



TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE -
SUBJECT TO
REVISION

ORDINANCES, RULES AND STANDARDS COMMITTEE MEETING

AGENDA

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

Thursday, December 8, 2016
9:30AM

- I. CALL TO ORDER AND ROLL CALL
Bobbie Lindsay, Chair
Danielle H. Moore, Committee Member
- II. APPROVAL OF AGENDA
- III. COMMUNICATIONS FROM CITIZENS
- IV. REGULAR AGENDA
 - A. Old Business
 1. None
 - B. New Business
 1. Potential Amendment of Town Code, Relative to Advertising Signage on Vehicles (*Ben Alma, Code Enforcement Manager*)
 2. Consideration of Banning Balloons Near Beaches and Single-Use Plastic Bags (*Jay Boodheshwar, Deputy Town Manager*) 10:00AM TIME CERTAIN
- V. ANY OTHER MATTERS
- VI. ADJOURNMENT

PLEASE TAKE NOTE:

The progress of this meeting may be monitored by visiting the Town's website (www.townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.

Disabled persons who need an accommodation in order to participate in the meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.

Memorandum

To: Bobbie Lindsay, Chair, Ordinances, Rules and Standards Committee
Danielle H. Moore, Committee Member, Ordinances, Rules and Standards Committee

From: Jay Boodheshwar, Deputy Town Manager

Cc: Thomas G. Bradford, Town Manager; Department Directors; Veronica Close, Assistant Director of Planning, Building and Zoning; Nicholas Caristo, Police Captain; Bill Bucklew, Building Official; Paul Castro, Zoning Administrator; Ben Alma, Code Enforcement Manager; Susan Owens, Town Clerk; John C. Randolph, Town Attorney

Date: 12/4/2016

Re: Agenda Items for the December 8, 2016, ORS Meeting

This memorandum and its attachments serve as the backup material associated with the agenda for your ORS meeting on December 8, 2016, at 9:30am. Below is the list of agenda items and related exhibits, which provides background information for each matter.

Old Business

1. None

There are no carry-over items scheduled for consideration at the December 8 ORS meeting. The following items are tentatively scheduled to be discussed at the upcoming ORS meetings:

January 12, 2017

1. Regulation of Vehicles for Hires, Including Internet-Based Ride Sharing Programs
2. Potential Ban on Leaf Blowers
3. Review Potential Designation of Mooring and Anchoring Areas within the Jurisdictional Boundaries of the Town

February 2, 2017

1. Regulation of Shark Fishing
2. Review of Drone Ordinance for Conflicts with New FAA Regulations and Permitting Requirements
3. Potential Amendment of Town Code, Relative Charitable Solicitation Permits

New Business

1. Potential Amendment of Town Code, Relative to Advertising Signage on Vehicles *(Ben Alma, Code Enforcement Manager)*

Mr. Alma will present concerns, relative to the lack of language in the Town Code to prohibit vehicles to be used specifically to advertise for businesses located on and off the island, as well as potential language that could correct same. Please see Exhibit A for details regarding this item.

2. Consideration of Banning Balloons Near Beaches and Single-Use Plastic Bags *(Jay Boodheshwar, Deputy Town Manager) 10:00AM TIME CERTAIN*

Under the supervision and guidance of Ms. Sarah Kemeness of the Palm Beach Day Academy, 9th grade student Gray Foster took on the challenge of researching the effects of balloons and single use plastic bags on the environment, especially in coastal communities. Mr. Gray will present his research findings and make recommendations to the ORS Committee. Staff will also present ordinance samples from nearby communities who have recently implemented bans on outdoor balloon use. A 10:00AM time certain has been set for this item. Please see Exhibit B for details regarding this item.

Attachments

TOWN OF PALM BEACH

Information for ORS Committee Meeting on: December 08, 2016

To: Ordinances, Rules and Standards Committee

Via: Jay Boodheshwar, Deputy Town Manager

From: Benjamin Alma, Code Enforcement Manger

Re: Potential Amendment of Town Code, Relative to Advertising Signage on Vehicles

Date: December 2, 2016

STAFF RECOMMENDATION

Staff requests the Ordinance, Rules and Standards (ORS) Committee of the Town Council to recommend the Town Council adopt an Ordinance in Chapter 106 – Streets, Sidewalks and Other Public Places to regulate vehicle signs (including trailers), when they are used for advertising purposes at a given location, in addition to or in lieu of permitted signs. Specifically, panels of any material that are added to any portion of a vehicle which extends from, or adds to, the original vehicle body.

GENERAL INFORMATION

It came to the attention of the Police Department that over a span of several days on Memorial Day weekend, a pick-up truck displayed huge advertising signs, mounted on its bed, was parked along 300 block of South Ocean Blvd. (see attached photo). It should be noted the individual paid the meters during the time parked. These signs were displayed in an effort to advertise for a business located in the Town of Palm Beach.

Currently there is no provision in the Town's Code of Ordinances prohibiting vehicle signs (including trailers), when they are used for advertising purposes at a given location(s) or site(s). In researching municipalities which have such ordinances, the City of Port Saint Lucie has previously adopted an ordinance, which addresses same (see attached). If ORS agrees to recommend an ordinance be adopted by Town Council to address staff concerns, a fine should be established for violations in a companion ordinance.

Please note that this request is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during the normal hours of business. Painted and magnetic signs applied flush to commercial vehicles which identifies the business owner or lessees would remain permitted.

cc: Kirk W. Blouin, Director of Public Safety
John Page, Director of Planning, Zoning and Building

EXHIBIT A



A white Ford pickup truck is parked on a street. In the bed of the truck is a large, rectangular sign with black text. The sign lists various food items and services. The truck has 'FX4' written on its side. In the background, there are palm trees and a clear sky. A person's arm is visible on the right side of the frame.

ICE CREAM SMOOTHIES SHAKES
JUICE STATION WRAPS SANDWICHES
SALADS HAMBURGERS HOT DOGS
AND MUCH MORE... FULL MENU AT
SWEETSPOTPB.COM
WE DELIVER, EVEN TO THE BEACH!
561.408.2120
LOCATED ONE BLOCK FROM HERE

Sec. 155.05. - Prohibited Signs.

The following signs are prohibited on the effective date of this chapter. Such signs have been found to violate the purpose, intent, and specific provisions of this chapter.

- (A) A sign which falsely simulates emergency vehicles, traffic control devices, or official public signs.
- (B) Snipe sign, "stick-in" sign in landscaping, sandwich sign and add-on sign unless specifically allowed under another subsection in this chapter.
- (C) A sign found by the Building Department to be structurally unsafe or a hazard to public safety or welfare, including signs creating a fire hazard.
- (D) A sign obstructing any motorist's view of a street or intersection.
- (E) Any abandoned sign.
- (F) A series of two (2) or more freestanding signs which must be read together to obtain a single message.
- (G) Flashing sign except for public signs, changeable copy signs and variable message boards permitted in this chapter.
- (H) Animated sign, to include any moveable attachments such as, but not limited to, balloons, discs, streamers and any other similar action type eye catchers. This shall not include public signs, changeable copy signs, or variable message boards.
- (I) A sign which obstructs any fire escape, any window, or door or other opening used as a means of ingress or egress so as to prevent free passage of persons.
- (J) Any sign which interferes with openings required for ventilation.
- (K) Trailer sign.
- (L) Off-premises sign, except as provided for in subsection 155.07.
- (M) Any temporary sign in violation of this chapter.
- (N) Banners and flags that do not meet the special requirements of this chapter.
- (O) Vehicle signs when used for advertising purposes at a given location or site in addition to or in lieu of a sign permitted under this chapter. Specifically, panels of any material added to any portion of a vehicle which extends from, attaches to or adds to the original vehicle body. Painted and magnetic signs applied flush to commercial vehicles which identify the business owner or lessee are allowed and exempt.
- (P) Roof Sign (excepting allowable mansard roof signs and religious symbols approved as an integral part of the site plan for a steeple or other similar structural component of a place of worship).
- (Q) Projecting sign. (See subsection 155.08 for exceptions to this type sign).
- (R) Any sign placed without a permit after the effective date of the ordinance from which this chapter is derived when a permit is required.
- (S) A sign in violation of subsection 155.06. If a sign is prohibited and the sign is a type that can be brought into conformance with this chapter, the owner or lessee of the sign can elect to bring the sign into conformity rather than remove the sign.
- (T) Portable sign, except as specifically authorized in this chapter.
- (U) Portable toilet or trash receptacle signs advertising any business other than the provider of the toilet or receptacle.
- (V) Any sign placed or erected on or over any city property road right-of-way or in or on the median, except as specifically authorized in this chapter.
- (W) A sign that displays any lewd, lascivious, obscene, indecent, or immoral written or graphic message.
- (X) Bench sign.
- (Y) Tethered inflatable sign (Balloon) except in conjunction with a special event permit.
- (Z) Any sign placed in the required site landscaping areas or attached to any tree, shrub or plantings advertising any business, product or service located on the site.
- (AA) Signs attached to or placed upon any utility pole, street light, sidewalk curb, fire hydrant, bridge or any other public property, including the swale area, median or public right-of-way, unless specifically authorized herein.
- (BB) Posters or other advertising signs placed on buildings, added to freestanding signs or placed on poles, dumpsters, gas pumps and islands or stacks of product stored outside buildings. (Not permitted by code.)
- (CC) Permanent "come-on" sign (Sale Today!).
- (DD) Billboards (except as shown in subsection 155.08 of the sign code).

(Ord. No. 10-08, § 1(Exh. A), 3-8-10; Ord. No. 12-14, § 1, 4-9-12; Ord. No. 15-81, § 1, 11-9-15)

TOWN OF PALM BEACH

Information for ORS Committee Meeting on: December 8, 2016

To: Ordinances, Rules & Standards Committee

From: Jay Boodheshwar, Deputy Town Manager

Re: Consideration of Banning Balloons Near Beaches and Single-Use Plastic Bags

Date: December 4, 2016

STAFF RECOMMENDATION

Staff requests ORS review the attached report by Day Academy student, Gray Foster, as well as the material provided by staff and provide direction relative to a potential ban on the outdoor use of balloons and guidance regarding options for addressing concerns with single-use plastic bags.

GENERAL INFORMATION

Earlier this fall staff presented a proposal to the Palm Beach Day Academy to research the effects of balloons and single-use plastic bags on the environment, especially in coastal communities. Under the supervision and guidance of Ms. Sarah Kemeness of the Palm Beach Day Academy, 9th grade student Gray Foster took on the challenge and will present his research findings and make recommendations to the ORS Committee.

Staff has also provided information from other coastal communities (including sample ordinances) that have recently considered banning outdoor use of balloons in response to a call for action by the Loggerhead Marinelife Center. Examples of communities that have banned outdoor use of balloons include: Dania Beach, Juno Beach, Jupiter, Lake Worth, Hallandale Beach, Hillsboro Beach, Hollywood, Miami Lakes, South Palm Beach, Surfside, Palm Beach County, Martin County, and Miami-Dade County.

Attachments

cc: Gray Foster, Palm Beach Day Academy
Sarah Kemeness, Palm Beach Day Academy

Gray E. Foster

162 Dolphin Road
Palm Beach, Florida 33480
561-758-1571
grayefoster@gmail.com

November 28, 2016

Mr. Jay Boodheshwar
Deputy Town Manager, Town of Palm Beach
360 South County Road
Palm Beach, Florida 33480

Dear Mr. Boodheshwar,

Enclosed you will find my written report in response to the Research Project Proposal issued by the Town of Palm Beach Ordinances, Rules and Standards Committee. As you will see, I am passionate about the issue and sincerely hope to convince the town to move forward it.

As I began to work on this, I found that the issues are much more complicated than I originally thought, so I needed help putting together the final paper both with background research and with organizing my ideas into a readable paper for the committee. I am very grateful to my Aunt, India Foster and to the Surfrider Foundation for help in these areas and to my parents for help in proof-reading and digital formatting. I would also like to thank Ms. Sarah Kemeness for trusting me with this project and supporting PBDA's efforts on the environment.

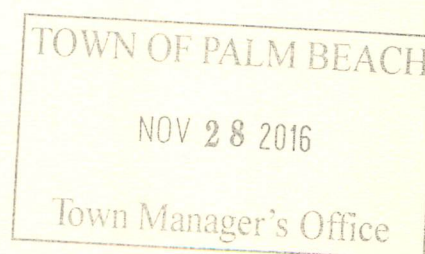
I look forward to presenting the findings and recommendations from this paper to the Committee on December 8 at 10:00 A.M. On behalf of Palm Beach Day Academy, thank you for this opportunity and for your consideration of this important issue.

Sincerely yours,

Gray Foster, 9th Grade
Palm Beach Day Academy

Enclosures: Written report
USB Device

cc: Sarah Kemeness
Mayor Gail Coniglio



Plastic Bags and Outdoor-Use of Balloons and Their Effect on The Town of Palm Beach



By: Gray E. Foster

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Palm Beach is probably the most famous coastal town in Florida, known for its beautiful homes and pristine beaches, but like every coastal community our incredible lifestyle comes with a responsibility to our ocean. One of the greatest threats to our oceans and its creatures is plastic bags and balloons. It is estimated that Americans use around 100 billion plastic bags per year. Efforts have been made to recycle these bags over the years, but studies show that less than 12% are recycled.¹ The rest are clogging our landfills and storm sewers, littering our beaches, floating in our oceans, choking and poisoning our marine life. Palm Beach has a chance to stand up as a coastal community against the degradation of our beaches and attempt to reduce the plastic bag and balloon problem here on our island.

Many would agree that the beautiful Atlantic Ocean right at our doorstep is what makes Palm Beach so beautiful and unique. It is no longer a secret that plastic is destroying our oceans around the world. Enormous garbage patches have been found in the Oceans. There is a plastic garbage gyre in the Pacific Ocean that is twice as big as Texas and now similar large gyres are growing in the Atlantic and Indian Oceans.² Marine creatures from sea turtles to sperm whales have been found with bellies full of plastic. It can no longer be denied that plastic in our ocean is a

¹ Earth Policy Institute, See Appendix A

² K. Lavender Law, S. Morét-Ferguson, N. A. Maximenko, G. Proskurowski, E. E. Peacock, J. Hafner, and C. M. Reddy, Plastic accumulation in the North Atlantic subtropical gyre. *Science* 329, 1185-1188 (2010). doi:10.1126/science.1192321.

huge problem. It is the students of today who will suffer the greatest effects from this and who care the most and are willing to do the most. Beach clean-ups in Palm Beach are well attended by PBDA students because of how much we care about this issue.

On an average day of beach clean-up, plastic bags and balloons are only a small part of the litter we accumulate, but about 90% of what we pick up is made of plastic. We also pick up a small amount of fishing tackle. Of the items that most damage marine life, fishing tackle, balloons, and plastic bags are the worst and much of the bag damage is still unseen as plastic bags degrade into tiny particles that are ingested by the tiniest organisms and filter up the food chain.³ The chemicals from plastic bags are considered toxic and they are entering the food supply through the seafood we eat.

After one use, retail plastic bags usually become: unsightly litter, a nuisance to our town crews, dangerous to our marine life and toxic to our environment and Palm Beach needs to take a stand on the issue. The release of balloons is simply purposeful littering and should not be tolerated either.

There are several ways to regulate plastic bags and outdoor-use balloons, usually through city ordinances in the United States. Some states have even enacted regulations to address this scourge and, not surprisingly, most of those are coastal

³ NOAA Microplastics Fact Sheet- Appendix B

regions.⁴ Unfortunately, there is a plastic bag lobby effort and along with the petroleum industry lobby, they have convinced some states to enact a ban on banning plastic bags. In 2008 Florida joined Arizona, Missouri and Idaho in enacting legislation that effectively bars local government from passing any regulations or ordinances regarding plastic bags. Please don't stop reading here, we *can* take action.

The 2008 Florida statute, FL 403.7033, asked for a report and input from state and local agencies and said until they adopt the recommendations in the report, no rules regarding plastic bags can be enacted by any local governments.⁵ In 2010 an extensive report was submitted to the legislature by the Florida Department of Environmental Protection outlining the damage being done and making a strong case for regulations on plastic bags.⁶ This report is very thorough and details the pros and cons of different regulations and what has been done in other states. Since the DEP submitted its report, several attempts have been made by Florida lawmakers to deal with the issue.⁷ All bills addressing plastic bags have died in committees because there are some special interests fighting to protect the profits on plastic bags.⁸ The slick talking points of the pro-plastic bag lobby are not

⁴ National Conference of State Legislatures Report- Appendix C

⁵ Florida Statute- Appendix D

⁶ Retail Bags Report For The Legislature Pages 1-21 -Appendix E, *Please note the entire report consists of 57 pages.* To see the document in its entirety go to: http://www.dep.state.fl.us/waste/quick_topics/publications/shw/recycling/retailbags/Retail-Bag-Report_01Feb10.pdf

⁷ 2015 Proposed legislation to allow small municipalities to regulate plastic bags, This bill died in committee in March 2016- Appendix F

⁸ TCPalm Article- Appendix G

convincing when we have a front-row seat to the damage they do here in our own town. The young people of Palm Beach are counting on adults to do anything they can to preserve the beauty and quality of life here in our hometown and to follow through with the responsibilities we are reminded of each time we admire the Atlantic Ocean that makes our lives here so unique.

So what can we do? We can follow the example of other towns and counties who acknowledge the detrimental effects plastic bags are having on their way of life. In the past few years there has been a push by small coastal communities tired of the trash, dead animals, and clogged storm sewers to take a stand. The most effective argument from the pro-bag lobbying effort has been that banning the bags will be expensive for stores and consumers and could cause job losses at Florida plastic bag manufacturing sites. In a small, affluent beach town like Palm Beach, our own interests far outweigh those arguments and like our neighboring towns, we must at least try to solve this problem. A resolution by the Town of Palm Beach sent to the Florida Legislature is the most effective way we can address this issue for the time being. More than twenty-four of our neighboring coastal towns have enacted resolutions in support of being able to regulate single-use plastic bags and Palm Beach should join them as soon as possible.⁹ Some of these resolutions are general support for the repeal of FL 403.7033 and some support specific legislation that has been introduced.¹⁰

⁹ A partial list is included at the end of Appendix H

¹⁰ Resolutions: Miami-Dade County Commissioners, City of Miami Beach, Monroe County, Village of Pinecrest- Appendix H

With regard to the outdoor use or release of balloons, Florida has a statute addressing the release of balloons that effectively prohibits the act of releasing them into the atmosphere. FL 379.233 provides for a \$250 fine for violation of this statute and also allows for a way to stop planned balloon releases in court.¹¹ The Town of Palm Beach can go a step further on balloons by enacting an ordinance on the issue which would provide better clarity for our citizens and our law enforcement personnel. Several of our neighboring communities have done so and a sample ordinance is provided.¹²

In addition to taking a stand with the Florida legislature, we can work directly with local businesses to effect change in our town. The time it takes for Palm Beach to be able to regulate plastic bags could leave thousands of bags in our precious environment so we would like to continue the PBDA effort to educate our community about single-use plastic bags and outdoor-use balloons. We want to establish achievable goals for the future, seeking cleaner, safer beaches and a brighter future for our oceans.

Palm Beach *can* take a stand against the plastic bags and balloons clogging our storm sewers, stuck in trees, floating in the waterways, killing our marine life, littering our beaches and poisoning our ocean. There is a movement across the world, across the nation and especially in oceanside communities that recognizes the horrible damage plastics are doing to our ocean. PBDA students and many

¹¹ FL Statute 379.233- Appendix J

¹² City of South Miami “Balloon Regulations”- Appendix K

adults pick up mounds of garbage from our beaches to keep them beautiful, but plastic bags are doing damage beyond our efforts as they break apart to microscopic sizes and become dangerous to us all. Please help us in our commitment to our town and our world as we continue in this vital effort.

We respectfully ask the Members of the Town Council Ordinances, Rules and Standards Committee to adopt a *resolution* supporting rules against single use plastic bags and an *ordinance* regarding balloon releases.

Respectfully Submitted,

Gray E. Foster
9th Grade, Palm Beach Day Academy

162 Dolphin Road
Palm Beach, FL 33480

241 Seaview Avenue
Palm Beach, FL 33480

Contributor:
India R. Foster
Alumna, Palm Beach Day School
64 Via Mizner
Palm Beach, FL 33480

Appendix A

Plastic Bags Fact Sheet

October 16, 2014

Worldwide, a trillion single-use plastic bags are used each year, nearly 2 million each minute.

The amount of energy required to make 12 plastic shopping bags could drive a car for a mile.

City, state, and national governments around the world are trying to limit plastic bag litter and waste with bans and fees.

