

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 (25) ~~(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 materials.-The~~
 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~~

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,
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

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.

81 | (j) The Legislature recognizes that recycling, waste
 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
 87 | hearing prior to April 30, 2008, that some or all of the
 88 | material described in s. 403.703(7)(b) ~~s. 403.703(6)(b)~~ shall be
 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
 92 | it finds that, prior to June 1, 2007, the county has established
 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
 97 | the county represents that it previously has held a hearing for
 98 | such purpose, or if the county represents that it previously has
 99 | held a public meeting or hearing that authorized such method for
 100 | the use or recycling of trash or other nonputrescible waste

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101 materials and that such materials include those materials
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.