



658090

EP.EP.02273

Proposed Committee Substitute by the Committee on Environmental
Preservation and Conservation

A bill to be entitled

An act relating to environmental protection; amending s.
403.7032, F.S.; clarifying the conditions under which waste to
energy can be used as an option for meeting the seventy-five
percent recycling goal; requiring all public entities to
recycle; requiring public entities and certain private entities
to report disposal of recyclable materials to the county;
specifying utilization of the Department of Management Services
website; directing the Department of Environmental Protection
and Enterprise Florida, Inc., to create the Recycling Business
Assistance Center; providing requirements; amending s. 288.9015,
F.S.; requiring Enterprise Florida, Inc., and the Department of
Environmental Protection to create the Recycling Business
Assistance Center; authorizing Enterprise Florida, Inc., to
consult with other state agency personnel; amending s. 403.706,
F.S.; requiring counties to meet specific recycling benchmarks,
requiring the Department of Environmental Protection to maintain
and report a list of non-compliance counties; requiring a report
if benchmarks are not met; encouraging local government to adopt
certain recycling options; amending s. 403.7145, F.S.; revising
state buildings recycling requirements; amending s. 403.703,
F.S.; revising definitions; amending s. 403.7045, F.S.; revising
regulation requirements of certain recovered materials; amending
s. amending s. 403.7046, F.S.; requiring annual certification of
high yield materials recovery facilities; amending s. 403.707,
F.S.; requiring liners for new construction and demolition
debris landfills; establishing recycling rates for source



658090

EP.EP.02273

28 separation activities; requiring inspections for waste to energy
29 facilities; repealing s. 288.1185, F.S; repealing s. 403.7033,
30 F.S.; providing an effective date.

31

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

33

34 Section 1. Section 403.7032, Florida Statutes, is amended
35 to read:

36 403.7032 Recycling.—

37 (1) The Legislature finds that the failure or inability to
38 economically recover material and energy resources from solid
39 waste results in the unnecessary waste and depletion of our
40 natural resources. As the state continues to grow, so will the
41 potential amount of discarded material that must be treated and
42 disposed of, necessitating the improvement of solid waste
43 collection and disposal. Therefore, the maximum recycling and
44 reuse of such resources are considered high-priority goals of
45 the state.

46 (2) By the year 2020, the long-term goal for the recycling
47 efforts of state and local governmental entities, private
48 companies and organizations, and the general public is to reduce
49 the amount of recyclable solid waste disposed of in waste
50 management facilities, landfills, or incineration facilities by
51 a statewide average of at least 75 percent. ~~However,~~ Any solid
52 waste used for the production of renewable energy shall count
53 toward the long-term recycling goal as set forth in this
54 section, provided the county in which a waste to energy facility
55 is located has implemented and maintains a program that is
56 designed to recycle at least fifty percent of municipal solid



658090

EP.EP.02273

57 waste by means other than combustion.

58 (3) All state agencies, K-12 public schools, public
59 institutions of higher learning, community colleges, state
60 universities; must at a minimum annually report to the county
61 utilizing the Department's designated reporting format, all
62 disposed recyclable materials from these entities. This includes
63 all buildings that are occupied by city, county, or state
64 employees, or if it is managed by the Department of Management
65 Services, those entities must report, to the county, their
66 recycling data utilizing the department's designated reporting
67 format. Private businesses, other than Certified Recovered
68 Materials Dealers, with 50 or more employees that generate
69 recyclable materials such as but not limited to paper, metals,
70 glass, plastics, textiles, rubber materials, and mulch, shall
71 report the amount of recyclable materials they dispose of to the
72 county starting January 1, 2011, utilizing the Department's
73 designated reporting format.

74 (4)~~(3)~~ The Department of Environmental Protection shall
75 develop a comprehensive recycling program that is designed to
76 achieve the percentage under subsection (2) and submit the
77 program to the President of the Senate and the Speaker of the
78 House of Representatives by January 1, 2010. The program may not
79 be implemented until approved by the Legislature. The program
80 must be developed in coordination with input from state and
81 local entities, private businesses, and the public. Under the
82 program, recyclable materials shall include, but are not limited
83 to, metals, paper, glass, plastic, textile, rubber materials,
84 and mulch. Components of the program shall include, but are not
85 limited to:



658090

EP.EP.02273

86 (a) Programs to identify environmentally preferable
87 purchasing practices to encourage the purchase of recycled,
88 durable, and less toxic goods. The Department of Management
89 Services shall modify the online procurement system to report on
90 green and recycled products purchased through the system by
91 September 30, 2011.

