

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"; republishing s. 403.7033,
 11 F.S.; providing an effective date.

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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) Notwithstanding s. 403.7033, a municipality with a population of fewer than 100,000 which is a coastal community 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 that takes effect no earlier than January 1, 2017, and expires no later than June 30, 2019. Such ordinance may not include any new taxes or fees on the use or distribution of

27 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, 2019, 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) As used in this section, the term "coastal community"
36 means a municipality that abuts or borders the Gulf of Mexico,
37 the Atlantic Ocean, or a bay.

38 Section 2. Section 403.7033, Florida Statutes, is
39 republished to read:

40 403.7033 Departmental analysis of particular recyclable
41 materials.—The Legislature finds that prudent regulation of
42 recyclable materials is crucial to the ongoing welfare of
43 Florida's ecology and economy. As such, the Department of
44 Environmental Protection shall undertake an analysis of the need
45 for new or different regulation of auxiliary containers,
46 wrappings, or disposable plastic bags used by consumers to carry
47 products from retail establishments. The analysis shall include
48 input from state and local government agencies, stakeholders,
49 private businesses, and citizens, and shall evaluate the
50 efficacy and necessity of both statewide and local regulation of
51 these materials. To ensure consistent and effective
52 implementation, the department shall submit a report with

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

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