

By Senator Smith

17-01567-25

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1                   A bill to be entitled  
2           An act relating to auxiliary containers, wrappings,  
3           and disposable plastic bags; amending s. 403.7033,  
4           F.S.; removing the state preemption on the regulation  
5           of certain auxiliary containers, wrappings, and  
6           disposable plastic bags; providing an effective date.

7  
8 Be It Enacted by the Legislature of the State of Florida:

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10           Section 1. Section 403.7033, Florida Statutes, is amended  
11 to read:

12           403.7033 Departmental analysis of particular recyclable  
13 materials.—The Legislature finds that prudent regulation of  
14 recyclable materials is crucial to the ongoing welfare of  
15 Florida's ecology and economy. As such, the Department of  
16 Environmental Protection shall review and update its 2010 report  
17 on retail bags analyzing the need for new or different  
18 regulation of auxiliary containers, wrappings, or disposable  
19 plastic bags used by consumers to carry products from retail  
20 establishments. The updated report must include input from state  
21 and local government agencies, stakeholders, private businesses,  
22 and citizens and must evaluate the efficacy and necessity of  
23 both statewide and local regulation of these materials. To  
24 ensure consistent and effective implementation, the department  
25 shall submit the updated report with conclusions and  
26 recommendations to the Legislature no later than December 31,  
27 2021. ~~Until such time that the Legislature adopts the~~  
28 ~~recommendations of the department, a local government, local~~  
29 ~~governmental agency, or state governmental agency may not enact~~

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30 ~~any rule, regulation, or ordinance regarding use, disposition,~~  
31 ~~sale, prohibition, restriction, or tax of such auxiliary~~  
32 ~~containers, wrappings, or disposable plastic bags.~~

33 Section 2. This act shall take effect July 1, 2025.