaurants and businesses within the City to reduce their use of single use plastic items such as straws, retail bags and polystyrene foam containers, but due to the State preemption, the City is unable to create local regulations to further limit the use of single-use plastic bags and polystyrene materials; and

WHEREAS, it is in the public interest for State to develop and enact regulations to discourage the use of single-use plastic bags and polystyrene materials; and

WHEREAS, absent the development of such regulations by the State, it is in the public interest for the Florida Legislature to repeal portions of Sections 403.7033 and 500.90, Florida Statutes, allowing local governments to enact appropriate legislation relating to the regulation of single-use plastic bags and polystyrene materials within their jurisdiction; now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOCA RATON:
Section 1. The City Council hereby expresses its strong support for the State to
develop meaningful regulations that limit the use of single-use plastic bags and polystyrene
materials.

Section 2. Absent the State enacting such regulations, the City Council strongly
encourages approval of Senate Bill 182 and all companion House Bills that eliminate the
preemption language contained in Sections 403.7033 and 500.90, Florida Statutes.

Section 3. If any section, subsection, clause or provision of this resolution is held
invalid, the remainder shall not be affected by such invalidity.

Section 4. All resolutions or parts of resolutions in conflict herewith shall be and hereby
are repealed.

Section 5. This resolution shall take effect immediately after adoption.

PASSED AND ADOPTED by the City Council of the City of Boca Raton this 13th day

CITY OF BOCA RATON, FLORIDA

ATTEST:

Scott Singer, Mayor

Susan Saxton, City Clerk

<table>
<thead>
<tr>
<th>COUNCIL VOTE</th>
<th>YES</th>
<th>NO</th>
<th>ABSTAINED</th>
</tr>
</thead>
<tbody>
<tr>
<td>MAYOR SCOTT SINGER</td>
<td>✔️</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DEPUTY MAYOR JEREMY RODGERS</td>
<td>✔️</td>
<td></td>
<td></td>
</tr>
<tr>
<td>COUNCIL MEMBER MONICA MAYOTTE</td>
<td>✔️</td>
<td></td>
<td></td>
</tr>
<tr>
<td>COUNCIL MEMBER ANDREA LEVINE O’ROURKE</td>
<td>✔️</td>
<td></td>
<td></td>
</tr>
<tr>
<td>COUNCIL MEMBER ANDY THOMSON</td>
<td>✔️</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>