

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:

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 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;

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

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, 2025.