

By Senator Garcia

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1 A bill to be entitled
2 An act relating to auxiliary containers; amending s.
3 403.703, F.S.; defining the terms "auxiliary
4 container" and "single-use"; amending s. 403.7033,
5 F.S.; preempting the regulation of auxiliary
6 containers to the state; providing exceptions;
7 requiring the Department of Environmental Protection
8 to develop a uniform ordinance for the use and
9 disposition of single-use, nonrecyclable auxiliary
10 containers; providing requirements for the development
11 of such ordinance; prohibiting the sale or
12 distribution of certain single-use auxiliary
13 containers on lands managed by the Division of
14 Recreation and Parks of the Department of
15 Environmental Protection; requiring the department to
16 develop and make available on its website a statewide
17 Marine Debris Reduction Plan; providing requirements
18 for such plan; repealing s. 500.90, F.S., relating to
19 the regulation of polystyrene products preempted to
20 the Department of Agriculture and Consumer Services;
21 amending s. 403.707, F.S.; conforming cross-
22 references; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Present subsections (2) through (33) and (34)
27 through (48) of section 403.703, Florida Statutes, are
28 redesignated as subsections (3) though (34) and (36) through
29 (50), respectively, new subsections (2) and (35) are added to

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30 that section, and present subsection (35) of that section is
31 amended, to read:

32 403.703 Definitions.—As used in this part, the term:

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

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

41 (b) Is designed for transporting, consuming, or protecting
42 merchandise, food, or beverages from or at a public food service
43 establishment as defined in s. 509.013(5), a food establishment
44 as defined in s. 500.03, or a retailer as defined in s.
45 212.02(13).

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

48 ~~(37)~~~~(35)~~ "Solid waste" means sludge unregulated under the
49 federal Clean Water Act or Clean Air Act, sludge from a waste
50 treatment works, water supply treatment plant, or air pollution
51 control facility, or garbage, rubbish, refuse, special waste, or
52 other discarded material, including solid, liquid, semisolid, or
53 contained gaseous material resulting from domestic, industrial,
54 commercial, mining, agricultural, or governmental operations.
55 Recovered materials as defined in subsection (29) ~~subsection~~
56 ~~(28)~~ and post-use polymers as defined in subsection (25)
57 ~~subsection (24)~~ are not solid waste.

58 Section 2. Section 403.7033, Florida Statutes, is amended

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59 to read:

60 403.7033 Regulation of auxiliary containers Departmental
61 ~~analysis of particular recyclable materials. The Legislature~~
62 ~~finds that prudent regulation of recyclable materials is crucial~~
63 ~~to the ongoing welfare of Florida's ecology and economy. As~~
64 ~~such, the Department of Environmental Protection shall review~~
65 ~~and update its 2010 report on retail bags analyzing the need for~~
66 ~~new or different regulation of auxiliary containers, wrappings,~~
67 ~~or disposable plastic bags used by consumers to carry products~~
68 ~~from retail establishments. The updated report must include~~
69 ~~input from state and local government agencies, stakeholders,~~
70 ~~private businesses, and citizens and must evaluate the efficacy~~
71 ~~and necessity of both statewide and local regulation of these~~
72 ~~materials. To ensure consistent and effective implementation,~~
73 ~~the department shall submit the updated report with conclusions~~
74 ~~and recommendations to the Legislature no later than December~~
75 ~~31, 2021. Until such time that the Legislature adopts the~~
76 ~~recommendations of the department,~~

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

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

87 (b) Restrict the use, sale, or distribution of auxiliary

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88 containers enacted before January 1, 2026.

89 (c) Restrict the use, sale, or distribution of single-use
90 plastic auxiliary containers within the boundaries of any public
91 property.

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

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

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

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

111 1. Limiting the distribution and use of single-use,
112 nonrecyclable auxiliary containers through bans, fees, or
113 deposit systems.

114 2. Promoting the use of recyclable or compostable auxiliary
115 containers and encouraging businesses to offer voluntary
116 incentives for customers to bring reusable auxiliary containers.

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117 3. Establishing waste reduction and collection programs for
118 single-use auxiliary containers.

119 4. Creating enforcement mechanisms, including penalties,
120 for businesses that do not comply with auxiliary container
121 regulations.

122 (d) The department shall begin engaging with stakeholders
123 through workshops and solicitation no later than October 1,
124 2026, and finalize the uniform ordinance by October 1, 2027.

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

128 (a) The sale or distribution of single-use plastic
129 auxiliary containers is prohibited.

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

132 (4) STATEWIDE MARINE DEBRIS REDUCTION PLAN.—By December 31,
133 2026, the department shall develop and make available on its
134 website a statewide Marine Debris Reduction Plan. At a minimum,
135 the plan must include all of the following:

136 (a) Recommendations for data collection and reporting
137 protocols.

138 (b) Identification of key infrastructure or policy gaps
139 regarding persistent litter into marine and coastal
140 environments.

141 (c) Strategies for reducing the generation and discharge of
142 plastics, polystyrene, and other persistent litter into marine
143 and coastal environments.

144 (d) A proposed funding and implementation framework.

145 (e) Recommendations for a competitive grant program to

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146 provide financial assistance to local governments and nonprofits
147 to reduce marine debris.

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

149 Section 4. Paragraph (j) of subsection (9) of section
150 403.707, Florida Statutes, is amended to read:

151 403.707 Permits.—

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

161 (j) The Legislature recognizes that recycling, waste
162 reduction, and resource recovery are important aspects of an
163 integrated solid waste management program and as such are
164 necessary to protect the public health and the environment. If
165 necessary to promote such an integrated program, the county may
166 determine, after providing notice and an opportunity for a
167 hearing prior to April 30, 2008, that some or all of the
168 material described in s. 403.703(7)(b) ~~s. 403.703(6)(b)~~ shall be
169 excluded from the definition of "construction and demolition
170 debris" in s. 403.703(7) ~~s. 403.703(6)~~ within the jurisdiction
171 of such county. The county may make such a determination only if
172 it finds that, prior to June 1, 2007, the county has established
173 an adequate method for the use or recycling of such wood
174 material at an existing or proposed solid waste management

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175 facility that is permitted or authorized by the department on
176 June 1, 2007. The county is not required to hold a hearing if
177 the county represents that it previously has held a hearing for
178 such purpose, or if the county represents that it previously has
179 held a public meeting or hearing that authorized such method for
180 the use or recycling of trash or other nonputrescible waste
181 materials and that such materials include those materials
182 described in s. 403.703(7)(b) ~~s. 403.703(6)(b)~~. The county shall
183 provide written notice of its determination to the department by
184 no later than April 30, 2008; thereafter, the materials
185 described in s. 403.703(7) ~~s. 403.703(6)~~ shall be excluded from
186 the definition of "construction and demolition debris" in s.
187 403.703(7) ~~s. 403.703(6)~~ within the jurisdiction of such county.
188 The county may withdraw or revoke its determination at any time
189 by providing written notice to the department.

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