

**By** the Committee on Environment and Natural Resources; and  
Senators Garcia and Smith

592-01204-26

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A bill to be entitled

An act relating to auxiliary containers; amending s. 403.703, F.S.; defining the terms "auxiliary container" and "single-use"; amending s. 403.7033, F.S.; deleting obsolete provisions; preempting the regulation of auxiliary containers to the state; providing exceptions; requiring the Department of Environmental Protection to develop a uniform ordinance for the use and disposition of single-use, nonrecyclable auxiliary containers; providing requirements for the development of such ordinance; requiring that the sale or distribution of single-use plastic auxiliary containers on lands managed by the Division of Recreation and Parks of the Department of Environmental Protection be eliminated to the greatest extent possible; prohibiting the use, sale, or distribution of certain single-use auxiliary containers on such lands; requiring the department to develop and make available on its website a statewide Marine Debris Reduction Plan; providing requirements for such plan; repealing s. 500.90, F.S., relating to the regulation of polystyrene products preempted to the Department of Agriculture and Consumer Services; amending s. 403.707, F.S.; conforming cross-references; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Present subsections (2) through (33) and (34)

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through (48) of section 403.703, Florida Statutes, are redesignated as subsections (3) through (34) and (36) through (50), respectively, new subsections (2) and (35) are added to that section, and present subsection (35) of that section is amended, to read:

403.703 Definitions.—As used in this part, the term:

(2) "Auxiliary container" means a bag, cup, bottle, can, or other packaging that meets both of the following requirements:

(a) Is made of cloth; paper; plastic, including, but not limited to, foamed plastic, expanded plastic, or polystyrene; cardboard and other corrugated material; molded fiber; aluminum; glass; postconsumer recycled material; or similar material or substrates, including coated, laminated, or multilayer substrates.

(b) Is designed for transporting, consuming, or protecting merchandise, food, or beverages from or at a public food service establishment as defined in s. 509.013(5), a food establishment as defined in s. 500.03, or a retailer as defined in s. 212.02(13).

(35) "Single-use" means designed to be used once and then discarded and not designed for repeated use and sanitizing.

(37)~~(35)~~ "Solid waste" means sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Recovered materials as defined in subsection (29) subsection

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59 ~~(28)~~ and post-use polymers as defined in subsection (25)  
60 ~~subsection (24)~~ are not solid waste.

61 Section 2. Section 403.7033, Florida Statutes, is amended  
62 to read:

63 403.7033 Regulation of auxiliary containers ~~Departmental~~  
64 ~~analysis of particular recyclable materials. The Legislature~~  
65 ~~finds that prudent regulation of recyclable materials is crucial~~  
66 ~~to the ongoing welfare of Florida's ecology and economy. As~~  
67 ~~such, the Department of Environmental Protection shall review~~  
68 ~~and update its 2010 report on retail bags analyzing the need for~~  
69 ~~new or different regulation of auxiliary containers, wrappings,~~  
70 ~~or disposable plastic bags used by consumers to carry products~~  
71 ~~from retail establishments. The updated report must include~~  
72 ~~input from state and local government agencies, stakeholders,~~  
73 ~~private businesses, and citizens and must evaluate the efficacy~~  
74 ~~and necessity of both statewide and local regulation of these~~  
75 ~~materials. To ensure consistent and effective implementation,~~  
76 ~~the department shall submit the updated report with conclusions~~  
77 ~~and recommendations to the Legislature no later than December~~  
78 ~~31, 2021. Until such time that the Legislature adopts the~~  
79 ~~recommendations of the department,~~

80 (1) PREEMPTION OF THE REGULATION OF AUXILIARY CONTAINERS.—A  
81 local government ~~or~~, local governmental agency, ~~or~~ state  
82 ~~governmental agency~~ may not enact any rule, regulation, or  
83 ordinance regarding the use, disposition, sale, prohibition,  
84 restriction, or tax of ~~such~~ auxiliary containers which is  
85 inconsistent with this section, wrappings, or disposable plastic  
86 bags. This subsection does not apply to rules, regulations, or  
87 ordinances that do any of the following:

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88       (a) Restrict the use of glass auxiliary containers within  
89 the boundaries of any public property.

90       (b) Restrict the use, sale, or distribution of auxiliary  
91 containers enacted before January 1, 2026.

92       (c) Restrict the use, sale, or distribution of single-use  
93 plastic auxiliary containers within the boundaries of any public  
94 property.

95       (2) CREATION OF A UNIFORM ORDINANCE FOR AUXILIARY  
96 CONTAINERS.—The department shall develop a uniform ordinance for  
97 the use and disposal of single-use, nonrecyclable auxiliary  
98 containers which may be adopted and enforced by local  
99 governments.

