

Meeting Date
October 20, 2015



AGENDA	
Section	Consent
Item No.	<i>II.A.1</i>

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	A Resolution of the County Commission of Brevard County, Florida, Supporting Home Rule For Local Regulation of Single Use Plastic Carry-Out Shopping Bags
DEPT/OFFICE:	Natural Resources Management Department (NRM)

Requested Action:

It is requested that the Board of County Commissioners approve Resolution 2015-XX supporting home rule for local regulation of single use plastic carry-out shopping bags.

Summary Explanation & Background:

In 2014, House Bill 1257 (McGhee) and Senate Bill 830 (Bullard) were introduced in the Legislature creating uniform statewide standards for reusable bags and recyclable paper bags; requiring local governments desiring to regulate the use of carryout bags to adopt ordinances only pursuant to the uniform standards of the act; prohibiting affected stores from providing plastic carryout bags or other types of bags; requiring affected stores to charge customers a fee for each recyclable paper bag provided; providing for fees collected to be allocated to school districts and stores to offset costs; authorizing local governments to impose penalties; and providing reporting requirements for affected stores. The Bill died in the Environmental Preservation and Conservation Committee.

Ms. Christine Kane of Palm Bay, FL, submitted a Citizen Efficiency and Effectiveness Recommendation requesting the County to petition the State to remove language from both bills which pre-empt local governments from enacting legislation relating to plastic bags. On April 28, 2015, the Board of County Commissioners approved Ms. Kane's Citizen Efficiency and Effectiveness Recommendation (CEER #56) with modifications and directed staff to work with interested parties to create a resolution of support for the next Legislative session. Ms. Kane and other interested parties support the proposed resolution.

In 2015, Senate Bill 966 (Bullard), was introduced in the Legislature authorizing municipalities with a population less than 100,000 to establish pilot programs to regulate or ban the use of disposable plastic bags; prohibiting any new taxes or fees on the use or distribution of disposable plastic bags; directing participating municipalities to collect data and submit reports to a municipal governing body and the Florida Department of Environmental Protection (FDEP); and authorizing municipalities to continue such regulation or ban after the pilot program expires notwithstanding Section 403.7033, F.S. The Bill died in the Community Affairs Committee.

In September 2015, HB 143 (Richardson) and SB 306 (Bullard) were filed authorizing coastal municipalities (those which abut or border the Gulf of Mexico, the Atlantic Ocean, or a bay) with a population of fewer than 100,000 to establish a pilot program to regulate or ban disposable plastic bags; prohibiting any new taxes or fees on the use or distribution of disposable plastic bags as part of the pilot program; requiring pilot programs to be limited to January 1, 2017 through June 30, 2019, and; directing participating municipalities to collect data and submit reports to municipal governing bodies and the FDEP. The 2015 and 2016 bills, as written, are consistent with the proposed resolution except for limiting pilot programs to municipalities with populations of less than 100,000 and limiting the time period allowed for pilot projects.

Fiscal Impact: FY 14-15, no fiscal impact
FY 15-16, no fiscal impact

Clerk to the Board instruction: Three resolutions are enclosed. Please return two original resolutions to NRM. One copy for the Clerk to the Board.

Exhibits Attached: **Attachment 1:** Resolution 2015-XX; **Attachment 2:** CEER #56; **Attachment 3:** House Bill 1257; **Attachment 4:** Senate Bill 830; **Attachment 5:** Senate Bill 966; **Attachment 6:** House Bill 143; **Attachment 7:** Senate Bill 306

Contract /Agreement (If attached):		Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR <input type="checkbox"/>
County Manager		Assistant County Manager			Department Director/Extension		
Stockton Whitten					Virginia Barker/X52435		



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

Telephone: (321) 637-2001
Fax: (321) 264-6972

October 21, 2015

MEMORANDUM

TO: Virginia Barker, Natural Resources Interim Director

RE: Item II.A.1., Resolution Supporting Home Rule for Local Regulation of Single Use Plastic Carry-Out Shopping Bags

The Board of County Commissioners, in regular session on October 20, 2015, adopted Resolution No. 15-205, supporting Home Rule for local regulation of single use plastic carry-out shopping bags. Enclosed are two fully-executed Resolutions for your action.

Your continued cooperation is always appreciated.

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

for: Donna Scott
for: Tammy Etheridge, Deputy Clerk

/kg

Encls. (2)

RESOLUTION NO: 2015-205

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, SUPPORTING HOME RULE FOR LOCAL REGULATION OF SINGLE USE PLASTIC CARRY-OUT SHOPPING BAGS.

WHEREAS, the improper disposal of plastic retail bags can hinder waste management, stormwater management, litter control, and can be harmful to wildlife, and;

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

WHEREAS, plastic bags that do make it to the landfill are difficult to control because they are easily carried by the wind and create unsightly litter, and;

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

WHEREAS, Section 403.7033, Florida Statutes was enacted in 2008 requiring the Florida Department of Environmental Protection (FDEP) to study the need for new or different auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments, and;

WHEREAS, the FDEP report was submitted to the legislature on February 1, 2010, but no FDEP recommendations have been adopted, and;

WHEREAS, in accordance with Section 403.7033, F.S., until the FDEP's recommendations are adopted, no state agency or governmental entity may regulate containers, wrappers, or plastic bags, and;

WHEREAS, the FDEP report presents a wide range of options for decreasing the number of bags being used and recommends that the Legislature review the available options to take action to discourage the single use of paper and plastic bags, and;

WHEREAS, the Brevard County Citizen Efficiency and Effectiveness Recommendation to petition the State to amend Section 403.7033 to provide for local regulation and enforcement of bags or request the repeal of Section 403.7033 so that local governments are no longer pre-empted from enacting appropriate legislation relating to the regulation of plastic bags.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida as follows:

1. The Board hereby authorizes the County Manager, or designee, to include a statement in the Brevard County Legislative Program supporting statewide home rule for the regulation of single use plastic carry-out shopping bags without limitation on the use of fees or taxes.

2. The Board also authorizes the County Manager, or designee, to direct the Brevard County legislative team to track future legislation regulating the use of plastic bags and advocate for statewide home rule policies related to the regulation of plastic bags without limitation on the use of fees or taxes.

3. The Resolution shall be effective immediately upon adoption.

DONE, ORDERED AND ADOPTED in Regular Session this 20th day of October, 2015.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

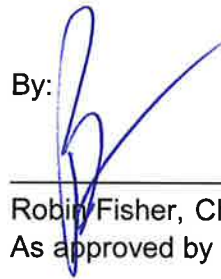
Clerk of the Court:

By:

A blue ink signature of Scott Ellis, written over a circular official seal of the Clerk of the Court for Brevard County, Florida.

