



354080

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/16/2024	.	
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	.	

The Committee on Commerce and Tourism (Martin) recommended the following:

Senate Amendment (with title amendment)

Delete lines 24 - 64

and insert:

(a) Is made of cloth; paper; plastic, including, but not limited to, foamed plastic, expanded plastic, or polystyrene; cardboard; molded fiber; corrugated material; aluminum; glass; postconsumer recycled material; or similar material or substrates, including coated, laminated, or multilayer substrates.



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11 (b) Is designed for transporting, consuming, or protecting
12 merchandise, food, or beverages from or at a public food service
13 establishment as defined in s. 509.013(5), a food establishment
14 as defined in s. 500.03(1), or a retailer as defined in s.
15 212.02(13).

16 (36) ~~(35)~~ "Solid waste" means sludge unregulated under the
17 federal Clean Water Act or Clean Air Act, sludge from a waste
18 treatment works, water supply treatment plant, or air pollution
19 control facility, or garbage, rubbish, refuse, special waste, or
20 other discarded material, including solid, liquid, semisolid, or
21 contained gaseous material resulting from domestic, industrial,
22 commercial, mining, agricultural, or governmental operations.
23 Recovered materials as defined in subsection (29) ~~(28)~~ and post-
24 use polymers as defined in subsection (25) ~~(24)~~ are not solid
25 waste.

26 Section 2. Section 403.7033, Florida Statutes, is amended
27 to read:

28 403.7033 Preemption of regulation for auxiliary containers
29 ~~Departmental analysis of particular recyclable materials. The~~
30 ~~Legislature finds that prudent regulation of recyclable~~
31 ~~materials is crucial to the ongoing welfare of Florida's ecology~~
32 ~~and economy. As such, the Department of Environmental Protection~~
33 ~~shall review and update its 2010 report on retail bags analyzing~~
34 ~~the need for new or different regulation of auxiliary~~
35 ~~containers, wrappings, or disposable plastic bags used by~~
36 ~~consumers to carry products from retail establishments. The~~
37 ~~updated report must include input from state and local~~
38 ~~government agencies, stakeholders, private businesses, and~~
39 ~~citizens and must evaluate the efficacy and necessity of both~~



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40 ~~statewide and local regulation of these materials. To ensure~~
41 ~~consistent and effective implementation, the department shall~~
42 ~~submit the updated report with conclusions and recommendations~~
43 ~~to the Legislature no later than December 31, 2021. Until such~~
44 ~~time that the Legislature adopts the recommendations of the~~
45 ~~department,~~ A local government, local governmental agency, or
46 state governmental agency may not enact any rule, regulation, or
47 ordinance regarding use, disposition, sale, prohibition,
48 restriction, or tax of ~~such~~ auxiliary containers. The regulation
49 of auxiliary containers is expressly preempted to the state,
50 ~~wrappings, or~~

51
52 ===== T I T L E A M E N D M E N T =====

53 And the title is amended as follows:

54 Delete lines 5 - 9

55 and insert:

56 amending s. 403.7033, F.S.; deleting obsolete
57 provisions requiring the Department of Environmental
58 Protection to review and update a specified report;
59 expressly preempting the regulation of auxiliary
60 containers to the state; amending s. 403.707, F.S.;