92 (b) Programs to educate students in grades K-12 in the
93 benefits of, and proper techniques for, recycling.

94 (c) Programs for statewide recognition of successful
95 recycling efforts by schools, businesses, public groups, and
96 private citizens.

97 (d) Programs for municipalities and counties to develop and
98 implement efficient recycling efforts to return valuable
99 materials to productive use, conserve energy, and protect
100 natural resources.

101 (e) Programs by which the department can provide technical
102 assistance to municipalities and counties in support of their
103 recycling efforts.

104 (f) Programs to educate and train the public in proper
105 recycling efforts.

106 (g) Evaluation of how financial assistance can best be
107 provided to municipalities and counties in support of their
108 recycling efforts.

109 (h) Evaluation of why existing waste management and
110 recycling programs in the state have not been better used.

111 (5) The Department of Environmental Protection, in
112 cooperation with the Enterprise Florida, Inc., shall create the
113 Recycling Business Assistance Center by December 1, 2010. The
114 purpose of the center shall be to serve as the mechanism for



658090

EP.EP.02273

115 coordination among state agencies and the private sector to
116 coordinate policy and overall strategic planning for developing
117 new markets and expanding and enhancing existing markets for
118 recyclable materials in this state, other states, and foreign
119 countries. The duties of the center must include, at a minimum:
120 (a) Identifying and developing new markets and expanding
121 and enhancing existing markets for recyclable materials;
122 (b) Pursuing expanded end uses for recycled materials;
123 (c) Targeting materials for concentrated market-development
124 efforts;
125 (d) Developing proposals for new incentives for market
126 development, particularly focusing on targeted materials;
127 (e) Providing guidance on issues such as permitting,
128 finance options for recycling market development, site location,
129 research and development, grant program criteria for recycled
130 materials markets, recycling markets education and information,
131 and minimum content;
132 (f) Coordinating the efforts of various governmental
133 entities having market-development responsibilities in order to
134 optimize supply and demand for recyclable materials;
135 (g) Evaluating source-reduced products as they relate to
136 state procurement policy. The evaluation shall include, but is
137 not limited to, the environmental and economic impact of source-
138 reduced product purchases to the state. For the purposes of this
139 subsection, the term "source-reduced" means any method, process,
140 product, or technology that significantly or substantially
141 reduces the volume or weight of a product while providing, at a
142 minimum, equivalent or generally similar performance and service
143 to and for the users of such materials;



658090

EP.EP.02273

144 (h) Providing solid waste management grants, pursuant to s.
145 403.7095, to reduce the flow of solid waste to disposal
146 facilities and encourage the sustainable recovery of materials
147 from Florida's waste stream;

148 (i) Providing below-market financing for companies that
149 manufacture products from recycled materials or convert
150 recyclable materials into raw materials for use in
151 manufacturing, pursuant to the Florida Recycling Loan Program as
152 administered by the Florida First Capital Finance Corporation;

153 (j) Maintaining a continuously updated online directory,
154 listing the public and private entities that collect, transport,
155 broker, process, or remanufacture recyclable materials in
156 Florida.

157 (k) Providing information on the availability and benefits
158 of using recycled materials to private entities and industries
159 in the state; and

160 (l) Distributing any materials prepared in implementing
161 this subsection to the public, private entities, industries,
162 governmental entities, or other organizations upon request.

163 Section 2. Subsection (9) is added to section 288.9015,
164 Florida Statutes, to read:

165 288.9015 Enterprise Florida, Inc.; purpose; duties.—

166 (9) Enterprise Florida, Inc., in cooperation with the
167 Department of Environmental Protection, shall create the
168 Recycling Business Assistance Center by December 1, 2010,
169 pursuant to the requirements of s. 403.7032(5).