Scott Ellis, Clerk

By:

A blue ink signature of Robin Fisher, written over a horizontal line.

Robin Fisher, Chairman

As approved by the Board on 10/20/15

Lewis, Sally A



From: Tammy Etheridge <Tammy.Etheridge@brevardclerk.us>
Sent: Thursday, April 30, 2015 3:28 PM
To: Lewis, Sally A
Subject: Please Ask Stockton to Check This



April 29, 2015

MEMORANDUM

TO: Stockton Whitten, County Manager

RE: Item VI.E.1., Citizen Recommendations for Greater Efficiency and Effectiveness

The Board of County Commissioners, in regular session on April 28, 2015, considered Citizen Efficiency and Effectiveness Recommendations (CEER), as follows:

- Ceer #52 Rejected
- Ceer #54 Rejected
- Ceer #55 Approved
- Ceer #56 Approved, with modification to create a resolution of support for the next legislation session
- Ceer #57 Rejected
- Ceer #58 Rejected
- Ceer #59 Approved
- Ceer #61 Rejected
- Ceer #62 Rejected
- Ceer #63 Rejected
- Ceer #64 Rejected
- Ceer #65 Rejected
- Ceer #66 Rejected
- Ceer #68 Rejected
- Ceer #69 Approved, with modification to develop more information on the Solid Waste webpage
- Ceer #70 Rejected
- Ceer #71 Rejected
- Ceer #72 Rejected
- Ceer #73 Approved

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

**SPEAK UP BREVARD / 2015
CITIZEN EFFICIENCY AND EFFECTIVENESS REVIEW (CEER) PACKAGE**

CEER #56

I. CITIZEN RECOMMENDATION:

NAME: christine kane

ADDRESS: 754 davidson St.
Palm Bay, FL 32909

PHONE: (321) 327-5901

E-MAIL: cdkane@gmail.com

A. Recommendation Information:

Recommendation Title:	Requesting Action from the State
Area/Dept Affected:	highways, waterways, flood control / Natural Resources Management
Current Problem:	plastic bags can be seen in trees, flying across open fields, on highways, private property, etc., inhibit flood control and are a contributing factor to the death of the animals that call the Indian River Lagoon their home; many animals see the bags and think they are a food source; eating them and then dying; this is not even mentioning the fact that plastic bags are heavily dependent on fossil fuels which we should be working to conserve
Recommendation:	I would respectfully request that the County petition the State to either amend Section 403.7033, under House Bill 1257 and companion Senate Bill 830 (providing for local regulation and enforcement of plastic bags under the State's proposed guidelines) or, if amendment of the above referenced statute fails, that the County request the repeal of the above referenced section so that local governments are no longer preempted from enacting appropriate legislation relating to the regulation of plastic bags
Attachment Link(s):	



B. Recommendation Benefits:

Tangible Benefits:	
Estimated Cost to Implement:	\$0.00
Estimated Return on Investment:	\$0.00
Intangible Benefits:	;

II. STAFF RECOMMENDATIONS / COMMENTS

See Attached



Natural Resources Management Department
2725 Judge Fran Jamieson Way
Building A, Room 219
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Stockton Whitten, County Manager

THROUGH: Mel Scott, AICP, Assistant County Manager

FROM: Virginia Barker, Interim Director, Natural Resources Management Department *VAB*

DATE: March 4, 2015

SUBJECT: Citizen Efficiency and Effectiveness Recommendation #56, Requesting Action from the State

Ms. Christine Kane resides in Palm Bay, FL and submitted the following recommendation to Brevard County. She stated the current problem is "plastic bags can be seen in trees, flying across open fields, on highways, private property, etc., inhibit flood control and are a contributing factor to the death of the animals that call the Indian River Lagoon their home; many animals see the bags and think they are a food source, eating them and then dying; this is not even mentioning the fact that plastic bags are heavily dependent on fossil fuels which we should be working to conserve." Her recommendation is: "I would respectfully request that the County petition the State to either amend Section 403.7033, under House Bill 1257 and companion Senate bill 830 (providing for local regulation and enforcement of plastic bags under the State's proposed guidelines) or, if amendment of the above referenced statute fails, that the County request the repeal of the above referenced section so that local governments are no longer preempted from enacting appropriate legislation relating to the regulation of plastic bags."

Natural Resources staff concur that plastic bags that get loose in the environment can be harmful to wildlife. Reduced use/production of plastic bags could conserve fossil fuels. Staff sought input from the County's Solid Waste Department on House Bill 1257 and State Bill 830 because plastic bags are a concern in the landfill. They catch the wind and blow around making them more difficult to control than paper bags or no bags.

Euripides Rodriguez, Director of the Solid Waste Department, gave the following reply to Ms. Kane's recommendations on legislation:

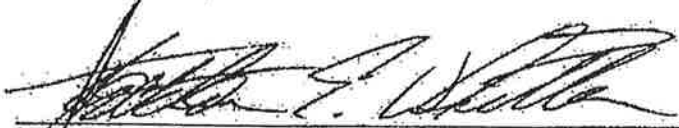
"The bills have certain concerns:

- Compostable bags (as described) that make it to the landfill would not degrade because of the anaerobic conditions of the landfill and we do not compost.
- This relegates to the local governments the adoption without any monies to enforce this bill.

(Continued on page 2)

- Not having a bill like this enforced at the State level will leave the counties in a situation of potentially having various entities that ban and others that do not.
- It excepts small stores. If it is beneficial to the environment then it should not matter if the stores are small or large.
- The bill provides monies to the School District, but no monies for the counties to, at the very least, handle the enforcement and mandatory reporting.
- Paper bags are recyclable and degrade in the landfill but still seem to be banned.

While plastic bags do cause issues, the legislation proposed last session has limitations that are problematic to implement and enforce. Should you have any follow-up questions or concerns, please contact Virginia Barker at 633-2016 or Euripides Rodriguez at 633-2042.



Stockton Whitten, County Manager

3/5/15
Date

RECEIVED
MAR - 5 2015
County Manager's Office

Citizen Efficiency and Effectiveness Recommendations

This is a notification email that Citizen Efficiency and Effectiveness Recommendation ID#56 has been assigned to you for evaluation.

[Click here to view the Citizen Efficiency and Effectiveness Recommendations evaluation page on the BEACH.](#) The information and any available attachments for CEER ID#56 will be available under the "My Assigned Recommendations" area.

The original citizen recommendation has been included below for your review.

