

By Senator Rodriguez

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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.; defining the term "coastal
4 community"; authorizing certain municipalities to
5 establish pilot programs to regulate or ban disposable
6 plastic bags; providing program criteria; providing
7 for expiration of a certain required ordinance;
8 directing participating municipalities to collect data
9 and submit reports to the municipal governing bodies
10 and the Department of Environmental Protection;
11 republishing s. 403.7033, F.S.; providing an effective
12 date.

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

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

18 403.70325 Municipal pilot program for regulation or ban of
19 disposable plastic bags.-

20 (1) As used in this section, the term "coastal community"
21 means a municipality that abuts or borders the Gulf of Mexico or
22 Atlantic Ocean, or a saltwater bay, sound, straight, inlet,
23 lagoon, salt marsh, coastal wetland, or other saltwater body
24 immediately adjacent to the Gulf of Mexico or Atlantic Ocean.

25 (2) Notwithstanding s. 403.7033, a coastal community with a
26 population of fewer than 100,000 may establish a pilot program
27 to regulate or ban disposable plastic bags. A municipality
28 establishing a pilot program shall enact an ordinance for the
29 regulation or ban of disposable plastic bags which takes effect
30 no earlier than January 1, 2018, and expires no later than June
31 30, 2020. Such ordinance may not include any new taxes or fees
32 on the use or distribution of disposable plastic bags.

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

34 (a) Collect data pertaining to the impact of such
35 regulation or ban.

36 (b) By April 1, 2020, submit a report on the impact of such
37 regulation or ban to the governing body of the municipality at a
38 public hearing that is open to comments from the public.

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

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

42 403.7033 Departmental analysis of particular recyclable
43 materials.—The Legislature finds that prudent regulation of
44 recyclable materials is crucial to the ongoing welfare of
45 Florida's ecology and economy. As such, the Department of
46 Environmental Protection shall undertake an analysis of the need
47 for new or different regulation of auxiliary containers,
48 wrappings, or disposable plastic bags used by consumers to carry
49 products from retail establishments. The analysis shall include
50 input from state and local government agencies, stakeholders,
51 private businesses, and citizens, and shall evaluate the
52 efficacy and necessity of both statewide and local regulation of
53 these materials. To ensure consistent and effective
54 implementation, the department shall submit a report with
55 conclusions and recommendations to the Legislature no later than
56 February 1, 2010. Until such time that the Legislature adopts
57 the recommendations of the department, no local government,
58 local governmental agency, or state government agency may enact
59 any rule, regulation, or ordinance regarding use, disposition,
60 sale, prohibition, restriction, or tax of such auxiliary
61 containers, wrappings, or disposable plastic bags.

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