

By Senator Stewart

13-00253-22

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1 A bill to be entitled

2 An act relating to the preemption of recyclable and  
3 polystyrene materials; amending s. 403.7033, F.S.;  
4 removing the preemption of local laws regarding the  
5 regulation of auxiliary containers, wrappings, or  
6 disposable plastic bags; amending s. 500.90, F.S.;  
7 removing the preemption of local laws regarding the  
8 use or sale of polystyrene products to the Department  
9 of Agriculture and Consumer Services; providing an  
10 effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14 Section 1. Section 403.7033, Florida Statutes, is amended  
15 to read:

16 403.7033 Departmental analysis of particular recyclable  
17 materials.—The Legislature finds that prudent regulation of  
18 recyclable materials is crucial to the ongoing welfare of  
19 Florida's ecology and economy. As such, the Department of  
20 Environmental Protection shall review and update its 2010 report  
21 on retail bags analyzing the need for new or different  
22 regulation of auxiliary containers, wrappings, or disposable  
23 plastic bags used by consumers to carry products from retail  
24 establishments. The updated report must include input from state  
25 and local government agencies, stakeholders, private businesses,  
26 and citizens and must evaluate the efficacy and necessity of  
27 both statewide and local regulation of these materials. To  
28 ensure consistent and effective implementation, the department  
29 shall submit the updated report with conclusions and

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30 recommendations to the Legislature no later than December 31,  
31 2021. ~~Until such time that the Legislature adopts the~~  
32 ~~recommendations of the department, a local government, local~~  
33 ~~governmental agency, or state governmental agency may not enact~~  
34 ~~any rule, regulation, or ordinance regarding use, disposition,~~  
35 ~~sale, prohibition, restriction, or tax of such auxiliary~~  
36 ~~containers, wrappings, or disposable plastic bags.~~

37 Section 2. Section 500.90, Florida Statutes, is amended to  
38 read:

39 ~~500.90 Regulation of polystyrene products preempted to~~  
40 ~~department. The regulation of the use or sale of polystyrene~~  
41 ~~products by entities regulated under this chapter is preempted~~  
42 ~~to the department. This preemption does not apply to local~~  
43 ~~ordinances or provisions thereof enacted before January 1, 2016,~~  
44 ~~and does not limit the authority of a local government to~~  
45 ~~restrict the use of polystyrene by individuals on public~~  
46 ~~property, temporary vendors on public property, or entities~~  
47 ~~engaged in a contractual relationship with the local government~~  
48 ~~for the provision of goods or services, unless such use is~~  
49 ~~otherwise preempted by law.~~

50 Section 3. This act shall take effect July 1, 2022.