The oldest existing plastic bag tax is in Denmark, passed in 1993. Danes use very few light-weight single-use plastic bags: about 4 per person each year.

At least 16 African countries have announced bans on certain types of plastic bags, to varying levels of effectiveness. Before a ban on thin bags—which tear readily and get caught by the wind—went into effect in 2003, plastic bags were christened South Africa’s “national flower” because of their prevalence in bushes and trees. Thicker bags are taxed.



Many European countries tax plastic bags or ban free distribution. The EU Parliament is discussing measures that could require member states to cut plastic bag use by 80 percent by 2019. A memo on the proposal noted that “plastic bags have been found in stomachs of several endangered marine species,” including various turtles and porpoises, and 94 percent of North Sea birds.

The provinces of Ontario and Quebec have each halved their plastic bag use through a variety of measures, including store incentives for using reusable bags and retailer-imposed fees.

Livestock choking on plastic bags—from camels in the United Arab Emirates to sheep in Mauritania and cattle in India and Texas—have led communities to consider regulation.

Currently 100 billion plastic bags pass through the hands of U.S. consumers every year—almost one bag per person each day. Laid end-to-end, they could circle the equator 1,330 times.

Over 150 U.S. cities and counties ban or require fees for plastic bags. California passed the first statewide ban in 2014, though Hawaii had a de facto ban through county ordinances. Over 49 million Americans live in communities that have passed plastic bag bans or fees.

U.S. cities with bag bans include San Francisco (as of 2007), Portland (2011), Seattle (2012), Austin (2013), Los Angeles (2014), Dallas (to begin in 2015), and Chicago (2015).

The plastics industry has spent millions of dollars to challenge plastic bag ordinances.

Washington, D.C., was the first U.S. city to require food and alcohol retailers to charge customers 5¢ for each plastic or paper bag. Proceeds are shared between stores and environmental clean-ups.

A [timeline](#) tracing the history of the plastic bag and examples of plastic bag ordinances from the [United States](#) and [around the world](#) are at www.earth-policy.org.

Appendix B

Microplastic Marine Debris



Microplastics from Chesapeake Bay Surface Water Samples (Photo Credit: Will Parson Chesapeake Bay Program)

What are microplastics?

Particles in the size range 1 nanometer to < 5 mm.

Types of Microplastics

Primary microplastics are manufactured as microbeads, capsules, fibers or pellets. Examples include microbeads used in cosmetics and personal care products, industrial scrubbers used for abrasive blast cleaning, microfibers used in textiles, and virgin resin pellets used in plastic manufacturing processes.

Secondary microplastics are the result of larger pieces of plastic breaking down into smaller pieces. This occurs when plastic debris is exposed to sunlight and the plastic begins to weather and fragment.

Impacts of Microplastics

Microplastics have been found in the stomachs of many marine organisms from plankton species to whales. Chemical additives can leach out of microplastics into the ocean; conversely, contaminants from the water may adhere to microplastics. There is ongoing research to determine whether these contaminants may transfer through the food chain.

NOAA Marine Debris Program Involvement

NOAA's Marine Debris Program (MDP) continues to support efforts to understand the impacts associated with microplastic debris. Our work includes gathering experts to assess the state of the science; funding research projects to determine distribution, abundance, and impacts of microplastic debris; and raising awareness through public education programs focusing on microplastic issues.

Workshops & Advisory Roles

NOAA's MDP and the University of Washington, Tacoma hosted two International Microplastic Workshops. Researchers met to standardize microplastic terminology, and identify data gaps and research needs that are currently being addressed.

- [2008 International Microplastic Workshop Proceedings](#)
- [2010 International Microplastic Workshop Proceedings](#)

NOAA sponsored and participated in the GESAMP 40 Working Group (Joint Group of Experts on the Scientific Aspects of Marine Environmental Pollution) which published the first global assessment regarding microplastics in the marine environment.

- [GESAMP 90 Reports and Studies](#)

Education

NOAA MDP has sponsored partners to create education and outreach materials that address the issue of micro- and macro- plastic debris. One such project is the [Microplastics Curriculum](#) from Project SORT (University of Georgia).



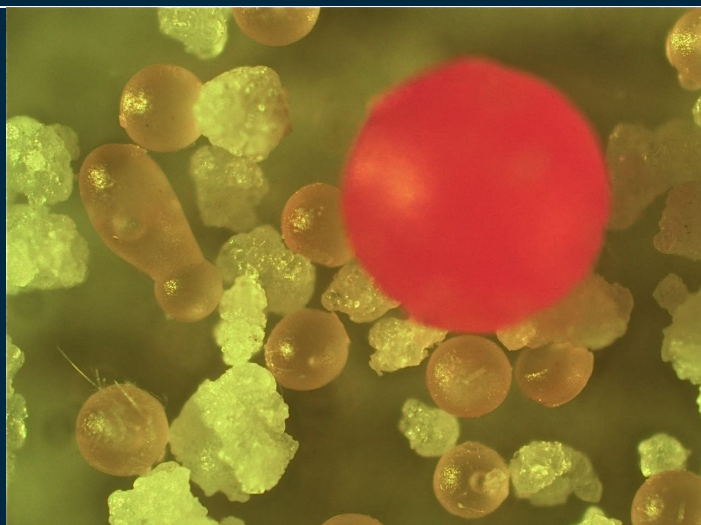
Microplastics Research Projects (funded by NOAA MDP)

Microplastic Consumption and Contamination

- Scientists at the Virginia Institute of Marine Science (VIMS) are investigating how environmental factors (e.g. temperature) affect chemical adherence to- and leaching from- microplastic debris.
- Researchers at the University of California, Davis are investigating whether microplastic debris is toxic to marine organisms and if toxic impacts can transfer up the food chain.
- Scientists at the Sea Education Association (SEA) and Helix Science, LLC are conducting experiments that address fundamental questions about the ability of zooplankton to ingest microplastic particles.
- Researchers from the University of Southern Mississippi are analyzing the gut contents of juvenile fish that inhabit floating sargassum mats in the Gulf of Mexico to determine if the fish are actively consuming microplastic debris.

Microplastic Distribution and Detection

- The National Park Service and Clemson University are collecting and analyzing beach sediments to assess the abundance and distribution of microplastics in U.S. National Parks.
- University of Washington researchers are measuring microplastic levels from archived plankton samples taken from the Gulf of Alaska to compare microplastic abundance at several locations across the Gulf over time.
- Researchers from the University of Washington, Tacoma created a [laboratory manual](#) describing step-by-step instructions for measuring microplastics in environmental samples.



Microbeads (Photo Credit: University of Washington, Tacoma)



Microplastics found in triggerfish stomach (Photo Credit: David M. Lawrence / Sea Education Association)



Educators Sorting Marine Debris in Georgia (Photo Credit: NOAA MDP)

Marine Debris



NOAA Marine Debris Program | Office of Response and Restoration | NOAA National Ocean Service

What We Know About: Plastic Marine Debris

<http://marinedebris.noaa.gov/info/plastic.html>

Introduction

One of the main types of marine debris that you hear about today is plastic marine debris. In many places, it is the main type of debris that you will see as you walk along a beach, though perhaps not underwater. As common as they are on our beaches and in our homes, how much do you really know about plastics?

What is plastic marine debris?

The word “plastic” is used to describe a collection of artificial or manmade chemical compounds that come in about as many shapes, sizes, and colors as you can imagine! For example, foam carry-out containers (made of polystyrene) and bottle caps (made of polypropylene) are items that would be considered plastic marine debris if found in our oceans or waterways.



Plastic bottle, such as those shown above, are some of the more common types of debris found on beaches in Hawaii.



One source of microplastics is through the fragmentation of larger pieces. Photo courtesy of NOAA Restoration Center.

Some common types of plastic:

Acronym	Full name	Common Example
PET (PETE)	Polyethylene terephthalate	soda bottles
PES	Polyester (yes, it's actually a plastic!)	polyester clothing
PE	Polyethylene	plastic bags
HDPE	High-density polyethylene	detergent bottles
PVC	Polyvinyl chloride	plumbing pipes
PP	Polypropylene	drinking straws
PA	Polyamide (aka nylon)	toothbrushes
PS	Polystyrene	take-out food containers

Why is plastic marine debris so common?

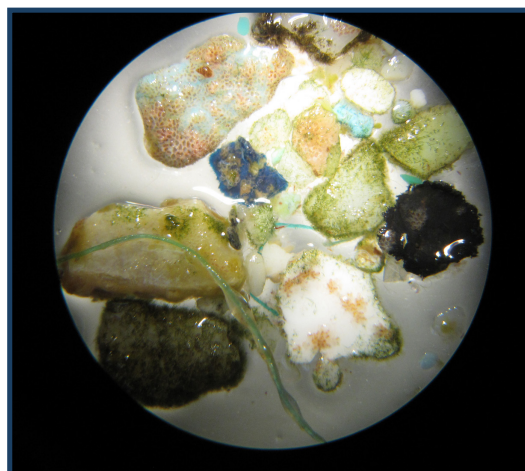
Plastics are used in many aspects of daily life, are a big part of our waste stream, and can last a long time. Many

plastics are colorful and will float in water, which makes plastic debris a very visible part of the marine debris problem. However, an accurate estimate does not yet exist for how much debris is composed of plastic materials.

Do plastics “go away”?

Plastics will **degrade** into small pieces until you can't see them anymore (so small you'd need a microscope or better!). Because the ocean is a cold, dark place, this process happens slower in water than on land. But, do plastics fully “go away?” Full degradation into carbon dioxide, water, and inorganic molecules is called **mineralization**. Most commonly used plastics *do not* mineralize (or go away) in the ocean and instead break down into smaller and smaller pieces. We call these pieces “microplastics” if they are less than 5mm long.

Bio-based and truly biodegradable plastics break down in a compost pile or landfill, but are generally not designed to degrade as quickly in the ocean.



Microplastics skimmed from the North Pacific Ocean.
Photo courtesy of J. Foley, C-MORE.

Can plastic marine debris harm fish?

Plastic has the potential to harm fish and other wildlife in two main ways.

Direct Impacts - Studies have shown that fish and other marine life do eat plastic. Plastics could cause irritation or damage to the digestive system. If plastics are kept in the gut instead of passing through, the fish could feel full (of plastic not food) and this could lead to malnutrition or starvation.

Indirect Impacts - Plastic debris accumulates pollutants such as PCBs (polychlorinated biphenyls) up to 100,000 to 1,000,000 times the levels found in seawater. PCBs, which were mainly used as coolant fluids, were banned in the U.S. in 1979 and internationally in 2001. It is still unclear whether these pollutants can seep from plastic debris into the organisms that happen to eat the debris and very difficult to determine the exact source of these pollutants as they can come from sources other than plastic debris. More research is needed to help better understand these areas.

What can we do?

- Get involved! Participate in local cleanups in your area.
- Remember that the land and sea, no matter where you are, are connected.
- Reduce the amount of waste you produce.
- Reuse items whenever possible. Choose reusable items over disposable ones.
- Recycle as much as possible. Bottles, cans, cell phones, ink cartridges, and many other items can be recycled.

For more information visit

www.MarineDebris.noaa.gov/info/plastic.html

Appendix C



State Plastic and Paper Bag Legislation

6/29/2016

Fees, Taxes and Bans | Recycling and Reuse

States continue to consider strategies to reduce the use of carryout plastic bags from grocery stores and other retail outlets.



Regulating bags can mitigate harmful impacts to oceans, rivers, lakes, forests and the wildlife that inhabit them. Reducing bag use can also relieve pressure on landfills and waste management.

While some states are focusing on implementing effective recycling programs, others are attempting to impose bans or fees to discourage the use of plastic bags altogether.

Bans and Fees

In August 2014, California became the first state legislature to enact legislation imposing a statewide ban on single-use plastic bags at large retail stores. The bill also requires a 10 cent minimum charge for recycle paper bags, reusable plastic bags, and compostable bags at certain locations. The ban was supposed to take effect on July 1, 2015, but a financed ballot measure was used in an attempt to repeal it. A referendum to officially repeal the statewide ban has now been added to the November 2016 ballot. A detailed summary of the law can be found below.

Hawaii has implemented a de facto statewide ban as all of its most populous counties prohibit non-biodegradable plastic bags at checkout, as well as paper bags containing less than 40 percent recycled material. Bans in Kauai, Maui and Hawaii counties took effect between 2011 and 2013, with Honolulu becoming the last major county to approve the ban in 2015.

In 2009, the District of Columbia enacted a law to ban the distribution of disposable, non-recyclable plastic carry-out bags and set a fee of five cents for distribution of all other disposable bags.

NOTABLE CITIES/COUNTIES WITH PLASTIC BAG BANS AND FEES

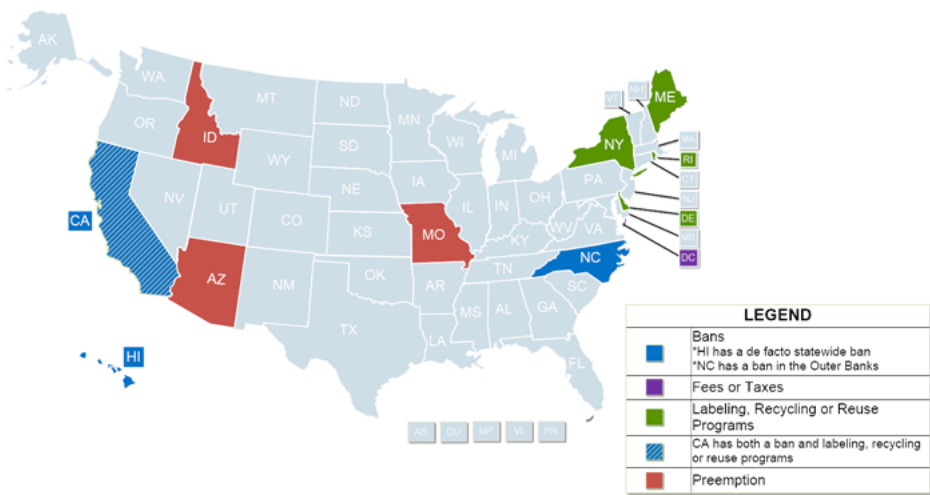
Cities with Plastic Bag Bans	Cities/Counties with Plastic Bag Fees
- Austin - Cambridge, Mass. - Chicago - Los Angeles - San Francisco - Seattle	- Boulder, Colo. - Brownsville, Texas - Montgomery County, Md. - New York, N.Y. - Portland, Maine - Washington D.C.

2015-2016 Legislative Summary

Between 2015 and 2016 at least 77 bills have been proposed by 23 states regarding the regulation of plastic bags in retail settings. The vast majority of states, 20, introduced 71 of these bills in an effort to decrease the use of disposable carryout bags by imposing a ban, fee or improving recycling efforts. However, none of these bills have passed.

Only three states—Arizona, Idaho, and Missouri—have successfully enacted bills, all of which are considered to be preemption bills used to overrule local laws or ordinances. In this case the state legislatures are preventing localities from regulating the sale or use of plastic bags, including the imposition of any fees or taxes (see tables below).

States with Enacted Plastic Bag Legislation



Recycling Programs and Requirements

States have a long history of pursuing legislation related to labeling, recycling, and reusing plastic bags. In 1991, Maine became the first state to enact legislation requiring recycling efforts at retail stores. The statute prevents retailers from supplying plastic bags unless they provide a convenient storefront receptacle to ensure used bags are collected and recycled. Since then at least four other states—California, Delaware, New York and Rhode Island— and the District of Columbia have followed suit.

In 2006 and 2009 respectively, California and Delaware passed legislation that requires retail stores to adopt at-store recycling programs. Their similar legislation encourages the use of reusable bags, requires stores to provide an opportunity for their customers to return plastic bags and requires that plastic carry-out bags display a recycling message.

Illinois is the only state that adopted legislation regarding recycling programs in 2016. The house passed a resolution that established "Recycle Thin Film Friday" as an effort to reclaim used thin-film plastic bags and to encourage consumers to use reusable bags.

ENACTED PLASTIC BAG STATE LEGISLATION

State	Citation	Status	Summary
Arizona	2015 Ariz. Sess. Laws, Chap. 271 (2015 SB 1241)	*Enacted	Prevents a city, town or county from regulating the sale, use or disposition of plastic bags and other “auxiliary containers” by an owner, operator or tenant of a business commercial building or multifamily housing property. The law does not prevent a city, town or county from continuing a voluntary recycling and waste reduction program.
California	2014 SB 270	Put to Referendum	As of July 1, 2015 certain large stores are prohibited from providing a single-use plastic carryout bag to a customer, unless the retailer makes that bag available for \$0.10 and certain conditions are met.

California	2011 CA S 567	Enacted	Prohibits the sale of plastic products labeled as compostable or marine degradable unless it meets standard specifications. Provides for a civil penalty for a violation.
California	Cal. [Public Resources] Code § 42357.5 (2010 SB 228)	Enacted	Requires manufacturers of compostable plastic bags to ensure that the bag is readily and easily identifiable from other bags. Prohibits a compostable plastic bag sold in the state from displaying a chasing arrow resin identification code or recycling symbol in any form.
California	2006 AB 2449	Enacted	Retail stores must adopt an at-store recycling program. Plastic bags used at retailers must have clearly printed “Please Return to a Participating Store for Recycling” on the bag.
Delaware	2009 HB 15 ; Amended by 2014 HB 198	Enacted	Encourages the use of reusable bags by consumers and retailers. Requires a store to establish an at-store recycling program that provides an opportunity for customers of the store to return plastic bags and requires all plastic carryout bags to display a recycling message.
District of Columbia	2010 B 150	Enacted	Protects the aquatic and environmental assets of the District of Columbia, bans the use of disposable non-recyclable plastic carryout bags, establishes a fee on all other disposable carryout bags provided by certain retail stores, and establishes the recurring Anacostia River Cleanup and Protection Fund.
Idaho*	2016 HB 372	*Enacted	States that any regulation regarding the use, disposition or sale of plastic bags or other “auxiliary containers” shall be imposed only by a statute enacted by the legislature.
Illinois	2016 HR 1139	Adopted	Establishes “Recycle Thin Film Friday” in the State of Illinois as an effort to reclaim used thin-film plastic bags and to encourage consumers to use reusable bags.
Maine	2010 SB 131	Enacted	Convenes a work group, through a partnership with state agencies and other appropriate entities, to work towards a viable solution to the checkout bag issue to achieve environmental benefits, maintain financial viability for manufacturers and retailers and avoid cost impacts, provides for a report to the legislature.
Maine	1991 LD 1166	Enacted	Retailers may only provide customers with plastic bags if there is a receptacle to collect used plastic bags within 20 feet of the entrance and all plastic bags collected are then recycled.
Missouri	2015 HB 722	*Enacted	Provides all merchants doing business in the state with the option to provide either paper or plastic bags. Prevents localities from imposing a ban, fee, or tax upon the use of either paper or plastic bags.
New York	2008 AB 11725	Enacted	Plastic Bag Reduction, Reuse and Recycling Act; retailers of stores are to establish in-store recycling programs that provide an opportunity for the customer to return

			clean plastic bags to be recycled. The plastic carryout bags provided by the store must have printed on them "Please Return to a Participating Store for Recycling."
North Carolina	2010 SB 1018	Enacted	Reduces plastic and non-recycled paper bag use on North Carolina's Outer Banks. A retailer subject to certain provisions shall display a sign in a location viewable by customers saying "[county name] County discourages the use of single-use plastic and paper bags to protect our environment from excess litter and greenhouse gases. We would appreciate our customers using reusable bags, but if you are not able to, a 100% recycled paper bag will be furnished for your use."
Rhode Island	2008 SB 2565	Enacted	This legislation promotes the use of paper bags by retailers. Retail establishments must offer the use of a paper bags to the consumer. Every retail establishment that provides customers with plastic bags must provide conveniently located receptacle where customers can return their clean and dry plastic bags to be recycled. Failure to comply with these laws is punishable with fines up to \$500.

