I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, urging the Florida Legislature to amend Section 403.7033, Florida Statute, under House Bill 93 and Senate Bill 162 or similar legislation, which would authorize small coastal municipalities to establish a pilot program to regulate or ban disposable plastic bags, and if these bills are successful, to consider authorizing larger municipalities and counties to regulate or ban such bags in a similar manner.

Summary: The Environmental Protection Agency (EPA) reports that billions of disposable bags are used in the United States every year. Disposable bags contribute to litter and pollution, harm land and marine wildlife, clog storm drains, interfere with landfill operations and burden public works departments. Florida law currently prohibits local governments from banning, regulating, or taxing disposable plastic bags. Identical Senate and House bills, SB 162 and HB 93 have been filed for considering during the 2017 session of the Florida Legislature. These bills would provide coastal municipalities with populations under 100,000 the authority to establish a short-term pilot program to regulate or ban disposable plastic bags. These bills would enable such municipalities to determine how to most effectively address the environmental concerns caused by disposable plastic bags in their communities and would also help illuminate which measures can be most effective in discouraging the use of disposable plastic bags and encouraging the use of reusable bags instead, and if these bills are successful, to consider authorizing larger municipalities and counties to regulate or ban such bags in a similar manner. Countywide (DW)

Background and Justification: Staff was directed at the February 7, 2017, BCC meeting to amend its Federal Agenda to reflect support of HB 93 and SB 162 or similar legislation.

Attachment:

1. Resolution

Approved by:  

Assistant County Administrator Date
II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

<table>
<thead>
<tr>
<th>Fiscal Years</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
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<tr>
<td>Capital Expenditures</td>
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<td>Operating Costs</td>
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<td>External Revenues</td>
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<td>Program Income (County)</td>
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<td>0</td>
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<tr>
<td>In-Kind Match (County)</td>
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<tr>
<td>NET FISCAL IMPACT</td>
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<tr>
<td># Additional FTE Positions (Cumulative)</td>
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Is Item Included in Current Budget: Yes x No

Budget Account No:

Reporting Category

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Departmental Fiscal Review:

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development & Control Comments:

OFMB 1/4/16

Contract Development & Control 1/16/17

A. Legal Sufficiency:

Assistant County Attorney 1/16/17

A. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.
RESOLUTION NO. 2017-
RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, URGING THE FLORIDA LEGISLATURE TO AMEND SECTION 403.7033, FLORIDA STATUTE, UNDER HOUSE BILL 93 AND SENATE BILL 162 OR SIMILAR LEGISLATION, WHICH WOULD AUTHORIZE SMALL COASTAL MUNICIPALITIES TO ESTABLISH A PILOT PROGRAM TO REGULATE OR BAN DISPOSABLE PLASTIC BAGS, AND IF THESE BILLS ARE SUCCESSFUL, TO CONSIDER AUTHORIZING LARGER MUNICIPALITIES AND COUNTIES TO REGULATE OR BAN SUCH BAGS IN A SIMILAR MANNER

WHEREAS, according to the Environmental Protection Agency, billions of disposable bags are used in the United States every year; and

WHEREAS, disposable bags contribute to litter and pollution, harm land and marine wildlife, clog storm drains, interfere with landfill operations, and burden public works departments; and

WHEREAS, according to the Florida Department of Environmental Protection, depending on a shopper’s habits in one year, a single reusable bag replaces between 56.8 and 315.15 disposable plastic bags; and

WHEREAS, Florida law currently prohibits local governments from banning, regulating, or taxing disposable plastic bags; and

WHEREAS, identical Senate and House bills, SB 162 by Senator Rodriguez and HB 93 by Representative Richardson, have been filed for consideration during the 2017 session of the Florida Legislature; and

WHEREAS, SB 162 and HB 93 would provide coastal municipalities with populations under 100,000 the authority to establish a short-term pilot program to regulate or ban disposable plastic bags; and

WHEREAS, by authorizing small coastal municipalities to establish short-term pilot programs regulating disposable plastic bags, these bills would enable such municipalities to determine how to most effectively address the environmental concerns caused by disposable plastic bags in their communities, and would also help illuminate which measures can be most effective in discouraging the use of disposable plastic bags and encouraging the use of reusable bags instead; and

WHEREAS, this Board would like to support SB 162, HB 93, or similar legislation that would authorize small coastal municipalities to establish a pilot program to regulate or ban disposable plastic bags, and if successful, to consider authorizing larger municipalities and counties to regulate or ban such bags in a similar manner.
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to enact SB 162, HB 93, or similar legislation that would authorize small coastal municipalities to establish a pilot program to regulate or ban disposable plastic bags, and if successful, to consider authorizing larger municipalities and counties to regulate or ban such bags in a similar manner.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this Resolution to the Governor, State President, House Speaker, Senator Rodriguez, Representative Richardson, and the Chair and remaining Members of the Palm Beach County Legislative Delegation.

Section 3. Directs the County’s state lobbyists to advocate for the passage of the legislation set forth in in Section 1 above, and authorizes and directs the Legislative Affairs Department to amend the 2017 State Legislative Package to include this item.

The foregoing Resolution 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:

- Commissioner Paulette Burdick, Mayor
- Commissioner Melissa McKinlay, Vice Mayor
- Commissioner Hal R. Valeche
- Commissioner Dave Kerner
- Commissioner Steven L. Abrams
- Commissioner Mary Lou Berger
- Commissioner Mack Bernard

The Mayor thereupon declared the Resolution duly passed and adopted this ____ day of __________, 2017.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: ____________________________
Assistant County Attorney

By: ____________________________
Deputy Clerk