The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 1822
INTRODUCER:	Rules Committee; Community Affairs Committee and Senator Martin
SUBJECT:	Waste Management
DATE:	April 16, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	**Favorable**
2.	Hackett	Fleming	CA	**Fav/CS**
3.	Barriero	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1822 provides that the regulation of auxiliary containers is expressly preempted to the state unless permitted by statute. The bill defines "auxiliary containers" as a reusable or single-use bag, cup, bottle, can, or other packaging that is:

- Made of cloth; paper; plastic, including, but not limited to, foamed plastic, expanded plastic, or polystyrene; cardboard; corrugated material; molded fiber; aluminum; glass; postconsumer recycled material; or similar material or substrates, including coated, laminated, or multilayer substrates; and
- Designed for transporting, consuming, or protecting merchandise, food, or beverages from or at a public food service establishment, a food establishment, or a retailer, as defined by Florida law.

The bill permits rules, regulations, and ordinances restricting the use of glass auxiliary containers on public beaches. The bill also authorizes the Division of Recreation and Parks of the Department of Environmental Protection (DEP) to regulate auxiliary containers in state parks.

The bill removes an obsolete provision requiring DEP to update its 2010 retail bags report that analyzed the need for new or different regulation of auxiliary containers, wrappings, or disposable bags. The bill also removes a provision prohibiting a local government, local governmental agency, or state government agency from regulating auxiliary containers until the Legislature adopts DEP's recommendations in its updated report.

The bill also prohibits DEP and local governments from issuing construction permits for a new solid waste disposal facility that uses an ash-producing incinerator or a waste-to-energy facility if the proposed location of such facility is sited within a one-half mile radius of any residential property, commercial property, or school.

The bill takes effect July 1, 2025.

II. Present Situation:

Auxiliary Containers

Plastics are found in a variety of nondurable products, such as disposable diapers, trash bags, cups, utensils, medical devices, and household items.[1] Plastic food service items are generally made of clear or foamed polystyrene, while trash bags are made of high-density polyethylene or low-density polyethylene.[2]

Plastics are a rapidly growing segment of municipal solid waste.[3] The United Nations has estimated that the world consumes between 1 trillion and 5 trillion plastic bags per year.[4] In the United States, fewer than 10 percent of plastic bags are recycled per year.[5] In Florida, about 5-6 million tons of collected municipal solid waste per year are single-use carryout packaging (SUCP).[6]

Improperly managed SUCP can end up in Florida's environment, littering roads, clogging stormwater systems, polluting freshwater sources, and harming the state's marine ecosystems.[7] One estimate places the amount of all plastics entering Florida's marine environment in 2020 at roughly 7,000 tons.[8] Based on citizen science data, the total number of large litter items collected in 2020 from Florida shorelines was 542,544 units (reported as 102 tons), of which SUCP comprised approximately 10 percent (on a unit basis).[9]

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[1] U.S. Environmental Protection Agency (EPA), *Plastics: Material-Specific Data*, https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/plastics-material-specific-data (last visited Mar. 26, 2025).
[2] *Id.*
[3] *Id.*
[4] United Nations Environment Programme, *Single-Use Plastics: A Roadmap for Sustainability*, viii (2018), *available at* https://www.unep.org/resources/report/single-use-plastics-roadmap-sustainability (last visited Mar. 26, 2025)
[5] EPA, *Advancing Sustainable Materials Management: 2016 and 2017 Tables and Figures*, 40 (2019), *available at* https://www.epa.gov/sites/default/files/2019-11/documents/2016_and_2017_facts_and_figures_data_tables_0.pdf (last visited Mar. 26, 2025)
[6] Florida Dep't of Environmental Protection (DEP), *Update of the 2010 Retail Bags Report*, 3 (2021), *available at* https://floridadep.gov/sites/default/files/FDEP%20Plastic%20Bag%20Report%20Final%20v4.pdf. In its report, DEP defines SUCP as including (1) auxiliary containers (a secondary container into which a product is placed for transport by a consumer. It includes, but is not limited to, reusable bags, paper bags, gift bags, gift boxes, hat boxes, cloth bags, and food takeout boxes and clamshells. Disposable plastic bags have been intentionally excluded from this definition); (2) wrappings (plastic films that are used to protect and transport the items within them; including, but not limited to, dry-cleaning, meats, fruits, bulk products, sandwiches, and newspaper. The focus for wrappings is on the external wrappings and not materials such as bubble wrap and tissue paper); and (3) disposable plastic bags (disposable plastic film bags used by the consumer to carry products from restaurants and retail establishments in the sale of products and goods. These bags are not necessarily meant to be reused multiple times but may have beneficial secondary uses and may be recycled at certain retail establishments). *Id.* at 2.
[7] *Id.* at 4.
[8] *Id.* at 5.
[9] *Id.*

