



325362

LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

04/29/2025 03:13 PM

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Senator Smith moved the following:

1       **Senate Amendment to Amendment (397706) (with title**  
2 **amendment)**

3  
4       Delete lines 79 - 109

5 and insert:

6       403.7033 Regulation of auxiliary containers ~~Departmental~~  
7 ~~analysis of particular recyclable materials. The Legislature~~  
8 ~~finds that prudent regulation of recyclable materials is crucial~~  
9 ~~to the ongoing welfare of Florida's ecology and economy. As~~  
10 ~~such, the Department of Environmental Protection shall review~~  
11 ~~and update its 2010 report on retail bags analyzing the need for~~



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~~new or different regulation of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments. The updated report must include input from state and local government agencies, stakeholders, private businesses, and citizens and must evaluate the efficacy and necessity of both statewide and local regulation of these materials. To ensure consistent and effective implementation, the department shall submit the updated report with conclusions and recommendations to the Legislature no later than December 31, 2021. Until such time that the Legislature adopts the recommendations of the department,~~

(1) The department shall develop uniform ordinances for the use, disposition, sale, or distribution of single-use, nonrecyclable auxiliary containers which may be adopted and enforced by local governments.

(2) The development of the uniform ordinances pursuant to this section must be a collaborative process that involves a broad range of stakeholders, with the objective of encouraging cooperation and achieving consensus on standards for auxiliary container regulation. In developing the uniform ordinances, the department shall hold at least two public workshops with stakeholders, local governments, environmental groups, businesses, and other members of the public. The department shall allow public participation in person and through communications media technology. To maximize public participation, a workshop may not be held in the same geographic region of this state more than once before all other regions have hosted a workshop.

(3) In developing the uniform ordinances pursuant to this



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section, the department shall consider all of the following:

(a) Limiting the distribution and use of single-use, nonrecyclable auxiliary containers by requiring that such containers be provided only upon customer request or for a mandatory fee.

(b) Promoting the use of recyclable or compostable auxiliary containers and encouraging businesses to offer voluntary incentives for customers using reusable auxiliary containers.

(c) Establishing waste reduction and collection programs for single-use auxiliary containers.

(d) Creating enforcement mechanisms, including penalties, for businesses that do not comply with auxiliary container ordinances.

(4) The department shall begin engaging with stakeholders to develop uniform ordinances no later than October 1, 2025, and shall enact them by October 1, 2026.

(5) A local government ~~or, local governmental agency, or~~ ~~state governmental agency~~ may not enact any rule, regulation, or ordinance regarding the use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers which is inconsistent with the uniform ordinances developed pursuant to this section. This subsection does not apply to rules, regulations, or ordinances restricting the use of glass auxiliary containers within the boundaries of any public beach within the jurisdiction of a local government or local governmental agency, wrappings, or disposable plastic bags.

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



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And the title is amended as follows:

Delete lines 316 - 322

and insert:

update a specified report; requiring the department to develop uniform ordinances for the use, disposition, sale, or distribution of single-use, nonrecyclable auxiliary containers; requiring that the development of such ordinances be a collaborative process; requiring the department to hold a specified number of public workshops with certain groups; requiring the department to allow in-person and electronic public participation in the workshops; prohibiting a workshop from being held in the same geographic region more than once under certain circumstances; requiring the department to consider certain information when developing the uniform ordinances; requiring the department to engage with stakeholders and develop the uniform ordinances by a certain date; prohibiting certain entities from enacting certain laws relating to the use, disposition, sale, prohibition, restriction, or tax of auxiliary containers which are inconsistent with specified provisions; providing applicability; amending ss. 403.706 and 403.707, F.S.;