*(Pre-emption bills denoted with *)

2015-2016 PENDING STATE LEGISLATION SUMMARIES

State	Bill Number	Status	Summary
Delaware	HB 202	Pending – Carryover	Requires stores to charge five cents for every single-use carryout bag that is provided to customers. Establishes reporting requirements to track fees that are charged and distribution of bags. Expands existing at-store recycling program.
Hawaii	HB 1507	Pending – Carryover	Convenes a working group to study methods of reducing use of single-use plastic bags and non-recyclable paper bags. Though all of Hawaii's counties have enacted bag bans, differences exist between them.
Illinois	SB 2224	Pending	Creates the Plastic Bag and Film Recycling Act. Requires manufacturers of plastic carryout bags to register with the Illinois Environmental Protection Agency and pay to the Agency an initial registration fee and annual registration renewal fee.
Illinois	HB 4202	Pending – Carryover	Creates the Plastic Bag and Film Recycling Act. Requires manufacturers of plastic carryout bags to register with the Illinois Environmental Protection Agency and pay to the Agency an initial registration fee and annual registration renewal fee. (similar legislation to IL SB 2224)
Massachusetts	HB 4168	Pending	Beginning Aug. 1, 2018 stores may no longer provide single-use carryout bags to customers at point of sale. Reusable bags, recycled paper bags and compostable plastic bags may be sold for a minimum of 10 cents each.
Massachusetts	HB 739	Pending – Carryover	Prohibits retail stores from distributing plastic carryout bags at the point of sale. Retailers who provide carryout bags must use recycled paper bags.

Massachusetts	HB 1501	Pending – Study Order	Requires every store to pay to the Commissioner of Revenue an excise of two cents per plastic bag provided to customers during the tax year—50 percent returned to store; 50 percent retained by the Commonwealth.
Massachusetts	SB 434	Pending – Carryover	Requires the Department of Environmental Protection to promulgate regulations to prohibit the use of plastic carryout bags by 2019.
Massachusetts	SB 2286	Pending	Prohibits a vendor at a farmers market from providing a single-use carryout bag to a customer. Makes exceptions for bags without handles provided to protect items from damage, contamination or to contain an unwrapped food item.
Massachusetts	SB 2305	Pending	Refers to the “Plastic Bag Reduction Act”, which states that no store shall provide a single-use carryout bag to a customer at the point of sale.
New Jersey	AB 2396	Pending	Provides for the decrease and eventual ban on use of non-compostable plastic grocery bags.
New Jersey	AB 3671 / SB 2349	Pending	Beginning June 1, 2017, store operators must charge a five-cent fee for each single-use carryout bag provided to the customer. Exemptions: customers 65 years of age or older and individuals enrolled in SNAP, WIC or the Work First New Jersey program. Dedicates revenue from the fee to the Health Schools and Community Lead Abatement Fund.
New York	AB 1991 / SB 703	Pending – Carryover	Creates the “Pennies for Park” program to provide funds for capital expenditures at state parks and historic sites. Imposes a one cent fee on single-use plastic carryout bags.
New York	AB 3636 / SB 4536	Pending – Carryover	Prohibits grocery stores from providing plastic carryout bags requiring them to provide recyclable paper bags instead at no charge.
New York	SB 3098	Pending – Carryover	Requires stores to charge five cents for each plastic bag provided to customers.
New York	SB 3329	Pending – Carryover	Increases number of stores subject to the Plastic Bag Reduction, Reuse and Recycling Act.
New York	AB 5954	Pending – Carryover	Requires greater number of stores in New York City to provide a recycling bin for plastic bags. Grants co-enforcement authority to the city over certain provisions of the law.
New York	SB 7336 / AB 9904	*Pending	Prohibits the imposition and/or collection of any tax, fee or local charge on carry out merchandise bags.

New York	SB 7085	Pending	Improves access to plastic bag collection bins by moving the bins to the entrance of the store. Requires a sign be placed above the bin to clarify that many other types of plastic bags can be recycled at these locations and that the bin must be emptied regularly. (similar to AB 10368)
New York	AB 10368	Pending	Relates to certain recycling program requirements; requires regular emptying of the bins; requires that information already collected by retailers regarding recycled plastic is transmitted to the Department of Environmental Conservation; requires stores to maintain records of recycling of plastic bags and make such records available.
New York	AB 8479	Pending	Declares that there shall be a tax of five cents upon plastic and paper shopping bags used to transport every sale of tangible personal property by consumers.
Pennsylvania	SB 540 / HB 1431	Pending – Carryover	Imposes a two-cent fee on each plastic bag supplied by retail establishment. A portion of the collected fees will be used for the improvement of recycling practices education and compliance.
Pennsylvania	HB 1280	*Pending – Carryover	Prohibits the imposition of a ban, fee, or tax on the provisions of plastic bags at the point of sale.
Pennsylvania	HB 1281	Pending – Carryover	Establishes the Plastic Bag Recycling Advisory Board. Provides for a study and report.
Rhode Island	SB 2527	Pending	Prohibits retail sales establishments from making available plastic checkout bags, or plastic water bottles or expanded polystyrene disposable food containers at the point of sale.

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Washington

444 North Capitol Street, N.W., Suite 515
Washington, D.C. 20001
Tel: 202-624-5400 | Fax: 202-737-1069

Appendix D

Select Year:

The 2016 Florida Statutes

[Title XXIX](#)

PUBLIC HEALTH

[Chapter 403](#)

ENVIRONMENTAL CONTROL

[View Entire Chapter](#)

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

History.—s. 96, ch. 2008-227.

Appendix E

Retail Bags Report

For the Legislature

Florida Department of Environmental Protection

February 1, 2010

2600 Blair Stone Road MS 4570
Tallahassee, Florida 32399-2400
www.dep.state.fl.us



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Executive Summary

“Paper or plastic?” Millions of Floridians hear the question every week. Almost every retail establishment has a bag for its customers and Americans used almost 90 billion of them in 2003. Retail bags are most commonly paper and plastic single-use bags. Only a relatively small percentage are reused or recycled (12% of plastic bags and 37% of paper bags) while far too many damage the environment because people improperly handle and dispose of them. Besides being unsightly litter, discarded plastic bags harm land and marine wildlife, interfere with landfill operations, clog flood control systems, and breed mosquitoes. These problems are not unique to Florida. The most dramatic illustration of the environmental damage from plastic bags and other marine debris are the floating “garbage patches” in the Atlantic, Pacific and Indian Oceans – the largest covering an area almost twice that of the United States.

*Only 12% of plastic bags
and 37% of paper bags are
reused or recycled.*

As part of the Energy, Climate Change, and Economic Security Act of 2008 (Section 403.7033, Florida Statutes), the Florida Legislature directed the Department of Environmental Protection to undertake an analysis of the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments. The information contained within this report provides an assessment of the impacts associated with current use and disposal of these containers as well as an analysis of the efficacy and consequences associated with several potential policy options to provide policymakers the information needed to weigh and balance the effect of proposed actions on the environment, regulated community and the consumer.

The *necessity* of retail bag regulation is determined by examining the impact of retail bags on the environment. *Efficacy* is determined by examining the effectiveness of governments outside Florida in reducing the number and impact of retail bags through regulation. Nationally, retail bag regulations have been enacted or proposed at either the state or local level in 30 states. Retail bag regulations are also found on the six populated continents.

Improper handling and disposal of retail bags has been shown to harm the environment. While plastic bags may appear to be the major problem, the solution is not to switch to paper. Life cycle analyses show a higher level of environmental harm from manufacturing to disposal of paper compared to plastic bags. A switch to biodegradable or compostable bags is not the answer either. Since Florida has no solid waste commercial scale composting facility to handle these bags, they would end up in a landfill just like paper or plastic bags.

There are many locations with different types of retail bag regulations. While all strategies to reduce the use of retail bags have merit, some are more effective than others. Although they initially pose an inconvenience for some consumers, bans produce the fastest results, closely followed by user fees and taxes. Voluntary efforts are more readily accepted by the retail

industry and the public, but take more time to produce results. While voluntary efforts can be helpful in changing behavior patterns, their effectiveness is dependent on the number of retail establishments participating. Public education is crucial to any approach, to illuminate the damages caused by single-use bags, and the cost to undo the harm, and promote reusable bags. Collaboration with the retail sector is also essential.

Plastic and paper bags are not inherently bad but they have terrible consequences in a throw-away society – and there are simple, readily available ways to reduce our dependency and properly reuse, recycle or dispose of them. This report identifies strategies to discourage the use of single-use paper and plastic retail bags and encourage the use of reusable retail bags. With the cooperation and support of the retail industry working closely with local and state government, this goal can be achieved.

Acknowledgments

The Florida Department of Environmental Protection (DEP) extends its gratitude to the many stakeholders from the public and private sectors that invested their time and contributed their insights to the development of this report through public meetings, written comments and electronic submissions.

Two public meetings were held to exchange information and solicit input on the retail bags report and the surrounding issues. These meetings generated lively discussion and valuable information that helped produce this report.

- November 19, 2008 in Orlando - 36 attendees, excluding DEP staff
- November 19, 2009 in Tallahassee - 27 attendees, excluding DEP staff

DEP also established a web-based forum for ongoing public comments and regular stakeholder updates. Meeting summaries, draft notes and other details, as well as access to the web-based forum, can be found at www.dep.state.fl.us/waste/retailbags. This site has been visited nearly 6,000 times.

DEP also appreciates the involvements of the professional associations and trade organizations that effectively represented their members' interests and were critical in identifying options and recommendations:

- American Chemistry Council
- American Forest and Paper Association
- American Paper Bag Council
- Florida Dry Cleaners Coalition
- Florida Recycling Partnership
- Florida Retail Federation
- Recycle Florida Today
- Sierra Club of Florida

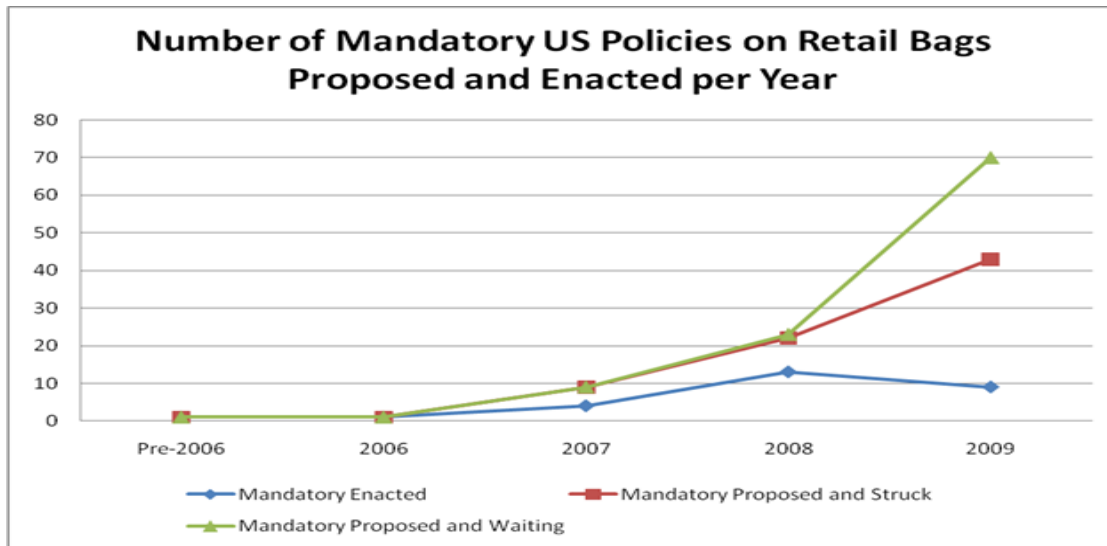
Introduction

Americans used almost 90 billion retail bags in 2003, most of which are used only once and end up in landfills or stormwater systems or littering roadsides, green spaces and beaches across Florida. As part of the Energy, Climate Change, and Economic Security Act of 2008 (Section 403.7033, Florida Statutes, see **Appendix A**), the Florida Legislature directed the Department of Environmental Protection to undertake this analysis of the need for new or different regulation of auxiliary containers, wrappings, and disposable plastic bags used by consumers to carry products from retail establishments. The following explanation of these terms is included to assist the reader. In this report, these are all generally referred to as “retail bags” or “single-use” bags:

- **Auxiliary container:** A secondary container into which a product is placed for transport by a consumer. It includes reusable bags, paper bags, gift bags, gift boxes, hat boxes, and cloth bags--everything but plastic bags.
- **Wrappings:** Includes plastic wrapping for items that are used to protect and transport the items within.
- **Disposable plastic bags:** Includes plastic bags (of any thickness) used by consumers to carry products from establishments. These bags are not necessarily meant to be re-used multiple times, but may have beneficial secondary uses.

The report examines the impact that the improper handling and disposal of retail bags has on wildlife and the environment as a whole. It also includes examples of cities, states, and countries around the world that have taken steps to decrease the use of both plastic and paper retail bags. **Figure 1** shows that the number of mandatory policies for bag reduction in the U.S. has increased steadily since 2006. These actions are considered in light of voluntary measures being taken by various retail establishments in Florida. This review has yielded twelve options to be considered by the Legislature.

Figure 1



Necessity of Regulation

There are two major areas of concern regarding retail bags. First, improper disposal of retail bags hampers recycling, waste management, stormwater management, and litter control. Second, improper disposal damages natural systems and wildlife. These concerns are not unique to Florida, and how Floridians manage retail bags has implications beyond the state's borders. Retail bags fast become pollution affecting Florida's fresh and saltwater resources, animal welfare and, on a grander scale, the health of the world's oceans. Any consideration of regulating retail bags has to account for the worthwhile efforts already underway to reduce the number of bags in circulation or recycle them.

Litter and Waste Management

Litter - Land and Marine

When examining retail bags as litter, DEP looked at previous studies in Florida and neighboring states, including studies that specifically targeted retail bag litter and auxiliary containers such as fast food bags and boxes. The most recent Florida roadside litter study was in 2002 and included plastic bags, paper bags and cardboard containers, referred to as "outer packaging." The study found:

- All types of plastic bags accounted for 1.21% of all large litter items,
- Paper bags, including those that are used specifically to hold take-out food items, accounted for 0.64% of all large litter items,



- When cardboard boxes are included, these “outer packaging items” accounted for 2.23% of all large litter, and
- Plastic film, which may be partially degraded, ripped or shredded plastic bags, accounted for 8.74% of all small liter items found.
- Overall, there was an estimated 25% increase in large item litter density from 2001 to 2002 and a 37% decrease in small item litter density¹.

The 2007 International Coastal Cleanup Report, a publication compiled by the Ocean Conservancy with reporting performed by volunteers, states that bags are the fourth most frequently found item during coastal cleanups worldwide, accounting for 8.1% of all items found². The Florida-specific report from this international effort shows similar results with bags again ranking as the fourth most commonly found item³. Roadside litter studies from other areas have retail bags and fast food bags accounting for less than 3%⁴. Clearly, reducing plastic and paper bags will not solve the litter problem, but they are a manageable source that can make a difference.

Bag Reuse

Some people reuse their plastic and paper bags for a variety of purposes. One concern posted often on the DEP web forum is that regulation of paper or plastic bags would prevent people from reusing bags for pet waste pickup and in-home trash. Surveys performed in Australia show that 60-75% of shoppers reuse their plastic shopping bags for one additional use after bringing them home from the store, most commonly for pet waste and trash liners.⁵ However, reuse and recycling rates for plastic bags in Florida are far lower, only around 12%.

That said, there are opportunities for reuse of non-retail plastic and paper bags. Frequently, grocery and drugstore products have secondary or primary containment within a plastic or paper bag. Small changes, such as using bread bags instead of plastic retail bags for pet waste pickup, can ease the perceived inconvenience of losing retail bags if regulations were to be enacted. Education is one key to helping consumers make better choices.

Estimating how many disposable bags would be replaced by one reusable bag is difficult. However, many life cycle analyses and other reports have attempted to do this. The range for the number of “disposable” plastic bags that could be replaced by one reusable bag in a year’s time, according to the analyses DEP reviewed, is between 56.8 to 315.15 “disposable” plastic bags replaced by a

According to analyses, between 56.8 and 315.15 disposable plastic bags are replaced by a single reusable bag in one year.

¹ Hinkley Center for Solid and Hazardous Waste Management, 2002

² Ocean Conservancy, 2007

³ Ocean Conservancy, 2008

⁴ MGM Management, 2002, Southeast Environmental Association, 2009

⁵ Environment Protection and Heritage Council, 2002

single reusable bag. The actual number replaced would depend on the shopping habits of the owner of the bag, the material from which the re-usable bag is made, the size of the bag itself and whether or not it is a single trip replacement or lifetime replacement. Still, even at the low end – taking nearly 60 disposable bags out of circulation for every one reusable bag – is remarkable.

Recycling and Retail Efforts

Recycling is another option available to consumers rather than reusing the bags or just throwing them away. Designated retail bag recycling containers are found at several retail stores. The city of Parkland (Broward County) works with local Publix grocery stores and holds a plastic bag recycling contest for schools and coordinates with homeowners' associations to place additional plastic bag recycling bins around the city.⁶

Besides local governments, many large retailers have shown leadership in recycling and reuse. Many have sold or given away millions of reusable shopping bags over the last few years.

Appendix B lists a few of these retailers and includes their efforts at reducing the use of disposable retail bags. There are also a large number of organizations and grass-roots efforts around the world working to reduce the use of disposable retail bags, recycling or improved technology. **Appendix C** includes a partial list of organizations and their websites.



As noted, the U.S. Environmental Protection Agency (EPA) estimates that 12% of all plastic bags are recycled. More than 4 million tons of plastic bags, sacks and wraps were reported to be generated in the U.S. municipal solid waste (MSW) stream in 2007, with only 11.9% of the high density polyethylene (HDPE) and 12.4% of the low density polyethylene (LDPE) bags, sacks and wraps being recovered (recycled). To derive these data, the EPA used the American Chemistry Council's annual resin reports for generation amounts, and data from the American Chemistry Council and the National Association for PET Container Resources to determine recovery rates.⁷

Waste Management

Retail bags cause equipment and operational problems at recycling facilities, landfills and waste transfer stations. The machinery on trucks and separators is frequently impaired because plastic bags wrap around wheels, gears and other parts of the equipment, forcing work to stop while someone extracts the plastic and restarts the process. This happens daily at recycling facilities and employees risk injury by reaching into sharp or pinching areas to free the plastic from the machinery.

⁶ Archer, 2009

⁷ US EPA, 2007

At landfills retail bags also get wrapped around spreaders and other equipment as well as cause problems by becoming airborne. Some waste management professionals consider plastic retail bags to be the number one “fly away” issue at landfills. Litter flying off landfills angers nearby residents, requires extra work to pick up and return the escaped trash, and may require additional daily landfill cover.

Retail bags frequently clog stormwater pipes, clutter stormwater retention ponds, and are regularly found by crews cleaning roadways, ditches and flushing pipes. In Tallahassee (population 172,000) there are three large flush trucks with two-person crews that work every day to keep stormwater drains open.⁸ There are more than ten people assigned to perform daily trash pickup from stormwater drains and ditches. The city also employs another six people to pick up roadside trash and utilizes inmates to assist with this job.⁹

In Marco Island, a flood was found to be caused by drains clogged with palm fronds, coconuts and plastic bags.

In Marco Island, an April 2008 flood was found to be caused by drains clogged with palm fronds, coconuts and plastic bags.¹⁰ In other areas of the world, plastic bags have been directly linked to flooding and even to malaria outbreaks.¹¹ Plastic retail bags are not the only culprit but, again, they are a source that readily can be controlled.

Biodegradable Bags

Biodegradable and compostable bags are gaining attention as alternatives to plastic and paper bags. The technology has improved since first introduced and some manufacturers now market biodegradable bags with a “lifespan.” There are multiple types of biodegradable and compostable bags. Compostable bags should meet ASTM D6400-04, the standards for plastics designed to be composted in municipal and industrial aerobic composting facilities.

Biodegradable bags now fall into the following categories:

- Photo-degradable react to ultra-violet light to break down.
- Hydro-biodegradable react to “moist biologically active” environments to break down.
- Oxo-biodegradable use additives to react with the atmosphere in order to break down.¹²

While bags that do not persist in the environment sound like a positive step, there are serious drawbacks. All types of biodegradable and compostable bags must be placed under specific conditions to degrade properly. For instance, a photo-degradable bag will not break down if it is covered by water or otherwise obscured from light and an oxo-biodegradable bag requires

⁸ U.S. Census Bureau, 2009

⁹ Yarborough, 2009

¹⁰ Dillon, 2008

¹¹ United Nations Environment Programme (UNEP), 2005

¹² Scott, 2002

direct access to oxygen and sunlight to degrade. Any consumer who places a labeled “biodegradable” bag in the home compost pile will not see the promised degradation because the required high temperatures achieved in municipal composting facilities cannot be achieved with home composting. Additionally, some of these bags leave plastic pieces or other residues when they break down, leftovers that natural systems and wildlife cannot tolerate. Finally, biodegradable bags inadvertently lead to litter because consumers assume the bags will quickly break down or compost, whatever the conditions; they discourage environmental stewardship.

