

By Senator Stewart

13-00378-20

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1 A bill to be entitled

2 An act relating to the preemption of recyclable and
3 polystyrene materials; amending s. 403.7033, F.S.;
4 deleting preemptions of local law relating to the
5 regulation of auxiliary containers, wrappings, or
6 disposable plastic bags; amending s. 500.90, F.S.;
7 repealing the preemption of local laws regarding the
8 use or sale of polystyrene products to the Department
9 of Agriculture and Consumer Services; providing an
10 effective date.

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

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14 Section 1. Section 403.7033, Florida Statutes, is amended
15 to read:

16 403.7033 Departmental analysis of particular recyclable
17 materials.—The Legislature finds that prudent regulation of
18 recyclable materials is crucial to the ongoing welfare of
19 Florida's ecology and economy. As such, the Department of
20 Environmental Protection shall undertake an analysis of the need
21 for new or different regulation of auxiliary containers,
22 wrappings, or disposable plastic bags used by consumers to carry
23 products from retail establishments. The analysis shall include
24 input from state and local government agencies, stakeholders,
25 private businesses, and citizens, and shall evaluate the
26 efficacy and necessity of both statewide and local regulation of
27 these materials. To ensure consistent and effective
28 implementation, the department shall submit a report with
29 conclusions and recommendations to the Legislature no later than

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30 ~~February 1, 2010. Until such time that the Legislature adopts~~
31 ~~the recommendations of the department, no local government,~~
32 ~~local governmental agency, or state government agency may enact~~
33 ~~any rule, regulation, or ordinance regarding use, disposition,~~
34 ~~sale, prohibition, restriction, or tax of such auxiliary~~
35 ~~containers, wrappings, or disposable plastic bags.~~

36 Section 2. Section 500.90, Florida Statutes, is amended to
37 read:

38 ~~500.90 Regulation of polystyrene products preempted to~~
39 ~~department. The regulation of the use or sale of polystyrene~~
40 ~~products by entities regulated under this chapter is preempted~~
41 ~~to the department. This preemption does not apply to local~~
42 ~~ordinances or provisions thereof enacted before January 1, 2016,~~
43 ~~and does not limit the authority of a local government to~~
44 ~~restrict the use of polystyrene by individuals on public~~
45 ~~property, temporary vendors on public property, or entities~~
46 ~~engaged in a contractual relationship with the local government~~
47 ~~for the provision of goods or services, unless such use is~~
48 ~~otherwise preempted by law.~~

49 Section 3. This act shall take effect July 1, 2020.