



CITY OF DELRAY BEACH

CITY MANAGER'S OFFICE

100 N.W. 1ST AVENUE • DELRAY BEACH • FLORIDA 33444 • (561) 243-7015



MEMORANDUM

TO:

FROM:

DATE:

SUBJECT: Polystyrene and Plastic Regulations

At the August 20, 2020 Green Implementation Advancement Board meeting, several plastic-related issues were on the agenda. Reducing the use of plastic materials requires different approaches, as Florida Statute restricts local government from regulating many of these materials. Out of this discussion came a unanimous motion to recommend that the City Commission communicate, by resolution or letter, to the Governor and Florida Legislature a request for action on two issues.

First, the GIAB believes that a response from the Florida Legislature regarding the FDEP Retail Bags Report, February 1, 2010, is long overdue. The Commission should request that the legislature adopt the recommendations of the FDEP Retail Bags Report, as described in 403.7033 F.S. Continued inaction is not an acceptable way to address the harm caused by plastics being released into the environment.

Second, the State of Florida preemption that prevents local regulation of polystyrene containers, should be revisited by the legislature. Considering that the FDEP Retail Bags Report does not address polystyrene, there is no reason for the State of Florida to continue to preempt local regulation of this material on local government-owned property. The GIAB recommends that the City specifically request a minor revision to Chapter 500.90 F.S., adding language to clearly state the original intent of this statute. The revision would add language stating that 500.90 F.S. is not subject to the restrictions described in 403.7033 F.S. and/or 403.708(9) F.S.

It is widely understood that plastic materials are reaching Florida waterways in unacceptable quantities. These plastic materials contribute to water quality degradation, damage to coastal habitats, and increased use of tax dollars to operate stormwater and wastewater infrastructure. It has been asserted by the State of Florida, that protecting coastal habitats is a high priority. GIAB recommends that the letter from the City Commission, ask for this issue to be addressed, consistent with the environmental priorities that have been voiced by the Governor.

In association with the letter to the Governor and Florida Legislature, GIAB advises that outreach to City residents, other municipal partners, and media outlets should be undertaken, to bring more attention to this easily remedied situation.

In addition, at the August 20, 2020 GIAB meeting, the members requested that the Commission advise staff to develop language for use in future City contracts addressing polystyrene. The language would provide a “no polystyrene” clause, that could be negotiated on a case by case basis.