The environmental damage caused by auxiliary containers and single-use plastics has prompted a global effort to limit their use.[10]

State Regulation of Auxiliary Containers

In response to growing concerns regarding the impact of retail plastic bags on the environment, the Legislature enacted s. 403.7033, F.S., in 2008, which required DEP to analyze the need for new or different regulations on auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments.[11] DEP's initial report was submitted in 2010, and in 2021, the Legislature directed DEP to review and update its 2010 report by December 31, 2021.[12] DEP submitted the updated report with its conclusions and recommendations on December 27, 2021.[13]

Section 403.7033, F.S., also prohibits local governments, local governmental agencies, and state government agencies from enacting any rule, regulation, or ordinance regarding the use, disposition, sale, prohibition, restriction, or tax of auxiliary containers, wrappings, or disposable plastic bags until the Legislature adopts DEP's recommendations.[14] To date, the Legislature has not adopted any recommendations contained in the report and the prohibition remains in effect.[15]

Further, s. 500.90, F.S., provides that the regulation of the use or sale of polystyrene products by entities regulated under the Florida Food Safety Act (chapter 500, F.S.) is preempted to the Department of Agriculture and Consumer Services.[16] In addition, s. 403.708(9), F.S., provides that the packaging of products manufactured or sold in the state may not be controlled by governmental rule, regulation, or ordinance adopted after March 1, 1974, other than as expressly provided by law.

Some cities in Florida have passed ordinances that regulate single-use plastics or polystyrene on city property.[17] In 2016, the City of Coral Gables enacted an ordinance prohibiting food service

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[10] *See* United Nations Environment Programme, *Resolution adopted by the United Nations Assembly on 15 March 2019: Resolution 4/9: Addressing single-use products pollution*, 1-2 (2019), *available at* https://wedocs.unep.org/bitstream/handle/20.500.11822/28473/English.pdf?sequence=3&isAllowed=y (last visited Mar. 26, 2025)

[11] Ch. 2008-227, s. 96, Laws of Fla.; Section 403.7033, F.S.

[12] *See* ch. 2021-125, s. 1, Laws of Fla.

[13] DEP, *Update of the 2010 Retail Bags Report* (2021), *available at* *https://floridadep.gov/sites/default/files/FDEP%20Plastic%20Bag%20Report%20Final%20v4.pdf* (last visited Mar. 26, 2025)

[14] Section 403.7033, F.S.

[15] *Id.*

[16] This preemption does not apply to local ordinances enacted before January 1, 2016, and does not limit the authority of a local government to restrict the use of polystyrene by individuals on public property, temporary vendors on public property, or entities engaged in a contractual relationship with the local government for the provision of goods or services, unless such use is otherwise preempted by law. Section 500.90, F.S.

[17] *See, e.g.*, City of Atlantic Beach, Fla., Code of Ordinances, § 5-5 (prohibiting the use, sale, or distribution of polystyrene foam products on city properties and the beach); City of Boca Raton, Fla., Code of Ordinances, § 9-110 (prohibiting the sale or distribution of polystyrene foam products); City of Deerfield Beach, Fla., Code of Ordinances, § 34-170 (prohibiting the sale or use of Styrofoam/expanded polystyrene food service articles by city contractors and special event permittees); City of Fort Lauderdale, Fla., Code of Ordinances, §§ 16-153 and 16-154 (prohibiting the use of polystyrene products by individuals, temporary vendors, city contractors, and special event permittees while located or operating on city property or city

providers and stores from selling or using expanded polystyrene (i.e. Styrofoam) containers.[18] In 2019, the Third District Court of Appeal held that ss. 500.90, 403.7033, and 403.708(9), F.S., expressly preempted the city's ordinance regulating polystyrene.[19]

