



26 postconsumer recycled material; or similar material or  
 27 substrates, including coated, laminated, or multilayer  
 28 substrates.

29 (b) Is designed for transporting, consuming, or protecting  
 30 merchandise, food, or beverages from or at a food service or  
 31 retail facility.

32 (36)-(35) "Solid waste" means sludge unregulated under the  
 33 federal Clean Water Act or Clean Air Act, sludge from a waste  
 34 treatment works, water supply treatment plant, or air pollution  
 35 control facility, or garbage, rubbish, refuse, special waste, or  
 36 other discarded material, including solid, liquid, semisolid, or  
 37 contained gaseous material resulting from domestic, industrial,  
 38 commercial, mining, agricultural, or governmental operations.  
 39 Recovered materials as defined in subsection (29) ~~(28)~~ and post-  
 40 use polymers as defined in subsection (25) ~~(24)~~ are not solid  
 41 waste.

42 Section 2. Section 403.7033, Florida Statutes, is amended  
 43 to read:

44 403.7033 Preemption of regulation for auxiliary containers  
 45 ~~Departmental analysis of particular recyclable materials.-The~~  
 46 ~~Legislature finds that prudent regulation of recyclable~~  
 47 ~~materials is crucial to the ongoing welfare of Florida's ecology~~  
 48 ~~and economy. As such, the Department of Environmental Protection~~  
 49 ~~shall review and update its 2010 report on retail bags analyzing~~  
 50 ~~the need for new or different regulation of auxiliary~~

51 ~~containers, wrappings, or disposable plastic bags used by~~  
52 ~~consumers to carry products from retail establishments. The~~  
53 ~~updated report must include input from state and local~~  
54 ~~government agencies, stakeholders, private businesses, and~~  
55 ~~citizens and must evaluate the efficacy and necessity of both~~  
56 ~~statewide and local regulation of these materials. To ensure~~  
57 ~~consistent and effective implementation, the department shall~~  
58 ~~submit the updated report with conclusions and recommendations~~  
59 ~~to the Legislature no later than December 31, 2021. Until such~~  
60 ~~time that the Legislature adopts the recommendations of the~~  
61 ~~department,~~ A local government, local governmental agency, or  
62 state governmental agency may not enact any rule, regulation, or  
63 ordinance regarding use, disposition, sale, prohibition,  
64 restriction, or tax of ~~such~~ auxiliary containers. The regulation  
65 of auxiliary containers is expressly preempted to the state,  
66 ~~wrappings, or disposable plastic bags.~~

67 Section 3. Paragraph (j) of subsection (9) of section  
68 403.707, Florida Statutes, is amended to read:

69 403.707 Permits.—

70 (9) The department shall establish a separate category for  
71 solid waste management facilities that accept only construction  
72 and demolition debris for disposal or recycling. The department  
73 shall establish a reasonable schedule for existing facilities to  
74 comply with this section to avoid undue hardship to such  
75 facilities. However, a permitted solid waste disposal unit that

76 receives a significant amount of waste prior to the compliance  
77 deadline established in this schedule shall not be required to  
78 be retrofitted with liners or leachate control systems.

79 (j) The Legislature recognizes that recycling, waste  
80 reduction, and resource recovery are important aspects of an  
81 integrated solid waste management program and as such are  
82 necessary to protect the public health and the environment. If  
83 necessary to promote such an integrated program, the county may  
84 determine, after providing notice and an opportunity for a  
85 hearing prior to April 30, 2008, that some or all of the  
86 material described in s. 403.703(7)(b) ~~s. 403.703(6)(b)~~ shall be  
87 excluded from the definition of "construction and demolition  
88 debris" in s. 403.703(7) ~~s. 403.703(6)~~ within the jurisdiction  
89 of such county. The county may make such a determination only if  
90 it finds that, prior to June 1, 2007, the county has established  
91 an adequate method for the use or recycling of such wood  
92 material at an existing or proposed solid waste management  
93 facility that is permitted or authorized by the department on  
94 June 1, 2007. The county is not required to hold a hearing if  
95 the county represents that it previously has held a hearing for  
96 such purpose, or if the county represents that it previously has  
97 held a public meeting or hearing that authorized such method for  
98 the use or recycling of trash or other nonputrescible waste  
99 materials and that such materials include those materials  
100 described in s. 403.703(7)(b) ~~s. 403.703(6)(b)~~. The county shall

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101 provide written notice of its determination to the department by  
102 no later than April 30, 2008; thereafter, the materials  
103 described in s. 403.703(7) ~~s. 403.703(6)~~ shall be excluded from  
104 the definition of "construction and demolition debris" in s.  
105 403.703(7) ~~s. 403.703(6)~~ within the jurisdiction of such county.  
106 The county may withdraw or revoke its determination at any time  
107 by providing written notice to the department.

108 Section 4. This act shall take effect July 1, 2024.