

RESOLUTION NO. 13-077

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, SUPPORTING FLORIDA SENATE BILL 722 AND HOUSE BILL 957, WHICH, IF PASSED, WOULD PROHIBIT STORES FROM PROVIDING DISPOSABLE PLASTIC BAGS, AND PROVIDE MUNICIPALITIES WITH AUTHORITY TO REQUIRE RETAIL STORES TO PROVIDE RECYCLABLE PAPER BAGS, TO COLLECT CERTAIN FEES FOR RECYCLABLE BAGS, AND TO PROVIDE QUARTERLY REPORTS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, City staff has received notice that the Florida Legislature is considering SB 722, and HB 957, which would prohibit certain stores from providing disposable plastic bags, and would provide local municipalities with authority to require certain stores to collect and report fees for providing recyclable paper bags to customers; and

WHEREAS, the City Commission is concerned about the environmental impact of disposable bags on the environment, and concerned, too, about education funding, which would benefit if such a program could be implemented in the City of Key West; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the Key West City Commission supports HB 957 and SB 722 and urges its legislators to support such measures.

Section 2: That the City Clerk is hereby authorized to transmit a certified copy of this Resolution to Representative

Raschein, Senator Bullard, and Governor Rick Scott and members of the House and Senate leadership.

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 19th day of March, 2013.

Authenticated by the presiding officer and Clerk of the Commission on March 20, 2013.

Filed with the Clerk March 20, 2013.



CRAIG CATES, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK

By Senator Bullard

39-00837-13

2013722

A bill to be entitled

An act relating to disposable and reusable bags;
amending s. 403.7033, F.S.; providing legislative
findings; deleting obsolete language regarding
legislative findings; creating statewide rules for
disposable plastic bags and recyclable paper bags for
certain stores in counties or municipalities where the
local government adopts the provisions of the act;
establishing requirements for certain stores in
participating localities to comply with the act;
requiring stores in participating localities to charge
a fee for every recyclable paper bag provided to
customers; providing for allocation of collected fees;
providing an effective date.

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

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

403.7033 Uniform statewide rules for disposable plastic
bags and recyclable paper retail bags; departmental analysis of
particular recyclable materials.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that
prudent regulation of recyclable materials is crucial to the
ongoing welfare of Florida's ecology and economy. The Department
of Environmental Protection has provided to the Legislature upon
request a completed analysis of prudent standards for disposable
plastic bags and recyclable paper retail bags and has found that
the implementation of such standards encourages the use of

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30 reusable retail bags. As such, the Legislature finds that it is
31 necessary and appropriate to adopt uniform statewide standards
32 for disposable plastic bags or recyclable paper retail bags
33 which may be adopted by local ordinance across the state ~~The~~
34 ~~Department of Environmental Protection shall undertake an~~
35 ~~analysis of the need for new or different regulation of~~
36 ~~auxiliary containers, wrappings, or disposable plastic bags used~~
37 ~~by consumers to carry products from retail establishments. The~~
38 ~~analysis shall include input from state and local government~~
39 ~~agencies, stakeholders, private businesses, and citizens, and~~
40 ~~shall evaluate the efficacy and necessity of both statewide and~~
41 ~~local regulation of these materials. To ensure consistent and~~
42 ~~effective implementation, the department shall submit a report~~
43 ~~with conclusions and recommendations to the Legislature no later~~
44 ~~than February 1, 2010. Until such time that the Legislature~~
45 ~~adopts the recommendations of the department, no local~~
46 ~~government, local governmental agency, or state government~~
47 ~~agency may enact any rule, regulation, or ordinance regarding~~
48 ~~use, disposition, sale, prohibition, restriction, or tax of such~~
49 ~~auxiliary containers, wrappings, or disposable plastic bags.~~

50 (2) LOCAL GOVERNMENT OPT IN.-This section applies only to
51 local governments that adopt these provisions by local
52 ordinance. Such ordinance may include penalties for violations.

53 (3) DEFINITIONS.-As used in this section, the term:

54 (a) "Customer" means a person purchasing goods from a
55 store.

56 (b) "Disposable plastic bag" means a compostable or
57 biodegradable bag made predominantly of plastic derived from
58 petroleum or a biologically based source, such as corn or

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59 another plant source, which is provided to a customer at the
60 point of sale for the purpose of carrying away goods. The term
61 does not include produce bags or reusable bags made of plastic.

62 (c) "Local government" means a county or municipality.

63 (d) "Participating store" means any of the following retail
64 establishments located in the jurisdiction of a local government
65 that adopts this act:

66 1. A full-line, self-service retail store with gross annual
67 sales of \$2 million or more which sells canned goods, dry
68 grocery items, nonfood items, or perishable items.

69 2. A drugstore, pharmacy, supermarket, grocery store,
70 convenience store, or other entity of at least 10,000 square
71 feet which engages in the retail sale of a limited line of
72 goods, including milk, bread, soda, and snack foods.