State Preemption

State law recognizes two types of state preemption: express and implied. Express preemption requires a specific legislative statement of intent to preempt a specific area of law.[20] In contrast, implied preemption exists if the legislative scheme is so pervasive as to evidence an intent to preempt the particular area, and where strong public policy reasons exist for finding such an area to be preempted by the Legislature.[21]

Home Rule Authority

The Florida Constitution grants local governments broad home rule authority. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.[22] Counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by vote of the electors.[23] Likewise, municipalities have governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform municipal functions and provide services, and exercise any power for municipal purposes except as otherwise provided by law.[24]

County governments have authority to provide fire protection, ambulance services, parks and recreation, libraries, museums and other cultural facilities, waste and sewage collection and disposal, and water and alternative water supplies.[25] Municipalities are afforded broad home rule powers with the exception of annexation, merger, exercise of extraterritorial power, or subjects prohibited or preempted by the Federal or State Constitution, county charter, or statute.[26]

Incinerators and Waste-to-Energy Facilities

Energy recovery from waste is the conversion of non-recyclable waste materials into usable heat, electricity, or fuel through processes, including combustion, gasification, pyrolization, anaerobic digestion, and landfill gas recovery.[27] This process is often called waste-to-energy (WTE).[28]

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facilities); City of Gainesville, Fla., Code of Ordinances, §§ 27-90 and 27-92 (prohibiting the use of single-use plastic straws and the use of expanded polystyrene containers on city property).

[18] *Fla. Retail Federation v. City of Coral Gables*, 282 So. 3d 889, 891 (Fla. 3d DCA 2019).

[19] *Id.* at 896.

[20] *City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006).

[21] *Sarasota Alliance for Fair Elections v. Browning*, 28 So. 3d 880, 886 (Fla. 2010) (quoting *Phantom of Clearwater v. Pinellas County*, 894 So. 2d 1011, 1019 (Fla. 2d DCA 2005)).

[22] FLA. CONST., art. VIII, s. 1.(f).

[23] FLA. CONST., art. VIII, s. 1.(g).

[24] FLA. CONST., art. VIII, s. 2.(b); *see also* s. 166.021(1), F.S.

[25] Sections 125.01(1)(d)(e)(f) and (k)1., F.S.

[26] Section 166.021(3), F.S.

[27] U.S. Environmental Protection Agency (EPA), *Energy Recovery from the Combustion of Municipal Solid Waste (MSW)*, https://www.epa.gov/smm/energy-recovery-combustion-municipal-solid-waste-msw (last visited Apr. 1, 2025).

[28] *Id.*

Municipal solid waste (MSW) can be used to produce energy at WTE plants and landfills.[29] MSW can contain:

- Biomass, or biogenic (plant or animal products) materials such as paper, cardboard, food waste, grass clippings, leaves, wood, and leather products;
- Nonbiomass combustible materials such as plastics and other synthetic materials made from petroleum; and
- Noncombustible materials such as glass and metals.[30]

The process of MSW incineration is generally divided into three main parts: incineration, energy recovery, and air-pollution control.[31] Most modern incinerators are equipped with energy-recovery schemes, which produce WTE ash.[32] Three major classes of technologies are used to combust MSW: mass burn, refuse-derived fuel, and fluidized-bed combustion.[33] The most common WTE system in the U.S. is the mass-burn system.[34]

At an MSW combustion facility, MSW is unloaded from collection trucks and placed in a trash storage bunker.[35] An overhead crane sorts the waste and then lifts it into a combustion chamber to be burned. The heat released from burning converts water to steam, which is then sent to a turbine generator to produce electricity. The remaining ash is collected and taken to a landfill where a high-efficiency baghouse filtering system captures particulates. As the gas stream travels through these filters, more than 99 percent of particulate matter is removed. Captured fly ash particles fall into hoppers (funnel-shaped receptacles) and are transported by an enclosed conveyor system to the ash discharger. They are then wetted to prevent dust and mixed with the bottom ash from the grate. The facility transports the ash residue to an enclosed building where it is loaded into covered, leak-proof trucks and taken to a landfill designed to protect against groundwater contamination.[36]

