



City of North Port

RESOLUTION NO. 2020-R-02

A RESOLUTION OF THE CITY OF NORTH PORT, FLORIDA, 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 FLORIDA STATUTES SECTIONS 403.7033 AND 500.90, REPEALING THE PREEMPTION OF LOCAL LAWS REGARDING THE USE OR SALE OF SINGLE-USE PLASTIC BAGS AND POLYSTYRENE MATERIALS; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of North Port is diligent in its efforts to preserve the City's beautiful environment; and

WHEREAS, plastic bags and polystyrene are detrimental because they do not fully degrade in oceans or on land and they introduce unsafe chemicals into the environment; and

WHEREAS, plastic bags and polystyrene create the potential for death of land and marine animals through entanglement and ingestion; and

WHEREAS, the expansive use of single-use shopping bags and polystyrene containers and their typical disposal rates creates an impediment to the City's waste reduction and recycling goals while creating unsightly litter; and

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

WHEREAS, reusable bags and biodegradable containers are considered the best option to reduce waste and litter, protect wildlife, and conserve resources; and

WHEREAS, the City Commission acknowledges that some businesses have taken affirmative steps to accomplish this goal and recognizes those proactive efforts; and

WHEREAS, it is in the public interest for the City Commission to encourage and enable the location of a viable reusable bag manufacturing operation in the State of Florida; and

WHEREAS, it is in the public interest for the Florida Legislature to provide statewide deregulation of the proliferation of single-use shopping bags and polystyrene containers; and

WHEREAS, Florida Statutes Section 403.7033 requires the Florida Department of Environmental Protection (“DEP”) to perform an analysis and submit a report to the Legislature by February 1, 2010, regarding the necessity and efficacy of both statewide and local regulation of bags used by consumers to carry products from retail establishments; and

WHEREAS, the statute also provides that until such time that the Legislature adopts the recommendations of DEP, no local or state government may enact any regulation or tax on the use of such retail bags; and

WHEREAS, the DEP analysis determined a need for new or different regulations of bags used by customers to carry products from retail establishments and recommends the implementation of new standards requiring the prohibition of plastic carryout bags encourages the use of reusable bags to the benefit of the State's environment; and

WHEREAS, Florida Statutes Section 500.90 preempts local regulation of the use or sale of polystyrene products; and

WHEREAS, the City Commission supports the efforts to repeal Florida Statutes Sections 403.7033 and 500.90 so that local government can enact appropriate legislation relating to the regulation of plastic bags and polystyrene containers.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1 – INCORPORATION OF RECITALS

1.01 The above recitals are hereby ratified and confirmed as being true and correct and are incorporated herein by reference.

SECTION 2 – RESOLUTION

2.01 The City Commission for the City of North Port hereby supports efforts to repeal Sections 403.7033 and 500.90, Florida Statutes, so that local governments are no longer preempted from enacting appropriate legislation relating to the regulation of plastic bags and polystyrene containers.

2.02 The City Commission for the City of North Port hereby encourages approval of Senate Bill 182 and all companion House Bills eliminating preemption language in Sections 403.7033 and 500.90, Florida State Statutes.

SECTION 3 – TRANSMITTAL

3.01 The City Commission for the City of North Port hereby instructs the City Clerk to transmit a copy of this resolution to: (i) the sponsor and co-introducers of Florida Senate Bill 182, Senators Linda Stewart, Jose Javier Rodriguez, and Lori Berman; (ii) Florida Senate President Bill Galvano; and (iii) Florida Speaker of the House of Representatives Jose R. Oliva; and (iv) the Governor of the State of Florida.

SECTION 4 – CONFLICTS

4.01 In the event of any conflict between the provisions of this resolution and any other resolution or portions thereof, the provisions of this resolution shall prevail to the extent of such conflict.

SECTION 5 – SEVERABILITY

5.01 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 6 – EFFECTIVE DATE

6.01 This resolution shall take effect immediately upon adoption by the City Commission of the City of North Port, Florida.

PASSED and DULY ADOPTED by the City Commission of the City of North Port, Florida this 2nd day of January 2020.

CITY OF NORTH PORT, FLORIDA

DEBBIE MCDOWELL
MAYOR

ATTEST

HEATHER TAYLOR, CMC
INTERIM CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON
CITY ATTORNEY