

# MEMORANDUM

Agenda Item No. 11(A)(24)

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**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

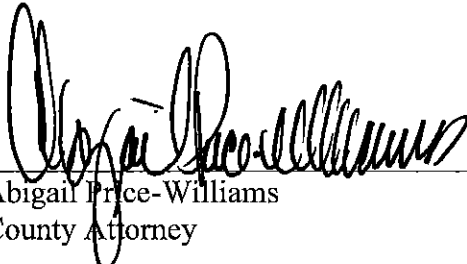
**DATE:** October 3, 2019

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution urging the Florida  
Legislature to repeal Florida laws  
that preempt local governments  
from regulating the use and sale  
of disposable plastic bags and  
polystyrene products

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.

  
\_\_\_\_\_  
Abigail Price-Williams  
County Attorney

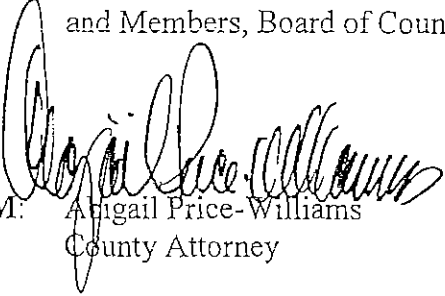
APW/uw



MEMORANDUM  
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

DATE: October 3, 2019

FROM:   
Angail Price-Williams  
County Attorney

SUBJECT: Agenda Item No. 11(A)(24)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(24)  
10-3-19

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING THE FLORIDA LEGISLATURE TO  
REPEAL FLORIDA LAWS THAT PREEMPT LOCAL  
GOVERNMENTS FROM REGULATING THE USE AND SALE  
OF DISPOSABLE PLASTIC BAGS AND POLYSTYRENE  
PRODUCTS

**WHEREAS**, polystyrene is a petroleum-based plastic, most commonly known under the name of “Styrofoam,” which is the proprietary trade name of polystyrene foam products; and

**WHEREAS**, polystyrene products are a principle component of urban litter and marine debris; and

**WHEREAS**, polystyrene is notorious for breaking up into pieces that clog stormwater pipes and is ingested by wildlife, and is an unsightly nuisance negatively impacting our tourism-dependent economy; and

**WHEREAS**, during the 2016 session, the Florida Legislature enacted section 500.90, Florida Statutes, preempting the regulation of the use or sale of polystyrene products by local ordinances; and

**WHEREAS**, on June 7, 2016, this Board passed Ordinance No. 16-58, banning the use or sale of polystyrene in County parks as section 500.90, Florida Statutes allows for the regulation of polystyrene in very limited circumstances, such as at a County park; and

**WHEREAS**, plastic bags are considered a hazard as marine animals such as sea turtles mistake them for food; and

**WHEREAS**, plastic bags also clog up stormwater systems, contributing to localized flooding, litters our parks and beaches, get trapped in tree limbs in residential landscaping degrading neighborhood aesthetics; and

**WHEREAS**, in 2008, the Florida Legislature enacted section 403.7033, Florida Statutes prohibiting local governments from enacting any rule regulation, or ordinance regarding use, disposition, sale, prohibition, restriction or tax of “. . . auxiliary containers, wrappings, or disposable plastic bags”; and

**WHEREAS**, in 2019, Governor Ron DeSantis vetoed HB 771, which included among other provisions, a similar preemption that would have prohibited local governments from banning plastic straws, stating “these measures have not, as far as I can tell, frustrated any state policy or harmed the state's interests,”; and

**WHEREAS**, this Board agrees that these limitations also serve no compelling statewide interest and impede local government efforts to improve the quality of life of County residents; and

**WHEREAS**, local regulation of disposable plastic bags and disposable polystyrene products is currently preempted by state law,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

**Section 1.** Urges the Florida Legislature to repeal Florida laws that preempt local governments from regulating the use and sale of disposable plastic bags and polystyrene products.

**Section 2.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the Senate President, House Speaker, and the Chair and the Members of the Miami-Dade County State Legislative Delegation.

**Section 3.** Directs the County’s state lobbyists to advocate for the action described in Section 1, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2020 State Legislative Package to include this item in the 2020 State Legislative Package.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	
Rebeca Sosa, Vice Chairwoman	
Esteban L. Bovo, Jr.	Daniella Levine Cava
Jose “Pepe” Diaz	Sally A. Heyman
Eileen Higgins	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 3<sup>rd</sup> day of October, 2019. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

mjs

Melanie J. Spencer