

1 EXHIBIT 1

2 RESOLUTION NO. 2019-

3 A RESOLUTION OF THE CITY OF THE MAYOR AND CITY COMMISSION OF
4 THE CITY OF HALLANDALE BEACH, FLORIDA URGING STATE ACTION TO
5 ADDRESS THE PROLIFERATION AND ENVIRONMENTAL IMPACT OF
6 SINGLE-USE PLASTIC BAGS; URGING THE LEGISLATIVE ADOPTION OF
7 THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
8 FEBRUARY 1, 2010, STUDY RECOMMENDING STATE ACTION REGARDING
9 SINGLE-USE PLASTIC BAGS; OPPOSING CONTINUED PREEMPTION OF
10 LOCAL LEGISLATIVE EFFORTS TO ADDRESS THE PROLIFERATION OF
11 SINGLE-USE PLASTIC BAGS IF THE STATE IS REFUSING TO TAKE
12 ACTION; AND SUPPORTING INITIATIVES BY LOCAL MUNICIPALITIES IN
13 FLORIDA TO LESSEN THE NEGATIVE IMPACT OF SINGLE-USE PLASTIC
14 BAGS ON OUR ENVIRONMENT; DIRECTING THE CITY CLERK TO
15 TRANSMIT A COPY OF THIS RESOLUTION; PROVIDING FOR CONFLICT;
16 PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

17 **WHEREAS**, the City of Hallandale Beach, a coastal community, is diligent in its efforts to
18 preserve the beautiful environment, including our ocean, waterways, Everglades and land in
19 between, which is so vital to our regional economy and the State of Florida; and

20 **WHEREAS**, it is well understood that plastic bags are detrimental to our environment
21 because they do not fully degrade in our oceans or land environment and introduce unsafe
22 chemicals into our environment; and

23 **WHEREAS**, plastic bags create the potential for death of marine animals through
24 entanglement and ingestion, as well as the potential for poisoning through the ingestion of
25 micro-plastics, which are the product of the partial degradation of the plastic bags; and

26 **WHEREAS**, the expansive usage of single-use shopping bags and their low disposal
27 and recycling rates creates an impediment to the City's waste reduction and recycling goals
28 while creating unsightly litter and pollution; and

29 **WHEREAS**, single-use plastic bags are difficult to recycle and frequently contaminate
30 material that is processed through the City's curbside recycling and composting programs; and

31 **WHEREAS**, reusable bags are considered to be the best option to reduce waste and
32 litter, protect wildlife and conserve resources; and

33 **WHEREAS**, the City applauds those businesses and residents who have taken
34 affirmative and proactive steps towards the goal of reducing single-use plastic bags in the
35 distribution chain and environment; and

36 **WHEREAS**, the Florida Legislature passed a law in 2008 which stated “[t]he Legislature
37 finds that prudent regulation of recyclable materials is crucial to the ongoing welfare of Florida’s
38 ecology and economy.” (Fla. Stat. Section 403.7033); and

39 **WHEREAS**, the Florida Legislature, through the enactment of Florida Statutes Section
40 403.7033, directed “the Department of Environmental Protection shall undertake an analysis of
41 the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic
42 bags used by consumers to carry products from retail establishments. The analysis shall include
43 input from state and local government agencies, stakeholders, private businesses, and citizens,
44 and shall evaluate the efficacy and necessity of both statewide and local regulation of these
45 materials. To ensure consistent and effective implementation, the department shall submit a
46 report with conclusions and recommendations to the Legislature no later than February 1,
47 2010.”; and

48 **WHEREAS**, the Florida Department of Environmental Protection (“FDEP”) issued and
49 transmitted a report on February 1, 2010, titled *Retail Bags Report to Legislature*, which outlined
50 “how improperly discarded plastic bags can affect wildlife, marine life, landfill operation and
51 flood control systems and explores the various approaches that other states and countries have
52 taken to address this issue. Included in the report is a wide-ranging set of options for decreasing
53 the number of bags being used as well as increasing the number of bags being recycled”
54 (<https://floridadep.gov/waste/waste-reduction/content/retail-bags-report>); and

55 **WHEREAS**, the FDEP’s 2010 report concluded “there are ways to reduce our
56 dependency on these bags and to properly reuse or dispose of them” and recommended “that
57 the Legislature review the available options and take action to discourage the use of single-use
58 paper and plastic retail bags and encourage the use of reusable retail bags.”
59 (<https://floridadep.gov/waste/waste-reduction/content/retail-bags-report>); and

