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October 20, 2019

To the Attention of Elected Florida Municipal Officials

Re: Consideration of Adoption of a Resolution Supporting Efforts to Remove State Statute Preemptions of Local Law Relating to Regulation of Auxiliary Containers, Wrappings or Plastic Bags or Use or Sale of Polystyrene

Dear Elected Municipal Official:

By way of introduction, I am the former manager of Tequesta and Palm Beach. Today, I serve as a volunteer on the Tequesta Environmental Advisory Committee. However, I am writing to you today as a private citizen and not in any official capacity.

As a native Floridian, I have witnessed the growth of this state and its transition from an agricultural economy to a primarily service sector economy with ever expanding urbanization and a decreasing interconnectedness between man and the environment in which we live, work and play. This results in many environmental problems for the air, the land and our waters. All one has to do is walk the tideline and you will see that our oceans have become a human dumping ground, particularly for plastics that either do not breakdown or are slow in doing so. Single-use and other plastic products create unique problems for landfill management and marine life. It is time Florida localities, particularly Florida coastal communities, have the right to regulate these materials that create these problems should they so choose. Our new Governor has stated he is of this same opinion.

The content of the attached resolution was approved by the Palm Beach Town Council on October 10 and is being distributed around the state and can easily be amended to fit the resolution format of your community. It enumerates many of the problems of various plastic products. The resolution urges our Florida legislators to support the adoption of SB 182, which, if adopted, will give local government the ability to regulate these materials to help begin the process of restoring the integrity of our waters and help protect the marine life affected by said materials. If SB 182 is signed into law each community can decide to do so or not. The following link will take you to SB 182 for your review: <http://www.flsenate.gov/Session/Bill/2020/182/BillText/Filed/PDF>

Will you consider pursuing adoption of a similar resolution by your governing board? If you do so, could you also send a copy to the Governor, the state legislators serving your municipality, the other municipalities in your area and a copy to me for tracking purposes in order to help build momentum for this important cause? If your community has already issued a resolution on this matter, a reminder letter to your local legislative delegation of your position on preemption of local law in regard to plastics detrimental to our environment and marine life may prove to be important in this Legislative Session. Your time and efforts in this regard are greatly appreciated.

Sincerely,



Thomas G. Bradford

Enclosures:

TPB Res. No. 122-2019

RESOLUTION NO. 122-2019

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, STRONGLY ENCOURAGING THE STATE LEGISLATURE TO APPROVE SENATE BILL 182, AND ANY COMPANION HOUSE BILLS RELATING TO THE PREEMPTION OF RECYCLABLE AND POLYSTYRENE MATERIALS BY AMENDING SECTION 403.7033 AND SECTION 500.90, , FLORIDA STATUTES, REPEALING THE PREEMPTION OF LOCAL LAWS REGARDING THE USE OR SALE OF SINGLE-USE PLASTIC BAGS AND POLYSTYRENE MATERIALS.

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 and polystyrene 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 and polystyrene 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 polystyrene containers 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 and polystyrene containers are difficult to recycle and frequently contaminate material that is processed through the Town's curbside recycling and composting programs; and

WHEREAS, reusable bags and biodegradable containers 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 polystyrene containers; and

WHEREAS, the Florida Legislature under "The Energy, Climate Change, and Economic Security Act of 2008", enacted House Bill 7135, creating Sections 403.7033 and 500.90, 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 recommends 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, Section 500.90 preempts local regulation of the use or sale of polystyrene products; and

WHEREAS, the Town Council supports the efforts to repeal Sections 403.7033 and 500.90, Florida Statutes, so that local government can enact appropriate legislation relating to the regulation of plastic bags and polystyrene containers.

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 efforts to repeal Sections 403.7033 and 500.90, Florida Statutes, so that local governments are no longer preempted from enacting appropriate legislation relating to the regulation of plastic bags and polystyrene containers.

Section 2. The Mayor and Town Council encourages approval of Senate Bill 182 and all companion House Bills eliminating preemption language in Sections 403.7033 and 500.90, Florida State Statutes.

Section 3. 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 October 2019.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lew Crampton, Town Council Member

Kathleen Dominguez, CMC
Town Clerk

Bobbie Lindsay, Town Council Member