

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.; deleting obsolete provisions; preempting the
6 regulation of auxiliary containers to the state;
7 providing exceptions; requiring the Department of
8 Environmental Protection to develop a uniform
9 ordinance for the use and disposition of single-use,
10 nonrecyclable auxiliary containers; providing
11 requirements for the development of such ordinance;
12 requiring that the sale or distribution of single-use
13 plastic auxiliary containers on lands managed by the
14 Division of Recreation and Parks of the Department of
15 Environmental Protection be eliminated to the greatest
16 extent possible; prohibiting the use, sale, or
17 distribution of certain single-use auxiliary
18 containers on such lands; requiring the department to
19 develop and make available on its website a statewide
20 Marine Debris Reduction Plan; providing requirements
21 for such plan; repealing s. 500.90, F.S., relating to
22 the regulation of polystyrene products preempted to
23 the Department of Agriculture and Consumer Services;
24 amending s. 403.707, F.S.; conforming cross-
25 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) 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 (28)~~ and post-use polymers as defined in subsection (25) ~~subsection (24)~~ are not solid waste.

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

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

76 ~~materials. To ensure consistent and effective implementation,~~
77 ~~the department shall submit the updated report with conclusions~~
78 ~~and recommendations to the Legislature no later than December~~
79 ~~31, 2021. Until such time that the Legislature adopts the~~
80 ~~recommendations of the department,~~

81 (1) PREEMPTION OF THE REGULATION OF AUXILIARY CONTAINERS.—

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

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

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

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

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

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

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

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

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

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

122 3. Establishing waste reduction and collection programs
123 for single-use auxiliary containers.

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

126 regulations.

127 (d) The department shall begin engaging with stakeholders
128 through workshops and solicitation no later than October 1,
129 2026, and finalize the uniform ordinance by October 1, 2027.

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

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

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

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

142 (a) Recommendations for data collection and reporting
143 protocols.

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

147 (c) Strategies for reducing the generation and discharge
148 of plastics, polystyrene, and other persistent litter into
149 marine and coastal environments.

150 (d) A proposed funding and implementation framework.

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

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

155 **Section 4. Paragraph (j) of subsection (9) of section**
156 **403.707, Florida Statutes, is amended to read:**

157 403.707 Permits.—

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

167 (j) The Legislature recognizes that recycling, waste
168 reduction, and resource recovery are important aspects of an
169 integrated solid waste management program and as such are
170 necessary to protect the public health and the environment. If
171 necessary to promote such an integrated program, the county may
172 determine, after providing notice and an opportunity for a
173 hearing prior to April 30, 2008, that some or all of the
174 material described in s. 403.703(7)(b) ~~s. 403.703(6)(b)~~ shall be
175 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 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.