100       (a) In developing the uniform ordinance, the department  
101 shall collaborate with a broad range of stakeholders, including  
102 local governments, environmental groups, businesses, and other  
103 interested parties, to encourage cooperation and consensus  
104 building.

105       (b) In developing the uniform ordinance, the department  
106 shall hold at least three public workshops with such  
107 stakeholders described in paragraph (a). The department shall  
108 allow public participation in person and through communications  
109 media technology. The department shall hold workshops in  
110 different regions of this state to maximize public  
111 participation.

112       (c) In developing the uniform ordinance, the department  
113 shall advance measures in furtherance of the following:

114       1. Limiting the distribution and use of single-use,  
115 nonrecyclable auxiliary containers through bans, fees, or  
116 deposit systems.

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117       2. Promoting the use of recyclable or compostable auxiliary  
118 containers and encouraging businesses to offer voluntary  
119 incentives for customers to bring reusable auxiliary containers.

120       3. Establishing waste reduction and collection programs for  
121 single-use auxiliary containers.

122       4. Creating enforcement mechanisms, including penalties,  
123 for businesses that do not comply with auxiliary container  
124 regulations.

125       (d) The department shall begin engaging with stakeholders  
126 through workshops and solicitation no later than October 1,  
127 2026, and finalize the uniform ordinance by October 1, 2027.

128       (3) SINGLE-USE AUXILIARY CONTAINERS ON STATE LAND.—Within  
129 any lands managed by the Division of Recreation and Parks of the  
130 Department of Environmental Protection:

131       (a) The sale or distribution of single-use plastic  
132 auxiliary containers must be eliminated to the greatest extent  
133 possible.

134       (b) The use, sale, or distribution of single-use auxiliary  
135 containers that contain polystyrene foam is prohibited.

136       (4) STATEWIDE MARINE DEBRIS REDUCTION PLAN.—By December 31,  
137 2026, the department shall develop and make available on its  
138 website a statewide Marine Debris Reduction Plan. At a minimum,  
139 the plan must include all of the following:

140       (a) Recommendations for data collection and reporting  
141 protocols.

142       (b) Identification of key infrastructure or policy gaps  
143 regarding persistent litter into marine and coastal  
144 environments.

145       (c) Strategies for reducing the generation and discharge of

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plastics, polystyrene, and other persistent litter into marine and coastal environments.

(d) A proposed funding and implementation framework.

(e) Recommendations for a competitive grant program to provide financial assistance to local governments and nonprofits to reduce marine debris.

Section 3. Section 500.90, Florida Statutes, is repealed.

Section 4. Paragraph (j) of subsection (9) of section 403.707, Florida Statutes, is amended to read:

403.707 Permits.—

(9) The department shall establish a separate category for solid waste management facilities that accept only construction and demolition debris for disposal or recycling. The department shall establish a reasonable schedule for existing facilities to comply with this section to avoid undue hardship to such facilities. However, a permitted solid waste disposal unit that receives a significant amount of waste prior to the compliance deadline established in this schedule shall not be required to be retrofitted with liners or leachate control systems.

(j) The Legislature recognizes that recycling, waste reduction, and resource recovery are important aspects of an integrated solid waste management program and as such are necessary to protect the public health and the environment. If necessary to promote such an integrated program, the county may determine, after providing notice and an opportunity for a hearing prior to April 30, 2008, that some or all of the material described in s. 403.703(7)(b) ~~s. 403.703(6)(b)~~ shall be excluded from the definition of "construction and demolition debris" in s. 403.703(7) ~~s. 403.703(6)~~ within the jurisdiction

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of such county. The county may make such a determination only if it finds that, prior to June 1, 2007, the county has established an adequate method for the use or recycling of such wood material at an existing or proposed solid waste management facility that is permitted or authorized by the department on June 1, 2007. The county is not required to hold a hearing if the county represents that it previously has held a hearing for such purpose, or if the county represents that it previously has held a public meeting or hearing that authorized such method for the use or recycling of trash or other nonputrescible waste materials and that such materials include those materials described in s. 403.703(7)(b) ~~s. 403.703(6)(b)~~. The county shall provide written notice of its determination to the department by no later than April 30, 2008; thereafter, the materials described in s. 403.703(7) ~~s. 403.703(6)~~ shall be excluded from the definition of "construction and demolition debris" in s. 403.703(7) ~~s. 403.703(6)~~ within the jurisdiction of such county. The county may withdraw or revoke its determination at any time by providing written notice to the department.

Section 5. This act shall take effect July 1, 2026.