

History of Florida plastic bag legislation

In Florida, it's against the law for local governments to ban, tax, limit or regulate single-use plastic bags. In 2008, Florida lawmakers passed a bill prohibiting local governments from banning plastic bags.

HB143/S306, the "Disposable Plastic Bags" bill, would allow municipalities with populations under 100,000 to create a pilot program to regulate or ban disposable plastic bags. The pilot program runs until 2019 and is limited to coastal communities.

This is why the Venice Environmental Advisory Board voted unanimously to ask the Venice City Council to support a resolution which states:

A resolution of the (name of municipality), Florida supporting the initiatives by local municipalities in Florida to lessen the negative impact of single-use plastic bags on our environment. (see complete text in attached document)

There is a growing movement of cities and counties in Florida who have supported this resolution. If approved by the Florida legislature, local governments would be allowed to regulate single-use plastic bags in their own communities. Groups have been working with the Florida Legislature for the past four years to give our coastal towns and cities the ability to tax, ban, or limit single-use plastic bags.

Why take this action? This should be a "local option" issue. Counties and municipalities should be able to self-govern on how to handle the problem as it relates to their area. If the Venice City Council supports this resolution and the Legislature approves it, there is no requirement that Venice move forward with any restrictions of its own.

If permitted under the pilot program, Venice could put itself at the forefront of progressive beach-side communities who value the cleanliness of their beaches and roadways by being pro-active on the problems posed by plastic bags.

There is ample evidence that localities can decide on issues for themselves better than the State of Florida can. A very prominent example is the passage of fertilizer ordinances by some counties (including Sarasota) and cities to prevent nutrient-laden runoff during the June-to-September rainy season as permitted by State law.

Additional information:

Floridians generate 32 million tons or two tons of waste per person every year, but only recycle 28% of their solid waste. In 2009, about 3.8 million tons of waste plastic "bags, sacks and wraps" were generated in the United States, but only 9.4% of this total was recycled.

Plastics comprise up to 90% of floating marine debris.

Plastic bags create unsightly litter that can block stormwater drains and cause costly stoppages at recycling plants. Both of these problems cause unnecessary expense for local governments and taxpayers.

In 2008, Florida lawmakers passed a bill prohibiting local governments from banning plastic bags until the Department of Environmental Protection (DEP) creates recommendations, *and* they are adopted by the Legislature.

In 2010, the DEP completed the Retail Bags Report – strategies to discourage the use of single-use paper and plastic retail bags.... however the Legislature still hasn't adopted it. Until the Legislature adopts the report, local governments can't implement their own restrictions on plastics, and our trash will continue to multiply.

Statewide activity:

30 localities in Florida have passed resolutions asking the State Legislature for the ability to regulate plastic bags at the local level. Here is a list of some of the communities and counties which have sponsored supporting resolutions:

Village of Key Biscayne
City of Miami Beach
St. Augustine Beach (Voluntary Bag Ban)
City of Surfside
City of Bonita Springs
City of South Miami
City of Key West
City of Hallandale Beach
City of Lake Worth
Village of Islamorada
City of West Palm Beach
Leon County
Brevard County
Monroe County

City of Melbourne Beach
Village of Pinecrest
City of Satellite Beach
City of Coconut Creek
Town of Davie
Town of Cutler Bay
City of Fernandina Beach
Town of Indiatlantic
City of Layton
City of Marathon
City of North Miami

1-15-17