73 (e) "Postconsumer recycled material" means material that is
74 typically disposed of as solid waste, having completed its
75 intended end use or life cycle. The term does not include
76 materials or byproducts generated from, or commonly reused in,
77 an original manufacturing and fabrication process.

78 (f) "Produce bag" means a plastic bag without handles used
79 exclusively to carry produce, meats, or other food items to the
80 point of sale inside a store or to prevent such food items from
81 coming into direct contact with other purchased items.

82 (g) "Recyclable material" means material that can be
83 sorted, cleansed, and reconstituted using available recycling
84 collection programs to manufacture the altered form into a new
85 product.

86 (h) "Recyclable paper bag" means a paper bag that:

87 1. Contains no old growth fiber;

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- 88 2. Is 100 percent recyclable and contains at least 40
89 percent postconsumer recycled material;
- 90 3. Is capable of composting, consistent with the timeline
91 and specifications of ASTM International Standard D6400;
- 92 4. Has printed on the bag the name of the manufacturer, the
93 country where the bag was manufactured, and the percentage of
94 postconsumer recycled material used; and
- 95 5. Visibly displays the word "recyclable" on the outside of
96 the bag.
- 97 (i) "Reusable bag" means a bag with handles which is
98 specifically designed and manufactured for multiple reuse and
99 which meets all of the following requirements:
- 100 1. Can carry a minimum of 22 pounds 125 times, over a
101 distance of at least 175 feet.
- 102 2. Has a minimum volume of 15 liters.
- 103 3. Is machine washable or can be cleaned or disinfected.
- 104 4. Does not contain lead, cadmium, or any other heavy metal
105 in toxic amounts as defined by applicable federal standards and
106 regulations for packaging of reusable bags.
- 107 5. Has printed on the bag, or on a tag permanently affixed
108 to the bag, the name of the manufacturer; the country where the
109 bag was manufactured; a statement that the bag does not contain
110 lead, cadmium, or any other heavy metal in toxic amounts; and
111 the percentage of postconsumer recycled material used, if any.
- 112 6. If made of plastic, is at least 2.25 mils thick.
- 113 (4) DISPOSABLE PLASTIC BAGS PROHIBITED.—A participating
114 store may not provide to a customer a disposable plastic bag.
- 115 (5) REUSABLE BAGS REQUIRED; PAPER BAGS ALLOWED.—A
116 participating store shall provide to a customer reusable bags,

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117 for a fee or at no cost, for the purpose of carrying away goods
118 or other items from the point of sale, subject to the terms of
119 this section. A participating store may also offer recyclable
120 paper bags to a customer, but no other type of bag may be
121 provided. This section does not prohibit a customer from using a
122 bag of any type that he or she brings to the participating store
123 or from carrying away goods that are not placed in a bag.

124 (6) USE OF RECYCLABLE PAPER BAGS.—A participating store
125 that provides a recyclable paper bag to a customer shall charge
126 the customer 10 cents for each bag provided. A participating
127 store may not rebate or otherwise reimburse a customer any
128 portion of the 10-cent charge. A participating store shall
129 indicate on the customer receipt the number of recyclable paper
130 bags provided and the total amount charged for the bags. Fees
131 collected by a participating store under this subsection shall
132 be used as follows:

133 1. At least 50 percent of the fees collected shall be
134 distributed to the school district in which the participating
135 store is located, to be used solely for educational purposes;
136 and

137 2. Up to 50 percent of the fees collected may be retained
138 by the participating store in order to offset the costs of
139 complying with this section.

140 (7) REPORTING.—A participating store shall report quarterly
141 to the local government the total number of recyclable paper
142 bags provided, the total amount of fees collected for providing
143 recyclable paper bags, and a summary of any efforts by the
144 participating store in the prior quarter to promote customer use
145 of reusable bags. Such reporting shall be done on a form

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146 prescribed by the local government and shall be signed by a
147 responsible agent or officer of the participating store
148 confirming that the information provided on the form is accurate
149 and complete. The quarterly report shall be submitted no later
150 than 30 days after the end of each of the following quarters:
151 (a) January 1 through March 31.
152 (b) April 1 through June 30.
153 (c) July 1 through September 30.
154 (d) October 1 through December 31.
155 Section 2. This act shall take effect upon becoming a law.

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2013

A bill to be entitled

An act relating to recyclable paper bags and reusable bags; creating s. 403.70335, F.S.; providing definitions; prohibiting stores from providing disposable plastic bags for purposes of carrying away goods or other materials from the point of sale; requiring stores to provide recyclable paper bags and reusable bags for such purposes; requiring stores to impose certain charges; providing for the specified use of proceeds; requiring stores to submit specified reports; providing for construction, applicability, and effect; providing an effective date.

