



Legislation Text

File #: 16-5155, Version: 1

A Resolution supporting the State Legislature's efforts to amend Section 403.7033, Florida Statutes, to provide for local regulation of plastic bags or, alternatively, for the repeal of said statutory section, so that local governments are no longer preempted from enacting legislation regulating plastic bags; providing an effective date; and for other purposes.

(Sponsored by Commissioner Lago)

At the April 26th Commission Meeting, the City Commission held a discussion regarding State law relating to plastic bag regulation (State Statue 403.7033) which is outlined below. At the conclusion of that discussion the City Commission requested the City's Sustainability Advisory Board to provide a list of recommended actions the City can take with regards to plastics bags that do not violate the State Statue.

As a result the attached resolution was drafted. Similar resolutions have been passed by over 20 cities throughout the State. The resolution encourages the State to amend and/or repeal Section 403.7033 of the Florida Statue to allow for local governments to enact legislation regulating plastic bags.

403.7033 Departmental analysis of particular recyclable materials.-The Legislature finds that prudent regulation of recyclable materials is crucial to the ongoing welfare of Florida's ecology and economy. As such, the Department of Environmental Protection shall undertake an analysis of the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments. The analysis shall include input from state and local government agencies, stakeholders, private businesses, and citizens, and shall evaluate the efficacy and necessity of both statewide and local regulation of these materials. To ensure consistent and effective implementation, the department shall submit a report with conclusions and recommendations to the Legislature no later than February 1, 2010. Until such time that the Legislature adopts the recommendations of the department, no local government, local governmental agency, or state government agency may enact any rule, regulation, or ordinance regarding use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings, or disposable plastic bags.

The Florida Department of Environmental Protection (FDEP) submitted the "Retail Bags Report" to the Legislature in 2010 with a list of 12 recommended options for discouraging and reducing the use of single-use retail bags. The Florida Legislature has not taken any action to further address the issue and such inaction further perpetuates the use of plastic bags and exasperates their impact on the environment.