First Name: christine
Last Name: kane
Street Address: 754 davidson St
City/State/Zip: Palm Bay, FL 32909
Phone Number: 321 3275901
Email Address: cdkane@gmail.com
Group Name: N/A

Recommendation Title: Requesting Action from the State

Areas/Department Affected: highways, waterways, flood control Natural Resources Management

Current Problem: plastic bags can be seen in trees, flying across open fields, on highways, private property, etc., inhibit flood control and are a contributing factor to the death of the animals that call the Indian River Lagoon their home; many animals see the bags and think they are a food source, eating them and then dying; this is not even mentioning the fact that plastic bags are heavily dependent on fossil fuels which we should be working to conserve

Citizen Recommendation: I would respectfully request that the County petition the State to either amend Section 403.7033, under House Bill 1252 and companion Senate Bill 830 (providing for local regulation and enforcement of plastic bags under the State's proposed guidelines) or, if amendment of the above referenced statute fails, that the County request the repeal of the above referenced section so that local governments are no longer preempted from enacting appropriate legislation relating to the regulation of plastic bags

Tangible Benefits:
Est. Cost to Implement: \$0.00

Intangible Benefits:
Est. Return on Investment: \$0.00

*Research proposed for
Ask solid waste for
their opinion*

HB 1257

2014

1 A bill to be entitled
 2 An act relating to carryout bags; amending s.
 3 403.7033, F.S.; providing legislative findings;
 4 deleting obsolete provisions; providing definitions;
 5 creating statewide standards for reusable bags and
 6 recyclable paper bags for stores located within a
 7 county or municipality that adopts ordinances pursuant
 8 to this act; requiring affected stores to charge
 9 customers a fee for each recyclable paper bag
 10 provided; prohibiting affected stores from providing
 11 plastic carryout bags or other types of bags;
 12 providing for allocation of fees collected; providing
 13 reporting requirements for affected stores;
 14 authorizing local governments to impose a penalty;
 15 authorizing local governments desiring to regulate the
 16 use of carryout bags to adopt ordinances pursuant to
 17 this act; providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Section 403.7033, Florida Statutes, is amended
 22 to read:

23 403.7033 Standards for carryout bags ~~departmental analysis~~
 24 ~~of particular recyclable materials.~~

25 (1) LEGISLATIVE FINDINGS.—The Legislature finds that
 26 prudent regulation of recyclable materials is crucial to the

27 | ongoing welfare of Florida's ecology and economy. The Department
 28 | of Environmental Protection conducted an analysis to determine
 29 | the need for new or different regulations of bags used by
 30 | customers to carry products from retail establishments and found
 31 | that the implementation of new standards requiring the
 32 | prohibition of plastic carryout bags encourages the use of
 33 | reusable bags. As such, the Legislature finds that it is
 34 | necessary and appropriate to adopt uniform statewide standards
 35 | prohibiting the use of plastic carryout bags, which may be
 36 | adopted by local ordinance across the state ~~The Department of~~
 37 | ~~Environmental Protection shall undertake an analysis of the need~~
 38 | ~~for new or different regulation of auxiliary containers,~~
 39 | ~~wrappings, or disposable plastic bags used by consumers to carry~~
 40 | ~~products from retail establishments. The analysis shall include~~
 41 | ~~input from state and local government agencies, stakeholders,~~
 42 | ~~private businesses, and citizens, and shall evaluate the~~
 43 | ~~efficacy and necessity of both statewide and local regulation of~~
 44 | ~~these materials. To ensure consistent and effective~~
 45 | ~~implementation, the department shall submit a report with~~
 46 | ~~conclusions and recommendations to the Legislature no later than~~
 47 | ~~February 1, 2010. Until such time that the Legislature adopts~~
 48 | ~~the recommendations of the department, no local government,~~
 49 | ~~local governmental agency, or state government agency may enact~~
 50 | ~~any rule, regulation, or ordinance regarding use, disposition,~~
 51 | ~~sale, prohibition, restriction, or tax of such auxiliary~~
 52 | ~~containers, wrappings, or disposable plastic bags.~~

53 (2) DEFINITIONS.—As used in this section, the term:
 54 (a) "Affected store" means a retail establishment located
 55 within a jurisdiction of a local government that adopts
 56 standards relating to carryout bags and is:
 57 1. A full-line, self-service retail store that has gross
 58 annual sales of \$2 million or more and sells canned goods, dry
 59 grocery items, nonfood items, or perishable items; or
 60 2. A drugstore, pharmacy, supermarket, grocery store,
 61 convenience store, or other entity of at least 10,000 square
 62 feet which engages in the retail sale of a limited line of
 63 goods, including milk, bread, soda, and snack foods.
 64 (b) "Carryout bag" means a bag provided to a customer at
 65 the point of sale for the purpose of carrying away goods.
 66 (c) "Local government" means a county or municipality.
 67 (d) "Plastic carryout bag" means a carryout bag made
 68 predominantly of plastic. The term does not include produce bags
 69 or reusable bags made of plastic.
 70 (e) "Postconsumer recycled material" means material that
 71 has completed its intended use or life cycle and typically would
 72 be disposed of as solid waste. The term does not include
 73 materials or byproducts generated from, or commonly reused in,
 74 an original manufacturing or fabrication process.
 75 (f) "Produce bag" means a plastic bag without handles used
 76 exclusively to carry produce, meats, or other food items inside
 77 a store to the point of sale or to prevent such food items from
 78 coming into direct contact with other purchased items.

79 (g) "Recyclable paper bag" means a paper bag that:
 80 1. Contains no old-growth fiber;
 81 2. Is 100 percent recyclable and contains at least 40
 82 percent postconsumer recycled material;
 83 3. Is capable of composting, consistent with ASTM D6400,
 84 the standard specification for labeling of plastics designed to
 85 be aerobically composted in municipal or industrial facilities;
 86 4. Has printed on the bag the name of the manufacturer,
 87 the country in which the bag was manufactured, and the
 88 percentage of postconsumer recycled material used; and
 89 5. Visibly displays the word "recyclable" on the outside
 90 of the bag.

91 (h) "Reusable bag" means a bag with handles which is
 92 specifically designed and manufactured for multiple reuse and
 93 which meets all of the following requirements:

94 1. Can carry a minimum of 22 pounds 125 times, over a
 95 distance of at least 175 feet.
 96 2. Has a minimum volume of 15 liters.
 97 3. Is machine washable or can be cleaned or disinfected.
 98 4. Does not contain lead, cadmium, or any other heavy
 99 metal in toxic amounts as defined by applicable federal
 100 standards and regulations for packaging of reusable bags.