Wildlife and the Environment

The problems caused by throw-away bags do not affect humans alone. Auxiliary containers, retail bags and wrappings can change the ecosystems of rivers, streams, lakes, ponds, estuaries, and oceans. The bags block sunlight from reaching into the depths of the water, leading to stress on aquatic vegetation, plant death and a reduction in the oxygen level of the water. Unnaturally low oxygen levels kill fish and other animals. In addition, filter feeders ingest the plastic particulates that are produced by the degradation of plastic in the water. The effect of this latter phenomenon on the rest of the food chain over the long term is not currently known.¹³

Marine and Land Animals

A major concern about plastic bags is their role in the death of marine animals. Research shows that frequently this number is exaggerated or simply misstated. A commonly stated “fact” that is widespread on the internet is that 100,000 animals are killed annually by plastic bags. The citation for this number is from a Canadian study which did *not* point to plastic bags as the cause of death but instead attributed these deaths to discarded fishing nets.¹⁴

However, it is true that researchers are finding some animals that have ingested or become entangled in plastic bags, although rigorous scientific research is just beginning. Testimonials from beach cleanups and other litter cleanup efforts, sometimes supplemented with photos or videos, show the suffering and deaths of animals caused by plastic containers—a consequence, however anecdotal at this point, that is difficult to rationalize when solutions are within reach. Many marine animals including sea turtles and the larger predators (whales, seals, sea lions, etc.) are already classified as endangered or protected. A variety of research has shown that turtles and other sea dwelling creatures ingest plastic and plastic bags. One study found plastic in the stomach of 15% of the 66 post-hatchling loggerhead sea turtles surveyed.¹⁵

There is some evidence that land animals can also be harmed by retail bags and auxiliary containers. Vehicular deaths of scavenging animals, including birds and raccoons, are

¹³ Thompson, et al., 2004

¹⁴ Piatt & Nettleship, 1987

¹⁵ Witherington, 2002, Thompson, et al., 2004, Mato, Isobe, Takada, Kanehiro, Ohtake, & Kaminuma, 2001

frequently attributed to the litter thrown out of cars. The accompanying food waste attracts the animals to the road or roadside and they are struck while trying to feed.¹⁶

In India, plastic bag regulations were enacted in part to preserve the health of cows. The cattle, considered sacred, were similarly attracted to the food waste found inside discarded bags and were consuming the food waste and bag as one. As more cows died, measures were taken to reduce suffering and deaths of animals with stomachs full of plastic bags.¹⁷

Animals that scavenge at landfills are also injured or killed because of the availability of auxiliary containers, plastic bags and wrappings. Scavenging birds and birds of prey hunting rodents can become entangled in the wrappings or bags or ingest large amounts of plastic.¹⁸

Deer, raccoons, possums, bears and other garbage and landfill scavengers have also been found with retail bags within their guts or have been seen eating such items. Retail bags, plastic in particular, can cause digestive system obstruction and lead to a variety of deaths, including starvation.¹⁹

Plastic Bag Degradation

The effect of plastic upon the oceans is not limited to the ingestion of plastics by marine animals. As plastic degrades, it flakes and breaks into small, fairly flat particles. These particles are not unlike plankton in size and appearance and have been found floating in the open ocean. In some places these particles are estimated to outnumber actual plankton. A research ship from the Algalita Marine Research Foundation has preliminary data from 2008 showing a total ratio of plastic to zooplankton for all samples of 8 to 1. In one sample, the ratio was 46:1, plastic to plankton.²⁰

A National Oceanic and Atmospheric Administration (NOAA) study in 2008 determined a lower ratio.²¹ However these two studies were performed in different areas at different times of the year. As with the filter feeders in brackish and fresh waters, the effect of plastics ingestion on the food chain is unclear. The world's largest marine mammals, blue whales, are filter feeders that eat an estimated 2,000 to 9,000 lbs of plankton and krill – or other things that cross their filters – every day.

Plastic Pellets

In addition to the bags, wrappings and containers that go out as litter or waste and degrade from their useful stage into small plastic particulates, there is another plastic problem in the oceans. The raw materials used in manufacturing can also escape from the manufacturing plant and degrade in the environment. When plastic is created, it starts as large amounts of very small, spherical pellets called “nurdles.” Since nurdles are small and light, and therefore

¹⁶ Harris & Scheck, 1991

¹⁷ Edwards, 2000

¹⁸ Molina & Garrett, 1998, Elliott, Duffe, Lee, Mineau, & Elliott, 2006

¹⁹ Drever, 1997, Stone, Okoniewski, & Stedelin, 1999, Jonkel, 1994, Totton, 1997

²⁰ Algalita Marine Research Foundation, 2009

²¹ Doyle, 2008

highly mobile, a large amount is lost in transport and manufacturing and ultimately washed into stormwater drains or sewers.²²

When these nurdles reach waterways they degrade similarly to plastic bags but instead of flaking off in small layers they lose small amounts of plastic and gradually become smaller and smaller plastic balls. Nurdles can look like a number of oceanic food items, not the least of which is fish eggs. One study performed on seabirds showed 55% of the bird species studied had ingested plastic particles.²³ It is unknown if any chemicals from the plastic can be absorbed by the bird's body, but it is known that ingestion of large amounts of non-food items can cause gut obstruction and ultimately death by starvation or nutrient deprivation.

The actual number of nurdles released to the environment each year is unknown, but they have been found in the oceans and seas for decades. Researchers began studying nurdles and their effects on the oceans in the 1970s.²⁴ In 1993, the U.S. EPA Office of Water published a report on plastic pellets that identified them as being of particular concern.²⁵

Water Pollution/Chemical Leaching

Plastic bags are made from natural gas or petroleum. Plastic bags made in the U.S. are usually made from natural gas while imported bags are more likely to be made directly from petroleum.²⁶ In 2004, the U.S. International Trade Commission reported that the trend in plastic bag use in the U.S. was an increase in imported bags and a decrease in domestically produced bags, but an overall increase in bag consumption. Assuming the trend has continued, most bags consumed in the U.S. are made from petroleum.²⁷

There are many other chemicals and slight impurities in the composition of plastic bags. As the bags degrade, some of these chemicals are released into the water or atmosphere. It is likely that degradation of plastic bags releases greenhouse gases although estimates as to the amount that may be released could not be found. In addition, the plastic nurdles or pellets have actually been found to absorb and become a transport medium for toxic chemicals, including PCB (polychlorinated biphenyl) and DDE (Dichlorodiphenyldichloroethylene, a DDT breakdown product).²⁸

North Pacific Gyre

Plastic-filled "garbage patches" and "plastic gyres" in the oceans have been media topics in recent years and the subject of much discussion. An ocean gyre is a circular ocean current created by the winds. There are five major ocean-wide gyres, the North Atlantic, South

²² Redford, Trulli, & Trulli, 1997

²³ Lee & Moser, 1992

²⁴ Carpenter & Smith, 1972

²⁵ U.S. EPA Office of Water, 1993

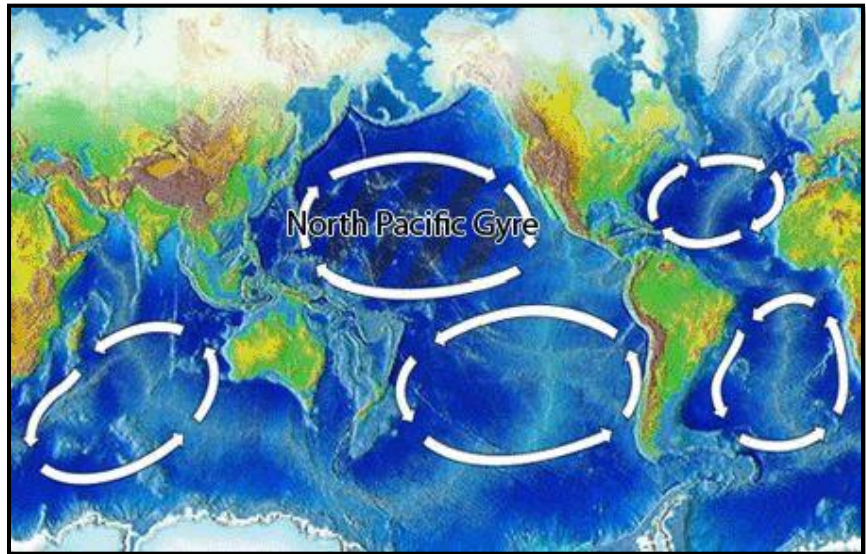
²⁶ U.S. International Trade Commission, 2004, American Chemistry Council, 2007

²⁷ American Chemistry Council, 2007

²⁸ Mato, Isobe, Takada, Kanehiro, Ohtake, & Kaminuma, 2001

Atlantic, North Pacific, South Pacific and the Indian Ocean gyres. Drifting items can become a part of the gyre and in some places large amounts of floating debris held within the gyre by currents have been named garbage patches and plastic gyres.

Research from many sources, including the NOAA and an independent research team from Algalita, shows that there are current-produced gyres in the oceans and most of them hold large amounts of marine debris. The most publicized gyre is a North Pacific Gyre, an area roughly twice the size of the U.S. stretching between the coasts of western North America and eastern Asia. Initially it was thought that within the North Pacific Gyre there were



smaller gyres, patches about the size of Texas, filled with garbage. Research now shows that the marine debris is not limited to these patches and higher levels of debris density have been found outside these areas.²⁹

Life Cycle Analyses

This analysis has primarily focused on the plastic auxiliary containers, wrappings and bags because paper bags and containers more readily degrade, are more readily recyclable, and are less likely to be the cause of death in animals because they can be digested more easily. In 2007 the EPA estimated that 36.8% of all paper bags and sacks generated were recycled, about three times the rate for plastic.³⁰ The higher rate of recycling for paper bags indicated in **Figure 2** versus the 12% recycling rate for plastic bags shown in **Figure 3** is often attributed to the fact that most local recycling programs will accept paper bags but not plastic bags.

²⁹ Algalita Marine Research Foundation, 2009

³⁰ U.S. EPA, 2007

Figure 2

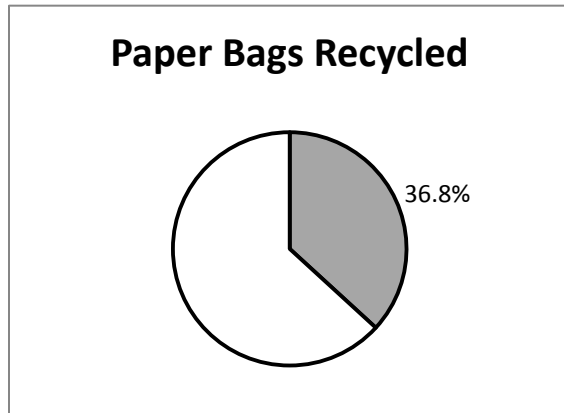


Figure 3

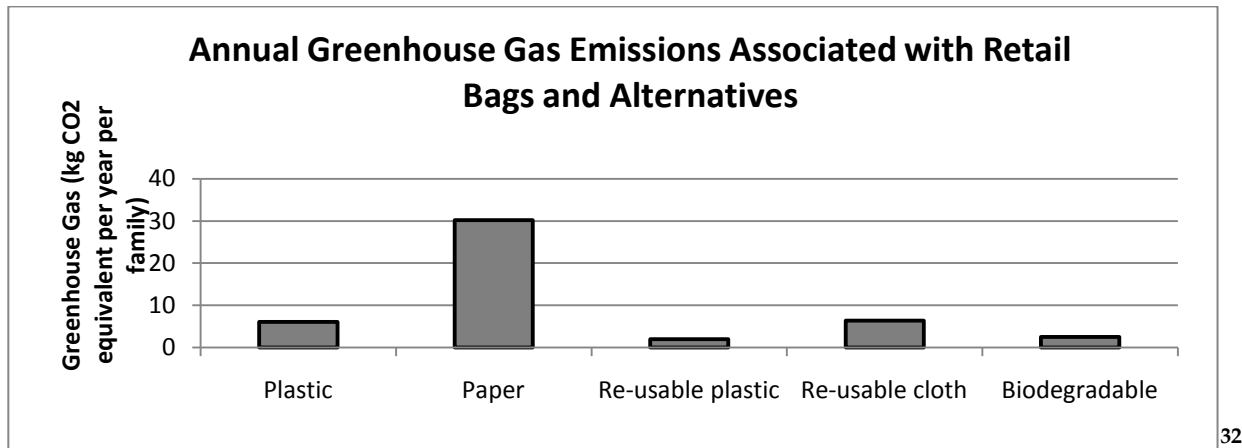


Paper bags are often not considered a problem or, indeed, are sometimes seen as the solution to the plastic problem. Conventional wisdom is wrong. When reviewing life cycle analyses of paper bags and plastic bags, it is evident that there are more negative overall environmental impacts attributed to the transport and production of paper bags. **Figure 4** shows a comparison of the annual greenhouse emissions associated with retail bags. This evidence, and more likely the fact that paper bags are more costly than plastic bags, explain – and even support – the preference of plastic over paper.³¹

Both types of bags comprise approximately the same amount of recycled content. The manufacturing industries for both paper and plastic claim an average recycled content of 30% for the typical bag produced. The life cycle analyses reviewed for this report indicate that increased recycled content does reduce greenhouse gas emissions and related environmental impacts when compared to bags made with virgin materials. However, recycled content is only a step in the right direction – protecting Florida’s wildlife and the environment is contingent on better handling and a reduced demand for the manufacture of paper and plastic bags.

³¹ Hyder Consulting Pty Ltd., 2007, Herrera Environmental Consultants, Inc., 2008

Figure 4



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Conclusions on the Necessity of Regulation

While evaluating the necessity of bag regulations, the good practices that citizens and retail establishments are already undertaking to reduce the number of retail bags in circulation must be recognized.

As previously noted, current efforts among grocery stores, such as Food Lion, Publix, Albertsons and Winn Dixie to offer the opportunity to recycle and use reusable bags help change the mind-set of a throw-away society. Large retailers such as Target and Walmart employ similar practices and help increase the number of shoppers exposed to this way of thinking and acting. Nationwide, Walmart has committed to reducing plastic bag usage in their stores by 25% per store by 2013.

Walmart has committed to reducing plastic bag usage in its stores by 25% per store by 2013.

The question then becomes – will these actions be enough to rule out the need for any retail bag regulation? About thirty states have enacted or proposed regulations statewide or at the local level. In April 2009, Congress introduced the “Plastic Bag Reduction Act of 2009” (H.R. 2091). Retail bag regulations are also found on all six populated continents. Worldwide, the number of countries with retail bag regulations has been steadily increasing since the early 1990’s. There are 41 locations with bans, 16 with taxes or fees, 28 with other restrictions or regulations, and 52 that currently have one or more proposed regulations.

Of the eight states in Environmental Protection Agency (EPA) Region IV, including Florida, there is one that has enacted retail bag regulation. In June 2009 the North Carolina General Assembly passed Senate Bill 1018, which bans retail stores in the Outer Banks from distributing plastic bags to customers and allows paper bags to be given away only if the bag is made of recycled content.

³² James & Grant, 2005, Environment Protection and Heritage Council, May 2008

Of the nation's ten most populous states (Florida is #4), eight have proposed or enacted retail bag regulations at either the state or local level: California (#1), Texas (#2), New York (#3), Illinois (#5), Pennsylvania (#6), Ohio (#7), Michigan (#8) and North Carolina (#10). There has been some interest in regulating retail bags at the local level in Florida. Bonita Springs (Lee County) considered including retail bag bans as a legislative priority in 2009. Additionally, the cities of Sarasota (Sarasota County), Parkland (Broward County), Miami (Miami-Dade County) and Key West (Monroe County) all considered regulations on retail bags before the Legislature enacted a stay on local government regulations in 2008 and directed DEP to prepare this report.

Efficacy of Regulation

Many citizens, businesses and governments across the U.S. and the world have already decided that retail bags have to be better managed. What, then, are the most efficient and effective ways to do so? Regulatory and non-regulatory options, and the ways they can be integrated, have to be examined to answer the question. So do the incentives and disincentives that could be applied at the retail and consumer levels.

There are several things to consider when assessing the efficacy of statewide and local regulation of retail bags. Clearly the effectiveness of regulations would be measured by the reduction of single-use retail bags. Perhaps efficacy could also be measured by behavior change. If consumers simply no longer have the option of receiving a single-use bag, is the effort effective? Without behavior change and education, it is possible that consumers may make choices that are equal to if not worse than the current situation. To avoid this, consumers must have sustainable options to compensate for single-use retail bags. It would also be helpful to have a combination of incentives and disincentives supported by the retail industry to increase the use of reusable bags.

The following sections discuss various regulatory and non-regulatory approaches used by other cities, states and countries, including twelve options posed for consideration in Florida.

Regulatory and Non-Regulatory Options

Bans

Banning auxiliary containers, wrappings or plastic bags has rarely been enacted into law at higher than local levels. In the U.S., with one notable exception, only a few small villages in Alaska, a small town and a county in Hawaii, a county in Iowa, four cities in California, and one other town in Washington have enacted bans on retail bags. Many other places have proposed or considered bans. A few communities in Florida, including Parkland in Broward County, considered a ban before the stay on retail bag legislation was enacted by the 2008 Legislature.

The most publicized location in the U.S. with a ban is San Francisco, California. The city passed an ordinance in April 2007 that requires pharmacies and supermarkets with gross annual sales of \$2 million or more to provide only paper, compostable bags or reusable bags. Proponents of the ban assert that there has been a 5% to 10% reduction in the amount of plastic bags reaching the landfill. Ross Mirkarimi, the City Supervisor and primary author of the ban, has been quoted to say that up to 127 million fewer plastic bags have been distributed in San Francisco just one year after the ban went into effect.³³

³³ Eskenazi, 2009

More recently, as noted earlier, the North Carolina Legislature passed a ban for the Outer Banks. The ban prohibits retail stores having more than 5,000 square feet of retail space or that are part of a retail chain from distributing plastic bags to consumers and allows paper bags to be given away only if the bag is made of 100% recycled content. Because the ban only went into effect September 1, 2009, data on its impact is not yet available.

Fees and Taxes

Several places worldwide have passed fees or taxes on auxiliary containers, wrappings, or plastic bags. There are no locations in the United States that have enacted a fee or a tax on retail bags, but several locations have proposed or considered a retail bag tax. In all cases the proposal was dropped or voted down.

There have been some successes and some unintended consequences that merit examination.

- The Seattle, Washington City Council passed a twenty cent “green fee” on all disposable shopping bags in July 2008, but the fee would not become effective until approved by voters. On August 18, 2009 the citizens of Seattle voted against the “green fee” by a margin of 58% to 42%.
- Perhaps the most notable plastic bag tax was enacted in Ireland in 2002. The first year of the tax saw a 90% or greater reduction in plastic bag usage but an increase in the purchase of trash bags and dog waste pickup bags. Additionally, each successive year saw increased plastic bag usage. Because of this, the government increased the tax in 2007. After that, plastic bag litter was reduced from 5% of all litter to less than 0.3% percent the first year and to less than 0.25% in successive years.
 - Despite the initial setback, the levy was very popular. A 2003 national survey found that 91% of those surveyed were in support of the tax. A previous study performed in 1999 showed that 40% of survey respondents would have been willing to pay such a tax.³⁴
 - All the funds from the Irish levy, in an effort to make the tax more acceptable to consumers, were placed in the “Environment Fund” and are used solely for environmentally related purposes. As reported in 2007, the levy has raised more than €85 million (\$120 million) and has been used for many projects ranging from creating recycling facilities and return centers to educational campaigns. The revenues have also been used to help fund recycling facility operational costs and enforcement of waste management laws.³⁵
- More recently, the City Council of the District of Columbia voted to create a five cent tax on both paper and plastic bags. The bill was signed by the mayor in July 2009 and will go into effect on January 1, 2010. The purpose of the bill is two-fold: to promote the use of reusable shopping bags and to add funding to the Anacostia River Cleanup and Protection Fund. One cent per bag is to stay with businesses and four cents is to go to the fund to help clean up the Anacostia River.

³⁴ Kildare County Council, 2008

³⁵ McDonnell, Convery, & Ferreira, 2007

Voluntary Measures

Voluntary measures are important but difficult to quantify. Many retailers in Florida have enacted campaigns to reduce plastic bag usage. Reusable bags are available for purchase at nearly all the major chain retailers and a number of retailers have given reusable bags as promotional items.

Albertsons gives customers five cents back on their purchase for every non-plastic bag used. Target and CVS have also

recently implemented programs to give cash back to customers who bring in their own bags. Started in November 2009, the Target program gives customers a five-cent discount for every reusable bag used at checkout. In October 2009, CVS customers began to receive a one dollar bonus on their CVS cards for every four times a reusable bag is used. Publix, Food Lion, and Walmart all offer in-store or on-premises plastic bag recycling receptacles for customers.

