

By Senator Bullard

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1 A bill to be entitled
2 An act relating to disposable and reusable bags;
3 amending s. 403.7033, F.S.; providing legislative
4 findings; deleting obsolete language regarding
5 legislative findings; creating statewide rules for
6 disposable plastic bags and recyclable paper bags for
7 certain stores in counties or municipalities where the
8 local government adopts the provisions of the act;
9 establishing requirements for certain stores in
10 participating localities to comply with the act;
11 requiring stores in participating localities to charge
12 a fee for every recyclable paper bag provided to
13 customers; providing for allocation of collected fees;
14 providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Section 403.7033, Florida Statutes, is amended
19 to read:

20 403.7033 Uniform statewide rules for disposable plastic
21 bags and recyclable paper retail bags; departmental analysis of
22 particular recyclable materials.-

23 (1) LEGISLATIVE FINDINGS.-The Legislature finds that
24 prudent regulation of recyclable materials is crucial to the
25 ongoing welfare of Florida's ecology and economy. The Department
26 of Environmental Protection has provided to the Legislature upon
27 request a completed analysis of prudent standards for disposable
28 plastic bags and recyclable paper retail bags and has found that
29 the implementation of such standards encourages the use of

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

50 (2) LOCAL GOVERNMENT OPT IN.—This section applies only to
51 local governments that adopt these provisions by local
52 ordinance. Such ordinance may include penalties for violations.

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

54 (a) "Customer" means a person purchasing goods from a
55 store.

56 (b) "Disposable plastic bag" means a compostable or
57 biodegradable bag made predominantly of plastic derived from
58 petroleum or a biologically based source, such as corn or

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59 another plant source, which is provided to a customer at the
60 point of sale for the purpose of carrying away goods. The term
61 does not include produce bags or reusable bags made of plastic.

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

63 (d) "Participating store" means any of the following retail
64 establishments located in the jurisdiction of a local government
65 that adopts this act:

66 1. A full-line, self-service retail store with gross annual
67 sales of \$2 million or more which sells canned goods, dry
68 grocery items, nonfood items, or perishable items.

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

73 (e) "Postconsumer recycled material" means material that is
74 typically disposed of as solid waste, having completed its
75 intended end use or life cycle. The term does not include
76 materials or byproducts generated from, or commonly reused in,
77 an original manufacturing and fabrication process.

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

82 (g) "Recyclable material" means material that can be
83 sorted, cleansed, and reconstituted using available recycling
84 collection programs to manufacture the altered form into a new
85 product.

86 (h) "Recyclable paper bag" means a paper bag that:

87 1. Contains no old growth fiber;

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88 2. Is 100 percent recyclable and contains at least 40
89 percent postconsumer recycled material;

90 3. Is capable of composting, consistent with the timeline
91 and specifications of ASTM International Standard D6400;

92 4. Has printed on the bag the name of the manufacturer, the
93 country where the bag was manufactured, and the percentage of
94 postconsumer recycled material used; and

95 5. Visibly displays the word "recyclable" on the outside of
96 the bag.

97 (i) "Reusable bag" means a bag with handles which is
98 specifically designed and manufactured for multiple reuse and
99 which meets all of the following requirements:

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

102 2. Has a minimum volume of 15 liters.

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

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

107 5. Has printed on the bag, or on a tag permanently affixed
108 to the bag, the name of the manufacturer; the country where the
109 bag was manufactured; a statement that the bag does not contain
110 lead, cadmium, or any other heavy metal in toxic amounts; and
111 the percentage of postconsumer recycled material used, if any.

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

113 (4) DISPOSABLE PLASTIC BAGS PROHIBITED.—A participating
114 store may not provide to a customer a disposable plastic bag.

115 (5) REUSABLE BAGS REQUIRED; PAPER BAGS ALLOWED.—A
116 participating store shall provide to a customer reusable bags,

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117 for a fee or at no cost, for the purpose of carrying away goods
118 or other items from the point of sale, subject to the terms of
119 this section. A participating store may also offer recyclable
120 paper bags to a customer, but no other type of bag may be
121 provided. This section does not prohibit a customer from using a
122 bag of any type that he or she brings to the participating store
123 or from carrying away goods that are not placed in a bag.

124 (6) USE OF RECYCLABLE PAPER BAGS.—A participating store
125 that provides a recyclable paper bag to a customer shall charge
126 the customer 10 cents for each bag provided. A participating
127 store may not rebate or otherwise reimburse a customer any
128 portion of the 10-cent charge. A participating store shall
129 indicate on the customer receipt the number of recyclable paper
130 bags provided and the total amount charged for the bags. Fees
131 collected by a participating store under this subsection shall
132 be used as follows:

133 1. At least 50 percent of the fees collected shall be
134 distributed to the school district in which the participating
135 store is located, to be used solely for educational purposes;
136 and

137 2. Up to 50 percent of the fees collected may be retained
138 by the participating store in order to offset the costs of
139 complying with this section.

140 (7) REPORTING.—A participating store shall report quarterly
141 to the local government the total number of recyclable paper
142 bags provided, the total amount of fees collected for providing
143 recyclable paper bags, and a summary of any efforts by the
144 participating store in the prior quarter to promote customer use
145 of reusable bags. Such reporting shall be done on a form

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146 prescribed by the local government and shall be signed by a
147 responsible agent or officer of the participating store
148 confirming that the information provided on the form is accurate
149 and complete. The quarterly report shall be submitted no later
150 than 30 days after the end of each of the following quarters:

151 (a) January 1 through March 31.

152 (b) April 1 through June 30.

153 (c) July 1 through September 30.

154 (d) October 1 through December 31.

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