

MEMORANDUM

Agenda Item No. 11(A)(34)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: December 12, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to adopt Senate Bill
498 or similar legislation
removing the preemption on
local government regulation of
recyclable and polystyrene
materials, including Styrofoam,
disposable plastic bags, and
wrappers

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor
Commissioner Micky Steinberg.


Geri Bonzon-Keenan
County Attorney

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MDC001



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

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County Attorney

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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 _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(34)
12-12-23

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ADOPT SENATE BILL 498 OR SIMILAR LEGISLATION REMOVING THE PREEMPTION ON LOCAL GOVERNMENT REGULATION OF RECYCLABLE AND POLYSTYRENE MATERIALS, INCLUDING STYROFOAM, DISPOSABLE PLASTIC BAGS, AND WRAPPERS

WHEREAS, according to National Geographic, there are approximately 5.25 trillion pieces of plastic debris in the ocean; and

WHEREAS, according to the World Economic Forum, at the current rate, by 2050, oceans are expected to contain more plastics than fish (by weight); and

WHEREAS, single-use plastics are made primarily from fossil fuel-based chemicals and are meant to be disposed of right after one use; and

WHEREAS, single-use plastics are most commonly found in the form of wrappers, straws, containers, and bags; and

WHEREAS, single-use plastics contribute to overburdened landfills, threaten wildlife and marine life, and degrade and litter drainage and sewage systems, as well as the beaches and waters off the Florida coast; and

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

WHEREAS, polystyrene is neither readily recyclable nor biodegradable; and

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

WHEREAS, during the 2008 legislative session, the Florida Legislature created 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, during the 2016 legislative session, the Florida Legislature created 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 Miami-Dade 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, this Board also previously adopted Resolution No. R-1094-19 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; and

WHEREAS, on November 16, 2023, Senator Linda Stewart (D – Orlando) introduced Senate Bill (“SB”) 498 for consideration during the 2024 session of the Florida Legislature; and

WHEREAS, SB 498 would remove the statewide preemption of local laws regarding the regulation of auxiliary containers, wrappings, or disposable plastic bags, and would also remove the statewide preemption of local laws regarding the use or sale of polystyrene products; and

WHEREAS, this Board believes that the preemption of local laws that regulate recyclable and polystyrene materials, including Styrofoam, disposable plastic bags, and wrappers, does not serve a compelling statewide interest and impedes local government efforts to improve the quality of life of Miami-Dade County residents; and

WHEREAS, accordingly, this Board would like to express its support for SB 498, or similar legislation,

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 adopt Senate Bill 498 or similar legislation removing the preemption on local government regulation of recyclable and polystyrene materials, including Styrofoam, disposable plastic bags, and wrappers.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, Senator Linda Stewart (D – Orlando), and the Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County’s state lobbyists to advocate for the actions set forth in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2024 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Micky Steinberg. 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:

Oliver G. Gilbert, III, Chairman	
Anthony Rodríguez, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Kevin Marino Cabrera	Sen. René García
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Kionne L. McGhee	Raquel A. Regalado
Micky Steinberg	

The Chairperson thereupon declared this resolution duly passed and adopted this 12th day of December, 2023. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

RAH

Rochelle A. Hall