170 Section 3. Paragraph(a) of subsection (2) of section
171 403.706, Florida Statutes, is amended, present paragraphs (d)
172 and (e) are redesignated as paragraph (d) and a new paragraph



658090

EP.EP.02273

173 (e) is added to that subsection to read:

174 403.706 Local government solid waste responsibilities.—

175 (2)(a) Each county shall implement a recyclable materials
176 recycling program. Each county must reduce the amount of solid
177 waste disposed of in landfills by forty percent by December 31,
178 2012, fifty percent by December 31, 2014, sixty percent by
179 December 31, 2016, seventy percent by December 31, 2018, seventy-
180 five percent by December 31, 2020. Counties that fail to meet
181 and report to the department utilizing the department's
182 designated reporting format will be placed on a non-compliance
183 list posted on the department's website. If, on January 1, 2014,
184 the state's current recycling rate is below forty-five percent,
185 the department will provide to the Legislature a report, 30 days
186 prior to the 2015 regular session, detailing the impact on the
187 recycling rate a container deposit program and a landfill
188 tipping fee would have on achieving the recycling goal provided
189 in this paragraph. Counties and municipalities are encouraged to
190 form cooperative arrangements for implementing recycling
191 programs.

192 ~~(d) By July 1, 2010, each county shall develop and~~
193 ~~implement a plan to achieve a goal to compost organic materials~~
194 ~~that would otherwise be disposed of in a landfill. The goal~~
195 ~~shall provide that up to 10 percent and no less than 5 percent~~
196 ~~of organic material would be composted within the county and the~~
197 ~~municipalities within its boundaries. The department may reduce~~
198 ~~or modify the compost goal if the county demonstrates to the~~
199 ~~department that achievement of the goal would be impractical~~
200 ~~given the county's unique demographic, urban density, or~~
201 ~~inability to separate normally compostable material from the~~



658090

EP.EP.02273

202 ~~solid waste stream. The composting plan is encouraged to address~~
203 ~~partnership with the private sector.~~

204 (d) ~~(e)~~ Each county is encouraged to consider plans for
205 composting or mulching organic materials that would otherwise be
206 disposed of in a landfill. The composting or mulching plans are
207 encouraged to address partnership with the private sector.

208 (e) The state strongly encourages local governments,
209 counties, and regional planning entities to consider providing
210 recyclable containers or single stream recycling options for
211 multi-family dwellings and apartment complexes.

212 Section 4. Subsection (1) of section 403.7145, Florida
213 Statutes, is amended to read:

214 403.7145 Recycling.—

215 (1) The Capitol and the House and Senate office buildings
216 constitute the Capitol recycling area. The Florida House of
217 Representatives, the Florida Senate, and the Office of the
218 Governor, the Secretary of State, and each Cabinet officer who
219 heads a department that occupies office space in the Capitol,
220 shall institute a recycling program for their respective offices
221 in the House and Senate office buildings and the Capitol.
222 Provisions shall be made to collect and sell wastepaper and
223 empty ~~aluminum~~ beverage containers ~~cans~~ generated by employee
224 activities in these offices. The collection and sale of such
225 materials shall be reported to Leon County who must comply with
226 the department's designated reporting format and coordinated
227 with Department of Management Services recycling activities to
228 maximize the efficiency and economy of this program. The
229 Governor, the Speaker of the House of Representatives, the
230 President of the Senate, the Secretary of State, and the Cabinet



658090

EP.EP.02273

231 officers may authorize the use of proceeds from recyclable
232 material sales for employee benefits and other purposes, in
233 order to provide incentives to their respective employees for
234 participation in the recycling program. Such proceeds may also
235 be used to offset any costs of the recycling program. As a
236 demonstration of leading by example, the Capitol buildings
237 recycling rates will be posted on the website of the Department
238 of Management Services and will include the details of each
239 state buildings recycling rates.

240 Section 5. Section 403.703, Florida Statutes, is amended to
241 read:

242 403.703 Definitions.—As used in this part, the term:

243 (1) "Ash residue" has the same meaning as in the department
244 rule governing solid waste combustors which defines the term.

245 (2) "Biomedical waste" means any solid waste or liquid
246 waste that may present a threat of infection to humans. The term
247 includes, but is not limited to, nonliquid human tissue and body
248 parts; laboratory and veterinary waste that contains human-
249 disease-causing agents; discarded disposable sharps; human blood
250 and human blood products and body fluids; and other materials
251 that in the opinion of the Department of Health represent a
252 significant risk of infection to persons outside the generating
253 facility. The term does not include human remains that are
254 disposed of by persons licensed under chapter 497.