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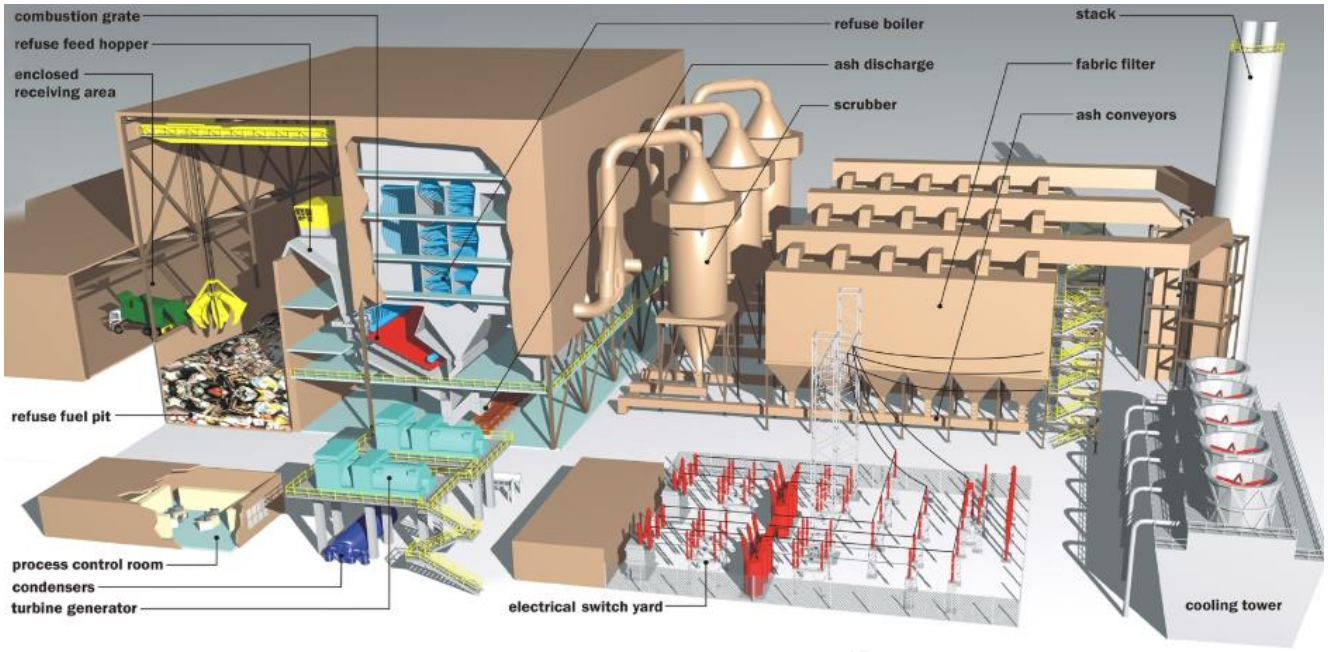
[29] U.S. Energy Information Administration (EIA), *Biomass explained, Waste-to-energy (Municipal Solid Waste), Basics*, https://www.eia.gov/energyexplained/biomass/waste-to-energy.php (last visited Apr. 1, 2025).
[30] *Id.*
[31] Byoung Cho et al., *Municipal Solid Waste Incineration Ashes as Construction Materials—A review*, Materials, vol. 13, 2 (2020), *available at* https://pmc.ncbi.nlm.nih.gov/articles/PMC7411600/ (last visited Apr. 1, 2025).
[32] *Id.*
[33] *Id.*
[34] EIA, *Biomass explained: Waste-to-energy (Municipal Solid Waste), In-depth*, https://www.eia.gov/energyexplained/biomass/waste-to-energy-in-depth.php (last visited Apr. 1, 2025).
[35] EPA, *Energy Recovery from the Combustion of Municipal Solid Waste (MSW)*, https://www.epa.gov/smm/energy-recovery-combustion-municipal-solid-waste-msw#Technology (last visited Apr. 1, 2025).
[36] *Id.*