101 5. Has printed on the bag, or on a tag permanently affixed
 102 to the bag, the name of the manufacturer; the country in which
 103 the bag was manufactured; a statement that the bag does not
 104 contain lead, cadmium, or any other heavy metal in toxic

105 amounts; and the percentage of postconsumer recycled material
 106 used, if any.

107 6. If made of plastic, is at least 2.25 mils thick.

108 (3) STANDARDS FOR CARRYOUT BAGS.—

109 (a) An affected store shall provide reusable bags, at no
 110 cost or for a fee, to a customer for the purpose of carrying
 111 away goods or other items from the point of sale, subject to the
 112 terms of this section.

113 (b) An affected store may provide recyclable paper bags to
 114 a customer for a fee of 10 cents for each recyclable paper bag
 115 purchased. The affected store may not rebate or otherwise
 116 reimburse any portion of the 10 cent charge and shall indicate
 117 on the customer receipt the number of recyclable paper bags
 118 provided and the total amount charged for the bags.

119 (c) An affected store may not provide a customer with a
 120 plastic carryout bag or other type of bag.

121 (d) This section does not prohibit a customer from using a
 122 bag of any type which he or she brings to the affected store or
 123 from carrying away goods that are not placed in a bag.

124 (e) Fees collected under this subsection shall be used as
 125 follows:

126 1. At least 50 percent of the fees shall be distributed to
 127 the school district in which the affected store is located, to
 128 be used solely for educational purposes; and

129 2. Up to 50 percent of the fees may be retained by the
 130 affected store to offset the costs of complying with this

131 section.

132 (4) REPORTING.—An affected store shall report quarterly to
 133 the local government the total number of recyclable paper bags
 134 provided, the total amount of fees collected for providing
 135 recyclable paper bags, and a summary of any effort by the
 136 affected store in the prior quarter to promote customer use of
 137 reusable bags. Such reporting shall be done on a form prescribed
 138 by the local government and signed by a responsible agent or
 139 officer of the affected store confirming that the information
 140 provided on the form is accurate and complete. The report must
 141 be submitted within 30 days after the end of each of the
 142 following quarters:

143 (a) January 1 through March 31.

144 (b) April 1 through June 30.

145 (c) July 1 through September 30.

146 (d) October 1 through December 31.

147 (5) PENALTY.—A local government may impose a penalty for
 148 violation of this section.

149 (6) APPLICATION.—To ensure uniform statewide standards, a
 150 local government desiring to regulate the use of carryout bags
 151 may adopt ordinances relating to carryout bags only pursuant to
 152 this section.

153 Section 2. This act shall take effect upon becoming a law.

By Senator Bullard

39-00482-14

2014830

1 A bill to be entitled
 2 An act relating to carryout bags; amending s.
 3 403.7033, F.S.; providing legislative findings;
 4 deleting obsolete provisions; providing definitions;
 5 creating statewide standards for reusable bags and
 6 recyclable paper bags for stores located within a
 7 county or municipality that adopts ordinances pursuant
 8 to this act; requiring affected stores to charge
 9 customers a fee for each recyclable paper bag
 10 provided; prohibiting affected stores from providing
 11 plastic carryout bags or other types of bags;
 12 providing for allocation of fees collected; providing
 13 reporting requirements for affected stores;
 14 authorizing local governments to impose a penalty;
 15 authorizing local governments desiring to regulate the
 16 use of carryout bags to adopt ordinances pursuant to
 17 this act; providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Section 403.7033, Florida Statutes, is amended
 22 to read:

23 403.7033 Standards for carryout bags ~~Departmental analysis~~
 24 ~~of particular recyclable materials.-~~

25 (1) LEGISLATIVE FINDINGS.-The Legislature finds that
 26 prudent regulation of recyclable materials is crucial to the
 27 ongoing welfare of Florida's ecology and economy. The Department
 28 of Environmental Protection conducted an analysis to determine
 29 the need for new or different regulations of bags used by

39-00482-14

2014830

30 customers to carry products from retail establishments and found
31 that the implementation of new standards requiring the
32 prohibition of plastic carryout bags encourages the use of
33 reusable bags. As such, the Legislature finds that it is
34 necessary and appropriate to adopt uniform statewide standards
35 prohibiting the use of plastic carryout bags, which may be
36 adopted by local ordinance across the state ~~the Department of~~
37 ~~Environmental Protection shall undertake an analysis of the need~~
38 ~~for new or different regulation of auxiliary containers,~~
39 ~~wrappings, or disposable plastic bags used by consumers to carry~~
40 ~~products from retail establishments. The analysis shall include~~
41 ~~input from state and local government agencies, stakeholders,~~
42 ~~private businesses, and citizens, and shall evaluate the~~
43 ~~efficacy and necessity of both statewide and local regulation of~~
44 ~~these materials. To ensure consistent and effective~~
45 ~~implementation, the department shall submit a report with~~
46 ~~conclusions and recommendations to the Legislature no later than~~
47 ~~February 1, 2010. Until such time that the Legislature adopts~~
48 ~~the recommendations of the department, no local government,~~
49 ~~local governmental agency, or state government agency may enact~~
50 ~~any rule, regulation, or ordinance regarding use, disposition,~~
51 ~~sale, prohibition, restriction, or tax of such auxiliary~~
52 ~~containers, wrappings, or disposable plastic bags.~~

53 (2) DEFINITIONS.—As used in this section, the term:

54 (a) "Affected store" means a retail establishment located
55 within a jurisdiction of a local government that adopts
56 standards relating to carryout bags and is:

57 1. A full-line, self-service retail store that has gross
58 annual sales of \$2 million or more and sells canned goods, dry

39-00482-14

2014830

59 grocery items, nonfood items, or perishable items; or

60 2. A drugstore, pharmacy, supermarket, grocery store,
61 convenience store, or other entity of at least 10,000 square
62 feet which engages in the retail sale of a limited line of
63 goods, including milk, bread, soda, and snack foods.

64 (b) "Carryout bag" means a bag provided to a customer at
65 the point of sale for the purpose of carrying away goods.

66 (c) "Local government" means a county or municipality.

67 (d) "Plastic carryout bag" means a carryout bag made
68 predominantly of plastic. The term does not include produce bags
69 or reusable bags made of plastic.

70 (e) "Postconsumer recycled material" means material that
71 has completed its intended use or life cycle and typically would
72 be disposed of as solid waste. The term does not include
73 materials or byproducts generated from, or commonly reused in,
74 an original manufacturing or fabrication process.

75 (f) "Produce bag" means a plastic bag without handles used
76 exclusively to carry produce, meats, or other food items inside
77 a store to the point of sale or to prevent such food items from
78 coming into direct contact with other purchased items.

