

## MEMORANDUM

Amended  
Agenda Item No. 11(A)(9)

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**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** December 1, 2021

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Resolution directing the County Mayor to create the "Plastic Free 305" program, a volunteer certification program for businesses located within Miami-Dade County to be launched during Earth Month 2022; and directing the County Mayor to work with local nonprofit organizations in the development and implementation of the voluntary certification program and partner with the private sector and business organizations; urging the Florida Legislature to adopt Senate Bill 320, House Bill 6063 or similar legislation that would allow local governments to regulate the use of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments

Resolution No. R-1179-21

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins and Co-Sponsor Raquel A. Regalado.



Geri Bonzon-Keenan  
County Attorney

GBK/jp



# MEMORANDUM

(Revised)

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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 \_\_\_\_\_

Amended  
Agenda Item No. 11(A)(9)

RESOLUTION NO. R-1179-21

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO CREATE THE "PLASTIC FREE 305" PROGRAM, A VOLUNTEER CERTIFICATION PROGRAM FOR BUSINESSES LOCATED WITHIN MIAMI-DADE COUNTY TO BE LAUNCHED DURING EARTH MONTH 2022; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO WORK WITH LOCAL NONPROFIT ORGANIZATIONS IN THE DEVELOPMENT AND IMPLEMENTATION OF THE VOLUNTARY CERTIFICATION PROGRAM AND PARTNER WITH THE PRIVATE SECTOR AND BUSINESS ORGANIZATIONS; URGING THE FLORIDA LEGISLATURE TO ADOPT SENATE BILL 320, HOUSE BILL 6063 OR SIMILAR LEGISLATION THAT WOULD ALLOW LOCAL GOVERNMENTS TO REGULATE THE USE OF AUXILIARY CONTAINERS, WRAPPINGS, OR DISPOSABLE PLASTIC BAGS USED BY CONSUMERS TO CARRY PRODUCTS FROM RETAIL ESTABLISHMENTS

**WHEREAS**, single-use plastics, including polystyrene, commonly known by its commercial brand name "Styrofoam," are made primarily from fossil fuel-based chemicals and are meant to be disposed of 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 and polystyrene are neither readily recyclable nor biodegradable, and can take hundreds to thousands of years to degrade in the environment; and

**WHEREAS**, according to a study by Washington University, polystyrene takes more than 500 years to decompose in nature; 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**, according to the Florida International University Institute of Environment, plastics and other nonrecyclable products often end up in Miami-Dade's waterways, canals, and storm drain systems, harming marine life, damaging our resources, and creating pollution; and

**WHEREAS**, according to the National Ocean Service, although it is difficult to estimate the amount of plastic in the oceans, as much as 1.45 million metric tons of plastic entered the coastal environment in the United States in 2016 alone; and

**WHEREAS**, it is in the interest of the public health and safety of all Miami-Dade County residents to take action to reduce the use of plastics and polystyrene, therefore reducing litter and pollutants on the lands and in the waters of the County; and

**WHEREAS**, section 403.7033, Florida Statutes, preempts local governments from enacting laws prohibiting the use of certain single-use plastics; and

**WHEREAS**, according to section 500.90, Florida Statutes, local governments and municipalities are not limited from restricting the use of polystyrene in their own public properties; and

**WHEREAS**, counties and municipalities around the state have taken action to protect the environment by creating programs and policies outside of the scope of the State of Florida preemption; and

**WHEREAS**, the City of Coral Gables, in partnership with the Coral Gables Chamber of Commerce, created the Green Business Certification Program with the goal to recognize and reward businesses for their eco-friendly efforts; and

**WHEREAS**, Miami Beach launched the “Plastic Free Miami Beach” program in 2019, together with Debris Free Oceans, to highlight the businesses that have taken steps to reduce the use of plastics in their operations and over 100 businesses have registered to date; and

**WHEREAS**, other pilot programs and initiatives have been enacted in Miami-Dade to combat the harmful effects of plastics on the environment; and