Example of a WTE plant[37]

About 90 percent of the energy produced by WTE plants is delivered to the electric grid.[38] The remaining 10 percent consists of steam that some WTE facilities send to nearby industrial plants and institutions.[39]

Waste incineration first became popular in the U.S. in the first half of the 20th century as a way to manage waste but declined after the passage of the Clean Air Act in 1963 forced facilities to either adopt costly air pollution controls or shut down.[40] In the 1970s and 1980s, waste-to-energy facilities rose again in popularity as a way to produce a low-cost energy alternative to coal, which was considered by some at the time to be a renewable energy source. Now, the number of incinerators has again declined nationally due to public concern about their environmental and

[37] Pinellas County, *Waste-to-Energy Facility*, https://pinellas.gov/waste-to-energy-facility/ (last visited Apr. 1, 2025) (showing graphic of a mass-burn waste-to-energy plant).
[38] U.S. Energy Information Administration, *Waste-to-energy plants are a small but stable source of electricity in the United States*, https://www.eia.gov/todayinenergy/detail.php?id=55900 (last visited Apr. 1, 2025).
[39] *Id.*
[40] University of Florida, Thompson Earth Systems Institute, *Tell Me About: Waste Incineration in Florida* (2022), https://www.floridamuseum.ufl.edu/earth-systems/blog/tell-me-about-waste-incineration-in-florida/ (last visited Apr. 1, 2025).

health impacts, as well as a loss in profitability.[41] In Florida, there are currently 10 WTE facilities.[42] Florida has the largest capacity to burn MSW of any state in the country.[43]

Solid Waste Facility Permitting in Florida

In Florida, the governing body of a county has the responsibility to provide for the operation of solid waste disposal facilities to meet the needs of all incorporated and unincorporated areas of the county.[44] A county may enter into a written agreement with other parties to undertake some or all of its responsibilities.[45]

A solid waste management facility may not be operated, maintained, constructed, expanded, modified, or closed without a permit issued by the Department of Environmental Protection (DEP).[46] In addition to a solid waste management facility permit, WTE facilities may also require an air construction and operation permits.[47]

DEP may only issue a construction permit to a solid waste management facility that provides the conditions necessary to control the safe movement of wastes or waste constituents into surface or ground waters or the atmosphere and that will be operated, maintained, and closed by qualified and properly trained personnel.[48] Such facility must if necessary:

- Use natural or artificial barriers that can control lateral or vertical movement of wastes or waste constituents into surface or ground waters.
- Have a foundation or base that can provide support for structures and waste deposits and capable of preventing foundation or base failure due to settlement, compression, or uplift.
- Provide for the most economically feasible, cost-effective, and environmentally safe control of leachate, gas, stormwater, and disease vectors and prevent the endangerment of public health and the environment.[49]

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[41] *Id.* The major concern associated with MSW incineration is the air pollution caused by dioxin, furan, and heavy metals originating from MSW. Cho, *Municipal Solid Waste Incineration Ashes as Construction Materials—A review* at 2. *See also* C. Ferreira et al., *Heavy metals in MSW incineration fly ashes*, Journal de Physique IV, vol. 107 (2003), *available at* https://jp4.journaldephysique.org/articles/jp4/abs/2003/05/jp4pr5p463/jp4pr5p463.html; Junjie Zhang et al., *Degradation technologies and mechanisms of dioxins in municipal solid waste incineration fly ash: A review*, Journal of Cleaner Production, vol. 250 (2020), *available at* https://www.sciencedirect.com/science/article/abs/pii/S095965261934377X.

[42] DEP, *Waste-to-Energy*, https://floridadep.gov/waste/permitting-compliance-assistance/content/waste-energy (last visited Apr. 1, 2025). The state had 11 WTE facilities until 2023 when a fire destroyed one in Miami-Dade County. *See* Mayor Daniella Levine Cava, *Memorandum on Site Selection for a Sustainable Solid Waste Campus and Update on Miami-Dade County's Solid Waste Disposal Strategy*, 1 (2024), *available at* https://documents.miamidade.gov/mayor/memos/09.13.24-Site-Selection-for-a-Sustainable-Solid-Waste-Campus.pdf (last visited Apr. 1, 2025).