60 **WHEREAS**, Florida Statute Section 403.7033, however, commands that “[u]ntil such
61 time that the Legislature adopts the recommendations of the department, no local government,
62 local governmental agency, or state government agency may enact any rule, regulation, or

ordinance regarding use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings, or disposable plastic bags.”; and

WHEREAS, since the 2010 FDEP report the Florida Legislature has taken no action as recommended by FDEP and has not adopted the FDEP study; and

WHEREAS, in 2019, a proposed bill to repeal the preemption on any local efforts to pass any regulation or ordinance on single-use plastic bags failed to pass a single committee of the Florida Legislature (<https://www.flsenate.gov/Session/Bill/2019/00088>); and

WHEREAS, a Circuit Court in and for the 11th Judicial Circuit has found that the preemption in Florida Statutes Section 403.7033 is unconstitutional and upheld the City of Coral Gables’ regulation of single-use plastic bags (<https://resource-recycling.com/plastics/wp-content/uploads/sites/4/2017/05/Feb.27-CoralGables-decision.pdf>); and

WHEREAS, according to publicly available sources, three states have passed regulations intended to reduce single-use plastic and paper bags (Hawaii, California and New York); and

WHEREAS, it is reported that at least 345 municipalities in 25 states have adopted bans and/or fees on single-use plastic and paper bags (http://publicfiles.surfrider.org/Plastics/Plastic_Bag_Law_Activist_Toolkit_2019.pdf); and

WHEREAS, it was reported that 32 countries have in place some sort of regulation intended to reduce the proliferation of single-use plastic bags, through outright ban or otherwise (<https://www.reusethisbag.com/articles/where-are-plastic-bags-banned-around-the-world>); and

WHEREAS, Florida Governor Ron DeSantis recently stated, in his veto of legislation which would prohibit local jurisdictions from banning single-use plastic straws:

a. "These measures have not, as far as I can tell, frustrated any state policy or harmed the state's interests. In fact, the Florida Department of Environmental Protection has encouraged Florida residents, schools and businesses to reduce plastic straw use."; and

b. In a brief but very powerful reminder of the fundamental philosophical foundations of local democracy, the Governor concluded: "Under these circumstances, the State should simply allow local communities to address this

issue through the political process. Citizens who oppose plastic straw ordinances can seek recourse by electing people who share their views." (<https://www.flgov.com/wp-content/uploads/2019/05/05.103.pdf>); and

WHEREAS, if the State does not act to regulate the proliferation of single-use shopping bags and take comprehensive and meaningful actions to reduce the negative impact on our environment, municipalities and counties should be permitted to work together to enact regulations governing the proliferation of single-use plastic checkout bags; and

WHEREAS, the City believes 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 and can reduce the negative impact of single-use plastic bags on our environment by properly disposing the bags.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are incorporated herein by this reference.

Section 2. The City Commission of the City of Hallandale Beach, Florida is committed to the long-term goal of reducing the harms of plastic pollution on our fragile environment and committed to ensuring a thriving, attractive and safe environment for current and future residents and tourists.

Section 3. The City Commission urges the Florida Legislature and Governor to take comprehensive and meaningful action to reduce and mitigate the proliferation of single-use plastic bags and the negative impact on our environment.

Section 4. The City Commission urges the Florida Legislature to adopt the findings of the February 1, 2010 Florida Department of Environmental Protection titled *Retail Bags Report to Legislature*.

Section 5. If the Florida Legislature will not take action on the proliferation of single-use plastic bags, the City Commission opposes continued preemption of local efforts to address both use and disposal of single-use plastic bags.

Section 6. The City Commission supports initiatives by local municipalities to lessen the negative impact of single-use plastic bags on our environment, including promotion of reusable shopping bags as the best alternative to single-use plastic bags.

Section 7. The City Commission further directs the City Clerk to transmit a copy of this Resolution to all appropriate parties.

Section 8. All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

Section 9. 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 10. Effective Date. This Resolution shall be effective immediately upon its passage.

PASSED AND ADOPTED this _____ DAY of _____, 2019.

JOY D. ADAMS
MAYOR

SPONSORED BY: COMMISSIONER MICHELLE LAZAROW

ATTEST:

JENORGEN GUILLEN, CMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY AND
FORM

JENNIFER MERINO
CITY ATTORNEY

FINAL VOTE ON ADOPTION

Mayor Adams _____
Vice Mayor Javellana _____
Commissioner Butler _____
Commissioner Lazarow _____
Commissioner Lima- Taub _____