

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.

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

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 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

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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.