[43] DEP, *Waste-to-Energy*.

[44] Section 403.706(1), F.S.

[45] Section 403.706(8), F.S.

[46] *See* section 403.707(1), F.S.

[47] Sections 403.707(6) and 403.087(1), F.S.; Fla. Admin. Code R. 62-210.300. *See also* DEP, *Air Construction Permits*, https://floridadep.gov/sites/default/files/Air-Construction-Permits.pdf (last visited Apr. 1, 2025).

[48] Section 403.707(6), F.S.

[49] *Id.*

DEP can exempt certain types of facilities from permit requirements if it determines that construction or operation of the facility is not expected to create any significant threat to the environment or public health.[50]

DEP must allow WTE facilities to maximize acceptance and processing of nonhazardous solid and liquid waste.[51] Ash from WTE facilities must be disposed of in a lined MSW landfill or a lined ash monofill, since an U.S. Environmental Protection Agency (EPA) study showed that ash from WTE facilities should not be classified as hazardous waste.[52]

Federal Regulations on Waste Incineration

Pursuant to the Clean Air Act, EPA has developed regulations limiting emissions of nine air pollutants—particulate matter, carbon monoxide, dioxins/furans, sulfur dioxide, nitrogen oxides, hydrogen chloride, lead, mercury, and cadmium—from four categories of solid waste incineration units: (1) municipal solid waste; (2) hospital, medical and infectious solid waste; (3) commercial and industrial solid waste; and (4) other solid waste.[53]

Emission limits may vary depending on the size and type of the facility (e.g., large versus small municipal waste combustors) and whether the materials incinerated are hazardous.[54] In 2024, EPA proposed stricter standards for large municipal waste combustion units.[55] EPA is also considering requiring waste incinerators to report toxic releases to the toxic release inventory, which tracks the management of certain toxic chemicals.[56]

[50] Section 403.707(1), F.S.
[51] Section 403.707(1), F.S.
[52] DEP, *Waste-to-Energy*, https://floridadep.gov/waste/permitting-compliance-assistance/content/waste-energy (last visited Apr. 1, 2025).
[53] EPA, *Large Municipal Waste Combustors (LMWC): New Source Performance Standards (NSPS) and Emissions Guidelines*, https://www.epa.gov/stationary-sources-air-pollution/large-municipal-waste-combustors-lmwc-new-source-performance (last visited Apr. 1, 2025). *See* 71 Fed. Reg. 27325-26 (adopting final rule regarding standards of performance for new stationary sources and emission guidelines for existing sources: large municipal waste combustors); 40 CFR part 60.
[54] *See generally* EPA, *Clean Air Act Guidelines and Standards for Waste Management*, https://www.epa.gov/stationary-sources-air-pollution/clean-air-act-guidelines-and-standards-waste-management (last visited Apr. 1, 2025).
[55] 89 Fed. Reg. 4243, 4246 (Jan. 23, 2024) (proposing amendments to 40 CFR part 60). Large municipal waste combustors combust greater than 250 tons per day of municipal solid waste. 40 CFR 60.32b and 60.50b; EPA, *Large Municipal Waste Combustors (LMWC): New Source Performance Standards (NSPS) and Emissions Guidelines*, https://www.epa.gov/stationary-sources-air-pollution/large-municipal-waste-combustors-lmwc-new-source-performance (last visited Apr. 1, 2025).
[56] EPA, *Memorandum re: Petition for Rulemaking Pursuant to the Administrative Procedure Act and the Emergency Planning and Community Right-to-Know Act, Requiring that Waste Incinerators Report to the Toxics Release Inventory*, 1-2 (2024), *available at* https://peer.org/wp-content/uploads/2024/12/PET-001757_Incinerators_PetitionResponse_Ltr.pdf; EPA, *What is the Toxics Release Inventory?*, https://www.epa.gov/toxics-release-inventory-tri-program/what-toxics-release-inventory (last visited Apr. 1, 2025). U.S. facilities in different industry sectors must report annually how much of each chemical they release into the environment and/or managed through recycling, energy recovery and treatment, as well as any practices implemented to prevent or reduce the generation of chemical waste. *Id.*