Appendix B is a list from the Florida Retail Federation describing current efforts of retailers in Florida.

Target gives customers a five-cent discount for every reusable bag used at checkout.

In Austin, Texas there is a voluntary plastic bag use reduction and recycling program developed in partnership with Keep Austin Beautiful, The Texas Retailers Association, the Progressive Bag Affiliates, local retailers and the city of Austin. According to the city, Austin shoppers at participating retailers increased plastic bag recycling by more than 20% from 2006 to 2008 and stores gave out 40% fewer plastic bags at checkout. The program utilized an awareness campaign that included a campaign logo and reusable bag design contest, a kick-off event, a youth art contest, reusable bag day promotion, and a campaign website.³⁶

Phase-Out

Phasing out retail bags is another method used to reduce the number of single-use retail bags and to help increase awareness. Typically, a phase-out is a multi-part approach often combining fees and bans progressively. There are no locations in the U.S. that have enacted a phase-out but several have proposed language with increasing fees or yearly requirements for decreasing retail bag usage.

The Ministers of the Environment Protection and Heritage Council (EPHC) in Australia agreed in October 2002 to pursue a number of actions relating to reducing the adverse impacts of plastic bags on the Australian environment. A number of work groups were put together to address different aspects of the issue. On July 1, 2005, after reviewing the research and report on the issue, the EPHC agreed to a phase-out of lightweight plastic shopping bags by the end of 2008. All shoppers and retailers were expected to have alternatives in place by December 31, 2008. However, after an analysis in April 2008 showed the economic costs of a regulatory

³⁶ Austin City Connection, 2008

phase out would significantly outweigh the environmental benefits, the EPHC resolved not to endorse uniform regulatory action at this time.

Local Government Regulations

As previously stated, there are no local regulations enacted in Florida due to the legislative preemption enacted in 2008. But there are local efforts outside the state, the majority being less than two years old. **Appendix D** lists all known locations with local regulations.

Since there are so many types of local regulations that affect varying populations and varying numbers of retailers and the regulations are so new, there is little data regarding their efficacy. However, there are some effects common to all local regulations. Differing local regulations are more difficult for chain retail stores to implement because they are regionally managed covering many communities or even states. Additionally, it is more difficult to realize widespread environmental benefits from local regulations if the affected areas are small. Enacting retail bag policies at the state level is easier for retailers to implement and can have broader environmental benefits. However, these considerations have to be balanced with the needs and demands of local citizens, and the expertise of local governments in preserving their local environment. The approaches are not mutually exclusive.

Other National and International Regulations

DEP has researched and compiled a summary of retail bag regulations throughout the United States and other countries. There are 33 countries worldwide that have enacted or proposed retail bag regulations. This information can be found in **Appendix E** and more information, with interactive maps is available on the DEP Retail Bag Report website at: www.dep.state.fl.us/waste/retailbags. These maps are regularly updated as DEP receives information regarding retail bag policies worldwide.

Conclusions on Efficacy of Regulations

While all mechanisms to reduce retail bag usage have merit, some are more effective than others. Bans produce the fastest results in reducing plastic bag use; fees or taxes follow closely behind. Governments with fees or taxes usually devote at least some of the revenue to environmentally-related funds, although some allow retail stores to keep a portion of the proceeds. Many people and retailers prefer voluntary efforts simply because they are voluntary and because no new fees or administrative costs are required.

The pros and cons associated with each option in the report are included to provide policymakers with the information needed to balance the effect of any actions taken in the future.

An effective educational campaign promoting reusable bag use and educating the public about the problems caused by single-use plastic and paper bags cannot be underestimated.

Appropriately accounting for the legitimate concerns and entrepreneurial creativity of the retail sector is also essential to any successful campaign. The following table summarizes twelve options for reducing the use of single-use paper and plastic retail bags. The options should be considered both on their own merits and as they integrate well with other options to reverse the current practice of widespread use of disposable retail bags.

Finally, an assessment of the efficacy and consequences (pros and cons) associated with each option is included to provide policymakers the information needed to weigh and balance the effect of any potential actions on the environment, regulated community and the consumer.

Options for Discouraging and Reducing the Use of Single-Use Retail Bags

Option	Pros	Cons	Additional Comments
1. Enact an educational campaign	• Easy to implement	• Limited impact unless coupled with other option(s)	
2. Encourage In-Store Recycling	• Utilizes infrastructure that already exists in many stores • Increases recycling • Produces moderate quality feedstock • Material is in demand	• May be costly to stores • Does not accommodate compostable /biodegradable alternatives • Low to moderate participation in existing programs	
3. Retail Stores offer Reusable Bag Credit	• Allows retailers to be proactive • Gives retailers flexibility • Attractive to customers • Incentive aimed at changing behavior – reducing consumption	• Not attractive to all retailers • Credit is usually small (1 to 5 cents) and therefore undervalued by consumers	• Target performed a pilot study of a reusable bag policy at 100 stores and found a 58% reduction in the number of plastic bags used
4. Require biodegradable bags as an option at checkout	• Bags are easy for stores to purchase • Customers feel “greener”	• Bags are expensive, cost will be passed on to customers • Confusing for consumers who don't realize that the bags will not biodegrade in backyard composters • Can contaminate plastic recycling	

Appendix F

Select Year: 2016  Go

The 2016 Florida Statutes

[Title XXIX](#)

PUBLIC HEALTH

[Chapter 403](#)

ENVIRONMENTAL CONTROL

[View Entire Chapter](#)

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

History.—s. 96, ch. 2008-227.

Appendix G

POLITICS

Treasure Coast communities may be able to ban plastic bags



A Senate committee will hear a bill that allows coastal communities with a population of fewer than 100,000 to establish a pilot program to regulate or ban the use of disposable plastic bags.

By Isadora Rangel of TCPalm

Posted: Jan. 20, 2016

TALLAHASSEE — California wants to do it; Hawaii is doing it; but Florida still prohibits it.

A local government that wants to restrict the use of plastic bags is prohibited under Florida law from doing so, even though those bags can choke marine life, breed mosquitoes and clog flood control systems.

That could change under a bill that cleared a Senate committee Wednesday.

The legislation pushed by activists allows coastal cities with less than 100,000 residents to create a two-year pilot program to regulate the use of plastic bags. The cities could restrict or ban the bags.

Treasure Coast communities from Jupiter Island to Sebastian could qualify for the program, but no one has considered taking action, so the One Florida Foundation will be lobbying local officials to do so if the bill becomes law, foundation director Nyla Pipes said. The nonprofit environmental organization often finds plastic bags during cleanups of local waterways, such as Moores Creek in Fort Pierce, which flows into the Indian River Lagoon, Pipes said.

While it might be inconvenient not to have bags for your groceries, Pipes said Florida needs to go through a "paradigm change" as did progressive states such as California, where the legislature imposed a statewide ban in 2014. The ban is on hold pending a ballot referendum in November. All Hawaii counties prohibit stores from handing out plastic bags at checkout, although there's a loophole that allows reusable plastic bags.

The Florida Chamber of Commerce, the lead business lobbying organization, opposes SB 306 and its companion HB 143 because it would increase costs for businesses and consumers. Other pro-business critics also said if the Legislature wants to tackle the issue it should do so on a statewide basis instead of leaving it up to small communities because plastic bags can travel from one community to another.

Sen. Alan Hays, R-Umatilla, said he's against increased business regulations and was the only dissenting vote in the Environmental Preservation and Conservation Committee, which approved the bill

8-1 Wednesday. He also questioned whether the state should leave it up to businesses to stop using plastic bags.

Yet plastic bags still are cheaper for businesses, therefore regulations would be the only way to make a change, said Sen. Dwight Bullard, the Miami Democrat who sponsored the bill.

The idea for the legislation came after elementary students in Cutler Bay, a small municipality in Miami-Dade County, found several plastic bags during an environmental cleanup, Bullard said. When they asked the town to draft an ordinance, officials found out Florida law pre-empts local regulations. Bullard's bill lifts that pre-emption to allow the pilot program from January 2017 through July 2019. The bill also requires municipalities to submit a report on the impacts of the program.

Americans use approximately 100 billion plastic bags every year, each typically discarded after a single use, according to a Senate staff report. Production of the bags requires both petroleum and natural gas use and each bag can last more than 1,000 years. Wind can carry them from garbage trucks, the tops of landfills and trash receptacles, resulting in the littering of streets and waterways, where animals mistake them for food.

The Florida Legislature in 2008 attempted to address the issue by requiring the Department of Environmental Protection to conduct a study while also prohibiting local governments from adopting any rules until lawmakers adopted the recommendations of the study. The DEP finished the study in 2010 and came up with several options, ranging from more education to a ban. The Legislature didn't revisit the issue again.

The city of Stuart, which sits on the St. Lucie River, hasn't thought about regulating plastic bags, but City Manager Paul Nicoletti said

he's open to the idea.

EXHIBIT B

"I'd like to think we are progressive enough that we would examine this," Nicoletti said.

Follow Isadora Rangel, Arek Sarkissian and Tampa news partner Jeff Schweers for updates on all the legislative action.

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About Isadora Rangel

Isadora covers politics, elections and the state Legislature. She graduated from Florida International University and has worked at Treasure Coast Newspapers since 2011. Isadora was born in Brazil and speaks Portuguese and Spanish fluently.

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☐ Check the box to include the list of links referenced in the article.

Appendix H

MEMORANDUM

Agenda Item No. 11(A)(18)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: February 2, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to enact SB 306, HB
143, or similar legislation that
would authorize small coastal
municipalities to establish a pilot
program to regulate or ban
disposable plastic bags

The accompanying resolution was prepared and placed on the agenda at the request of Prime
Sponsor Commissioner Daniella Levine Cava.



Abigail Price-Williams
County Attorney



APW/lmp



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: February 2, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(18)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

EXHIBIT B
Agenda Item No. 11(A)(18)
2-2-16

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
ENACT SB 306, HB 143, OR SIMILAR LEGISLATION THAT
WOULD AUTHORIZE SMALL COASTAL MUNICIPALITIES
TO ESTABLISH A PILOT PROGRAM TO REGULATE OR
BAN DISPOSABLE PLASTIC BAGS

WHEREAS, according to the Environmental Protection Agency, approximately 100 billion disposable plastic bags are used in the United States every year; and

WHEREAS, disposable plastic bags contribute to litter and pollution, harm land and marine wildlife, clog storm drains, interfere with landfill operations, burden public works departments, and can adversely affect water quality; and

WHEREAS, according to the Florida Department of Environmental Protection, in one year a single reusable bag replaces between 56.8 and 315.15 disposable plastic bags; and

WHEREAS, Florida law, however, currently prohibits local governments from banning, regulating, or taxing disposable plastic bags; and

WHEREAS, identical Senate and House bills, SB 306 by Senator Dwight Bullard (D–Miami) and HB 143 by Representative David Richardson (D–Miami Beach), have been filed for consideration during the 2016 session of the Florida Legislature; and

WHEREAS, SB 306 and HB 143 would provide coastal municipalities with populations under 100,000 the authority to establish a short-term pilot program to regulate or ban disposable plastic bags; and

WHEREAS, by authorizing small coastal municipalities to establish short-term pilot programs regulating disposable plastic bags, these bills would enable such municipalities to determine how to most effectively address the environmental concerns caused by disposable plastic bags in their communities, and would also help illuminate which measures can be most effective in discouraging the use of disposable plastic bags and encouraging the use of reusable bags instead; and

WHEREAS, this Board would like to support SB 306, HB 143, or similar legislation that would authorize small coastal municipalities to establish a pilot program to regulate or ban disposable plastic bags,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to enact SB 306, HB 143, or similar legislation that would authorize small coastal municipalities to establish a pilot program to regulate or ban disposable plastic bags.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senator Dwight Bullard, Representative David Richardson, and the Chair and remaining Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2016 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of February, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA

BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MJM

Michael J. Mastrucci

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Commissioner Michael Grieco

DATE: October 22, 2014

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SUPPORTING THE STATE LEGISLATURE'S EFFORTS TO AMEND SECTION 403.7033, UNDER HOUSE BILL 1257 AND COMPANION SENATE BILL 830, WHICH AMENDMENTS WOULD PROVIDE FOR LOCAL REGULATION AND ENFORCEMENT OF PLASTIC BAGS UNDER THE STATE'S PROPOSED GUIDELINES; ALTERNATIVELY, SHOULD THE STATUTE NOT BE AMENDED, THE CITY COMMISSION REQUESTS THE REPEAL OF SECTION 403.7033, FLORIDA STATUTES, SO THAT LOCAL GOVERNMENTS ARE NO LONGER PREEMPTED FROM ENACTING APPROPRIATE LEGISLATION RELATING TO THE REGULATION OF PLASTIC BAGS.

The City is extremely active and diligent in the efforts to preserve the beautiful environment that supports the tourism industry which is so vital to the economy of the City, Miami-Dade County and the State of Florida. As we are all aware, the use of plastic bags are detrimental to our community because they do not fully degrade in our oceans or land environment and they introduce unsafe chemicals into our environment. Further, plastic bags create the potential for death of (land) and marine animals through entanglement and ingestion.

Moreover, the expansive usage of single-use shopping bags and their typical disposal rates creates an impediment to the City's waste reduction and recycling goals while creating unsightly litter. The continued utilization of the single-use plastic bags are difficult to recycle and frequently contaminate material that is processed through the City's curbside recycling and composting programs. Reusable bags are considered to be the best option to reduce waste and litter, protect wildlife and conserve resources.

Based upon the foregoing, 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 the Florida Legislature to provide statewide deregulation of the proliferation of single-use shopping bags.

The Florida Legislature under "The Energy, Climate Change, and Economic Security Act of 2008", enacted House Bill 7135, creating Section 403.7033, Florida Statutes, which 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. 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. The DEP analysis determined a need for new or different regulations of bags used by customers to carry products from retail establishments and recommend the implementation of new standards requiring the prohibition of plastic carryout bags encourages the use of reusable bags is to the benefit of the State's environment.

This year House Bill 1257 was proposed in the state legislature, along with companion Senate Bill 830, which bills propose: an amendment to Section 403.7033; which would provide legislative findings; deleting obsolete provisions; create definitions; create statewide standards for reusable bags and recyclable paper bags for stores located within a county or municipality that adopts ordinances pursuant to the statute; would require affected stores to charge customers a fee for each recyclable paper bag provided; would prohibit affected stores from providing plastic carryout bags or other types of bags; would provide for the allocation of fees collected, reporting requirements for affected stores; and authorizing local governments to impose a penalty and create ordinances to regulate the use of carryout bags to adopt ordinances pursuant to the statute. Through the proposed bills, the Legislature has indicated a legislative belief that it is necessary and appropriate to adopt uniform statewide standards prohibiting the use of plastic carryout bags, which would authorize local governments to adopt these regulation by local ordinance. The bill is being amended and has not been enacted

I encourage the Mayor and City Commission to support me in the the effort to petition the legislature to amend Section 403.7033, under both House Bill 1257 and the companion Senate Bill 830; and support the enactment of the bills, and, alternatively, requests that Section 403.7033, Florida Statutes, be repealed, so that the City of Miami beach and other local governments can enact appropriate legislation relating to the regulation of plastic bags.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SUPPORTING THE STATE LEGISLATURE'S EFFORTS TO AMEND SECTION 403.7033, UNDER HOUSE BILL 1257 AND COMPANION SENATE BILL 830, WHICH AMENDMENTS WOULD PROVIDE FOR LOCAL REGULATION AND ENFORCEMENT OF PLASTIC BAGS UNDER THE STATE'S PROPOSED GUIDELINES; ALTERNATIVELY, SHOULD THE STATUTE NOT BE AMENDED, THE CITY COMMISSION REQUESTS THE REPEAL OF SECTION 403.7033, FLORIDA STATUTES, SO THAT LOCAL GOVERNMENTS ARE NO LONGER PREEMPTED FROM ENACTING APPROPRIATE LEGISLATION RELATING TO THE REGULATION OF PLASTIC BAGS.

WHEREAS, the City Commission of the City of Miami Beach is diligent in its efforts to preserve the beautiful environment that supports the tourism industry which is so vital to the economy of the City, Miami-Dade County and the State of Florida; and

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

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

WHEREAS, the expansive usage of single-use shopping bags 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 are difficult to recycle and frequently contaminate material that is processed through the City's curbside recycling and composting programs; and

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

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

WHEREAS, it is in the public interest for the 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

WHEREAS, the Florida Legislature under “The Energy, Climate Change, and Economic Security Act of 2008”, enacted House Bill 7135, creating Section 403.7033, Florida Statutes; and

WHEREAS, 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 recommend the implementation of new standards requiring the prohibition of plastic carryout bags encourages the use of reusable bags is to the benefit of the State’s environment; and

WHEREAS, this year House Bill 1257 was proposed in the state legislature, along with companion Senate Bill 830, which bills propose: an amendment to Section 403.7033; which would provide legislative findings; deleting obsolete provisions; create definitions; create statewide standards for reusable bags and recyclable paper bags for stores located within a county or municipality that adopts ordinances pursuant to the statute; would require affected stores to charge customers a fee for each recyclable paper bag provided; would prohibit affected stores from providing plastic carryout bags or other types of bags; would provide for the allocation of fees collected, reporting requirements for affected stores; and authorizing local governments to impose a penalty and create ordinances to regulate the use of carryout bags to adopt ordinances pursuant to the statute; and

WHEREAS, through the proposed bills, the Legislature has indicated a legislative belief that it is necessary and appropriate to adopt uniform statewide standards prohibiting the use of plastic carryout bags, which would authorize local governments to adopt these regulation by local ordinance; and

WHEREAS, the bill is being amended and has not been enacted; and

WHEREAS, the City Commission supports the efforts to amend Section 403.7033, under House Bill 1257 and companion Senate Bill 830 and supports the enactment of the bills, and, alternatively, requests that Section 403.7033, Florida Statutes, be repealed, so that local government can enact appropriate legislation relating to the regulation of plastic bags.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission support the State Legislature's efforts to amend Section 403.7033, under House Bill 1257 and companion Senate Bill 830, which amendments would provide for local regulation and enforcement of plastic bags under the State's proposed guidelines; and, alternatively, should the legislation not be enacted, the City Commission requests that the State Legislature repeal Section 403.7033, Florida Statutes, so that local governments are no longer preempted from enacting appropriate legislation relating to the regulation of plastic bags.

PASSED AND ADOPTED this _____ day of _____ 2014.

ATTEST:

Philip Levine, Mayor

Rafael Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

10-6-14

Date

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

EXHIBIT B

Meeting Date: April 15, 2015

Division: County Commission

Bulk Item: Yes ☐ No ☒

Department: County Commission

Staff Contact /Phone #: Rhonda Haag, 453-8774

AGENDA ITEM WORDING: Approval of a Resolution supporting the initiatives by local municipalities in Florida to lessen the negative impact of single-use plastic bags on our environment.

ITEM BACKGROUND: The resolution supports current Florida Senate Bill 966 and House Bill 661, which, if passed, would allow certain municipalities to establish pilot programs for the regulation or ban of disposable plastic bags. The bills have been filed in this year's Florida legislative session - Senate Bill SB966 and companion House Bill HB661 that pertain to "Disposable Plastic Bags". Session ends May 1st. 2015.

These bills would grant local municipalities and counties the right to control and enact their own legislation on plastic bags so that they can run a pilot program, gather statistics and determine if the program is effective in plastic bag reduction. At the moment the State of Florida prohibits any local municipalities from charging or enacting any 'tax' on plastic bags.

More than 33,000 jobs in the Florida Keys are supported by ocean recreation and tourism, accounting for 58 percent of the local economy and \$2.3 billion in annual sales.
http://sanctuaries.noaa.gov/science/socioeconomic/pdfs/fk_final.pdf
http://sanctuaries.noaa.gov/science/socioeconomic/pdfs/fk_final.pdf

In 2000–2001, the artificial and natural reefs off Palm Beach, Broward, Miami-Dade and Monroe counties supported almost 28 million person-days of recreational diving, fishing and viewing activities. These activities generated about \$4.4 billion in local sales, almost \$2 billion in local income, and 70,400 full and part-time jobs. See: <http://coralreef.noaa.gov/aboutcorals/values/tourismrecreation/>

Overall, the State of Florida has a \$65 billion annual tourism industry that is linked to the state's natural resources. See <http://www.visitflorida.org/tools-resources/research/>.

Disposable plastic bags contribute to litter, clog storm drains, are a burden on public works departments, become marine debris, affect water quality, are a nuisance to storm-water treatment systems, create freshwater and ocean pollution and can cause lost revenue where communities have tourism-dependent economies – including the Florida Keys.

PREVIOUS RELEVANT BOCC ACTION: Not applicable.