79 (g) "Recyclable paper bag" means a paper bag that:

80 1. Contains no old-growth fiber;

81 2. Is 100 percent recyclable and contains at least 40
82 percent postconsumer recycled material;

83 3. Is capable of composting, consistent with ASTM D6400,
84 the standard specification for labeling of plastics designed to
85 be aerobically composted in municipal or industrial facilities;

86 4. Has printed on the bag the name of the manufacturer, the
87 country in which the bag was manufactured, and the percentage of

39-00482-14

2014830

88 postconsumer recycled material used; and

89 5. Visibly displays the word "recyclable" on the outside of
90 the bag.

91 (h) "Reusable bag" means a bag with handles which is
92 specifically designed and manufactured for multiple reuse and
93 which meets all of the following requirements:

94 1. Can carry a minimum of 22 pounds 125 times, over a
95 distance of at least 175 feet.

96 2. Has a minimum volume of 15 liters.

97 3. Is machine washable or can be cleaned or disinfected.

98 4. Does not contain lead, cadmium, or any other heavy metal
99 in toxic amounts as defined by applicable federal standards and
100 regulations for packaging of reusable bags.

101 5. Has printed on the bag, or on a tag permanently affixed
102 to the bag, the name of the manufacturer; the country in which
103 the bag was manufactured; a statement that the bag does not
104 contain lead, cadmium, or any other heavy metal in toxic
105 amounts; and the percentage of postconsumer recycled material
106 used, if any.

107 6. If made of plastic, is at least 2.25 mils thick.

108 (3) STANDARDS FOR CARRYOUT BAGS.—

109 (a) An affected store shall provide reusable bags, at no
110 cost or for a fee, to a customer for the purpose of carrying
111 away goods or other items from the point of sale, subject to the
112 terms of this section.

113 (b) An affected store may provide recyclable paper bags to
114 a customer for a fee of 10 cents for each recyclable paper bag
115 purchased. The affected store may not rebate or otherwise
116 reimburse any portion of the 10 cent charge and shall indicate

39-00482-14

2014830

117 on the customer receipt the number of recyclable paper bags
118 provided and the total amount charged for the bags.

119 (c) An affected store may not provide a customer with a
120 plastic carryout bag or other type of bag.

121 (d) This section does not prohibit a customer from using a
122 bag of any type which he or she brings to the affected store or
123 from carrying away goods that are not placed in a bag.

124 (e) Fees collected under this subsection shall be used as
125 follows:

126 1. At least 50 percent of the fees shall be distributed to
127 the school district in which the affected store is located, to
128 be used solely for educational purposes; and

129 2. Up to 50 percent of the fees may be retained by the
130 affected store to offset the costs of complying with this
131 section.

132 (4) REPORTING.—An affected store shall report quarterly to
133 the local government the total number of recyclable paper bags
134 provided, the total amount of fees collected for providing
135 recyclable paper bags, and a summary of any effort by the
136 affected store in the prior quarter to promote customer use of
137 reusable bags. Such reporting shall be done on a form prescribed
138 by the local government and signed by a responsible agent or
139 officer of the affected store confirming that the information
140 provided on the form is accurate and complete. The report must
141 be submitted within 30 days after the end of each of the
142 following quarters:

143 (a) January 1 through March 31.

144 (b) April 1 through June 30.

145 (c) July 1 through September 30.

39-00482-14

2014830

146 (d) October 1 through December 31.

147 (5) PENALTY.—A local government may impose a penalty for
148 violation of this section.

149 (6) APPLICATION.—To ensure uniform statewide standards, a
150 local government desiring to regulate the use of carryout bags
151 may adopt ordinances relating to carryout bags only pursuant to
152 this section.

153 Section 2. This act shall take effect upon becoming a law.

By the Committee on Environmental Preservation and Conservation;
and Senators Bullard, Soto, and Sobel

592-03760-15

2015966c1

1 A bill to be entitled

2 An act relating to disposable plastic bags; creating
3 s. 403.70325, F.S.; authorizing certain municipalities
4 to establish pilot programs for the regulation or ban
5 of disposable plastic bags; providing program
6 criteria; providing for expiration of the program;
7 directing participating municipalities to collect data
8 and submit reports to the municipal governing body and
9 the Department of Environmental Protection;
10 republishing s. 403.7033, F.S.; providing an effective
11 date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 403.70325, Florida Statutes, is created
16 to read:

17 403.70325 Municipal pilot program for regulation or ban of
18 disposable plastic bags.-

19 (1) Notwithstanding s. 403.7033, a municipality with a
20 population of fewer than 100,000 which is a coastal community
21 may establish a pilot program to regulate or ban disposable
22 plastic bags. A municipality establishing a pilot program shall,
23 by December 31, 2015, enact an ordinance for the regulation or
24 ban of disposable plastic bags that begins January 1, 2016, and
25 expires June 30, 2018. Such ordinance may not include any new
26 taxes or fees on the use or distribution of disposable plastic
27 bags.

28 (2) A municipality that establishes a pilot program shall:

29 (a) Collect data pertaining to the impact of such

592-03760-15

2015966c1

30 regulation or ban.

31 (b) By April 1, 2018, submit a report on the impact of such
32 regulation or ban to the governing body of the municipality at a
33 public hearing that is open to comments from the public.

34 (c) Provide a copy of the report to the department.

35 Section 2. Section 403.7033, Florida Statutes, is
36 republished to read:

37 403.7033 Departmental analysis of particular recyclable
38 materials.—The Legislature finds that prudent regulation of
39 recyclable materials is crucial to the ongoing welfare of
40 Florida's ecology and economy. As such, the Department of
41 Environmental Protection shall undertake an analysis of the need
42 for new or different regulation of auxiliary containers,
43 wrappings, or disposable plastic bags used by consumers to carry
44 products from retail establishments. The analysis shall include
45 input from state and local government agencies, stakeholders,
46 private businesses, and citizens, and shall evaluate the
47 efficacy and necessity of both statewide and local regulation of
48 these materials. To ensure consistent and effective
49 implementation, the department shall submit a report with
50 conclusions and recommendations to the Legislature no later than
51 February 1, 2010. Until such time that the Legislature adopts
52 the recommendations of the department, no local government,
53 local governmental agency, or state government agency may enact
54 any rule, regulation, or ordinance regarding use, disposition,
55 sale, prohibition, restriction, or tax of such auxiliary
56 containers, wrappings, or disposable plastic bags.

