

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 for the regulation or ban
 5 of disposable plastic bags; providing program
 6 criteria; providing for expiration of the program;
 7 directing participating municipalities to collect data
 8 and submit reports to the municipal governing body and
 9 the Department of Environmental Protection;
 10 authorizing municipalities to continue such regulation
 11 or ban after the program expires under certain
 12 conditions; providing an effective date.

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

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 16 Section 1. Section 407.70325, Florida Statutes, is created
 17 to read:

18 403.70325 Municipal pilot program for regulation or ban of
 19 disposable plastic bags.—

20 (1) Notwithstanding s. 403.7033, a municipality with a
 21 population of fewer than 100,000 may establish a pilot program
 22 to regulate or ban disposable plastic bags. A municipality
 23 establishing a pilot program shall, by December 31, 2015, enact
 24 an ordinance for the regulation or ban of disposable plastic
 25 bags that begins January 1, 2016, and expires June 30, 2018.
 26 Such ordinance may not include any new taxes or fees on the use

27 or distribution of disposable plastic bags.

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

29 (a) Collect data pertaining to the impact of such
30 regulation or ban.

31 (b) By April 1, 2018, submit a report on the impact of
32 such regulation or ban to the governing body of the municipality
33 at a public hearing that is open to comments from the public.

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

35 (3) A municipality may continue to regulate or ban
36 disposable plastic bags after June 30, 2018, if the municipality
37 enacts an ordinance after April 1, 2018, indicating that the
38 municipality will continue the regulation or ban of plastic
39 bags, notwithstanding s. 403.7033.

40 Section 2. Section 403.7033, Florida Statutes, reads:

41 403.7033 Departmental analysis of particular recyclable
42 materials.—The Legislature finds that prudent regulation of
43 recyclable materials is crucial to the ongoing welfare of
44 Florida's ecology and economy. As such, the Department of
45 Environmental Protection shall undertake an analysis of the need
46 for new or different regulation of auxiliary containers,
47 wrappings, or disposable plastic bags used by consumers to carry
48 products from retail establishments. The analysis shall include
49 input from state and local government agencies, stakeholders,
50 private businesses, and citizens, and shall evaluate the
51 efficacy and necessity of both statewide and local regulation of
52 these materials. To ensure consistent and effective

HB 661

2015

53 | implementation, the department shall submit a report with
54 | conclusions and recommendations to the Legislature no later than
55 | February 1, 2010. Until such time that the Legislature adopts
56 | the recommendations of the department, no local government,
57 | local governmental agency, or state government agency may enact
58 | any rule, regulation, or ordinance regarding use, disposition,
59 | sale, prohibition, restriction, or tax of such auxiliary
60 | containers, wrappings, or disposable plastic bags.

61 | Section 3. This act shall take effect July 1, 2015.