

10. DISCUSS STRENGTHENING THE CITY'S GREEN PROCUREMENT POLICIES WITH REGARD TO SINGLE-USE PLASTIC FOOD SERVICE ARTICLES AND ENCOURAGE THE USE OF ALTERNATIVES, AND CONSIDER GUIDELINES FOR THE CITY MANAGER TO NEGOTIATE, AS PART OF FUTURE CITY CONTRACTS, ADDITIONAL RESTRICTIONS ON THE USE OF SINGLE-USE PLASTICS AND COMMITMENTS TO USE ALTERNATIVE PRODUCTS.

Applicable Area:

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members

FROM: Eric Carpenter, City Manager

DATE: May 8, 2025

TITLE: DISCUSS STRENGTHENING THE CITY'S GREEN PROCUREMENT POLICIES WITH REGARD TO SINGLE-USE PLASTIC FOOD SERVICE ARTICLES AND ENCOURAGE THE USE OF ALTERNATIVES, AND CONSIDER GUIDELINES FOR THE CITY MANAGER TO NEGOTIATE, AS PART OF FUTURE CITY CONTRACTS, ADDITIONAL RESTRICTIONS ON THE USE OF SINGLE-USE PLASTICS AND COMMITMENTS TO USE ALTERNATIVE PRODUCTS.

RECOMMENDATION

The Administration recommends that the Land Use and Sustainability Committee (LUSC) discuss strengthening the City's green procurement policies and consider guidelines with regard to single-use plastic food service articles to encourage the use of alternatives to be included in future City contracts.

BACKGROUND/HISTORY

On December 11, 2024, the Mayor and City Commission (City Commission) approved item C4 K, a referral to the LUSC to discuss strengthening the City's green procurement policies with regard to single-use plastic food service articles to encourage the use of alternatives, and consider guidelines for the City Manager to negotiate, as part of future City contracts, and additional restrictions on the use of single-use plastics and commitments to use alternative products, sponsored by Commissioner Tanya Bhatt (Attachment A).

ANALYSIS

As part of its ongoing commitment to environmental sustainability, the Administration has explored ways to strengthen its green procurement policies to further reduce the use of single-use plastics. While the City has implemented various regulations aimed at limiting plastic waste, there are additional opportunities to reinforce sustainable purchasing practices across City operations. By integrating stronger guidelines into procurement processes, lease and concessionaire agreements, and special event policies, Miami Beach can enhance its leadership in plastic reduction and sustainability. Strengthening these policies will not only reduce plastic pollution but also support the City's broader goals of waste minimization, climate resilience, and environmental stewardship.

Plastic Regulations in Miami Beach

The City of Miami Beach recognizes the impacts of single-use plastics and has adopted ordinances to reduce the use of plastics in the City, including:

- Ordinance 2024-4590: Balloons prohibited at public marinas, marine facilities, parks and beaches.

- Ordinance 2022-4509: Smoking cigarettes in public parks or on public beaches is prohibited. Cigarette butts are by far the most common item polluting our parks, beaches and waterways and contain microplastics.
- Resolution 2019-31017: Limits on plastics at beachfront concessions. Requires all beachfront concessionaires to utilize 100% reusable wares, including tableware, serving dishes/containers, condiments, plates, bowls, hot and cold cups, and flatware. This does not apply for takeout.
- Ordinance 2019-4295: City-wide plastic straw and stirrer ban. Food service providers and stores are prohibited from selling, using, offering for sale or use, or providing beverages with single-use plastic beverage straws and single-use plastic stirrers.
- Ordinance 2017-4068: Extension of polystyrene ban. Unencapsulated expanded polystyrene floating docks, floating platforms, and buoys are prohibited to be used or placed in any of the waters and waterways citywide.
- Ordinance 2015-3962: City-wide polystyrene (Styrofoam) Ban. The sale and use of expanded polystyrene (also known as Styrofoam) is banned within the City and includes: parks, beaches, city-owned facilities, sidewalk cafes, special event permits, city marinas, unencapsulated docks, buoys, platforms, piers and boat ramps.