57 Section 3. This act shall take effect upon becoming a law.

HB 143

2016

1 A bill to be entitled
2 An act relating to disposable plastic bags; creating
3 s. 403.70325, F.S.; authorizing certain municipalities
4 to establish pilot programs to regulate or ban
5 disposable plastic bags; providing program criteria;
6 providing for expiration of the program; directing
7 participating municipalities to collect data and
8 submit reports to the municipal governing body and the
9 Department of Environmental Protection; defining the
10 term "coastal community"; republishing s. 403.7033,
11 F.S.; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 403.70325, Florida Statutes, is created
16 to read:

17 403.70325 Municipal pilot program for regulation or ban of
18 disposable plastic bags.-

19 (1) Notwithstanding s. 403.7033, a municipality with a
20 population of fewer than 100,000 which is a coastal community
21 may establish a pilot program to regulate or ban disposable
22 plastic bags. A municipality establishing a pilot program shall
23 enact an ordinance for the regulation or ban of disposable
24 plastic bags that takes effect no earlier than January 1, 2017,
25 and expires no later than June 30, 2019. Such ordinance may not
26 include any new taxes or fees on the use or distribution of

- 27 disposable plastic bags.
- 28 (2) A municipality that establishes a pilot program shall:
- 29 (a) Collect data pertaining to the impact of such
- 30 regulation or ban.
- 31 (b) By April 1, 2019, submit a report on the impact of
- 32 such regulation or ban to the governing body of the municipality
- 33 at a public hearing that is open to comments from the public.
- 34 (c) Provide a copy of the report to the department.
- 35 (3) As used in this section, the term "coastal community"
- 36 means a municipality that abuts or borders the Gulf of Mexico,
- 37 the Atlantic Ocean, or a bay.

38 Section 2. Section 403.7033, Florida Statutes, is

39 republished to read:

40 403.7033 Departmental analysis of particular recyclable

41 materials.—The Legislature finds that prudent regulation of

42 recyclable materials is crucial to the ongoing welfare of

43 Florida's ecology and economy. As such, the Department of

44 Environmental Protection shall undertake an analysis of the need

45 for new or different regulation of auxiliary containers,

46 wrappings, or disposable plastic bags used by consumers to carry

47 products from retail establishments. The analysis shall include

48 input from state and local government agencies, stakeholders,

49 private businesses, and citizens, and shall evaluate the

50 efficacy and necessity of both statewide and local regulation of

51 these materials. To ensure consistent and effective

52 implementation, the department shall submit a report with

53 conclusions and recommendations to the Legislature no later than
54 February 1, 2010. Until such time that the Legislature adopts
55 the recommendations of the department, no local government,
56 local governmental agency, or state government agency may enact
57 any rule, regulation, or ordinance regarding use, disposition,
58 sale, prohibition, restriction, or tax of such auxiliary
59 containers, wrappings, or disposable plastic bags.

60 Section 3. This act shall take effect upon becoming a law.

By Senator Bullard

39-00415A-16

2016306

1 A bill to be entitled
 2 An act relating to disposable plastic bags; creating
 3 s. 403.70325, F.S.; authorizing certain municipalities
 4 to establish pilot programs to regulate or ban
 5 disposable plastic bags; providing program criteria;
 6 providing for expiration of the program; directing
 7 participating municipalities to collect data and
 8 submit reports to the municipal governing body and the
 9 Department of Environmental Protection; defining the
 10 term "coastal community"; republishing s. 403.7033,
 11 F.S.; providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Section 403.70325, Florida Statutes, is created
 16 to read:

17 403.70325 Municipal pilot program for regulation or ban of
 18 disposable plastic bags.-

19 (1) Notwithstanding s. 403.7033, a municipality with a
 20 population of fewer than 100,000 which is a coastal community
 21 may establish a pilot program to regulate or ban disposable
 22 plastic bags. A municipality establishing a pilot program shall
 23 enact an ordinance for the regulation or ban of disposable
 24 plastic bags that takes effect no earlier than January 1, 2017,
 25 and expires no later than June 30, 2019. Such ordinance may not
 26 include any new taxes or fees on the use or distribution of
 27 disposable plastic bags.

28 (2) A municipality that establishes a pilot program shall:

29 (a) Collect data pertaining to the impact of such

39-00415A-16

2016306

30 regulation or ban.

31 (b) By April 1, 2019, submit a report on the impact of such
32 regulation or ban to the governing body of the municipality at a
33 public hearing that is open to comments from the public.

34 (c) Provide a copy of the report to the department.

35 (3) As used in this section, the term "coastal community"
36 means a municipality that abuts or borders the Gulf of Mexico,
37 the Atlantic Ocean, or a bay.

38 Section 2. Section 403.7033, Florida Statutes, is
39 republished to read:

40 403.7033 Departmental analysis of particular recyclable
41 materials.—The Legislature finds that prudent regulation of
42 recyclable materials is crucial to the ongoing welfare of
43 Florida's ecology and economy. As such, the Department of
44 Environmental Protection shall undertake an analysis of the need
45 for new or different regulation of auxiliary containers,
46 wrappings, or disposable plastic bags used by consumers to carry
47 products from retail establishments. The analysis shall include
48 input from state and local government agencies, stakeholders,
49 private businesses, and citizens, and shall evaluate the
50 efficacy and necessity of both statewide and local regulation of
51 these materials. To ensure consistent and effective
52 implementation, the department shall submit a report with
53 conclusions and recommendations to the Legislature no later than
54 February 1, 2010. Until such time that the Legislature adopts
55 the recommendations of the department, no local government,
56 local governmental agency, or state government agency may enact
57 any rule, regulation, or ordinance regarding use, disposition,
58 sale, prohibition, restriction, or tax of such auxiliary

39-00415A-16

2016306

59 containers, wrappings, or disposable plastic bags.

60 Section 3. This act shall take effect upon becoming a law.

Meeting Date
October 20, 2015



AGENDA	
Section	Consent
Item No.	II.A 1.a

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	PRELIMINARY PLAT/FINAL ENGINEERING APPROVAL RE: SAVANNAH RIDGE OPEN SPACE SUBDIVISION DEVELOPER: COURTENAY PARKWAY PROPERTIES FISCAL IMPACT: NONE	DISTRICT 2
DEPT/OFFICE:	PLANNING & DEVELOPMENT DEPARTMENT	

Requested Action:

In accordance with Section 62-2808(e), it is requested that the Board of County Commissioners grant preliminary plat and final engineering approval for the above referenced project.

