

City of Boca Raton



Incorporated 1925

RESOLUTION

11-2020

1
2 A RESOLUTION OF THE CITY OF BOCA RATON
3 STRONGLY ENCOURAGING THE FLORIDA LEGISLATURE
4 TO ADDRESS THE ENVIRONMENTAL IMPACT OF SINGLE-
5 USE PLASTIC BAGS AND POLYSTYRENE MATERIALS BY
6 DEVELOPING MEANINGFUL REGULATIONS LIMITING THE
7 USE OF SINGLE-USE PLASTIC BAGS AND POLYSTYRENE
8 MATERIALS AND/OR BY APPROVING SENATE BILL 182
9 AND ANY COMPANION HOUSE BILLS THAT AMEND
10 SECTION 403.7033 AND SECTION 500.90, FLORIDA
11 STATUTES, TO ELIMINATE THE STATE PREEMPTION OF
12 REGULATIONS REGARDING THE USE, RESTRICTION AND
13 PROHIBITION OF SINGLE-USE PLASTIC BAGS AND
14 POLYSTYRENE MATERIALS; PROVIDING FOR
15 SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING
16 AN EFFECTIVE DATE

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18 WHEREAS, The City of Boca Raton is a coastal community that understands the sensitive
19 nature of the ocean and land environments; and

1 WHEREAS, one of the strategic goals of the City is to be a vibrant and sustainable
2 community; and

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

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

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

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

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

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

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

24 WHEREAS, Section 403.7033 required the Florida Department of Environmental
25 Protection (FDEP) to perform an analysis and submit a report to the Legislature by February 1,

1 2010, regarding the necessity and efficacy of both statewide and local regulation of bags used by
2 consumers to carry products from retail establishments; and

3 WHEREAS, the 2010 DEP analysis and report determined a need for regulations for
4 single-use paper and plastic bags that would benefit the State's environment; and

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

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

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

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

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

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

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25 BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOCA
26 RATON:

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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.

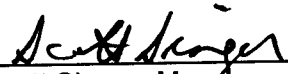
Section 4. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

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 of January, 2020.

CITY OF BOCA RATON, FLORIDA

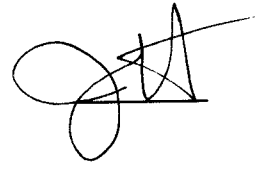
ATTEST:



Scott Singer, Mayor



Susan S. Saxton, City Clerk



COUNCIL VOTE			
	YES	NO	ABSTAINED
MAYOR SCOTT SINGER	✓		
DEPUTY MAYOR JEREMY RODGERS	✓		
COUNCIL MEMBER MONICA MAYOTTE	✓		
COUNCIL MEMBER ANDREA LEVINE O'ROURKE	✓		
COUNCIL MEMBER ANDY THOMSON	✓		

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