

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

592-03760-15

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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 republishing s. 403.7033, F.S.; providing an effective
11 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 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

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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.