**WHEREAS**, an example of these initiatives is the Greener Coral Way program, launched in 2019 by Miami-Dade County Commissioner Eileen Higgins in the Coral Way business corridor of District 5; and

**WHEREAS**, Greener Coral Way aimed to certify Coral Way restaurants that voluntarily took steps towards sustainability and resilience by encouraging local restaurants to remove or replace polystyrene products and single-use plastic and address food waste in their operations; and

**WHEREAS**, the businesses that have joined the program to date have received the District 5 certification for their action to reduce the use of single-use plastics; and

**WHEREAS**, Miami-Dade County business owners and residents have a history of being committed to environmental resilience due to the location of our County and the harm that our natural resources—such as Biscayne Bay—have suffered as a result of pollution; and

**WHEREAS**, the Miami-Dade County Commission and Mayor have created initiatives to protect Biscayne Bay including the creation of the Biscayne Bay Task Force and Chief Bay Officer position; and

**WHEREAS**, the Biscayne Bay Task Force issued the report Unified Approach to Recovery for a Healthy and Resilient Biscayne Bay in 2020, which recommended the implementation of policies to reduce the amount of locally generated plastic marine debris and the development of environmental sustainability and “plastic free” best practices; and

**WHEREAS**, it is imperative to continue creating programs and initiatives that will contribute to the health of the Bay and the wellbeing of all County residents; and

**WHEREAS**, businesses are the main distributors of single-use plastics in the County; and

**WHEREAS**, the creation of a “Plastic Free 305” program would ensure the continuation of Miami-Dade County’s commitment to resiliency by providing support to businesses as they transition to plastic free alternatives; and

**WHEREAS**, “Plastic Free 305” would consist of a volunteer certification program for Miami-Dade County businesses that would reduce the use of single-use plastics,

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

**Section 1.** Directs the County Mayor or County Mayor’s designee to create and implement the “Plastic Free 305” during Earth Month 2022. The program shall be a voluntary certification program for business in Miami-Dade County to reduce the use of single-use plastics.

**Section 2.** Further directs the County Mayor or County Mayor’s designee to work with local nonprofit organizations in the development and implementation of the voluntary certification program, as well as partner with the private sector and business organizations.

**Section 3.** Urges the Florida Legislature to enact HB 6063, SB 320 or similar legislation that would allow local governments to regulate the use of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments.

**Section 4.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senator Linda Stewart, Representative Michael Grieco, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

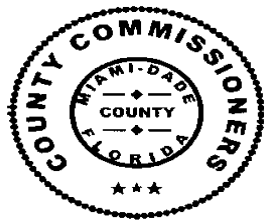
**Section 5.** Directs the County's state lobbyists to advocate for the action set forth in Section 3 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2022 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Eileen Higgins and the Co-Sponsor is Commissioner Raquel A. Regalado. It was offered by Commissioner

**Eileen Higgins**, who moved its adoption. The motion was seconded by Commissioner **Raquel Regalado** and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman	<b>aye</b>		
Oliver G. Gilbert, III, Vice-Chairman	<b>aye</b>		
Sen. René García	<b>absent</b>	Keon Hardemon	<b>aye</b>
Sally A. Heyman	<b>aye</b>	Danielle Cohen Higgins	<b>aye</b>
Eileen Higgins	<b>aye</b>	Joe A. Martinez	<b>aye</b>
Kionne L. McGhee	<b>aye</b>	Jean Monestime	<b>aye</b>
Raquel A. Regalado	<b>aye</b>	Rebeca Sosa	<b>aye</b>
Sen. Javier D. Souto	<b>aye</b>		<b>aye</b>

The Chairperson thereupon declared this resolution duly passed and adopted this 1<sup>st</sup> day of December, 2021. 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

**Melissa Adames**

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

Approved by County Attorney as  
to form and legal sufficiency.

mjs

Melanie J. Spencer