

PROPOSED

1 RESOLUTION NO.

2 A RESOLUTION OF THE BOARD OF COUNTY
3 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
4 PERTAINING TO POLYSTYRENE, SINGLE-USE PLASTIC
5 STRAWS AND STIRRERS, AND LITTER PREVENTION ON
6 COUNTY PROPERTY; CREATING PART XXX AND
7 SECTIONS 27.171 THROUGH 27.174 OF CHAPTER 27 OF
8 THE BROWARD COUNTY ADMINISTRATIVE CODE
9 ("ADMINISTRATIVE CODE"); ESTABLISHING POLICIES
10 RESTRICTING THE USE AND PURCHASE OF
11 POLYSTYRENE AND SINGLE-USE PLASTIC STRAWS
12 AND STIRRERS ON COUNTY PROPERTY AND
13 PREVENTING LITTER; AND PROVIDING FOR
14 SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE
15 CODE, AND AN EFFECTIVE DATE.

16 WHEREAS, Broward County's Climate Change Action Plan calls for the reduction
17 of plastic waste on County property, in County contracts, and at County events;

18 WHEREAS, expanded polystyrene, a petroleum by-product commonly known as
19 "Styrofoam," is neither readily recyclable nor biodegradable;

20 WHEREAS, polystyrene and single-use plastic products pose a threat to wildlife,
21 waterways, and ecosystems, and contaminate the public drainage system as they create
22 litter and impede waste reduction and recycling goals;

23 WHEREAS, the waters surrounding the County support threatened and
24 endangered species such as the West Indian manatee, and beaches within the County
25 support shorebird species and are designated nesting habitats for the protected
26 loggerhead, green, and leatherback sea turtles, which are vulnerable to polystyrene and
27 plastic wastes harming their health and habitat;

28 WHEREAS, the County has a duty to protect County facilities and County property;

29 and

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1 WHEREAS, restricting the use of polystyrene and single-use plastic products on
2 County property will reduce litter in the environment and is in the best interest of the health
3 and well-being of County employees, residents, visitors, and natural systems, NOW,
4 THEREFORE,

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6 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
7 BROWARD COUNTY, FLORIDA:

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9 Section 1. Part XXX and Sections 27.171 through 27.175 of Chapter 27 of the
10 Broward County Administrative Code are hereby created to read as follows:
11 [Underlining omitted]

12 **PART XXX. RESTRICTIONS ON USE OF POLYSTYRENE AND CERTAIN
13 SINGLE-USE PLASTICS ON COUNTY PROPERTY; LITTER PREVENTION**

14 **27.171. Definitions.**

15 *Authorization* means any written agreement or instrument allowing any person or
16 entity access to or use of County property, including any special event permit or temporary
17 use permit issued by the County for a special event or temporary use on County property.

18 *Balloon* means a flexible nonporous bag, made from materials such as rubber,
19 latex, foil, metal, polychloroprene, stretched polyester film (such as Mylar), or nylon fabric,
20 that can be inflated or filled with air, water, or other gases or liquids.

21 *Confetti* means small pieces of plastic, paper, Mylar, or metallic material that are
22 generally used, thrown, or scattered during festive occasions.

23 *County* means Broward County, Florida, a political subdivision of the State of
24 Florida.

1 *County contractor* means a food service-related contractor, vendor,
2 concessionaire, or lessee of the County.

3 *County property* means land, waterways, lakes, or facilities owned, operated, or
4 managed by the County.

5 *Distribute* means to sell, use, offer for sale or use, or provide for sale or use.

6 *Expanded polystyrene* means blown polystyrene and expanded and extruded
7 foams that are thermoplastic petrochemical materials utilizing a styrene monomer and
8 processed by any number of techniques including, but not limited to, fusion of polymer
9 spheres (expandable bead foams), injection molding, foam molding, and extrusion-blown
10 molding (extruded foam polystyrene), commonly known as "Styrofoam."

11 *Expanded polystyrene food service articles* means plates, bowls, cups, containers,
12 lids, trays, coolers, ice chests, and all similar articles that consist of expanded
13 polystyrene.

14 *Food service provider* means a person or entity that provides food directly to the
15 consumer, regardless of whether such food is i) sold or provided free of charge,
16 ii) consumed on or off County property, or iii) provided from a store, pushcart, stand, or
17 vehicle. Food service providers shall include, but are not limited to, chain food service
18 providers, restaurants, fast food restaurants, cafes, sidewalk cafes, delicatessens, coffee
19 shops, grocery stores, markets, supermarkets, drug stores, pharmacies, bakeries,
20 caterers, gas stations, vending trucks or carts, and cafeterias.

21 *Plastic* means a synthetic material derived from petroleum or a biologically based
22 source.

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1 *Plastic straw* means a tube, made predominantly or entirely of plastic, that is
2 intended for transferring a beverage from its container to the mouth of the drinker or for
3 mixing a beverage in its container and intended for only one-time use.

