

By Senator Rodriguez

37-00237A-17

2017162__

A bill to be entitled
An act relating to disposable plastic bags; creating
s. 403.70325, F.S.; defining the term "coastal
community"; authorizing certain municipalities to
establish pilot programs to regulate or ban disposable
plastic bags; providing program criteria; providing
for expiration of a certain required ordinance;
directing participating municipalities to collect data
and submit reports to the municipal governing bodies
and the Department of Environmental Protection;
republishing s. 403.7033, F.S.; providing an effective
date.

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

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

403.70325 Municipal pilot program for regulation or ban of
disposable plastic bags.—

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

(2) Notwithstanding s. 403.7033, a coastal community with a
population of fewer than 100,000 may establish a pilot program
to regulate or ban disposable plastic bags. A municipality
establishing a pilot program shall enact an ordinance for the
regulation or ban of disposable plastic bags which takes effect
no earlier than January 1, 2018, and expires no later than June
30, 2020. Such ordinance may not include any new taxes or fees
on the use or distribution of disposable plastic bags.

37-00237A-17

2017162__

33 (2) A municipality that establishes a pilot program shall:

34 (a) Collect data pertaining to the impact of such
35 regulation or ban.

36 (b) By April 1, 2020, submit a report on the impact of such
37 regulation or ban to the governing body of the municipality at a
38 public hearing that is open to comments from the public.

39 (c) Provide a copy of the report to the department.

40 Section 2. Section 403.7033, Florida Statutes, is
41 republished to read:

42 403.7033 Departmental analysis of particular recyclable
43 materials.—The Legislature finds that prudent regulation of
44 recyclable materials is crucial to the ongoing welfare of
45 Florida's ecology and economy. As such, the Department of
46 Environmental Protection shall undertake an analysis of the need
47 for new or different regulation of auxiliary containers,
48 wrappings, or disposable plastic bags used by consumers to carry
49 products from retail establishments. The analysis shall include
50 input from state and local government agencies, stakeholders,
51 private businesses, and citizens, and shall evaluate the
52 efficacy and necessity of both statewide and local regulation of
53 these materials. To ensure consistent and effective
54 implementation, the department shall submit a report with
55 conclusions and recommendations to the Legislature no later than
56 February 1, 2010. Until such time that the Legislature adopts
57 the recommendations of the department, no local government,
58 local governmental agency, or state government agency may enact
59 any rule, regulation, or ordinance regarding use, disposition,
60 sale, prohibition, restriction, or tax of such auxiliary
61 containers, wrappings, or disposable plastic bags.

37-00237A-17

2017162__

62

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