

By Senator Bullard

39-00151A-15

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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 authorizing municipalities to continue such regulation
11 or ban after the program expires under certain
12 conditions; republishing s. 403.7033, F.S.; providing
13 an effective date.

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

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17 Section 1. Section 403.70325, Florida Statutes, is created
18 to read:

19 403.70325 Municipal pilot program for regulation or ban of
20 disposable plastic bags.-

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

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

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30 (a) Collect data pertaining to the impact of such
31 regulation or ban.

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

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

36 (3) A municipality may continue to regulate or ban
37 disposable plastic bags after June 30, 2018, if the municipality
38 enacts an ordinance after April 1, 2018, indicating that the
39 municipality will continue the regulation or ban of plastic
40 bags, notwithstanding s. 403.7033.

41 Section 2. Section 403.7033, Florida Statutes, is
42 republished to read:

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

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59 local governmental agency, or state government agency may enact
60 any rule, regulation, or ordinance regarding use, disposition,
61 sale, prohibition, restriction, or tax of such auxiliary
62 containers, wrappings, or disposable plastic bags.

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