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1 A bill to be entitled

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

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16 Section 1. Section 403.70335, Florida Statutes, is created  
17 to read:

18 403.70335 Recyclable paper bags and reusable bags.-

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

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

26 (b) "Postconsumer recycled material" means a material that  
27 would otherwise be destined for solid waste disposal having  
28 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.