

1 A bill to be entitled
2 An act relating to the regulation of auxiliary
3 containers; amending s. 403.703, F.S.; defining the
4 term "auxiliary container"; amending s. 403.7033,
5 F.S.; removing obsolete provisions that provide
6 legislative findings and require the Department of
7 Environmental Protection to review and update a
8 specified report; preempting the regulation of
9 auxiliary containers to the state; permitting rules,
10 regulations, and ordinances restricting the use of
11 glass auxiliary containers within the boundaries of a
12 public beach or state park; authorizing the Division
13 of Recreation and Parks to regulate auxiliary
14 containers within state parks; amending s. 403.707,
15 F.S.; conforming cross-references; providing an
16 effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 **Section 1. Subsections (2) through (48) of section**
21 **403.703, Florida Statutes, are renumbered as sections (3)**
22 **through (49), respectively, present subsection (35) of that**
23 **section is amended, and a new subsection (2) is added to that**
24 **section, to read:**

25 403.703 Definitions.—As used in this part, the term:

26 (2) "Auxiliary container" means a reusable or single-use
27 bag, cup, bottle, can, or other packaging that meets both of the
28 following requirements:

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

35 (b) Is designed for transporting, consuming, or protecting
36 merchandise, food, or beverages from or at a public food service
37 establishment as defined in s. 509.013(5), a food establishment
38 as defined in s. 500.03(1), or a retailer as defined in s.
39 212.02(13).

40 (36)~~(35)~~ "Solid waste" means sludge unregulated under the
41 federal Clean Water Act or Clean Air Act, sludge from a waste
42 treatment works, water supply treatment plant, or air pollution
43 control facility, or garbage, rubbish, refuse, special waste, or
44 other discarded material, including solid, liquid, semisolid, or
45 contained gaseous material resulting from domestic, industrial,
46 commercial, mining, agricultural, or governmental operations.
47 Recovered materials as defined in subsection (29) ~~(28)~~ and post-
48 use polymers as defined in subsection (25) ~~(24)~~ are not solid
49 waste.

50 **Section 2. Section 403.7033, Florida Statutes, is amended**

51 **to read:**

52 403.7033 Regulation of auxiliary containers ~~Departmental~~
53 ~~analysis of particular recyclable materials. The Legislature~~
54 ~~finds that prudent regulation of recyclable materials is crucial~~
55 ~~to the ongoing welfare of Florida's ecology and economy. As~~
56 ~~such, the Department of Environmental Protection shall review~~
57 ~~and update its 2010 report on retail bags analyzing the need for~~
58 ~~new or different regulation of auxiliary containers, wrappings,~~
59 ~~or disposable plastic bags used by consumers to carry products~~
60 ~~from retail establishments. The updated report must include~~
61 ~~input from state and local government agencies, stakeholders,~~
62 ~~private businesses, and citizens and must evaluate the efficacy~~
63 ~~and necessity of both statewide and local regulation of these~~
64 ~~materials. To ensure consistent and effective implementation,~~
65 ~~the department shall submit the updated report with conclusions~~
66 ~~and recommendations to the Legislature no later than December~~
67 ~~31, 2021. Until such time that the Legislature adopts the~~
68 ~~recommendations of the department,~~

69 (1) Except as provided in s. 500.90, the regulation of
70 auxiliary containers is expressly preempted to the state. A
71 local government, local governmental agency, or state
72 governmental agency may not enact or enforce any rule,
73 regulation, or ordinance regarding the use, disposition, sale,
74 prohibition, restriction, or tax of such auxiliary containers
75 unless authorized by general law.

76 (2) A local government, local governmental agency, or
77 state governmental agency may adopt rules, regulations, or
78 ordinances restricting the use of glass auxiliary containers
79 within the boundaries of any public beach or state park within
80 its jurisdiction.

81 (3) The Division of Recreation and Parks of the Department
82 of Environmental Protection may adopt rules to regulate
83 auxiliary containers within state parks consistent with s.
84 258.004, wrappings, or disposable plastic bags.

85 **Section 3. Paragraph (j) of subsection (9) of section**
86 **403.707, Florida Statutes, is amended, to read:**

87 403.707 Permits.—

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

97 (j) The Legislature recognizes that recycling, waste
98 reduction, and resource recovery are important aspects of an
99 integrated solid waste management program and as such are
100 necessary to protect the public health and the environment. If

101 necessary to promote such an integrated program, the county may
102 determine, after providing notice and an opportunity for a
103 hearing prior to April 30, 2008, that some or all of the
104 material described in s. 403.703(7)(b) ~~s. 403.703(6)(b)~~ shall be
105 excluded from the definition of "construction and demolition
106 debris" in s. 403.703(7) ~~s. 403.703(6)~~ within the jurisdiction
107 of such county. The county may make such a determination only if
108 it finds that, prior to June 1, 2007, the county has established
109 an adequate method for the use or recycling of such wood
110 material at an existing or proposed solid waste management
111 facility that is permitted or authorized by the department on
112 June 1, 2007. The county is not required to hold a hearing if
113 the county represents that it previously has held a hearing for
114 such purpose, or if the county represents that it previously has
115 held a public meeting or hearing that authorized such method for
116 the use or recycling of trash or other nonputrescible waste
117 materials and that such materials include those materials
118 described in s. 403.703(7)(b) ~~s. 403.703(6)(b)~~. The county shall
119 provide written notice of its determination to the department by
120 no later than April 30, 2008; thereafter, the materials
121 described in s. 403.703(7) ~~s. 403.703(6)~~ shall be excluded from
122 the definition of "construction and demolition debris" in s.
123 403.703(7) ~~s. 403.703(6)~~ within the jurisdiction of such county.
124 The county may withdraw or revoke its determination at any time
125 by providing written notice to the department.

HB 629

2026

126

Section 4. This act shall take effect July 1, 2026.