CONTRACT/AGREEMENT: Not applicable.

There is no fiscal impact associated with the approval of this resolution. Investments in community sustainability are expected to provide long-term cost benefits to the region.

TOTAL COST: \$0 **INDIRECT COST:** ____

BUDGETED: Yes ____ No X

DIFFERENTIAL OF LOCAL PREFERENCE: N/A

COST TO COUNTY: \$0 **SOURCE OF FUNDS:** N/A

REVENUE PRODUCING: Yes ____ No X **AMOUNT PER MONTH** ____ **Year** ____

APPROVED BY: County Atty *WWC* OMB/Purchasing ____ Risk Management ____

DOCUMENTATION: Included X Not Required ____

DISPOSITION: _____

AGENDA ITEM # _____

Revised 7/09

RESOLUTION No. ____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, SUPPORTING THE INITIATIVES BY LOCAL GOVERNMENTS IN FLORIDA TO LESSEN THE NEGATIVE IMPACT OF SINGLE-USE PLASTIC BAGS ON OUR ENVIRONMENT.

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

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

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

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

WHEREAS, single-use plastic bags are difficult to recycle and frequently contaminate material that is processed through the County's curbside recycling and composting programs; and

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

WHEREAS, the Board of County Commissioners for Monroe County acknowledges that some businesses have taken affirmative steps to accomplish this goal and recognizes their proactive efforts; and

WHEREAS, it is in the public interest for the Board of County Commissioners for Monroe County 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

WHEREAS, if the State does not act to regulate the proliferation of single-use shopping bags the Board of County Commissioners for Monroe County would like to potentially enact regulations governing the use of plastic checkout bags;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

SECTION 1. Monroe County is committed to the long-term goal of reducing the harms of plastic pollution on our fragile environment and committed to ensuring a thriving, attractive and safe environment for current and future residents and tourists.

SECTION 2. Monroe County does hereby support initiatives to lessen the negative impact of single-use plastic bags specifically, and supports the promotion of reusable shopping bags as the best alternative to single-use plastic or single-use paper bags.

SECTION 3. Monroe County supports the State Legislature's action to allow local municipalities in the State of Florida to regulate their own local communities in an effort to alleviate the harms cause by single-use shopping bags; and, therefore, Monroe County opposes any statewide preemption on local efforts to determine the best course of action with regards to protection of the local environment and tourism economy.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said board held on the 15th day of April, 2015.

Mayor Danny L. Kolhage, District 1	_____
Commissioner George Neugent, District 2	_____
Commissioner Heather Carruthers, District 3	_____
Commissioner David Rice, District 4	_____
Commissioner Sylvia Murphy, District 5	_____

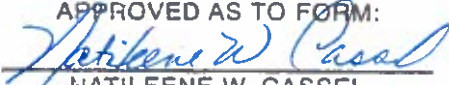
(Seal)

Attest: Amy Heavilin, Clerk

BOARD OF COUNTY
COMMISSIONERS OF MONROE COUNTY,
FLORIDA

By: _____
Deputy Clerk

BY: _____
Mayor Danny L. Kolhage

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

NATILEENE W. CASSEL
ASSISTANT COUNTY ATTORNEY
Date 3/30/2015

**A RESOLUTION OF THE VILLAGE OF PINECREST,
FLORIDA, SUPPORTING THE INITIATIVE BY LOCAL
MUNICIPALITIES IN FLORIDA TO LESSEN THE
NEGATIVE IMPACT OF SINGLE-USE PLASTIC BAGS
ON THE ENVIRONMENT; PROVIDING FOR AN
EFFECTIVE DATE.**

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

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

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

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

WHEREAS, single-use plastic bags are difficult to recycle and frequently contaminate material that is processed through curbside recycling and composting programs; and

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

WHEREAS, the Village Council acknowledges that some businesses have taken affirmative steps to accomplish this goal and recognizes their proactive efforts; and

WHEREAS, it is in the public interest for the Village Council 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

WHEREAS, if the State does not act to regulate the proliferation of single-use shopping bags, the Village Council would like to potentially enact regulations governing the use of plastic checkout bags;

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PINECREST, FLORIDA:

Section 1. That the Village of Pinecrest is committed to the long-term goal of reducing the harms of plastic pollution on our fragile environment and committed to ensuring a thriving, attractive and safe environment for current and future residents and tourists and does hereby support initiatives to lessen the negative impact of single-use plastic bags specifically, and supports the promotion of reusable shopping bags as the best alternative to single-use plastic or single-use paper bags.

Section 2. That the Village of Pinecrest supports the State Legislature's action to allow local municipalities in the State of Florida to regulate their own local communities in an effort to alleviate the harms cause by single-use shopping bags; and, therefore, the Village Council opposes any statewide preemption on local efforts to determine the best course of action with regards to protection of the local environment and tourism economy.

Section 3. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 14th day of October, 2014.


Cindy Lerner, Mayor

Attest:


Guido H. Inguanzo, Jr., CMC
Village Clerk

Approved as to Form and Legal Sufficiency:


Mitchell Bierman
Village Attorney



Motion by: Councilmember McDonald
Second by: Vice Mayor Corradino

Vote: Councilmembers Cutler, McDonald, Ross, Vice Mayor Corradino, and Mayor Lerner voting Yes

Florida local governments that have enacted resolutions in support of legislation allowing them to regulate plastic bags:

Village of Key Biscayne
City of Melbourne Beach
City of Miami Beach
Village of Pinecrest
Saint Augustine Beach (Voluntary Bag Ban)
City of Satellite Beach
City of Surfside
City of Coconut Creek
City of Bonita Springs
Town of Davie
City of South Miami
Town of Cutler Bay
City of Key West
City of Fernandina Beach
City of Hallandale Beach
Town of Indiatlantic
City of Lake Worth
City of Layton
Village of Islamorada
City of Marathon
Leon County
Brevard County
Monroe County
City of West Palm Beach

Appendix J

<u>Title XXVIII</u> NATURAL RESOURCES; CONSERVATION, RECLAMATION, AND USE	<u>Chapter 379</u> FISH AND WILDLIFE CONSERVATION <u>Entire Chapter</u>	SECTION 233 Release of balloons.
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- 379.233 Release of balloons.—**
- (1) The Legislature finds that the release into the atmosphere of large numbers of balloons inflated with lighter-than-air gases poses a danger and nuisance to the environment, particularly to wildlife and marine animals.
- (2) It is unlawful for any person, firm, or corporation to intentionally release, organize the release, or intentionally cause to be released within a 24-hour period 10 or more balloons inflated with a gas that is lighter than air except for:
- (a) Balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes;
 - (b) Hot air balloons that are recovered after launching;
 - (c) Balloons released indoors; or
 - (d) Balloons that are either biodegradable or photodegradable, as determined by rule of the Fish and Wildlife Conservation Commission, and which are closed by a hand-tied knot in the stem of the balloon without string, ribbon, or other attachments. In the event that any balloons are released pursuant to the exemption established in this paragraph, the party responsible for the release shall make available to any law enforcement officer evidence of the biodegradability or photodegradability of said balloons in the form of a certificate executed by the manufacturer. Failure to provide said evidence shall be prima facie evidence of a violation of this act.
- (3) Any person who violates subsection (2) is guilty of a noncriminal infraction, punishable by a fine of \$250.
- (4) Any person may petition the circuit court to enjoin the release of 10 or more balloons if that person is a citizen of the county in which the balloons are to be released.

History.—s. 1, ch. 89-113; s. 186, ch. 99-245; s. 53, ch. 2008-247.

Note.—Former s. 372.995.

Disclaimer: The information on this system is unverified. The journals or printed bills of the respective chambers should be consulted for official purposes.

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Appendix K

ORDINANCE NO. _____

An Ordinance amending Chapter 13A of the Code of Ordinances of the City of South Miami, Florida, entitled “Balloon Regulations,” providing for the regulation of balloon usage and balloon releases in the City limits.

WHEREAS, there are two types of balloons in general use – latex and mylar; and

WHEREAS, although latex balloons are considered bio-degradable, it takes anywhere from 6 months to 4 years to decompose and they can wreak havoc before they do; and

WHEREAS, mylar balloons are far less friendly to the environment — they are made from metallicized polyester, which is dirty in both production and disposal; and

WHEREAS, all released balloons, whether they are released intentionally or not, return to Earth as litter and contribute to marine debris; and

WHEREAS, balloons return to the land and sea where they can be mistaken for food and eaten by animals. The resulting debris from released balloons bears a strong resemblance to jellyfish or squid, which all species of sea turtles have been documented to eat; and

WHEREAS, sea turtles, dolphins, whales, fish and birds have been reported with balloons in their stomachs which can lead to stoppage of the gut and eventual starvation; and

WHEREAS, the ribbons and strings attached to balloons can lead to entanglement, causing death; and

WHEREAS, Florida’s East Coast is home to some of the most densely utilized sea turtle nesting beaches in the country and the City Commission wishes to protect them; and

WHEREAS, the City Commission desires to adopt this ordinance to help prevent harm caused by the release of lighter-than-air balloons.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA:

Section 1. Chapter 13A, shall be amended to include a new Section 13A-22 of the City of South Miami Code of Ordinances which shall read as follows:

Sec. 13A-22. – Release of balloons prohibited.

(a) It shall be unlawful for any person to violate the terms of this section:

(1) Balloons inflated with lighter-than-air gases shall not be released in the City limits.

(2) Any balloons filled with gases that are lighter than air, such as helium, shall, immediately after inflation, be tied securely to an object heavier than the balloon (e.g., a fishing weight, heavy washer, rock, stick, etc.) and a paper tag shall be attached to the string/ribbon attached to the balloon that states: “Releasing this

balloon will harm the environment/ Soltando este globo al aire dañará la naturaleza.”

(3) Any event occurring in the City that distributes or sells light-than-air balloons shall display a clearly legible (bold print that appears equal to or greater than 20 point font) copy of this section of the City Code of Ordinances in a prominent location where it can be seen by all persons who receive such balloons.

(b) This section shall not apply to balloons released by a person on behalf of a governmental agency, or institution of post-secondary education for meteorological purposes.

Section 2. Codification. The provisions of this ordinance shall become and be made part of the Land Development Code of the City of South Miami as amended.

Section 3. Severability. If any section, clause, sentence, or phrase of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, this holding shall not affect the validity of the remaining portions of this ordinance or the Guidelines adopted hereunder.

Section 4. Ordinances in Conflict. All ordinances or parts of ordinances and all sections and parts of sections of ordinances in direct conflict herewith are hereby repealed.

Section 5. Effective Date. This ordinance shall become effective upon enactment.

PASSED AND ENACTED this ____ day of _____, 20 ____.

ATTEST:

APPROVED:

CITY CLERK

MAYOR

1st Reading

2nd Reading

READ AND APPROVED AS TO FORM:
LANGUAGE, LEGALITY AND
EXECUTION THEREOF

COMMISSION VOTE:
Mayor Stoddard:
Vice Mayor Welsh:
Commissioner Edmond:
Commissioner Harris:
Commissioner Liebman:

CITY ATTORNEY



CITY OF SOUTH MIAMI COURTESY NOTICE

NOTICE IS HEREBY given that the City Commission of the City of South Miami, Florida will conduct Public Hearing(s) at its regular City Commission meeting scheduled for Tuesday, June 21, 2016, beginning at 7:00 p.m., in the City Commission Chambers, 6130 Sunset Drive, to consider the following item(s):

A Resolution relating to an application for waiver of plat for the subdivision of property located at 6050 SW 81 Street.

A Resolution approving special exceptions waiving strict compliance with the lot coverage, parking, height, and setback provisions of the Hometown District Overlay Ordinance for a proposed addition located at 5875 Sunset Drive.

A Resolution approving and authorizing the City Manager to execute a three (3) year (October 1, 2015 – September 30, 2018) agreement between the Miami-Dade County Police Benevolent Association Collective Bargaining Union ("Lieutenants & Captains") and the City of South Miami.

A Resolution authorizing the City Manager to enter into a three-year agreement with AT & T to replace existing network connections at Parks and Recreation, Public Works and City Hall.

(An Ordinance amending Chapter 13A, Section 13A-22 of the City of South Miami Code of Ordinances, entitled "Balloon Regulations," providing for the regulation of balloon usage and balloon releases in the City limits.)

An Ordinance amending the Land Development Code, Article III, "Zoning Regulations," Section 20-3.6, "Supplemental Regulations," to amend and clarify the height limitations on fences, walls, hedges and similar features in residential zoning districts.

An Ordinance amending Section 20-5.4, "Complete applications required," Section 20-5.5, "Applications requiring public hearings," and Section 20-5.6, "Applications in general," of the South Miami Land Development Code to establish requirements for a transportation impact analysis, and other changes including correction of names, clarifying notice requirements, and establishing authority to defer an item.

ALL interested parties are invited to attend and will be heard.

For further information, please contact the City Clerk's Office at: 305-663-6340.

Maria M. Menendez, CMC
City Clerk

Pursuant to Florida Statutes 286.0105, the City hereby advises the public that if a person decides to appeal any decision made by this Board, Agency or Commission with respect to any matter considered at its meeting or hearing, he or she will need a record of the proceedings, and that for such purpose, affected person may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared OCTELMA V. FERBEYRE, who on oath says that he or she is the VICE PRESIDENT, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

NOTICE OF PUBLIC HEARING
CITY OF SOUTH MIAMI - JUNE 21, 2016

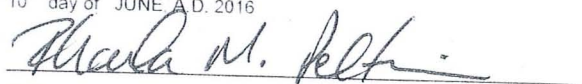
in the XXXX Court,
was published in said newspaper in the issues of

06/10/2016

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami, in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

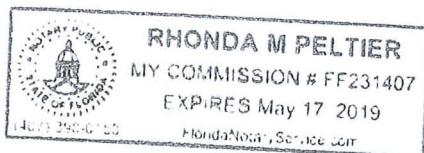


Sworn to and subscribed before me this
10 day of JUNE A.D. 2016



(SEAL)

OCTELMA V. FERBEYRE personally known to me



**CITY OF SOUTH MIAMI
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY given that the City Commission of the City of South Miami, Florida will conduct Public Hearing(s) at its regular City Commission meeting scheduled for Tuesday, June 21, 2016, beginning at 7:00 p.m., in the City Commission Chambers, 6130 Sunset Drive, to consider the following item(s):

A Resolution relating to an application for waiver of plat for the subdivision of property located at 6050 SW 81 Street.

A Resolution approving special exceptions waiving strict compliance with the lot coverage, parking, height, and setback provisions of the Hometown District Overlay Ordinance for a proposed addition located at 5875 Sunset Drive.

A Resolution approving and authorizing the City Manager to execute a three (3) year (October 1, 2015 - September 30, 2018) agreement between the Miami-Dade County Police Benevolent Association Collective Bargaining Union ("Lieutenants & Captains") and the City of South Miami.

A Resolution authorizing the City Manager to enter into a three-year agreement with AT & T to replace existing network connections at Parks and Recreation, Public Works and City Hall.

An Ordinance amending Chapter 13A, Section 13A-22 of the City of South Miami Code of Ordinances, entitled "Balloon Regulations," providing for the regulation of balloon usage and balloon releases in the City limits.

An Ordinance amending the Land Development Code, Article III, "Zoning Regulations," Section 20-3.6, "Supplemental Regulations," to amend and clarify the height limitations on fences, walls, hedges and similar features in residential zoning districts.

An Ordinance amending Section 20-5.4, "Complete applications required," Section 20-5.5, "Applications requiring public hearings," and Section 20-5.6, "Applications in general," of the South Miami Land Development Code to establish requirements for a transportation impact analysis, and other changes including correction of names, clarifying notice requirements, and establishing authority to defer an item.

ALL interested parties are invited to attend and will be heard.

For further information, please contact the City Clerk's Office at: 305-663-6340.

Maria M. Menendez, CMC
City Clerk

Pursuant to Florida Statutes 286.0105, the City hereby advises the public that if a person decides to appeal any decision made by this Board, Agency or Commission with respect to any matter considered at its meeting or hearing, he or she will need a record of the proceedings, and that for such purpose, affected person may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.

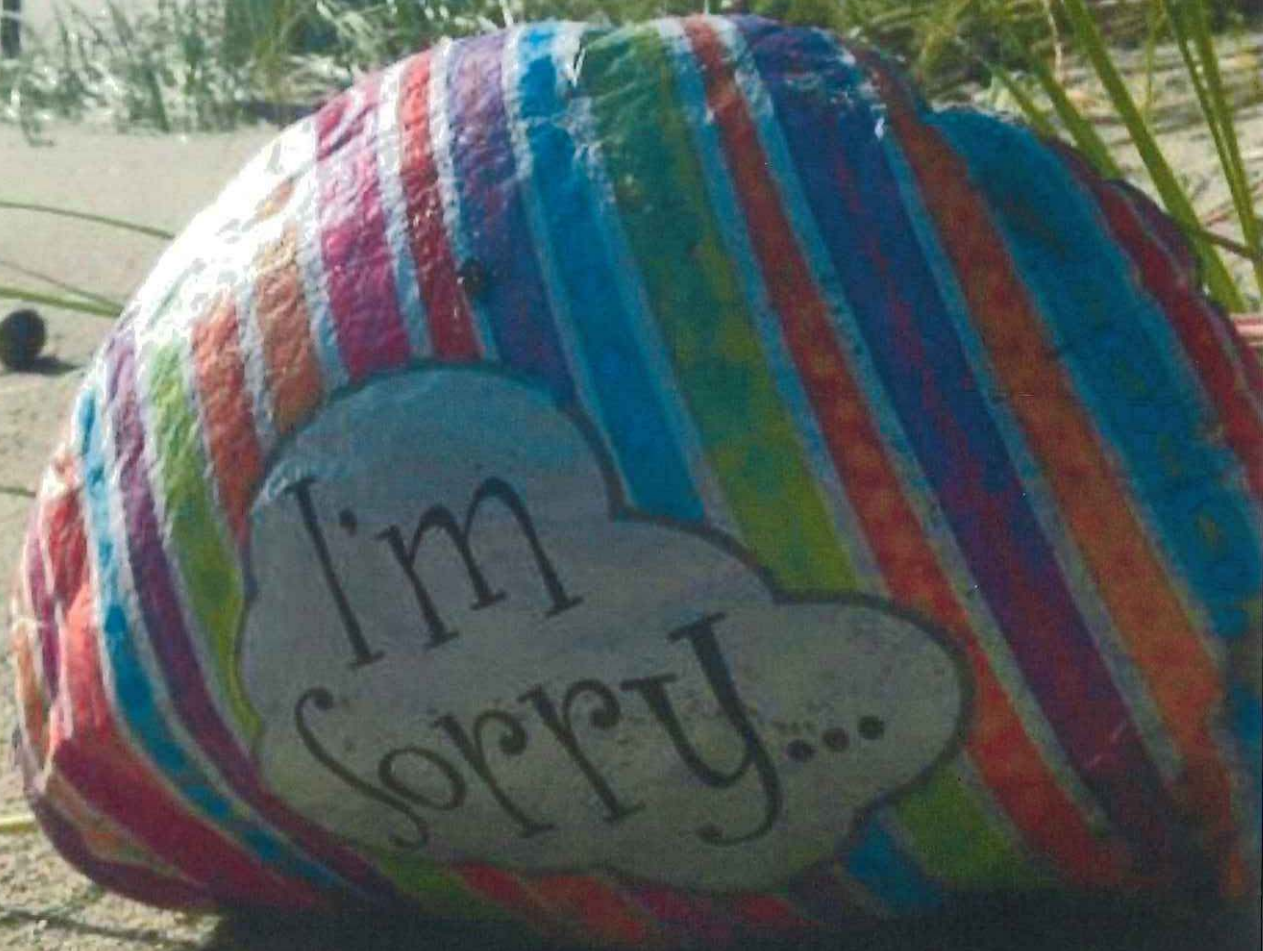
6/10

16-96/0000122622M



Balloon Ban

Loggerhead Marineline Center
14200 US Highway One, Juno Beach, FL 33408
561-627-8280 | marinelife.org



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Florida's East Coast is home to some of the most densely utilized sea turtle nesting beaches in the country. At Loggerhead Marinelife Center (LMC), a non-profit organization located in Juno Beach, Florida, hospital staff regularly treat turtles with complications due to marine debris ingestion.

Balloons are often released, purposefully or by accident, and end up littering the ocean. The deflated balloons resemble jellies, a common prey item for sea turtle species. In an effort to promote the safety and protection of marine life, LMC staff wish to form a partnership to prohibit the use of balloons in designated locations along the coast.