Summary Explanation & Background:

There are three stages of review of subdivision plan approval: the pre-application conference, the preliminary plat/final engineering plan review, and the final plat review. The pre-application conference for the above project was held on November 13, 2014. The current request is for approval of the preliminary plat and final engineering plans, which is the second stage of approval. The final engineering portion of this stage includes payment of inspection fees and the approval to begin construction of the infrastructure necessary to support the subdivision. Upon completion of the infrastructure or posting a performance bond, the final plat may be reviewed and recorded, to complete the third stage of the review process. Staff has reviewed the final engineering plans and preliminary plat for compliance with existing applicable ordinances.

The Savannah Ridge Open Space Subdivision meets the design standards for an open space subdivision which permits clustering of development to encourage the efficient use of land that is intended to result in an overall reduction in impervious surface coverage and encourage the creation of open space and preservation. The EU-2 zoning category requires a minimum of 20% open space to be reserved as permanent open space shown on an open space management plan and recorded on the plat. The applicant has provided 24.828 acres of combined conservation, tree preservation, and compensating storage (flood plain) comprising 22.4% of the project area.

This project has a Binding Development Plan limiting the development to 222 residential lots, and by utilizing the Open Space Subdivision code, smaller lots sizes are allowed to achieve this goal. Additionally, the Natural Resources Department favors compensatory storage within this area of North Merritt Island rather than interconnecting secondary "upland" open space.

The proposed subdivision is located on the north side of Hall Road and the east side of Courtenay Parkway. The proposed subdivision contains 222 detached single family lots, on approximately 111.03 acres.

This approval is subject to minor engineering changes as applicable. Board approval of this project does not relieve the developer from obtaining all other necessary jurisdictional permits.

Reference: 14SD-00962

Clerk to the Board instruction:

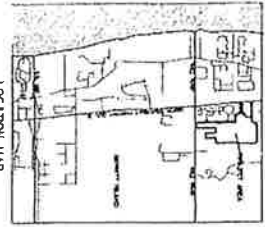
Exhibits Attached: location maps

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager

Stockton Whitten

Department Director / Extension
Robin M. Sobrino, AICP
Planning & Development Department Ext. 5-2069



LOCATION MAP

NOTE

Reference to the Survey Book for this project is found on page 30 of this book. See also the Survey Book for this project.

GENERAL OPERATIONAL CALCULATIONS

Open Space Proposed: 1,177 sq. ft.
Open Space Required: 1,177 sq. ft.
Open Space Available: 1,177 sq. ft.
Open Space Deficit: 0 sq. ft.

Open Space Proposed: 1,177 sq. ft.
Open Space Required: 1,177 sq. ft.
Open Space Available: 1,177 sq. ft.
Open Space Deficit: 0 sq. ft.

Open Space Proposed: 1,177 sq. ft.
Open Space Required: 1,177 sq. ft.
Open Space Available: 1,177 sq. ft.
Open Space Deficit: 0 sq. ft.

Item	Quantity	Unit	Value
Lot Area	1,177	Sq. Ft.	1,177
Open Space	1,177	Sq. Ft.	1,177
Other			

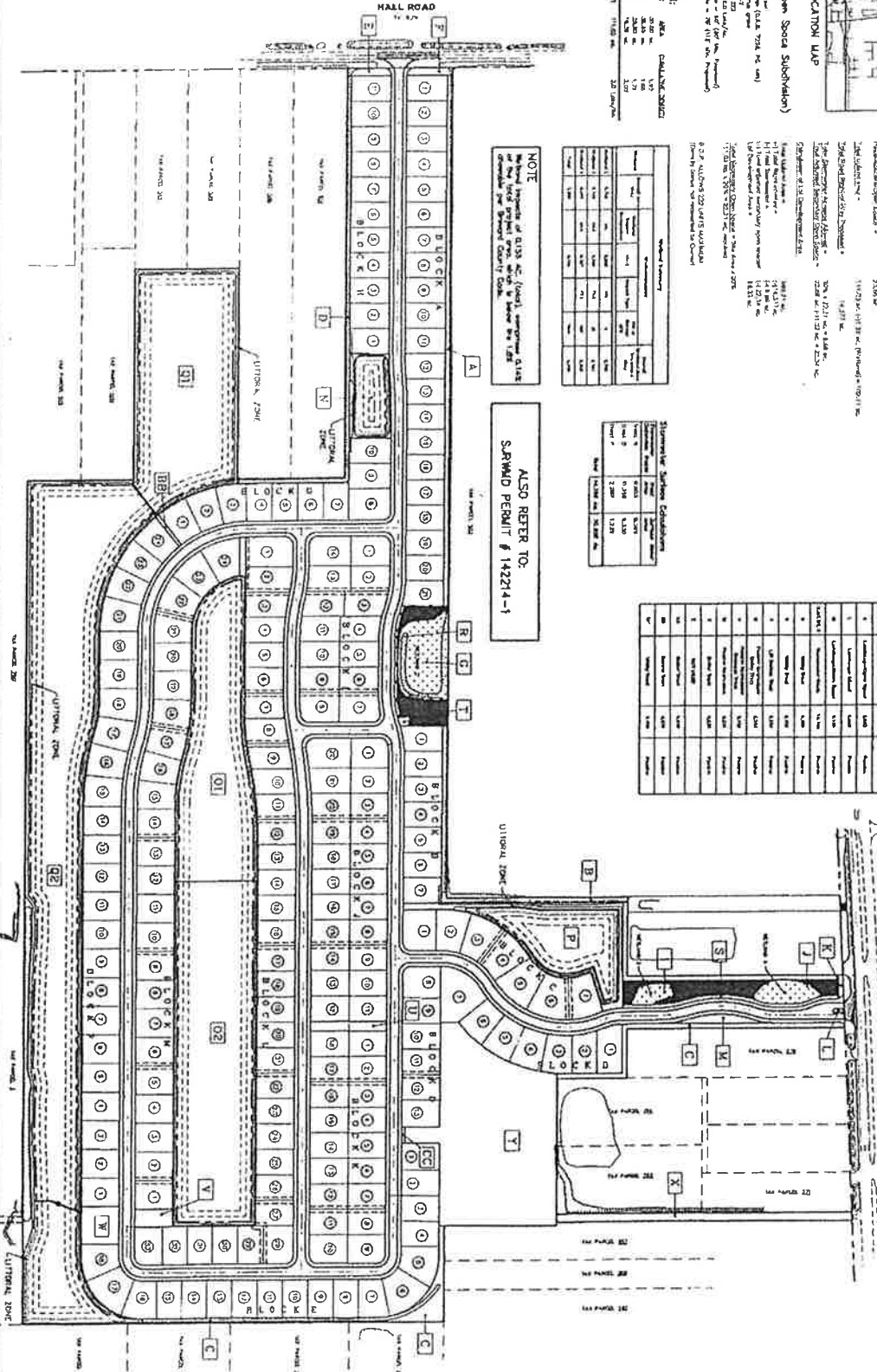
Item	Quantity	Unit	Value
Lot Area	1,177	Sq. Ft.	1,177
Open Space	1,177	Sq. Ft.	1,177
Other			

NOTE
 The total area of 1,177 sq. ft. (total) represents the total area of the site. The area of 1,177 sq. ft. (total) represents the total area of the site.

