

By Senator Stewart

17-00255-23

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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 removing the preemption of local laws regarding the
5 regulation of auxiliary containers, wrappings, or
6 disposable plastic bags; amending s. 500.90, F.S.;
7 removing 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 review and update its 2010 report~~
21 ~~on retail bags analyzing the need for new or different~~
22 ~~regulation of auxiliary containers, wrappings, or disposable~~
23 ~~plastic bags used by consumers to carry products from retail~~
24 ~~establishments. The updated report must include input from state~~
25 ~~and local government agencies, stakeholders, private businesses,~~
26 ~~and citizens and must evaluate the efficacy and necessity of~~
27 ~~both statewide and local regulation of these materials. To~~
28 ~~ensure consistent and effective implementation, the department~~
29 ~~shall submit the updated report with conclusions and~~

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30 ~~recommendations to the Legislature no later than December 31,~~
31 ~~2021. Until such time that the Legislature adopts the~~
32 ~~recommendations of the department, a local government, local~~
33 ~~governmental agency, or state governmental agency may not enact~~
34 ~~any rule, regulation, or ordinance regarding use, disposition,~~
35 ~~sale, prohibition, restriction, or tax of such auxiliary~~
36 ~~containers, wrappings, or disposable plastic bags.~~

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

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

50 Section 3. This act shall take effect July 1, 2023.