

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Resolution Urging the State Legislature to Approve Senate Bill 182, Rescinding
Preemptive Language in State Statutes Prohibiting the Regulation of Plastic Bags and
Polystyrene Containers
Resolution No. 122-2019

Date: September 27, 2019

STAFF RECOMMENDATION

Staff recommends that Town Council adopt Resolution No. 122-2019, strongly encouraging the State Legislature to approve Senate Bill 182, and any companion House bills relating to the preemption of recyclable and polystyrene materials by amending Section 403.7033 and Section 500.90, Florida Statutes, repealing the preemption of local laws regarding the use or sale of single-use plastic bags and polystyrene materials.

GENERAL INFORMATION

Resolution No. 03-2017, similar to Resolution No. 122-2019 was approved at the January 10, 2017, Town Council meeting, strongly encouraging the Florida State Legislature to repeal section 403.7033 of the Florida Statutes so that local governments are no longer preempted from enacting appropriate legislation relating to the regulation of plastic bags and expanded polystyrene containers. A copy of the resolution was subsequently forwarded to the State but no action has been taken by the Legislature.

On June 11, 2019, Ordinance No. 24-2019 approved by Town Council, which would have prohibited the use of expanded polystyrene containers and single use carry out plastic bags within the corporate limits of the Town. Unfortunately, Council was forced to rescind this Ordinance at the September 10, 2019, Town Council meeting to avoid potential litigation with the Florida Retail Federation. At said meeting, the Mayor and staff were requested to identify opportunities to put pressure on the State Legislature to allow sovereign municipalities to enact regulations reflective of their individual needs and desires.

Upon approval of Resolution No. 122-2019, it will be sent to the State Legislature. In addition to Council action, Mayor Coniglio has distributed this resolution to all other Palm Beach County municipalities to use as a template for adoption of similar requests to the State.

TOWN ATTORNEY REVIEW

Resolution No. 122-2019 is in a form similar to other resolutions previously reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachment

cc: John C. Randolph, Town Attorney