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

Section 1. Section 403.70335, Florida Statutes, is created to read:

403.70335 Recyclable paper bags and reusable bags.-

(1) As used in this section, the term:

(a) "Disposable plastic bag" means any bag made predominantly of plastic derived from petroleum or a biologically based source, such as corn or other plants, which is provided to a customer at the point of sale. The term includes compostable and biodegradable bags but does not include reusable bags, produce bags, or product bags.

(b) "Postconsumer recycled material" means a material that would otherwise be destined for solid waste disposal having completed its intended end use and product life cycle. The term

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29 does not include materials and byproducts generated from, and
 30 commonly reused within, an original manufacturing and
 31 fabrication process.

32 (c) "Produce bag" or "product bag" means any bag without
 33 handles used exclusively to carry produce, meats, or other food
 34 items to the point of sale inside a store or to prevent such
 35 food items from coming into direct contact with other purchased
 36 items.

37 (d) "Recyclable" means capable of being sorted, cleansed,
 38 and reconstituted using available recycling collection programs
 39 for the purpose of using the altered form in the manufacture of
 40 a new product. The term does not include burning, incinerating,
 41 converting, or otherwise thermally destroying solid waste.

42 (e) "Recyclable paper bag" means a paper bag:

43 1. That contains no old growth fiber.
 44 2. That is 100-percent recyclable overall and contains a
 45 minimum of 40 percent postconsumer recycled material.

46 3. That is capable of composting, consistent with the
 47 timeline and specifications of the American Society of Testing
 48 and Materials (ASTM) standard 06400.

49 4. On which is printed the name of the manufacturer, the
 50 country where the bag was manufactured, and the percentage of
 51 postconsumer recycled material used.

52 5. The outside of which displays the word "recyclable" in
 53 a highly visible manner.

54 (f) "Reusable bag" means a bag with handles that is
 55 specifically designed and manufactured for multiple reuse and:

56 1. Has a minimum lifetime of 125 uses, which for purposes

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57 of this subsection means the capability of carrying a minimum of
58 22 pounds no fewer than 125 times over a distance of at least
59 175 feet.

60 2. Has a minimum volume of 15 liters.

61 3. Is machine washable or made from a material that can be
62 cleaned or disinfected.

63 4. Does not contain lead, cadmium, or any other heavy
64 metal in toxic amounts, as defined by applicable state and
65 federal standards and regulations for packaging or reusable
66 bags.

67 5. On which is printed, or to which a tag is permanently
68 affixed and printed with, the name of the manufacturer, the
69 country where the bag was manufactured, a statement that the bag
70 does not contain lead, cadmium, or any other heavy metal in
71 toxic amounts, and the percentage of postconsumer recycled
72 material used, if any.

73 6. If made of plastic, is at least 2.25 mils thick.

74 (g) "Store" means:

75 1. A full-line, self-service retail store with gross
76 annual sales of \$2 million or more that sells a line of dry
77 groceries, canned goods, perishable items, or nonfood items.

78 2. A drug store, pharmacy, supermarket, grocery store,
79 convenience food store, foodmart, or other entity of at least
80 10,000 square feet that is engaged in the retail sale of a
81 limited line of goods that includes milk, bread, soda, and snack
82 foods.

83 (2)(a) For the purpose of carrying away goods or other
84 materials from the point of sale, a store shall provide or make

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85 available to a customer only recyclable paper bags or reusable
86 bags. A store may not provide to a customer a disposable plastic
87 bag.

88 (b) A store that provides recyclable paper bags to a
89 customer shall charge the customer 10 cents for each bag
90 provided. A store may not rebate or otherwise reimburse a
91 customer any portion of the 10-cent charge. A store must
92 indicate on the customer receipt the number of recyclable paper
93 bags provided and the total amount charged for the bags. All
94 such moneys collected by a store shall be used as follows:

95 1. A minimum of 50 percent of the moneys collected shall
96 be distributed to the school district in which the store is
97 located to be used solely for educational purposes.

98 2. Up to 50 percent of the moneys collected may be
99 retained by the store in order to offset the costs of complying
100 with this section.

101 (3) A store shall submit a quarterly report to the local
102 government. The report shall include the total number of
103 recyclable paper bags provided, the total amount of moneys
104 collected for providing recyclable paper bags, and a summary of
105 any efforts a store has undertaken to promote the use of
106 reusable bags by customers in the previous quarter. The report
107 shall be provided on a form prescribed by the local government
108 and shall be signed by a responsible agent or officer of the
109 store confirming that the information provided on the form is
110 accurate and complete.

111 (4) This section:

112 (a) Does not prohibit a customer from using his or her own

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113 bags of any type, or from carrying away goods that are not
114 placed in a bag, in lieu of using bags provided by the store.

115 (b) Does not apply to produce bags or product bags.

116 (c) Is only effective upon the adoption of an ordinance by
117 the local government. Such ordinance shall comply with this
118 section and may include penalties for violations.

119 Section 2. This act shall take effect July 1, 2013.