1	A bill to be entitled
2	An act relating to regulation of auxiliary containers;
3	amending s. 403.703, F.S.; defining the term
4	"auxiliary container"; amending s. 403.7033, F.S.;
5	removing obsolete provisions requiring the Department
6	of Environmental Protection to review and update a
7	specified report; prohibiting local regulation of
8	auxiliary containers; preempting such regulation to
9	the state; amending s. 403.707, F.S.; conforming
10	cross-references; providing an effective date.
11	
12	Be It Enacted by the Legislature of the State of Florida:
13	
14	Section 1. Subsections (2) through (48) of section
15	403.703, Florida Statutes, are renumbered as sections (3)
16	through (49), respectively, present subsection (35) of that
17	section is amended, and a new subsection (2) is added to that
18	section, to read:
19	403.703 Definitions.—As used in this part, the term:
20	(2) "Auxiliary container" means a reusable or single-use
21	bag, cup, bottle, can, or other packaging that meets both of the
22	following requirements:
23	(a) Is made of cloth; paper; plastic, including, but not
24	limited to, foamed plastic, expanded plastic, or polystyrene;
25	cardboard; corrugated material; molded fiber; aluminum; glass;
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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 public food service
31	establishment as defined in s. 509.013(5), a food establishment
32	as defined in s. 500.03(1), or a retailer as defined in s.
33	212.02(13).
34	(36)(35) "Solid waste" means sludge unregulated under the
35	federal Clean Water Act or Clean Air Act, sludge from a waste
36	treatment works, water supply treatment plant, or air pollution
37	control facility, or garbage, rubbish, refuse, special waste, or
38	other discarded material, including solid, liquid, semisolid, or
39	contained gaseous material resulting from domestic, industrial,
40	commercial, mining, agricultural, or governmental operations.
41	Recovered materials as defined in subsection (29) (28) and post-
42	use polymers as defined in subsection <u>(25)</u> (24) are not solid
43	waste.
44	Section 2. Section 403.7033, Florida Statutes, is amended
45	to read:
46	403.7033 Preemption of regulation for auxiliary containers
47	Departmental analysis of particular recyclable materialsThe
48	Legislature finds that prudent regulation of recyclable
49	materials is crucial to the ongoing welfare of Florida's ecology
50	and economy. As such, the Department of Environmental Protection
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51	shall review and update its 2010 report on retail bags analyzing
52	the need for new or different regulation of auxiliary
53	containers, wrappings, or disposable plastic bags used by
54	consumers to carry products from retail establishments. The
55	updated report must include input from state and local
56	government agencies, stakeholders, private businesses, and
57	citizens and must evaluate the efficacy and necessity of both
58	statewide and local regulation of these materials. To ensure
59	consistent and effective implementation, the department shall
60	submit the updated report with conclusions and recommendations
61	to the Legislature no later than December 31, 2021. Until such
62	time that the Legislature adopts the recommendations of the
63	department, A local government, local governmental agency, or
64	state governmental agency may not enact any rule, regulation, or
65	ordinance regarding use, disposition, sale, prohibition,
66	restriction, or tax of such auxiliary containers. The regulation
67	of auxiliary containers is expressly preempted to the state $_{ au}$
68	wrappings, or disposable plastic bags.
69	Section 3. Paragraph (j) of subsection (9) of section
70	403.707, Florida Statutes, is amended to read:
71	403.707 Permits
72	(9) The department shall establish a separate category for
73	solid waste management facilities that accept only construction
74	and demolition debris for disposal or recycling. The department
75	shall establish a reasonable schedule for existing facilities to
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76 comply with this section to avoid undue hardship to such 77 facilities. However, a permitted solid waste disposal unit that 78 receives a significant amount of waste prior to the compliance 79 deadline established in this schedule shall not be required to 80 be retrofitted with liners or leachate control systems.

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

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materials and that such materials include those materials 101 102 described in s. 403.703(7)(b) s. 403.703(6)(b). The county shall 103 provide written notice of its determination to the department by 104 no later than April 30, 2008; thereafter, the materials 105 described in s. 403.703(7) s. 403.703(6) shall be excluded from 106 the definition of "construction and demolition debris" in s. 107 403.703(7) s. 403.703(6) within the jurisdiction of such county. 108 The county may withdraw or revoke its determination at any time 109 by providing written notice to the department. 110 Section 4. This act shall take effect July 1, 2024.

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