

Meeting Date
February 20, 2018



AGENDA	
Section	New Business
Item No.	V.L.F. 2

**AGENDA REPORT**  
*BREVARD COUNTY BOARD OF  
 COUNTY COMMISSIONERS*

<b>SUBJECT:</b>	Request for Resolution
<b>DEPT/OFFICE:</b>	Citizen Request / Chris Kane
<b>Requested Action:</b>	Request Brevard County support FL H6039 and S1014
<b>Summary Explanation &amp; Background:</b>	<p>The above referenced pieces of legislation both are seeking deletion of preemption of local law relating to regulation of auxiliary containers, wrappings, or disposable plastic bags, etc.</p> <p>For the past several years legislation has been brought before the State requesting that they allow municipalities to regulate plastic bags and each time it has failed. The State has been unwilling to allow municipalities to govern themselves in this respect.</p> <p>Rather than go through this for each individual piece of plastic, i.e., plastic bags, auxiliary containers and/or wrappings, this piece of legislation amends Section 403.7033, Florida Statutes to delete the portion specifically prohibiting municipalities from enacting any rule, regulation, or ordinance regarding use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings or disposable plastic bags.</p> <p>This now becomes a matter of home rule.</p> <p>I believe that this is a long overdue piece of legislation. It does not automatically change anything having to do with those particular items. It merely gives that authority back to the local governing body, something which I believe is worth pursuing.</p>

Clerk to the Board instruction:					
Exhibits Attached Letter from FDOT					
Contract /Agreement (If attached): Reviewed by County Attorney					
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
County Manager Frank Abbate	Interim Assistant County Manager Jim Liesenfelt			Department Director / Extension	
	Assistant County Manager John Denninghoff				



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

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Tammy.Rowe@brevardclerk.us

February 21, 2018

MEMORANDUM

TO: Frank Abbate, County Manager

RE: Item VI.F.2., Citizen Request by Chris Kane for Resolution Supporting Florida House Bill 6039 and Senate Bill 1014

The Board of County Commissioners, in regular session on February 20, 2018, adopted Resolution No. 18-023, supporting Florida HB6039 and SB1014, as requested by Citizen Chris Kane. Enclosed is fully-executed Resolution for your action.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

/ds

Encl. (1)

cc: Each Commissioner

RESOLUTION 18-023

**WHEREAS**, Brevard County is vigilant in protecting its natural beauty and environment for the benefit of its residents to insure their lifestyle, health and safety; and

**WHEREAS**, Brevard County is diligent in its efforts to preserve the beautiful environment that supports the tourism industry which is so vital to the economy of Brevard County and the State of Florida; and

**WHEREAS**, since the Florida Legislature has yet to provide statewide regulation of the proliferation of auxiliary containers, wrappings, or disposable plastic bags, Brevard County supports initiatives to allow local municipalities in the State of Florida to regulate their own local communities in an effort to alleviate the harm caused by said auxiliary containers, wrappings and disposable plastic bags; and

**WHEREAS**, House Bill H6039 and Senate Bill S1014 (“An act relating to recyclable materials; amending s.403.7033, F.S.; deleting a preemption of local law relating to regulation of auxiliary containers, wrappings, or disposable plastic bags; providing an effective date”) are currently in the Legislature and in committee; and

**WHEREAS**, these bills delete the preemption of home rule by municipalities within the State of Florida specifically relating to the regulation of auxiliary containers, wrappings, or disposable plastic bags; and

WHEREAS, Brevard County supports the ability of a municipality, through its home rule powers, to enact ordinances specifically relating to the regulation of auxiliary containers, wrappings, or disposable plastic bags; and

WHEREAS, Brevard County supports the adoption of House Bill H6039 and Senate Bill S1014, and requests that our State representatives sponsor and support said Bills.

NOW, THEREFORE, be it resolved, that the County Manager of the County of Brevard is directed to send copies of this resolution to all Brevard County municipalities, all State representatives for the County of Brevard and any additional organizations or individuals as deemed necessary.

DONE, ORDERED AND ADOPTED this 20<sup>th</sup> day of February, 2018



Scott Ellis, Clerk



Rita Pritchett, Chair  
Board of County Commissioners  
Brevard County, Florida

Approved by Board 2/20/18

By Senator Stewart

13-01011-18

20181014

1 A bill to be entitled

2 An act relating to recyclable materials; amending s.  
3 403.7033, F.S.; deleting a preemption of local law  
4 relating to regulation of auxiliary containers,  
5 wrappings, or disposable plastic bags; providing an  
6 effective date.

7  
8 Be It Enacted by the Legislature of the State of Florida:

9  
10 Section 1. Section 403.7033, Florida Statutes, is amended  
11 to read:

12 403.7033 Departmental analysis of particular recyclable  
13 materials.—The Legislature finds that prudent regulation of  
14 recyclable materials is crucial to the ongoing welfare of  
15 Florida's ecology and economy. As such, the Department of  
16 Environmental Protection shall undertake an analysis of the need  
17 for new or different regulation of auxiliary containers,  
18 wrappings, or disposable plastic bags used by consumers to carry  
19 products from retail establishments. The analysis shall include  
20 input from state and local government agencies, stakeholders,  
21 private businesses, and citizens, and shall evaluate the  
22 efficacy and necessity of both statewide and local regulation of  
23 these materials. To ensure consistent and effective  
24 implementation, the department shall submit a report with  
25 conclusions and recommendations to the Legislature no later than  
26 February 1, 2010. ~~Until such time that the Legislature adopts~~  
27 ~~the recommendations of the department, no local government,~~  
28 ~~local governmental agency, or state government agency may enact~~  
29 ~~any rule, regulation, or ordinance regarding use, disposition,~~

13-01011-18

20181014

30 ~~sale, prohibition, restriction, or tax of such auxiliary~~  
31 ~~containers, wrappings, or disposable plastic bags.~~

32 Section 2. This act shall take effect July 1, 2018.

1                   A bill to be entitled  
 2       An act relating to auxiliary containers, wrappings,  
 3       and disposable plastic bags used by retail  
 4       establishments; amending s. 403.7033, F.S.; removing  
 5       the state preemption on the regulation of certain  
 6       auxiliary containers, wrappings, and disposable  
 7       plastic bags; providing an effective date.  
 8

9       Be It Enacted by the Legislature of the State of Florida:  
 10

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 22       private businesses, and citizens, and shall evaluate the  
 23       efficacy and necessity of both statewide and local regulation of  
 24       these materials. To ensure consistent and effective  
 25       implementation, the department shall submit a report with

HB 6039

2018

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