



## Office of the Mayor and Town Council

Tim Meerbott  
Mayor

# MEMORANDUM

To: Honorable Members of the Town Council

From: Mayor Tim Meerbott

Date: September 18, 2019

Re: Urging Florida Legislature to Propose an Amendment to Florida Statute § 403.7033

## REQUEST

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, URGING THE FLORIDA LEGISLATURE TO PROPOSE AN AMENDMENT TO FLORIDA STATUTE § 403.7033 TO ALLOW LOCAL LEGISLATIVE EFFORTS TO ADDRESS AND REGULATE AUXILIARY CONTAINERS, WRAPPINGS, AND DISPOSABLE BAGS AND ADOPT THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S "RETAIL BAGS REPORT FOR THE FLORIDA LEGISLATURE"; PROVIDING FOR TRANSMITTAL; AND PROVIDING AN EFFECTIVE DATE.**

## BACKGROUND AND ANALYSIS

The Town of Cutler Bay (the "Town"), a coastal community located adjacent to the Biscayne Bay Aquatic Preserves, is diligent in its efforts of environmental preservation, including our ocean, waterways, wetlands and land in between, which is vital to our regional economy and the State of Florida (the "State"). As a leader in the State for promoting environmental stewardship, the Town has ratified various Resolutions (listed below) in order to protect the natural environment of the planet and of this community; conserving natural resources by minimizing its impact on said environment and resources.

- Resolution No. 08-42: Restrict the Use of Plastic Shopping Bags
- Resolution No. 09-20: Environmentally Preferable Purchasing Policy
- Resolution No. 12-42: Disposable Bags and Recyclable Bags
- Resolution No. 19-36 Establishing Environmental Stewardship Recognition Program





In 2008, the Florida Legislature passed Florida Statute § 403.7033, which states “[t]he Legislature finds that prudent regulation of recyclable materials is crucial to the ongoing welfare of Florida’s ecology and economy.” Through the enactment of Florida Statute § 403.7033, the Legislature directed the Department of Environmental Protection (FDEP) to undertake an analysis and submit a report with conclusions and recommendations “of the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags.”

On February 1, 2010, FDEP issued and transmitted a report, entitled *Retail Bags Report for the Legislature*, which outlined “how improperly discarded plastic bags can affect wildlife, marine life, landfill operation and flood control systems and explores the various approaches that other states and countries have taken to address this issue. Included in the report is a wide-ranging set of options for decreasing the number of bags being used as well as increasing the number of bags being recycled.” The report concluded “there are ways to reduce our dependency on these bags and to properly reuse or dispose of them” and recommended “that the Legislature review the available options and take action to discourage the use of single-use paper and plastic retail bags and encourage the use of reusable retail bags.”

The Town Council is mindful of Florida Statute § 403.7033, which provides that “[u]ntil such a time that the Legislature adopted the recommendations of the department, no local government may enact any rule, regulation, or Ordinance regarding use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings, or disposable bags.”

It is my opinion that all residents and businesses can work cooperatively and play a meaningful role to reduce the proliferation of single-use plastic bags by reducing the reliance on single-use plastic bags through the use of reusable shopping bags. By permitting the Town to enact regulations governing the proliferation of single-use plastic bags, there will be a reduction of single-use plastic bags negative impacts on our environment.

### **RECOMMENDATION**

It is recommended that the Town Council adopt the attached Resolution, urging the Florida Legislature to 1) propose an amendment to Florida Statute § 403.7033 to allow local governments to enact rules, regulations, or Ordinances regarding the use, disposition, sale, prohibition, restriction, or tax of auxiliary containers, wrappings, and disposable bags; and 2) adopt the Florida Department of Environmental Protection’s recommendations as set forth in the February 1, 2010 *Retail Bags Report for the Legislature*.