4 *Plastic stirrer* means a device that is made predominantly or entirely of plastic,
5 used to mix beverages, and intended for only one-time use.

6 *Polystyrene* means a thermoplastic polymer or copolymer comprised of at least
7 eighty percent (80%) styrene or para-methylstyrene by weight (PS, #6).

8 *Reusable materials* means manufactured products that are durable, washable
9 items, often not discarded, and can be used multiple times.

10 *Single-use plastic products* means food service-related products that are designed
11 to be used only once in the same form and then disposed of or destroyed.

12 *Unencapsulated expanded polystyrene products* means polystyrene products that
13 are not fully contained and enclosed in plastic/rubber (including, but not limited to, coolers
14 and ice chests, pool or beach toys, and packing materials such as "packing peanuts").

15 **27.172. Restrictions.**

16 (a) Expanded polystyrene food service articles, unencapsulated expanded
17 polystyrene products, single-use plastic beverage straws, and single-use plastic stirrers
18 may not be i) purchased by the County or used by individuals on County property, ii) used
19 or provided by temporary vendors on County property, or iii) used or provided by entities
20 engaged in a contractual relationship with the County for the provision of goods or
21 services on County property.

22 (b) Balloons, confetti, and sky lanterns (also known as Chinese lanterns) are
23 not allowed in any outdoor area on County property in order to prevent litter. The
24 intentional release of balloons, confetti, or sky lanterns from County property is prohibited.

1 **27.173. Implementation.**

2 (a) Contracts and other authorizations for temporary vendors on County
3 property or for the provision of goods or services to the County shall include a provision
4 that expanded polystyrene products (including, but not limited to, expanded polystyrene
5 food service articles), single-use plastic beverage straws, and single-use plastic stirrers
6 may not be sold or distributed on County property.

7 (b) The County may terminate any contract or other authorization for
8 noncompliance with this Part and may use past noncompliance as grounds for not
9 renewing or extending a contract or other authorization. Where applicable under the terms
10 of a contract or other authorization, the County may pursue appropriate contractual
11 remedies for noncompliance with this policy, including termination and/or preclusion or
12 debarment from future County contracts.

13 (c) This Part applies only to new contracts solicited or entered into after
14 June 1, 2022. This policy applies to contracts renewed, extended, or amended after
15 June 1, 2023.

16 (d) The use of reusable materials on County property is strongly encouraged.

17 **27.174. Exemptions.**

18 The following shall be exempt from application and implementation of this Part:

19 (a) Expanded polystyrene food service articles, used for prepackaged food,
20 that have been filled and sealed prior to receipt by the food service provider.

21 (b) Expanded polystyrene food service articles used to store raw meat, pork,
22 fish, seafood, or poultry sold from a butcher case or similar refrigerated retail display or
23 storage case.

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1 (c) Upon request, provision of a beverage with a single-use plastic beverage
2 straw to an individual with a disability or medical condition that impairs the consumption
3 of beverages without a beverage straw.

4 (d) Single-use plastic beverage straws and single-use plastic stirrers used for
5 prepackaged beverages that have been filled and sealed prior to receipt by the food
6 service provider.

7 (e) Airlines operating at Fort Lauderdale-Hollywood International Airport,
8 except airline-operated lounges.

9 (f) Vessels of any type berthed at Port Everglades or adjacent cruise terminals,
10 including when the products are taken off a cruise ship for use within the terminal, but not
11 land-based concessions or operators at Port Everglades.

12 (g) Life preserver rings.

13 | Section 2. Severability.

If any portion of this Administrative Code Resolution is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remainder of this Administrative Code Resolution. If any court determines that this Administrative Code Resolution, in whole or in part, cannot be legally applied to any individual, group, entity, property, or circumstance, such determination will not affect the applicability of this Administrative Code Resolution to any other individual, group, entity, property, or circumstance.

21 Section 3. Inclusion in the Broward County Administrative Code.

22 It is the intention of the Board of County Commissioners that the provisions of this
23 Administrative Code Resolution become part of the Broward County Administrative Code
24 as of the effective date. The sections of this Administrative Code Resolution may be

1 renumbered or relettered and the word "resolution" may be changed to "section," "article,"
2 or such other appropriate word or phrase to the extent necessary in order to accomplish
3 such intention.

4 | Section 4. Effective Date.

5 This Administrative Code Resolution is effective on June 1, 2022.

7 ADOPTED this _____ day of _____, 2022. **PROPOSED**

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

11 By /s/ Michael C. Owens 03/29/2022
12 Michael C. Owens (date)
Senior Assistant County Attorney

14 By /s/ Maite Azcoitia 03/29/2022
15 Maite Azcoitia (date)
Deputy County Attorney

23 MCO/gmb
24 Polystyrene and Plastics Use on County Property Reso.docx
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