Regulatory Challenges

A significant challenge for local governments in Florida when regulating single-use plastics and foam is the existence of state preemption laws. For instance, Florida Statute 403.7033 prevents municipalities from enacting plastic bag regulations. To navigate this restriction, the City of Miami Beach has focused on strategies within its jurisdiction, such as incorporating single-use plastic bag bans into lease and concessionaire agreements with sidewalk café operators and City tenants.

Additionally, the City has prioritized voluntary plastic reduction initiatives, including the Plastic Free MB program and the "Skip the Stuff" policy, which encourages businesses to provide single-use items only upon customer request. These efforts empower businesses to reduce plastic waste while remaining compliant with state regulations, ultimately fostering a more sustainable and environmentally conscious community.

Municipal Strategies for Reducing Single-Use Plastics

Several municipalities in the region have taken proactive steps to reduce single-use plastics by implementing policies and regulations that limit their distribution. Miami-Dade County recently adopted a Resolution eliminating single-use plastics and expanded polystyrene foam at all county-owned facilities, including Miami International Airport, Port of Miami, and county offices.¹

The City of Coconut Creek enacted an ordinance that bans plastic straws and stirrers, prohibits foam containers on city property, mandates plastic food accessories be provided only upon request, and outlaws the intentional outdoor release of balloons, glitter, and plastic confetti.² This ordinance is part of the city's broader environmental initiative, which began with the 2020 "Pass Up Plastics" campaign.

Similarly, the City of Gainesville implemented a "Skip the Stuff/By Request Only" ordinance, requiring food service providers to offer single-use plastic accessories—such as utensils, condiment packets, and portion cups—only if requested by the customer or provided at a self-

¹ <https://www.miamidade.gov/govaction/matter.asp?matter=242197&file=false&fileAnalysis=false&yearFolder=Y2024>

² https://library.municode.com/fl/coconut_creek/ordinances/code_of_ordinances?nodeId=1322999

serve station. These initiatives demonstrate how municipalities are finding creative ways to curb plastic waste while working within regulatory constraints.³

Existing Green Procurement Policy

In addition to citywide regulations, the City of Miami Beach has implemented an internal Sustainable and Resilient Procurement Policy, commonly referred to as the Green Procurement Policy. This policy encourages the purchase and use of materials, products, and services that align with the City's fiscal, environmental, social, and performance goals. Since its adoption in September 2016, the Procurement Department has collaborated with the Environment & Sustainability Department to review all procurement bid documents and incorporate sustainability standards and requirements in City Contracts, as approved by the user department.

Key sustainability and resilience factors considered in procurement decisions include:

- Pollutant and toxin content;
- Impacts on air emissions and water pollution;
- Recyclability and recycled content;
- Waste generation and waste minimization;
- Energy consumption and energy efficiency;
- Greenhouse gas emissions;
- Robust design that is well-conceived, constructed, and managed;
- Redundancy to accommodate disruption due to extreme pressures, surges in demand, or an external event; and
- Integrated solutions that can catalyze additional benefits.

While the existing policy promotes sustainable procurement practices, further opportunities exist to strengthen efforts to reduce single-use plastics. It is important to note that many of these items are voluntary and not required by ordinance.

Procurement Process

The Procurement Department manages the acquisition of goods and services for all City departments above the formal threshold, ensuring compliance with applicable regulations. As part of this process, the Environment & Sustainability Department reviews all bid documents and provides recommendations based on the Green Procurement Policy. These recommendations vary depending on the type of products and services being procured.

While the Green Procurement Policy does not explicitly address single-use plastics, it prioritizes the purchase of:

- Remanufactured, recycled, or reusable products;
- Products with minimized packaging;
- Durable, long-lasting, reusable, and recyclable items that generate less waste; and
- Products with manufacturer or vendor take-back programs.

When applicable, the Environment & Sustainability Department recommends alternatives to single-use plastic products. However, these recommendations are subject to review by the managing department and may not always be included in the final bid document.

