

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 the adoption and expiration of a certain required
8 ordinance; directing participating municipalities to
9 collect data and submit reports to the municipal
10 governing bodies and the Department of Environmental
11 Protection; republishing s. 403.7033, F.S., relating
12 to the department's analysis of the need for new or
13 revised regulation of particular recyclable materials;
14 providing an effective date.

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

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

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

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

28 (2) Notwithstanding s. 403.7033, a coastal community with a
29 population of fewer than 100,000 may establish a pilot program

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30 to regulate or ban disposable plastic bags. A municipality that
31 establishes a pilot program under this section shall enact an
32 ordinance for the regulation or ban of disposable plastic bags,
33 which must take effect after January 1, 2020, and expire by June
34 30, 2022. The ordinance may not include any new taxes or fees on
35 the use or distribution of disposable plastic bags.

36 (3) A municipality that establishes a pilot program under
37 this section shall:

38 (a) Collect data pertaining to the effect of the disposable
39 plastic bag regulation or ban;

40 (b) By April 1, 2022, submit a report on the effect of the
41 regulation or ban to the governing body of the municipality at a
42 public hearing that is open to public comment; and

43 (c) Provide a copy of the report required under paragraph
44 (b) to the department.

45 Section 2. Section 403.7033, Florida Statutes, is
46 republished to read:

47 403.7033 Departmental analysis of particular recyclable
48 materials.—The Legislature finds that prudent regulation of
49 recyclable materials is crucial to the ongoing welfare of
50 Florida's ecology and economy. As such, the Department of
51 Environmental Protection shall undertake an analysis of the need
52 for new or different regulation of auxiliary containers,
53 wrappings, or disposable plastic bags used by consumers to carry
54 products from retail establishments. The analysis shall include
55 input from state and local government agencies, stakeholders,
56 private businesses, and citizens, and shall evaluate the
57 efficacy and necessity of both statewide and local regulation of
58 these materials. To ensure consistent and effective

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59 implementation, the department shall submit a report with
60 conclusions and recommendations to the Legislature no later than
61 February 1, 2010. Until such time that the Legislature adopts
62 the recommendations of the department, no local government,
63 local governmental agency, or state government agency may enact
64 any rule, regulation, or ordinance regarding use, disposition,
65 sale, prohibition, restriction, or tax of such auxiliary
66 containers, wrappings, or disposable plastic bags.

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