

MEMORANDUM

Amended
Agenda Item No. 11(A)(4)

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

DATE: November 20, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to include a provision eliminating the distribution of single-use plastics and polystyrene to consumers in all future County contracts with concessionaires doing business on County property and to eliminate the distribution of single-use plastics and polystyrene at County-run concessions

Resolution No. R-1030-24

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins and Co-Sponsors Commissioner Marleine Bastien, Commissioner Kionne L. McGhee, Commissioner Raquel A. Regalado and Commissioner Micky Steinberg.



Geri Bonzon-Keenan
County Attorney

GBK/ks



MEMORANDUM

(Revised)

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

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FROM: 
Glen Bonzon-Keenan
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 ____, majority plus one ____, 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) ____, 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)(4)
11-20-24

RESOLUTION NO. **R-1030-24**

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO INCLUDE A PROVISION ELIMINATING THE DISTRIBUTION OF SINGLE-USE PLASTICS AND POLYSTYRENE TO CONSUMERS IN ALL FUTURE COUNTY CONTRACTS WITH CONCESSIONAIRES DOING BUSINESS ON COUNTY PROPERTY AND TO ELIMINATE THE DISTRIBUTION OF SINGLE-USE PLASTICS AND POLYSTYRENE AT COUNTY-RUN CONCESSIONS

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, utensils, water bottles, coffee lids and stirrers, and bags; and

WHEREAS, single-use plastics are neither readily recyclable nor biodegradable, and can take hundreds to thousands of years to degrade in the environment; 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, a recent study discovered microplastics traveling in the bloodstream of some donors and embedded in the lung tissue of a dozen patients awaiting surgery; 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 therefore reducing litter and pollutants on the lands and in the waters of the County; and

WHEREAS, various eco-friendly alternatives to single-use plastics, such as biodegradable and compostable materials, reusable containers, and sustainable packaging, are readily available and increasingly affordable, offering environmentally responsible options for everyday use; and

WHEREAS, it is important to acknowledge that certain items, such as certain sports drinks and beverages, may not yet have widely available plastic-free alternatives, presenting challenges in fully eliminating single-use plastics from certain aspects of daily life; 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 preemption codified in section 403.7033 of the Florida Statutes; and

WHEREAS, Miami-Dade County adopted Ordinance No. 16-58 on April 19, 2016, banning polystyrene in certain parks, parkways, recreational areas, marinas, and other areas operated and maintained by the County's Parks, Recreation, and Open Spaces Department; and

WHEREAS, according to a study by Washington University, polystyrene takes more than 500 years to decompose in nature; 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, on December 8, 2021, this Board adopted Resolution No. R-1179-21, to create Plastic Free 305, a voluntary program to encourage businesses to move away from the use of single-use plastics; and

WHEREAS, as of May 2024, there are 88 businesses who have been certified as Plastic Free 305 due to reducing or eliminating single-use plastics in their operations; and

WHEREAS, in July 2023, the County Mayor's administration established new procedures to move our County towards a Purpose-Driven Procurement (PDP) process; and

WHEREAS, PDP aims to ensure that the values of environmental sustainability and community benefits are included to the maximum extent allowed by law; and

WHEREAS, eliminating single-use plastics from County operations would align with PDP; and

WHEREAS, many County vendors and entities that do business with the County, such as Virgin Voyages, have already taken steps to reduce or eliminate single-use plastics in their operations; 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 and wellbeing of all County residents and the environment; 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, to further this goal, the County aims to decrease the use of single-use plastics by adding contractual provisions in future County contracts with concessionaries on County property and precluding their distribution at County-run concessions,

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 the greatest extent possible to include a provision in all new contracts with concessionaires doing business on County property entered into after the effective date of this resolution to preclude the concessionaire from distributing single-use plastics and polystyrene items to consumers in such form of, included but not limited to straws, containers, utensils, beverage bottles, stirrers, and bags, with the exception of prepackaged foods such as ready-to-eat meals and snack packs.

Section 2. Directs the County Mayor or County Mayor's designee to, the greatest extent possible, eliminate the distribution of single-use plastics and polystyrene to consumers at County-run concessionaires in such forms including, but not limited to, straws, containers, utensils, beverage bottles, stirrers, and bags within a year of the effective date of this resolution, with the exception of prepackaged foods such as ready-to-eat meals and snack packs.

Section 3. Directs the County Mayor or County Mayor's designee to negotiate the inclusion of this provision in solicitations advertised prior to the effective date of this resolution when appropriate.

Section 4. Directs the County Mayor or County Mayor's designee to the greatest extent possible to negotiate with vendors at the renewal of their contract to include a provision to voluntarily eliminate the use of single-use plastics and polystyrene items in their operations.

Section 5. Directs the County Mayor or County Mayor's designee to include in their memorandum for items subject to Board approval, an explanation when the plastic-free provision could not be negotiated as part of a contract and to specify the reasons for this.

Section 6. Directs the County Mayor or County Mayor's designee to submit a written report on the impacts to businesses, progress of implementation, and any hurdles encountered as a result of this resolution within one year. Such report shall be placed on an agenda of the full Board without committee review pursuant to Rule 5.06(j) of the Board's Rules of Procedure.

The Prime Sponsor of the foregoing resolution is Commissioner Eileen Higgins, and the Co-Sponsors are Commissioner Marleine Bastien, Commissioner Kionne L. McGhee, Commissioner Raquel A. Regalado and Commissioner Micky Steinberg. It was offered by Commissioner **Eileen Higgins**, who moved its adoption. The motion was seconded by Commissioner **Oliver G. Gilbert, III** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 20th day of November, 2024. 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: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

mjs

Melanie J. Spencer