An effective strategy to strengthen efforts to reduce plastic waste would be to explicitly prohibit the purchase of single-use plastic products within specific product categories on upcoming and future bid opportunities involving single-use plastic products and presenting opportunities to integrate more sustainable alternatives into procurement contracts.

³ https://library.municode.com/fl/gainesville/ordinances/code_of_ordinances?nodeId=1156301

Examples Include:

- Emergency Catering;
- Golf Course Operation and Management;
- Food and Beverage Services for MBCC; and
- Management and Operation of Concession at South Pointe Park
- Beachfront Concessions

Departmental Purchases

For purchases that fall below the threshold requiring a formal bid, individual City departments have the discretion to procure necessary items independently. These purchases may include office supplies, materials for daily operations, or one-time items for special events. While the Green Procurement Policy encourages departments to follow sustainable procurement best practices, it currently provides only guidelines, not mandatory requirements. As a result, aside from existing City Code regulations, departments have no formal restrictions on purchasing single-use plastic products.

To further reduce plastic waste, department-specific recommendations for sustainable alternatives could be developed that could help guide purchasing decisions. As part of its ongoing efforts to enhance sustainable procurement, the Environment & Sustainability Department has developed educational materials and a workshop series for City departments. These initiatives aim to increase awareness of best practices and provide practical guidance for integrating sustainability into departmental purchasing decisions.

Leases and concessionaire agreements

The City of Miami Beach has jurisdiction over municipally owned facilities and concessionaire agreements, providing an opportunity to implement additional regulations that reduce single-use plastics. The Asset Management Division of the Facilities and Fleet Management Department oversees a portfolio of more than 388 parcels and manages over 160 concessions and lease agreements. All properties within Miami Beach must comply with the City Code, which includes existing regulations on plastic reduction.

Sidewalk Cafés

As part of the City's sustainability efforts, sidewalk cafés are prohibited from providing plastic bags to patrons, a requirement outlined in their lease/concessionaire agreements. Expanding these agreements to include further restrictions on single-use plastics could be a key strategy for reducing plastic waste at municipally owned facilities.

Special Events at Municipally Owned Facilities

Another opportunity for strengthening plastic reduction efforts lies in special events hosted on City property. The Tourism and Culture Department's Special Events Office oversees various event permits, all of which require compliance with the City Code, including prohibitions on single-use plastic straws, stirrers, and Styrofoam. To further minimize plastic waste at special events, the City could explore additional permit requirements or adopt a new ordinance that explicitly bans specific single-use plastic items at permitted events.

Impacts of Plastic Pollution

Plastic pollution has emerged as a pressing environmental issue, affecting ecosystems, wildlife, and human health. The International Union for Conservation of Nature (IUCN) estimates that up to 14 million tons of plastic enter the oceans yearly, making up as much as 80% of all marine debris. Plastic pollution affects over 800 species through entanglement, habitat disruption, and

ingestion, which can lead to internal blockages, starvation, and death. As plastic pollution passes through our environment, its impact stretches beyond wildlife and ecosystems, extending even into human consumption. Microplastics have been found in human food and water sources, with unknown long-term health effects.

Furthermore, single-use plastics are wasteful. The restaurant industry in the United States spends \$19 billion annually on plastic utensils, with a significant portion ending up unused. Reducing plastic pollution in Miami Beach isn't just about keeping the shores beautiful; it offers significant environmental, economic, and social benefits:

- **Plastic Pollution Minimization:** Single-use plastics degrade into microplastics, harming marine life and contaminating the human food chain. Limiting single-use plastics reduces the proliferation of plastics in our environment.
- **Waste Reduction:** Cities adopting policies to limit plastics have successfully decreased waste.
- **Decreased Greenhouse Gas Emissions:** Plastic production and disposal contribute heavily to emissions; reducing demand combats climate change.
- **Cost Savings for Businesses:** Limiting the distribution of single-use plastics by only providing them upon request can lead to cost savings.
- **Impacting Consumer Behavior:** Many consumers choose not to use single-use plastic items when given an option, suggesting that much of this waste is avoidable. Having consumers opt-in to receiving single-use items can lead to a more conscientious consumption pattern that aligns with broader environmental values.