III. Effect of Proposed Changes:

Section 1 amends s. 403.703, F.S., which provides definitions for part IV of ch. 403, F.S. The bill defines "auxiliary container" as a reusable or single-use bag, cup, bottle, can, or other packaging that is:

- Made of cloth; paper; plastic, including, but not limited to, foamed plastic, expanded plastic, or polystyrene; cardboard; corrugated material; molded fiber; aluminum; glass; postconsumer recycled material; or similar material or substrates, including coated, laminated, or multilayer substrates; and
- Designed for transporting, consuming, or protecting merchandise, food, or beverages from or at a public food service establishment,[57] a food establishment,[58] or a retailer.[59]

Section 2 amends s. 403.7033, F.S., regarding the analysis of certain recyclable materials by the Department of Environmental Protection (DEP). The bill provides that the regulation of auxiliary containers is expressly preempted to the state unless permitted by statute. The bill provides that rules, regulations, or ordinances restricting the use of glass auxiliary containers within the boundaries of any public beach are explicitly permitted. DEP's Division of Recreation and Parks may regulate auxiliary containers within state parks.

In addition, the bill removes obsolete language that:

- Emphasized legislative intent that prudent regulation of recyclable materials is crucial to the ongoing welfare of Florida's ecology and economy;
- Required DEP to review and update its 2010 report on retail bags that included input from stakeholders analyzing the need for new or different regulation of auxiliary containers;
- Prohibited local or state government agencies from enacting any rule, regulation, or ordinance, until the Legislature adopts DEP's recommendations.

Section 3 amends s. 403.706, F.S., which regulates local government solid waste responsibilities. The bill prohibits local governments from issuing a construction permit for a new solid waste disposal facility that uses an ash-producing incinerator or a waste-to-energy facility, if the proposed location of such facility is sited within a one-half mile radius of any residential property, commercial property, or school.

Section 4 amends s. 403.707, F.S., which regulates solid waste facility permits. The bill prohibits the Department of Environmental Protection from issuing a construction permit for a new solid waste disposal facility that uses an ash-producing incinerator or for a waste-to-energy facility, if

[57] "Public food service establishment" means any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption. Section 509.013(5)(a), F.S. The definition excludes several types of entities, such as places maintained and operated by churches and public or private schools, colleges, or universities, or any theater or place of business where the food available for consumption is limited to beverages, popcorn, or prepackaged items. Section 509.013(5)(b), F.S.

[58] "Food establishment" means a factory, food outlet, or other facility manufacturing, processing, packing, holding, storing, or preparing food or selling food at wholesale or retail. Certain exceptions apply. Section 500.03(1)(p), F.S.

[59] "Retailer" means and includes every person engaged in the business of making sales at retail or for distribution, or use, or consumption, or storage to be used or consumed in this state. Section 212.02(13), F.S.

the proposed location of such facility is sited within a one-half mile radius of any residential property, commercial property, or school.

Sections 5 and 6 make conforming changes.

Section 7 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may increase costs associated with siting incinerators and waste-to-energy facilities or relying on other methods of waste management when incineration and waste-to-energy facilities are not feasible.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 403.703, 403.7033, 403.7049, 403.705, 403.706, and 403.707.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Rules on April 16, 2025:
The committee substitute authorizes regulations restricting glass auxiliary containers on public beaches and allows the Division of Recreation and Parks to regulate auxiliary containers in state parks.

CS by Community Affairs on March 31, 2025:
The committee substitute:

- Changes the bill's title to waste management.
- Prohibits the Department of Environmental Protection and local governments from issuing construction permits for new waste-to-energy facilities or solid waste disposal facilities that use an ash-producing incinerator if the proposed location is within certain counties and sited within one mile of any school or residential area with a density of at least one home per acre.

B. Amendments:

None.