MIAMIBEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner David Suarez
DATE: January 31, 2024

SUBJECT: REFERRAL TO THE FINANCE AND ECONOMIC RESILIENCY COMMITTEE TO CONSIDER INCORPORATING A PROHIBITION ON PLASTIC UTENSILS IN CITY'S OUTDOOR DINING CONTRACTS AND RESTAURANT LEASES, AND DEVISE INCENTIVES FOR ESTABLISHMENTS TO ADOPT THE "SKIP THE STUFF" INITIATIVES SIMILAR TO OTHER JURISDICTIONS.

BACKGROUND/HISTORY

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? __ Yes _X_ No

If so, specify name of lobbyist(s) and principal(s): N/A

ANALYSIS

I would like to refer a discussion to the Finance and Economic Resiliency Committee to consider incorporating a prohibition on plastic utensils in City's outdoor dining contracts and restaurant leases, and devise incentives for establishments to adopt sustainable initiatives similar to other jurisdictions.

In January 2023, New York City Council voted on the "Skip the Stuff" legislation to decrease plastic waste in New York City. The legislation prohibits restaurants, third-party food delivery services, and courier services from providing eating utensils, napkins, condiment packets, and extra food and beverage containers to customers with their take-out and delivery orders, unless specifically requested.

However, under Florida state law, local municipalities are preempted from regulating the sale or use of polystyrene products, and plastic utensils are commonly composed of polystyrene. More generally, local municipalities are also preempted from regulating the operations of food service establishments.

Despite facing these limitations, here is an opportunity to integrate the "Skip the Stuff" initiative into our contractual agreements with sidewalk café operators and the City's restaurant tenants,

particularly those engaged in takeout and delivery services.
Additionally, we are not precluded from introducing incentives and awareness programs aimed at encouraging establishments to offer alternative options.

SUPPORTING SURVEY DATA

N/A

FINANCIAL INFORMATION

N/A

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?	**Does this item utilize G.O. Bond Funds?**
No	No

Legislative Tracking

Commissioner David Suarez