Addressing single-use plastic pollution is critical in advancing Miami Beach's commitment to environmental sustainability. While the City has already implemented progressive regulations to reduce plastic waste, further opportunities exist to strengthen its practices. By explicitly prohibiting single-use plastic purchases, expanding restrictions within lease and concessionaire agreements, and enhancing regulations for special events, the City can reinforce its leadership in sustainability. Additionally, increased education and outreach efforts will ensure that City departments and local businesses are equipped with the necessary resources to adopt sustainable alternatives.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate? (FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on .

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

CONCLUSION

The foregoing is presented to the members of the Land Use and Sustainability Committee for discussion.

Applicable Area

Citywide

<u>Is this a “Residents Right to Know” item, pursuant to City Code Section 2-17?</u>	<u>Is this item related to a G.O. Bond Project?</u>
Yes	No

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

If so, specify the name of lobbyist(s) and principal(s):

Department

Procurement

Sponsor(s)

Commissioner Tanya K. Bhatt

Co-sponsor(s)

Condensed Title

Green Procurement Policies with Regard to Single-use Plastic Food Service Articles.

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Commissioner Tanya K. Bhatt

DATE: December 11, 2024

TITLE: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE TO DISCUSS STRENGTHENING THE CITY'S GREEN PROCUREMENT POLICIES WITH REGARD TO SINGLE-USE PLASTIC FOOD SERVICE ARTICLES AND ENCOURAGE THE USE OF ALTERNATIVES, AND CONSIDER GUIDELINES FOR THE CITY MANAGER TO NEGOTIATE, AS PART OF FUTURE CITY CONTRACTS, ADDITIONAL RESTRICTIONS ON THE USE OF SINGLE-USE PLASTICS AND COMMITMENTS TO USE ALTERNATIVE PRODUCTS.

RECOMMENDATION

BACKGROUND/HISTORY

Please place the above item on the December 11, 2024 City Commission meeting agenda as a referral to the Land Use and Sustainability Committee ("LUSC").

The City currently has robust regulations pertaining to the sale and use of single-use plastics including expanded polystyrene food service articles (also known as "Styrofoam"), single-use plastic beverage straws, and single-use plastic stirrers. These rules apply to City facilities and properties; City vendors and special event permittees; and food service providers and retail stores located in Miami Beach. Additionally, pursuant to the City's sidewalk café concession agreements, plastic bags cannot be provided by sidewalk café concessionaires.

Through the City's #PlasticFreeMB program, the City provides guidance and recognizes businesses that have taken action to reduce plastics and implement best practices in the area of environmental stewardship. As part of #PlasticFreeMB, the City encourages and recognizes businesses that adopt alternatives to single-use plastic food service articles.

Earlier this year, the Finance and Economic Resiliency Committee recommended incorporating "Skip the Stuff" in the City's outdoor dining concession agreement and food-service related leases, as well the #PlasticFreeMB program.

The purpose of this referral is to study how to strengthen the City's green procurement policies to reduce the use of single-use plastics, and encourage the use of alternative products in City purchasing. I would also like the LUSC to consider guidelines for the City Manager to negotiate, as part of future City contracts, additional restrictions on the use of single-use plastics and commitments to use alternative products.

ANALYSIS

FISCAL IMPACT STATEMENT

n/a

Does this Ordinance require a Business Impact Estimate? (FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

CONCLUSION

Applicable Area

Citywide

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Yes

Is this item related to a G.O. Bond Project?

No

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If so, specify the name of lobbyist(s) and principal(s):

Department

Office of Commissioner Tanya K. Bhatt

Sponsor(s)

Commissioner Tanya K. Bhatt

Co-sponsor(s)

Condensed Title

Ref: LUSC - Green Procurement and Single-use Plastics. (Bhatt)