

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 removing the prohibition of local laws relating to the
5 regulation of auxiliary containers, wrappings, and
6 disposable plastic bags; repealing s. 500.90, F.S.,
7 relating to the preemption of local laws relating to
8 the use or sale of polystyrene products to the
9 Department of Agriculture and Consumer Services;
10 providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
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

HB 6043

2020

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
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 Section 500.90, Florida Statutes, is repealed.

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