

1 A bill to be entitled
2 An act relating to disposable plastic bags; creating
3 s. 403.70325, F.S.; authorizing certain municipalities
4 to establish pilot programs to regulate or ban
5 disposable plastic bags; providing program criteria;
6 providing for expiration of the program; directing
7 participating municipalities to collect data and
8 submit reports to the municipal governing body and the
9 Department of Environmental Protection; defining the
10 term "coastal community"; reenacting s. 403.7033,
11 F.S., relating to the analysis of particular
12 recyclable materials by the Department of
13 Environmental Protection, to incorporate the creation
14 of s. 403.70325, F.S., in a reference thereto;
15 providing an effective date.

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

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

21 403.70325 Municipal pilot program for regulation or ban of
22 disposable plastic bags.—

23 (1) Notwithstanding s. 403.7033, a municipality with a
24 population of fewer than 100,000 which is a coastal community
25 may establish a pilot program to regulate or ban disposable

26 plastic bags. A municipality establishing a pilot program shall
27 enact an ordinance for the regulation or ban of disposable
28 plastic bags that takes effect no earlier than January 1, 2018,
29 and expires no later than June 30, 2020. Such ordinance may not
30 include any new taxes or fees on the use or distribution of
31 disposable plastic bags.

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

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

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

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

39 (3) As used in this section, the term "coastal community"
40 means a municipality that abuts or borders the Gulf of Mexico,
41 the Atlantic Ocean, or a bay.

42 Section 2. For the purpose of incorporating the creation
43 of section 403.70325, Florida Statutes, made by this act, in a
44 reference thereto, section 403.7033, Florida Statutes, is
45 reenacted to read:

46 403.7033 Departmental analysis of particular recyclable
47 materials.—The Legislature finds that prudent regulation of
48 recyclable materials is crucial to the ongoing welfare of
49 Florida's ecology and economy. As such, the Department of
50 Environmental Protection shall undertake an analysis of the need

51 for new or different regulation of auxiliary containers,
52 wrappings, or disposable plastic bags used by consumers to carry
53 products from retail establishments. The analysis shall include
54 input from state and local government agencies, stakeholders,
55 private businesses, and citizens, and shall evaluate the
56 efficacy and necessity of both statewide and local regulation of
57 these materials. To ensure consistent and effective
58 implementation, the department shall submit a report with
59 conclusions and recommendations to the Legislature no later than
60 February 1, 2010. Until such time that the Legislature adopts
61 the recommendations of the department, no local government,
62 local governmental agency, or state government agency may enact
63 any rule, regulation, or ordinance regarding use, disposition,
64 sale, prohibition, restriction, or tax of such auxiliary
65 containers, wrappings, or disposable plastic bags.

66 Section 3. This act shall take effect July 1, 2017.