LMC Contacts

Tommy Cutt, Chief Conservation Officer – tcutt@marinelife.org
Demi Fox, Outreach Coordinator – dfox@marinelife.org

Sample Ordinance

Below is a sample ordinance that may be added to the City, Town, Village, or County Code.

ORDINANCE NO. XXXX

AN ORDINANCE OF THE TOWN COUNCIL OF THE (TOWN NAME), FLORIDA, ENTITLED "BALLOON BAN," PROVIDING FOR THE PROHIBITION OF BALLOON USAGE AND BALLOON RELEASES IN (LOCATION(S)); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS balloons are often released, contributing to marine debris. The deflated balloons resemble jellies, a common prey item for sea turtle species as seen in Exhibit "A"; and

WHEREAS Florida's East Coast is home to some of the most densely utilized sea turtle nesting beaches in the country.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE (TOWN NAME), FLORIDA:

Section 1. In an effort to promote the safety and protection of sea turtles, no person shall display, release, or distribute balloons of any kind in (location(s)).

Section 2. The (Property Name – civic centers, park pavilions, etc.) lease shall include a notice of the prohibition of balloon usage as well as a link to educational information regarding the effect of balloons on sea turtles and marine life.

Section 3. The party responsible for (Property Name) reservations is hereby directed to supply prospective renters with educational information explaining the prohibition of balloon usage and the Town's reason for the restriction.

Section 4. Effective date. This ordinance shall take effect immediately upon its adoption.

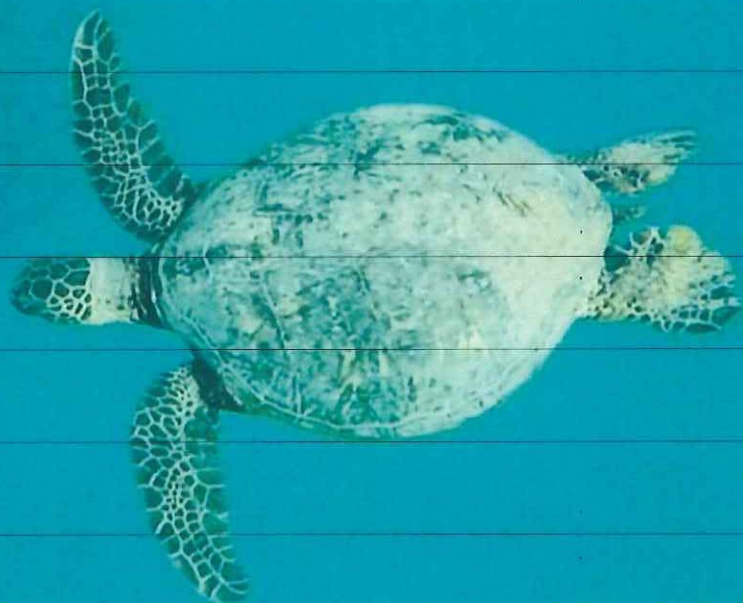
Exhibit "A"

The below pictured green sea turtle (*Chelonia mydas*), being treated at Loggerhead Marinelife Center, ingested a plastic balloon.



Town
Logo

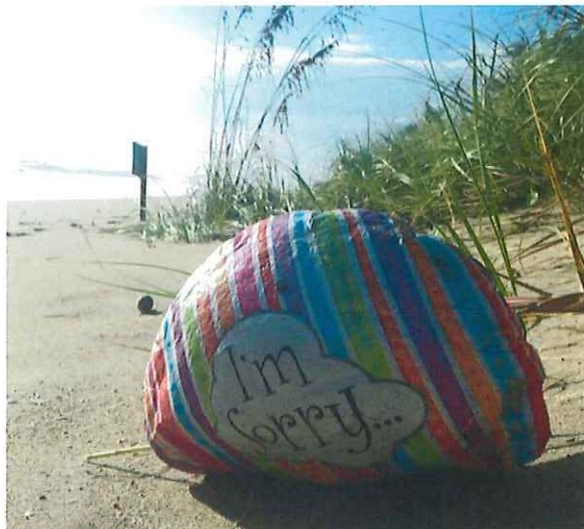
Balloon Ban



Deflated balloons resemble jelly fish, a common prey item for sea turtles. In an effort to promote the safety and protection of sea turtles, (Town Name) has prohibited the use of balloons in (location(s)).



Former LMC patient, Lil' Nugget, swallowed a balloon.



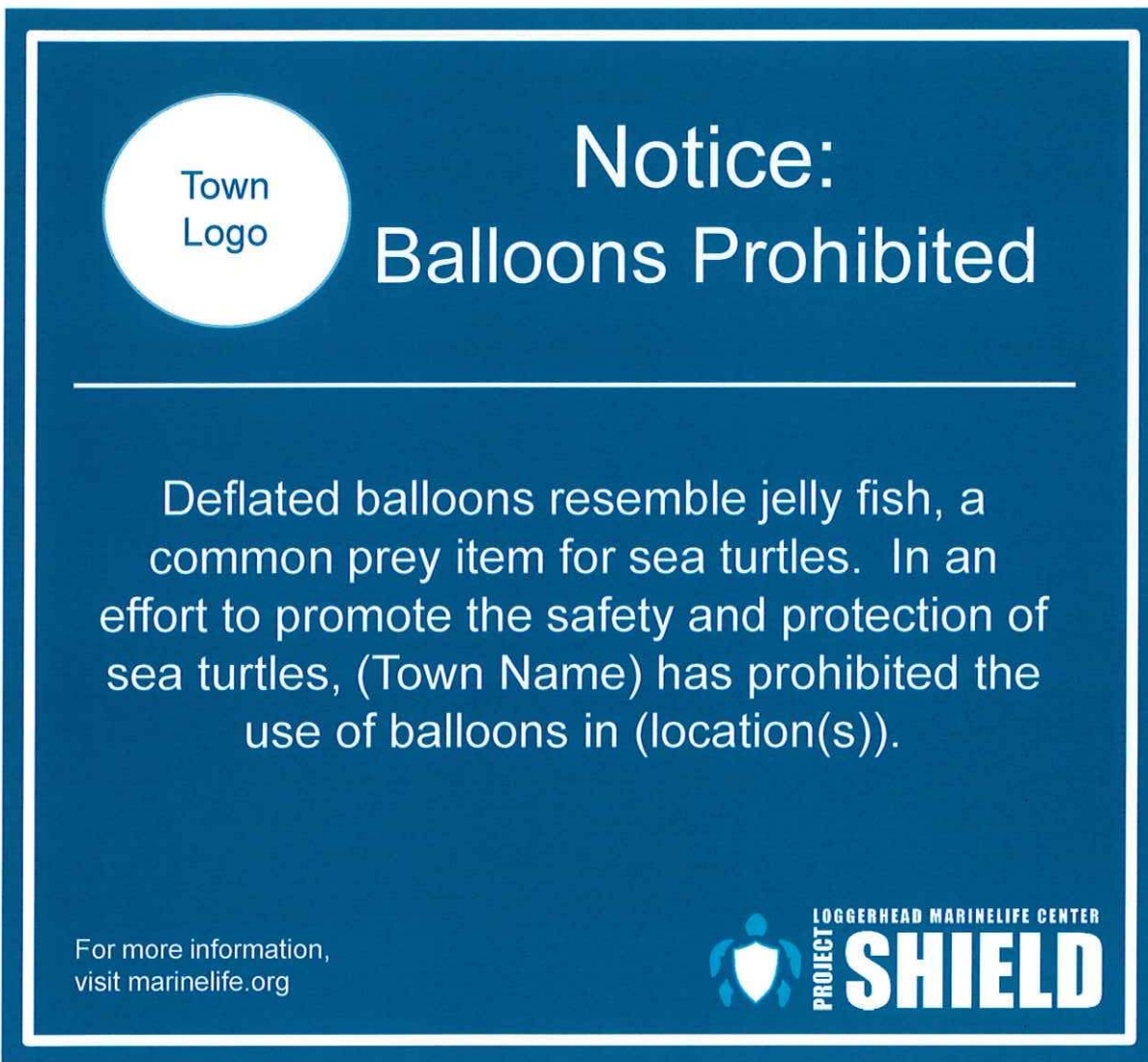
Hundreds of balloons are collected on Florida beaches.

You can also help protect sea turtles in the following ways:

- Remove any lounge chairs, umbrellas, and other beach furniture from the beach overnight.
- Knock down sand castles and fill in holes in the sand when leaving the beach.
- Turn off outdoor lights at night and close curtains after sunset to keep light pollution off the beach.
- Dispose of all trash and clean up any debris found on the beach.
- If you see a nesting turtle, try not to disrupt her. Do not use any bright lights or flash photography and avoid creating loud noises.
- If you see healthy hatchlings, allow them to crawl to the ocean on their own.

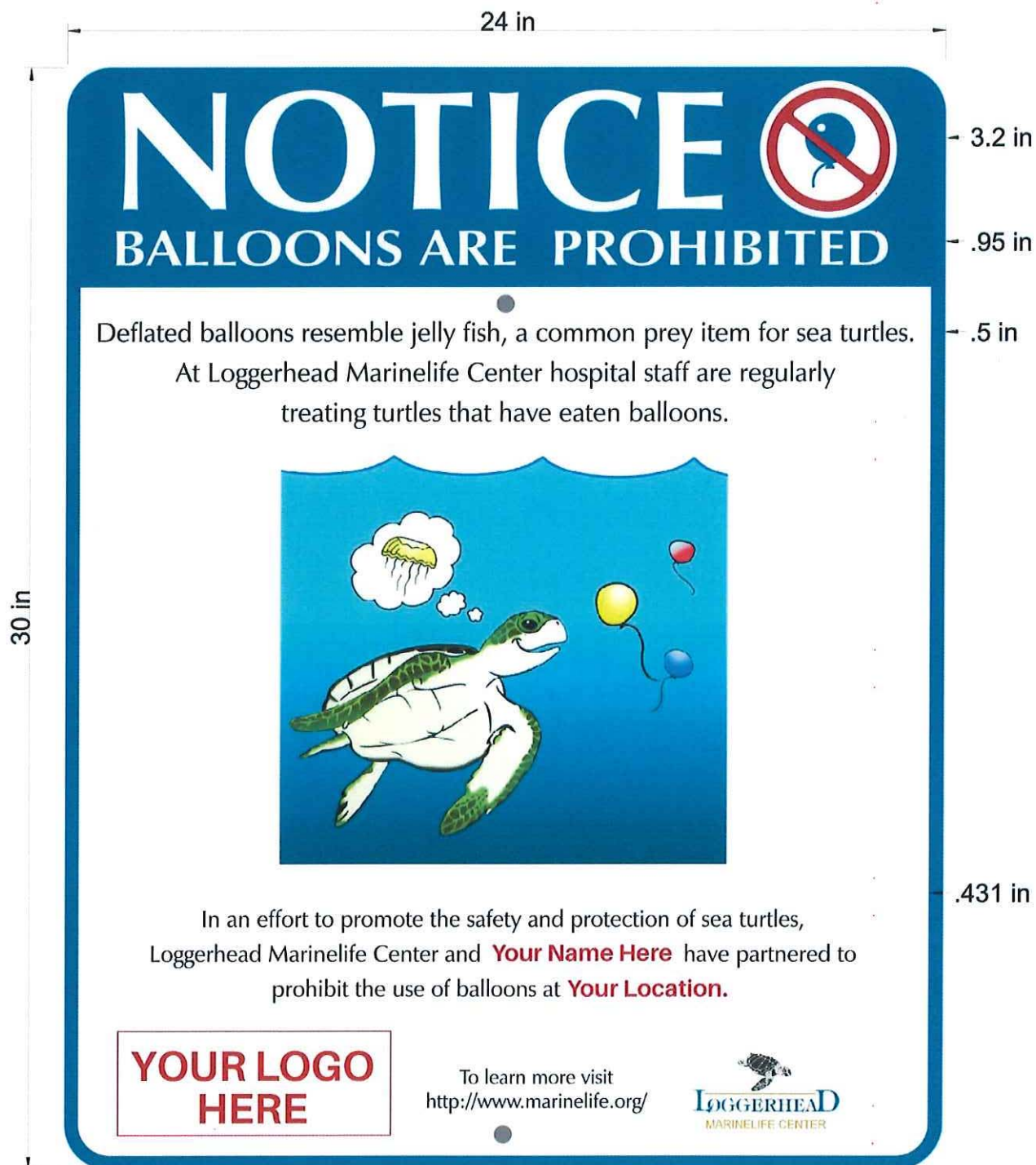
Signage Option 1

Below is an example of signage that may be displayed in appropriate locations. All colors, text, and logos are fully customizable and may be edited to best suit the needs of each location.



Signage Option 2

Below is a mock-up of the signage that was recently installed in Loggerhead Park in collaboration with Palm Beach County. Similar signage could be produced for any town location. All colors, text, and logos are fully customizable and may be edited to best suit the needs of each location.



Sample Webpage

Below is the notice that is currently displayed on the Loggerhead Park webpage.

www.pbcgov.com/parks/locations/loggerhead.htm#Yj9uZiQKUL

Palm Beach County Parks & Recreation

Select Language

Parks & Recreation Home Find Parks/Amenities Calendar of Events Things to Do General Information Contact Us

You are here: Palm Beach County > Parks & Recreation > Locations > Loggerhead Park

North Parks

- Bart Winters
- Burt Reynolds
- Cabana Colony
- Carlin
- Coral Cove
- County Pines Rec Complex at Samuel Friedland
- Dubois
- Eyer
- Fulbertson Island
- Gramercy
- Jim Barry Light Harbor
- Juno
- Juno Beach
- Jupiter Beach
- Jupiter Farms
- Kennedy Estates
- Limestone Creek
- Loggerhead
- Lashachsee River Battlefield
- North County Aquatic Complex
- Ocean Cay
- Ocean Reef
- Peanut Island
- Pill Foster
- Riverbend
- West Jupiter Recreation Center

315

Loggerhead Park

NOTICE: The use of balloons is now prohibited at Loggerhead Park. Loggerhead Marinelife Center and Palm Beach County have committed to the prohibition of balloons at the park in an effort to promote the safety and protection of sea turtles. Visit Loggerhead Marinelife Center online to learn more about the dangers balloons pose to marine wildlife.

ENTRANCE: 14200 U.S. Highway 1, Juno Beach, Florida 33408
Google Maps

HOURS: Sunrise - Sunset

CLASS: Beach

ACREAGE: 17.26 acres

AMENITIES

- activity building
- beach frontage, guarded (900 feet)
- beach surf wheelchair is available; contact a lifeguard to arrange for use.
- saltwater fishing and surfing not permitted in guarded swimming area
- fishing (saltwater)
- nature trail
- parking
- picnic areas with grills, single table
- picnic pavilion, reserved group (1)
- picnic shelters, family (7)
- playground, including
 - playground safety
 - play structure (ages 2-12 years)
 - play structure (ages 5-12 years)
- restroom facilities
- showers, outdoor

LOCATION OF

- Celestial Railroad Historical marker

Loggerhead Park Location Map

View Loggerhead Park in a larger map

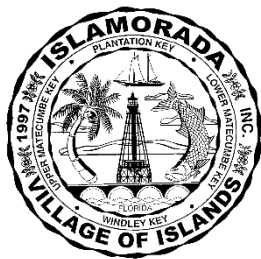
Contact Information

- Daily Beach Conditions
 - North County: (561) 624-0055
 - South County: (561) 629-0775
- Ocean Rescue Headquarters
 - North District: (561) 694-7400
 - Juno Beach Park, 14775 U.S. Highway 1, Juno Beach, Florida 33408
 - South District: (561) 629-0770
 - Ocean Inlet Park, 6990 Ft. Ocean Boulevard, Ocean Ridge, Florida 33435
- Webcams
 - Contact Us, if you have questions, comments, or would like to be notified by email about upcoming activities at an aquatic facility

Beach Cleanups:

Interested in Beach Clean Ups?

11:51 AM 4/9/2015



Council Communication

To: Mayor and Village Council

From: Roget V. Bryan, Village Attorney
John Sutter, Director of Parks & Recreation and Marine Resources

Date: October 13, 2016

**SUBJECT: ORDINANCE ESTABLISHING REGULATIONS FOR RELEASE OF
BALLOONS AND SKY LANTERNS WITHIN THE VILLAGE**

Background:

The coastal marine environment of southeastern Florida is a habitat for many kinds of marine animal life including sea turtles. Various types of inflated and deflated balloons commonly litter the beaches and waters of the coast line and are mistaken by sea turtles and other wildlife as prey and are ingested causing injury and death. Organizations dedicated to the welfare of this marine wildlife report treating hundreds of injured turtles due to ingested balloons. In 2012, Florida Statute, 379.233 was enacted to protect marine life by making it unlawful to release balloons inflated with a gas lighter than air. (See Attachment "A").

On September 8, 2016, the Village Council had a discussion regarding prohibitions for the release of balloons and sky lanterns within the Village. As a result of that discussion, staff was given direction to bring proposed regulations for consideration by the Village Council.

Analysis:

The proposed Ordinance proposes the prohibition of balloons and release of sky lanterns within the incorporated areas of the Village. Several southeast Florida municipalities have also enacted policies, including ordinances, banning the release of all balloons, intentional or accidental, with an emphasis on balloons filled with lighter than air gases or balloon lanterns. This effort, spearheaded by the Loggerhead Marine Life Center of Juno Beach, now has the participation of Dania Beach, Juno Beach, Jupiter, Lake Worth, Hallandale Beach, Lantana, Hillsborough Beach, Hollywood, Miami Lakes, South Palm Beach, Surfside, Martin County, and Miami-Dade County. Methods of enforcement vary within these municipalities varies as some merely use signage, webpage notices, and press releases as an educational approach without actual enforcement.

The Ordinance proposes the issuance of citations for violations of the Ordinance with a penalty of \$250.00.

Budget Impact:

Depending on the direction of the Village Council, signage would be purchased for Village parks and beaches, with a cost estimate of \$1,500 to \$2,500. The further anticipated impact of enforcing the proposed ordinance cannot be determined at this time.

Staff Impact:

Parks and Public Works maintenance staff would acquire, erect, and maintain educational signage. Code and law enforcement would provide enforcement depending on the direction of the Village Council. Village staff would also provide educational materials, web postings, and press releases.

Recommendation:

It is recommended that the Village Council pass the proposed Ordinance on first reading.

ORDINANCE NO.

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 18 “NUISANCES” OF THE VILLAGE CODE OF ORDINANCES BY AMENDING ARTICLE I “IN GENERAL” TO ESTABLISH SECTION 18-30 ENTITLED "BALLOONS AND SKY LANTERNS" TO REGULATE THE POSSESSION, DISPLAY AND RELEASE OF BALLOONS AND SKY LANTERNS WITHIN THE VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Islamorada, Village of Islands (the “Village”) is home to one of the more densely utilized sea turtle nesting beaches in the entire country; and

WHEREAS, pursuant to Section 379.233, Florida Statutes, the Legislature has determined that the release into the atmosphere of large numbers of balloons inflated with lighter-than-air gases poses a danger and nuisance to the environment, particularly to wildlife and marine animals; and

WHEREAS, it has been found that balloons and sky lanterns released into the atmosphere return to the earth as litter; and

WHEREAS, the Village Council of Islamorada, Village of Islands (the “Village Council”) has determined that the inadvertent or intentional release of balloons and sky lanterns into the atmosphere pose a danger and nuisance to the environment and wildlife who may ingest this debris; and

WHEREAS, sea turtles and other marine wildlife mistake remains from deflated balloons for food, and once ingested, the balloons damage their digestive systems and may lead to starvation and/or death; and

WHEREAS, even biodegradable balloons do not degrade quickly enough to avoid ingestion by marine wildlife; and

WHEREAS, the Village's park and recreation areas include the beach and other areas immediately adjacent or in close proximity to the beach and the intentional or inadvertent release or improper disposal of all types of balloons within these areas poses a danger to the environment and to the wildlife that may ingest them; and

WHEREAS, in order to limit the number of release balloons and sky lanterns within the Village, the Village Council wishes to also prohibit the release of same from Village-owned property; and

WHEREAS, the Village Council has determined that these regulations are in the best interests of the Village and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF ISLAMORDA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

Section 2. **Amendment to the Village Code.** Chapter 18 "Nuisances", Article I "In General" of the Village Code is hereby amended to create and establish Section 18-30 within the Village Code as follows:

Additional text is shown as underlined;

Deleted text is shown as ~~striketrough~~

CHAPTER 18 “NUISANCES”**ARTICLE I “IN GENERAL”****SECTION 18-30 “BALLOONS AND SKY LATERNS”****(a) Intent and Purpose.**

Pursuant to Section 379.233, Florida Statutes, the Legislature has determined that the release into the atmosphere of large numbers of balloons inflated with lighter-than-air gases poses a danger and nuisance to the environment, particularly to wildlife and marine animals. Therefore, it is the intent and purpose of this Section to provide an efficient procedure for the prohibition of balloons and sky lanterns release within the incorporated areas of the village.

