BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 33-2020

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, URGING THE FLORIDA LEGISLATURE TO TAKE NECESSARY AND EXPEDIENT ACTION ADDRESSING THE PROLIFERATION OF SINGLE-USE PLASTICS INCLUDING RETAIL PLASTIC BAGS, AND THEIR SUBSEQUENT IMPACT TO BOTH THE ENVIRONMENT AND TO MARINE AND AQUATIC LIFE; FURTHER URGING THE FLORIDA LEGISLATURE TO ADOPT THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S FEBRUARY 1, 2010 RETAIL BAGS REPORT AND ASSOCIATED RECOMMENDATIONS REGARDING SINGLE-USE RETAIL PLASTIC BAGS; OPPOSING A CONTINUED STATE PREEMPTION OF LOCAL EFFORTS TO ADDRESS THE GROWING THREAT OF PLASTIC POLLUTION WITHIN LOCAL COMMUNITIES DUE IN PART TO STATE INACTION; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City of Stuart, a coastal community that prides itself on proactive environmental stewardship and the preservation of the natural environment, has identified plastic pollution as a growing threat to its conservation efforts; and

WHEREAS, on February 23, 2017 the United Nations Environment Program launched an unprecedented global campaign to eliminate major sources of marine litter including microplastics and the excessive, wasteful usage of single-use plastic by the year 2022; and

WHEREAS, more than 300 million tons of plastic is produced each year worldwide, of which more than fifty percent is single-use; and

WHEREAS, the United States recycles just 9 percent of its plastic trash, which is less than half of the world's national average; and

WHEREAS, more than 1 trillion plastic bags are created worldwide every year without consideration of the lack of facilities or infrastructure required to appropriately dispose of these materials; and

WHEREAS, plastic bags and microplastics contaminating the world's oceans and waterways, pose an existential threat to marine life through accidental ingestion and the bioaccumulation of harmful chemicals from degrading plastics within the ecosystem; and

WHEREAS, single-use plastic bags are difficult and problematic to recycle, frequently contaminating material that is processed through the City's curbside recycling program; and

WHEREAS, more than 350 municipalities in 25 states have already banned or heavily taxed single-use plastic bags; and

WHEREAS, the Florida Legislature adopted The Energy, Climate Change, and Economic Security Act of 2008 which in part stated, "The Legislature finds that prudent regulation of recyclable materials is crucial to the ongoing welfare of Florida's ecology and economy" (Fla. Stat. Section 403.7033), and further directed the Florida Department of Environmental Protection to undertake "an analysis of the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments;" and

WHEREAS, the Florida Department of Environmental Protection (DEP) transmitted its *Retail Bags Report to the* [Florida] *Legislature* on February 1, 2010, which outlined "how

improperly discarded plastic bags can affect wildlife, marine life, landfill operation and flood control systems," while providing 12 "Options for Discouraging and Reducing the Use of Single-Use Retail Bags;" and

WHEREAS, Florida DEP Secretary Michael W. Sole stated in his 2010 letter of transmittal to the Florida Legislature that "DEP believes there are ways to reduce our dependency on these bags and to properly reuse or dispose of them. It is 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;" and

WHEREAS, Florida Statute Section 403.7033, however, commands that "until such time that the Legislature adopts the recommendations of the department, no local government, local governmental agency, or state government agency may enact any rule, regulation, or ordinance regarding use, disposition, sale, prohibition, or tax of such auxiliary containers, wrappings, or disposable plastic bags;" and

WHEREAS, since 2010, the Florida Legislature has neither adopted the 2010 Retail Bags Report nor taken any action with respect to those recommendations provided within the report through general or special law; and

WHEREAS, in the 2019 Legislative Session, Senate Bill 88 and House Bill 6033 sought to preempt recyclable and polystyrene materials to the state, but failed to pass a single committee; and

WHEREAS, the City of Stuart finds that there are alternatives to expanded polystyrene and single-use plastic products which are reasonable, less harmful or unharmful to the natural environment, and can be composted or biodegrade in landfill; and

WHEREAS, the City of Stuart has adopted multiple ordinances regulating single-use plastic materials on public property, and the use of plastic straws citywide, which are not in conflict with existing Florida Statutes; and

WHEREAS, a statewide effort to reduce use and dependency on single-use plastic materials would be largely more productive than diverging local ordinances, but if the State does not act to curb plastic pollution and the proliferation of single-use plastic bags, local governments should be permitted to work together to enact such critically important regulation; and

WHEREAS, the City of Stuart is committed to working with all residents, businesses, and stakeholders cooperatively and collaboratively in establishing meaningful legislation that will reduce the proliferation of single-use plastics and retail plastic bags while improving recycling programs and infrastructure, conservation efforts, and overall environmental stewardship.

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, THAT:

SECTION 1: The foregoing precatory language is adopted as being true and correct and is incorporated herein.

SECTION 2: The City Commission of the City of Stuart, Florida is committed to its long-term goal of zero waste and in curbing the harmful impacts of plastic pollution within our fragile ecosystem through safe and sustainable alternative solutions.

SECTION 3: The City Commission urges the Florida legislature to take necessary and expedient action addressing the proliferation of single-use plastics and retail plastic bags throughout the State, and their subsequent impact to both the environment and to marine and aquatic life.

SECTION 4: The City Commission further urges the Florida legislature to adopt the Florida Department of Environmental Protection's February 1, 2010 Retail Bags Report and associated recommendations regarding single-use retail plastic bags.

SECTION 5: If the Florida Legislature will not take statewide action to address the proliferation of single-use plastics and retail bags, the City Commission opposes continued preemption of local government efforts to address both issues in the best interests of their communities.

SECTION 6: The City Commission further directs the City Clerk to transmit a copy of this Resolution to all appropriate parties.

SECTION 7: All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

SECTION 8: If any section, sentence, clause, or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

SECTION 9: This Resolution shall become effective upon its adoption.

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
MICHAEL J. MEIER, MAYOR				
EULA R. CLARKE, VICE MAYOR				
BECKY BRUNER, COMMISSIONER				
KELLI GLASS LEIGHTON, COMMISSIONER				
MERRITT MATHESON, COMMISSIONER				

ADOPTED this ___ day of _____, 2020.

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
MICHAEL J. MEIER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL J. MORTELL
CITY ATTORNEY