ALSO REFER TO:
 SAVANNAH PERMIT # 142214-1

Item	Quantity	Unit	Value
Lot Area	1,177	Sq. Ft.	1,177
Open Space	1,177	Sq. Ft.	1,177
Other			

Item	Quantity	Unit	Value
Lot Area	1,177	Sq. Ft.	1,177
Open Space	1,177	Sq. Ft.	1,177
Other			



GENERAL NOTES

1. All lot lines are shown as dashed lines.
2. All lot areas are shown in square feet.
3. All lot dimensions are shown in feet.
4. All lot boundaries are shown as solid lines.
5. All lot corners are shown as dots.

SAVANNAH PERMIT # 142214-1

PLEASE SEE PLAN FOR SAVANNAH RIDGE RECORDED IN
 PLAN BOOK _____ PAGE _____ (PHASE 1)
 AND PLAN BOOK _____ PAGE _____ (PHASE 2)
 AND PLAN BOOK _____ PAGE _____ (PHASE 3)

ISSUED FOR PERMITTING PURPOSES ONLY

Board County Florida

Bussen-Mayer Engineering Group, Inc.

2000 W. UNIVERSITY BLVD. SUITE 1000, GAITHERSBURG, MD 20878
 TEL: (301) 251-1100 FAX: (301) 251-1101

Project No. 142214-1
 Date: 10/15/03
 Scale: 1" = 100'

Drawn by: J.E.B.
 Checked by: J.E.B.



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

Telephone: (321) 637-2001
Fax: (321) 264-6972

October 21, 2015

MEMORANDUM

TO: Robin Sobrino, Planning and Development Director

RE: Item II.A.1.a., Preliminary Plat/Final Engineering Approval for Savannah Ridge Open Space Subdivision – Courtenay Parkway Properties

The Board of County Commissioners, in regular session on October 20, 2015, granted preliminary plat and final engineering approval for the Savannah Ridge Open Space Subdivision, subject to minor engineering changes, as applicable, and developer responsible for obtaining all other necessary jurisdictional permits.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

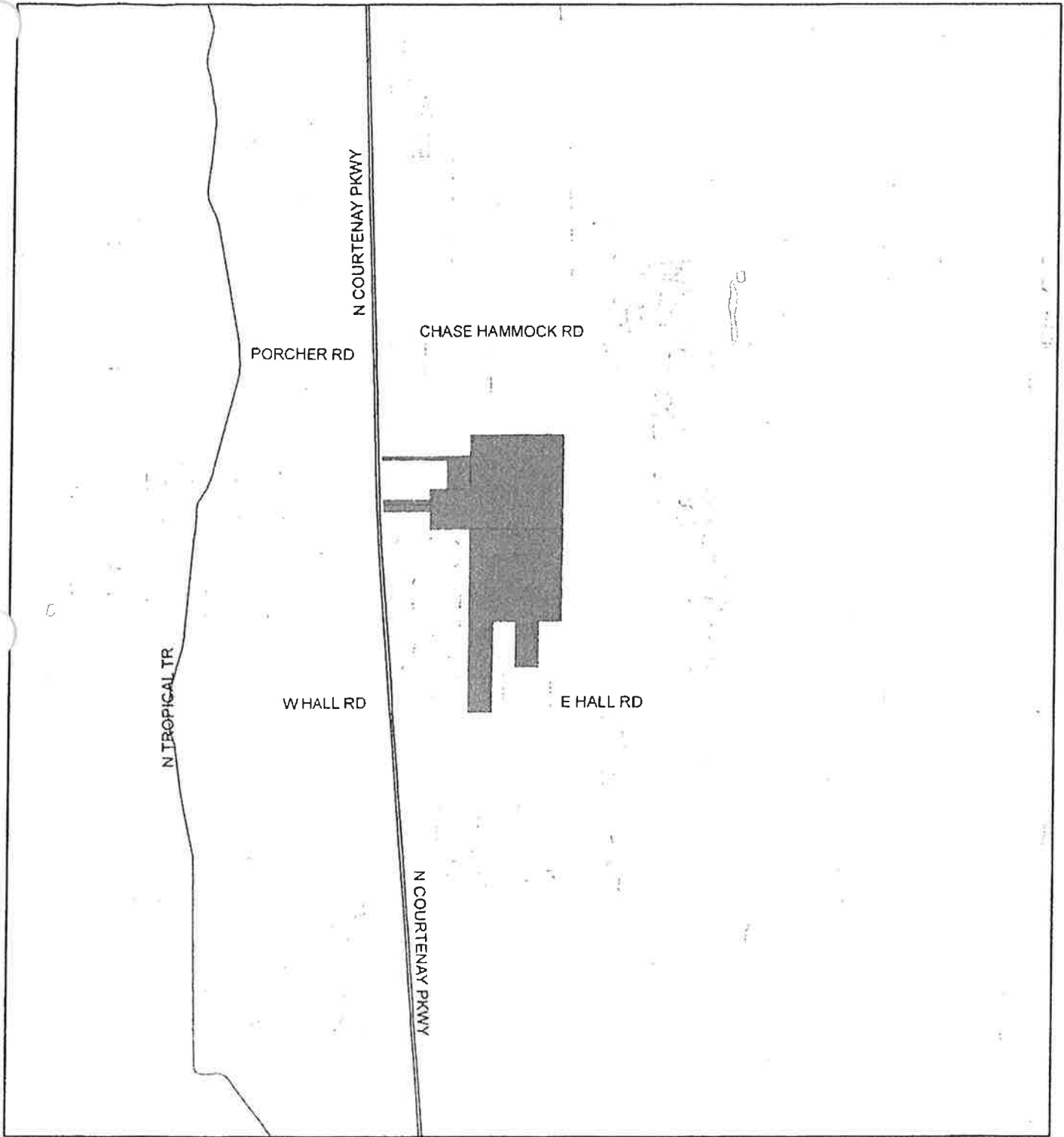
for: Donna Scott
Tammy Etheridge, Deputy Clerk

/ds

LOCATION MAP

SAVANNAH RIDGE

14SD-00962



1:24,000 or 1 inch = 2,000 feet

 Subject Property

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 9/21/2015