(b) Definitions.

When used in this division, the following words, terms, and phrases, and their derivations, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Beach means the zone of unconsolidated material that extends landward from the mean low-water line to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves.

Balloon or floating balloon means a balloon of any type inflated with a gas that is lighter than air.

Park, park grounds or recreation facility or recreational facility area means a park, playground, gymnasium, athletic field or court, recreation center or any other area owned by the Village and devoted to active or passive recreation.

Public property and public property grounds means all property owned by the Village that is designated open to the public

Private property and Private property grounds means all property owned by an individual or group of individuals.

Sky lantern means a device that requires a flame which produces heated air trapped in a balloon-type covering allowing the device to float in the air. Sky lanterns shall not include hot air balloons used for transporting persons.

(c) Prohibition.

For the protection of sea turtles and other wildlife, it is prohibited for any person within any park, recreational facility area, municipal beach, municipal beach area, or other public or private property within the Village's limits to:

- (1) Display, possess or release one or more balloons inflated with a gas that is lighter than air: or
- (2) Display, possess or release one or more sky lanterns.

(d) Exemptions.

The following uses and activities shall be exempt from the provisions of this article:

- (1) Possession of balloons or sky lanterns where such items are moved from a vehicle or structure to another structure where the resulting exposure of such items to the outdoors is *de minimis*.
- (2) Display, possess or release of floating balloons indoors.
- (3) Display, possess or release of sky lanterns indoors.
- (4) Display, possession or release of floating balloons by a governmental agency for scientific or meteorological purposes.

(e) Penalties and enforcement.

A person violating subsection (c)(1) or (c)(2) shall receive a civil fine of Two Hundred Fifty Dollars (\$250.00) in accordance with the code compliance procedures set forth in Chapter 2, Article III of the Village Code.

* * * * *

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Repeal of Conflicting Provisions. The provisions of the Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. **Inclusion in Code.** It is the intention of the Village Council of Islamorada, Village of Islands that the provisions of this Ordinance shall at some time in the future become and be made a part of the Village Code of Ordinances and that the sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

Section 6. **Effective Date.** This Ordinance shall become effective immediately upon adoption.

The foregoing Ordinance was offered by _____, who moved for its adoption on second reading. This motion was seconded by _____, and upon being put to a vote, the vote was as follows:

Mayor Deb Gillis	_____
Vice Mayor Jim Mooney	_____
Councilman Mike Forster	_____
Councilman Chris Sante	_____
Councilman Dennis Ward	_____

PASSED on the first reading this this ____ day of _____, 2016.

The foregoing Ordinance was offered by _____, who moved for its adoption on second reading. This motion was seconded by _____, and upon being put to a vote, the vote was as follows:

Mayor Deb Gillis	_____
Vice Mayor Jim Mooney	_____
Councilman Mike Forster	_____
Councilman Chris Sante	_____
Councilman Dennis Ward	_____

PASSED AND ADOPTED on the second reading this ____ day of _____, 2016.

DEB GILLIS, MAYOR

ATTEST:

KELLY TOTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF
ISLAMORADA, VILLAGE OF ISLANDS ONLY

ROGET V. BRYAN, VILLAGE ATTORNEY

Attachment "A"

Select Year: 2016 Go

The 2016 Florida Statutes

Title XXVIII
NATURAL RESOURCES; CONSERVATION,
RECLAMATION, AND USE

Chapter 379
FISH AND WILDLIFE
CONSERVATION

[View Entire
Chapter](#)

379.233 Release of balloons.—

(1) The Legislature finds that the release into the atmosphere of large numbers of balloons inflated with lighter-than-air gases poses a danger and nuisance to the environment, particularly to wildlife and marine animals.

(2) It is unlawful for any person, firm, or corporation to intentionally release, organize the release, or intentionally cause to be released within a 24-hour period 10 or more balloons inflated with a gas that is lighter than air except for:

(a) Balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes;

(b) Hot air balloons that are recovered after launching;

(c) Balloons released indoors; or

(d) Balloons that are either biodegradable or photodegradable, as determined by rule of the Fish and Wildlife Conservation Commission, and which are closed by a hand-tied knot in the stem of the balloon without string, ribbon, or other attachments. In the event that any balloons are released pursuant to the exemption established in this paragraph, the party responsible for the release shall make available to any law enforcement officer evidence of the biodegradability or photodegradability of said balloons in the form of a certificate executed by the manufacturer. Failure to provide said evidence shall be prima facie evidence of a violation of this act.

(3) Any person who violates subsection (2) is guilty of a noncriminal infraction, punishable by a fine of \$250.

(4) Any person may petition the circuit court to enjoin the release of 10 or more balloons if that person is a citizen of the county in which the balloons are to be released.

History.—s. 1, ch. 89-113; s. 186, ch. 99-245; s. 53, ch. 2008-247.

Note.—Former s. 372.995.

Memorandum

From the Town of Juno Beach Planning & Zoning Department

To: Joseph Lo Bello, Town Manager
From: Ruben Cruz, Director of Planning & Zoning 
Date: September 6, 2016
Subject: Ordinance No. 693 – Banning Balloons in Town Parks

Background

In response to a request from the Loggerhead Marinelife Center (“LMC”) (see attachment #1), staff is presenting Ordinance No. 693 to the Town Council to help support the LMC’s efforts to promote the safety and protection of marine life and “to form a partnership to prohibit the use of balloons in designated locations along the coast.” LMC has provided Staff with informational materials that explain why prohibiting balloons will help sea turtles and other marine life (see attachment #2). The proposed ordinance has been modified from the sample ordinance provided by LMC and ordinances adopted by other municipalities.

Discussion

The Town of Juno Beach is home to one of the densest sea turtle nesting beaches in the country and the proposed ordinance constitutes the strictest form of regulation of balloons, floating balloons and sky lanterns.

The proposed ordinance adopts a new Code section 12-3 to the prohibit the display, possession and release of floating balloons and sky lanterns on any property located within the Town. The ordinance does contain exceptions for: the display, possession or release of floating balloons and sky lanterns indoors; moving floating balloons and sky lanterns from a vehicle to a structure or between structures; and the use of floating balloons by governmental agencies for scientific or meteorological purposes.

The proposed ordinance also adopts a new Code section 18-48 to prohibit the display, release and distribution of balloons of any kind within any park within the Town. The Town Code defines the term “park” to include any playground, beach, recreation center or other area within the Town devoted to active or passive recreation. This section similarly excepts balloons utilized by a governmental agency for scientific or meteorological purposes.

If the Council approves the proposed ordinance on first reading, staff will present an accompanying resolution on second reading that will allow the Town to enforce these provisions through the issuance of citations.

Recommendation

Staff recommends that the Town Council approve Ordinance No. 693 on first reading.



TOWN OF JUNO BEACH, FLORIDA

ORDINANCE NO. 693

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, RELATING THE POSSESSION, DISPLAY AND RELEASE OF BALLOONS AND SKY LANTERNS; AMENDING ARTICLE I, "IN GENERAL," OF CHAPTER 12, "ENVIRONMENT," TO ADOPT A NEW SECTION 12-3, "FLOATING BALLOONS AND SKY LANTERNS;" AMENDING ARTICLE II, "USE AND CONDUCT REGULATIONS OF PARKS," OF CHAPTER 18, "PARKS AND RECREATION," OF THE TOWN CODE OF ORDINANCES TO ADOPT A NEW SECTION 18-48, "BALLOONS PROHIBITED;" PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the Town of Juno Beach is home to one of the densest sea turtle nesting beaches in the entire country; and

WHEREAS, sea turtles and other marine wildlife mistake deflated balloons for food, and once ingested, the balloons damage their digestive systems and may lead to starvation and/or death; and

WHEREAS, the Town's park and recreation areas include the beach and other areas immediately adjacent or in close proximity to the beach and the intentional or inadvertent release or improper disposal of all types of balloons within these areas poses a danger to the environment and to the wildlife that may ingest them; and

WHEREAS, the intentional or inadvertent release of floating balloons and sky lanterns into the atmosphere from any location within the Town also poses a significant danger to the environment and to the wildlife that may ingest them; and

WHEREAS, the Town Council determines that it is in the best interests of the public health, safety and welfare to prohibit the display, release or distribution of balloons of any kind within the Town's park and recreation areas and to prohibit the display, release or distributions of floating balloons and sky lanterns on any property located within the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA as follows:

Section 1. The foregoing "Whereas" clauses are hereby ratified and incorporated herein.

Section 2. The Town Council hereby amends Article I, "In General," of Chapter 12, "Environment," by adopting a new section 12-3 to read as follows (additional language underlined):

Sec. 12-3. Floating balloons and sky lanterns.

(a) Definitions. For the purpose of this section, the following words, terms and phrases shall have the meanings ascribed herein, except where the context clearly indicates a different meaning:

Floating balloon means a balloon of any type inflated with a gas that is lighter than air.

Sky lantern means a device that requires a flame which produces heated air trapped in a balloon-type covering allowing the device to float in the air. Sky lanterns shall not include hot air balloons used for transporting persons.

(b) Prohibition. On any property located within the town's corporate limits, no person shall:

(1) Display, possess or release one or more floating balloons; or

(2) Display, possess or release one or more sky lanterns.

(c) Exceptions. This section shall not prohibit the following activities:

(1) Possession of floating balloons or sky lanterns where such items are moved from a vehicle or structure to another structure where the resulting exposure of such items to the outdoors is de minimis;

(2) Display, possession or release of floating balloons indoors;

(3) Display, possession or release of sky lanterns indoors; or

(4) Display, possession or release of floating balloons by a governmental agency for scientific or meteorological purposes.

Section 3. The Town Council hereby amends Article II, "Use and Conduct of Parks," of Chapter 18, "Parks and Recreation," of the Town's Code of Ordinances by adopting a new Section 18-48 to read as follows (additional language underlined):

Sec. 18-48. Balloons prohibited.

For the protection of sea turtles and other wildlife, no person shall display, release or distribute balloons of any kind in any park. This prohibition shall not apply to the display, release or distribution of balloons by a governmental agency for scientific or meteorological purposes.

Section 4. The provisions of this Ordinance shall become and be made a part of the Code of the Town of Juno Beach, Florida.

Section 5. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of the Ordinance.

Section 6. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 7. This Ordinance shall become effective immediately upon adoption
FIRST READING this _____ day of _____, 2016.

SECOND, FINAL READING AND ADOPTION this _____ day of _____, 2016.

AYE

NAY

JASON HASELKORN, MAYOR

AYE

NAY

JIM LYONS, VICE MAYOR

AYE

NAY

FRANK FAHY, VICE MAYOR PRO TEM

AYE

NAY

ELLEN ANDEL, COUNCILMEMBER

AYE

NAY

BILL GREENE, COUNCILMEMBER

ATTEST:

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

VANESSA M. MUTCHNIK, MMC
TOWN CLERK

LEONARD G. RUBIN
TOWN ATTORNEY



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: October 6, 2016

Subject: Discussion on prohibition of balloon
usage and balloon releases

Prepared By: Commissioner Barbara Watts

Sponsored By: Commission

Background

The release of helium balloons and so called "Chinese lanterns" have been shown to endanger marine life, particularly sea turtles, as they resemble them when they deflate and are grounded. So too, as evidence from California attests, these air-borne confections endanger power lines and cause electrical outages.

A number of South Florida municipalities have passed resolutions or ordinances banning helium balloons and the like from public and even private spaces and Miami-Dade County is considering participation but have not yet made a final commitment. Such legislation largely has been due to awareness campaigns launched by environmental groups in Florida, California, and abroad (see backup websites). I suggest that the Commission discuss the matter and consider passing a resolution banning the release of helium balloons (there are alternatives), limiting (or providing guidelines for) their outdoor display, and/or publicize the dangers that accompany their release so that residents refrain from releasing them and/or and take special care to secure them when displaying them outdoors (please excuse run-on sentence).

Fiscal / Budget Impact

Staff time.

October 6, 2016

Commission Agenda Report

Recommendation:

Pass a resolution limiting or banning the outdoor display of helium balloons and the like, and include information regarding their potential environmental hazards in a flyer, on the Rec. Center's Facebook page and rules for Rec. Center rental, and in the Newsletter.

Attachments

- General Balloon Ban information
- Balloon Ban Participation Options
- Dania Beach Ordinance
- Lantana Ordinance

Links:

<https://www.marinelife.org/four-south-florida-counties-now-implementing-balloon-ban/>

<https://www.facebook.com/ban.balloon.releases/>

http://www.mcsuk.org/what_we_do/Clean+seas+and+beaches/Campaigns+and+policy/Action+on+sky+lanterns+&+balloons

<http://www.mypalmbeachpost.com/news/news/local/why-lake-worth-is-going-to-regulate-outdoor-balloon/nsHFx/>

<http://balloonsblow.org/ban-helium-filled-foil-balloons-california/> This California website has links that contain valuable information regarding the risks to sea life and to electrical lines posed by helium balloons, See "B2709 Factsheet" and "History of , , ,"

ORDINANCE NO. O-10-2016

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LANTANA, FLORIDA. AMENDING CHAPTER 13. OFFENSES. AT ARTICLE I. IN GENERAL. BY ADOPTING SECTION 13-7. ENTITLED BALLOONS AND SKY LANTERNS RELEASE. IN ORDER TO ADDRESS THE REGULATION OF BALLOONS AND SKY LANTERNS WITHIN THE TOWN AND PROVIDE DEFINITIONS REGARDING THE SAME; PROVIDING THAT EACH AND EVERY SECTION AND SUBSECTION OF CHAPTER 13. OFFENSES. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town Council of the Town of Lantana, Florida, has determined that balloons and sky lanterns released into the atmosphere return to the earth as litter; and,

WHEREAS, the Town Council believes that the release (accidental or intentional) of balloons and sky lanterns into the atmosphere pose a danger and nuisance to the environment and wildlife who may ingest this debris; and,

WHEREAS, Florida's East Coast is home to some of the most densely utilized sea turtle nesting beaches in the country; and

WHEREAS, marine animals, such as sea turtles, mistake the remains from balloons as food which may potentially damage their digestive systems, lead to starvation and/or death; and,

WHEREAS, even biodegradable balloons do not degrade quickly enough to avoid ingestion of the same by marine wildlife; and,

WHEREAS, to limit the number of released balloons and sky lanterns within the Town, the Town Council wishes to prohibit the same on Town-owned property; and

WHEREAS, the Town Council of the Town of Lantana finds that these revisions to the Town's code will preserve, promote and protect the health, safety, and welfare of its citizens.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LANTANA, FLORIDA, THAT:

Section 1: Chapter 13. Offenses. of the Code of Ordinances of the Town of Lantana is hereby amended at Article I. In General. by adopting Section 13-7. Balloons and Sky Lanterns release. which shall hereafter read as follows:

Sec. 13- 7. – Balloons and Sky Lanterns Release.

In addition to the regulations contained in this article, the following regulations shall apply to all parks and recreation facilities, public property, and private property.

Balloons and sky lanterns.

- (1) Within any park, recreational facility area, municipal beach, municipal beach area, or other public property and private property, as these terms are defined in this chapter:
 - a. No person shall display, possess or release one or more balloons inflated with a gas that is lighter than air; and
 - b. No person shall display, possess or release one or more sky lanterns.
- (2) This subsection does not prohibit the following:
 - a. Possession of balloons or sky lanterns where such items are moved from a vehicle or structure to another structure and where the resulting exposure of such items to the outdoors is de minimis;
 - b. Display, possession or release of balloons indoors;
 - c. Display or possession of sky lanterns indoors; or
 - d. Display, possession or release of balloons by a governmental agency for scientific or meteorological purposes.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Park, park grounds or recreation facility or recreational facility area shall mean a park, playground, gymnasium, athletic field or court, recreation center or any other area in the city owned by the city and devoted to active or passive recreation.

Public property and public property grounds shall mean all property owned by the city that has a zoning designation of "Public".

Private Property and private property grounds shall mean all property owned by an individual or group of individuals.

Sky lantern shall mean a device that requires a flame which produces heated air trapped in a balloon-type covering allowing the device to float in the air. Sky lanterns shall not include hot-air balloons used for transporting persons.

Section 2: Each and every other Section and Subsection of Chapter 13. Offenses. shall remain in full force and effect as previously enacted.

Section 3: All Ordinances or parts of Ordinances in conflict be and the same hereby repealed.

Section 4: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 5: Specific authority is hereby given to codify this Ordinance.

Section 6: This Ordinance shall take effective immediately upon reading passage.

[The remainder of this page left intentionally blank.]

FIRST READING this 8th day of August, 2016.

SECOND AND FINAL READING this 22nd day of August, 2016.

TOWN OF LANTANA

✓
Aye Nay

David J. Stewart
Mayor David J. Stewart

✓
Aye Nay

Philip J. Aridas
Vice Mayor Philip J. Aridas

✓
Aye Nay

Malcolm Balfour
Councilmember Malcolm Balfour

✓
Aye Nay

Tom Deringer
Councilmember Tom Deringer

✓
Aye Nay

Lynn J. Moorhouse
Councilmember Lynn J. Moorhouse

ATTEST:
Heidi A. Ditz
TOWN CLERK



(Seal)

Approved as to form and
legal sufficiency.

R. Mayhew
TOWN ATTORNEY

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FOUR SOUTH FLORIDA COUNTIES NOW IMPLEMENTING BALLOON BAN

August 12, 2016 | By Hannah Deadman

Categories: News (<https://www.marineline.org/category/news/>) | Tags: Conservation (<https://www.marineline.org/tag/conservation/>)

Loggerhead Marineline Center's conservation initiative to save sea turtles, clean up beaches



Loggerhead Marineline Center's latest conservation project is reaching new lengths in southeastern Florida. Now, various cities and towns in Martin, Palm Beach, Broward and

Miami-Dade counties are set to apply the non-profit's Balloon Ban to a variety of places, including town beaches, parks and other community locations in an effort to reduce marine debris.

After LMC staff documented hundreds of deflated balloons on local beaches and treated many turtles who had ingested marine debris, they developed the Balloon Ban project last April to raise awareness about balloons' impact on local wildlife. Balloons are often released purposefully or accidentally and often end up in the ocean, littering the place thousands of marine animals – like the sea turtle – call home. The deflated balloons resemble jellyfish, a common prey item for sea turtle species.

By partnering with municipalities across approximately 130 miles of South Florida coastline, the ban helps to proactively reduce marine debris in some of the most densely-nested sea turtle nesting habitat in the country. Sample ordinances, signage and educational materials are all provided free of cost to participating towns.

The first municipality to ban balloons was Palm Beach County, which used Juno Beach's Loggerhead Park as a one-year trial. After receiving positive feedback from community members, LMC staff decided to expand the project area.

"Our hope is that the Balloon Ban will help people realize just how much of an effect pollution has on the ocean," said Tommy Cutt, LMC's chief conservation officer. "The message really hits home when people see a sea turtle being treated for accidentally ingesting a balloon. Fortunately, we have a viable solution. People can make a difference by recognizing and implementing the ban to make an impact in the community."

Other participating municipalities include:

- Dania Beach
- Juno Beach
- Jupiter
- Lake Worth
- Hallandale Beach
- Hillsboro Beach
- Hollywood
- Miami Lakes
- South Palm Beach
- Surfside
- Martin County
- Miami-Dade County

Cities, towns or counties interested in partnering with LMC to prohibit balloons in designated locations may contact Tommy Cutt at (561) 627-8280 ext. 122 or tcutt@marinelife.org (<mailto:tcutt@marinelife.org>).

Help us save endangered sea turtles.

GIVE TODAY ➤ ([HTTPS://WWW.MARINELIFE.ORG/HELP/GIVE/](https://www.marinelife.org/help/give/))

CONNECT WITH US:



LOGGERHEAD MARINELIFE CENTER

14200 U.S. Highway 1

561-627-8280

info@marinelife.org (<mailto:info@marinelife.org>)

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MEET OUR SEA TURTLES

([HTTPS://WWW.MARINELIFE.ORG/SEATURTLES/REHAB/PATIENTS/](https://www.marinelife.org/seaturtles/rehab/patients/))

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([HTTPS://WWW.MARINELIFE.ORG/PROGRAMS-EVENTS/CALENDAR/](https://www.marinelife.org/programs-events/calendar/))

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SIGN UP FOR OUR NEWSLETTER

Keep up with the latest news and events at Loggerhead Marineline Center!

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SIGN UP