255 (3) "Biological waste" means solid waste that causes or has
256 the capability of causing disease or infection and includes, but
257 is not limited to, biomedical waste, diseased or dead animals,
258 and other wastes capable of transmitting pathogens to humans or
259 animals. The term does not include human remains that are



658090

EP.EP.02273

260 disposed of by persons licensed under chapter 497.

261 (4) "Clean debris" means any solid waste that is virtually
262 inert, that is not a pollution threat to groundwater or surface
263 waters, that is not a fire hazard, and that is likely to retain
264 its physical and chemical structure under expected conditions of
265 disposal or use. The term includes uncontaminated concrete,
266 including embedded pipe or steel, brick, glass, ceramics, and
267 other wastes designated by the department.

268 (5) "Closure" means the cessation of operation of a solid
269 waste management facility and the act of securing such facility
270 so that it will pose no significant threat to human health or
271 the environment and includes long-term monitoring and
272 maintenance of a facility if required by department rule.

273 (6) "Construction and demolition debris" means discarded
274 materials generally considered to be not water-soluble and
275 nonhazardous in nature, including, but not limited to, steel,
276 glass, brick, concrete, asphalt roofing material, pipe, gypsum
277 wallboard, and lumber, from the construction or destruction of a
278 structure as part of a construction or demolition project or
279 from the renovation of a structure, and includes rocks, soils,
280 tree remains, trees, and other vegetative matter that normally
281 results from land clearing or land development operations for a
282 construction project, including such debris from construction of
283 structures at a site remote from the construction or demolition
284 project site. Mixing of construction and demolition debris with
285 ~~other types of~~ solid waste will cause the resulting mixture to
286 be classified as other than construction and demolition debris.
287 The term also includes:

288 (a) Clean cardboard, paper, plastic, wood, and metal scraps



658090

EP.EP.02273

289 from a construction project;

290 (b) Except as provided in s. 403.707(9)(j), yard trash and
291 unpainted, nontreated wood scraps and wood pallets from sources
292 other than construction or demolition projects;

293 (c) Scrap from manufacturing facilities which is the type
294 of material generally used in construction projects and which
295 would meet the definition of construction and demolition debris
296 if it were generated as part of a construction or demolition
297 project. This includes debris from the construction of
298 manufactured homes and scrap shingles, wallboard, siding
299 concrete, and similar materials from industrial or commercial
300 facilities; and

301 (d) De minimis amounts of other nonhazardous wastes that
302 are generated at construction or destruction projects, provided
303 such amounts are consistent with best management practices of
304 the industry.

305 (7) "County," or any like term, means a political
306 subdivision of the state established pursuant to s. 1, Art. VIII
307 of the State Constitution and, when s. 403.706(19) applies,
308 means a special district or other entity.

309 (8) "Department" means the Department of Environmental
310 Protection or any successor agency performing a like function.

311 (9) "Disposal" means the discharge, deposit, injection,
312 dumping, spilling, leaking, or placing of any solid waste or
313 hazardous waste into or upon any land or water so that such
314 solid waste or hazardous waste or any constituent thereof may
315 enter other lands or be emitted into the air or discharged into
316 any waters, including groundwaters, or otherwise enter the
317 environment.



658090

EP.EP.02273

318 (10) "Generation" means the act or process of producing
319 solid or hazardous waste.

320 (11) "Guarantor" means any person, other than the owner or
321 operator, who provides evidence of financial responsibility for
322 an owner or operator under this part.

323 (12) "Hazardous substance" means any substance that is
324 defined as a hazardous substance in the United States
325 Comprehensive Environmental Response, Compensation, and
326 Liability Act of 1980, 94 Stat. 2767.

327 (13) "Hazardous waste" means solid waste, or a combination
328 of solid wastes, which, because of its quantity, concentration,
329 or physical, chemical, or infectious characteristics, may cause,
330 or significantly contribute to, an increase in mortality or an
331 increase in serious irreversible or incapacitating reversible
332 illness or may pose a substantial present or potential hazard to
333 human health or the environment when improperly transported,
334 disposed of, stored, treated, or otherwise managed. The term
335 does not include human remains that are disposed of by persons
336 licensed under chapter 497.

337 (14) "Hazardous waste facility" means any building, site,
338 structure, or equipment at or by which hazardous waste is
339 disposed of, stored, or treated.

340 (15) "Hazardous waste management" means the systematic
341 control of the collection, source separation, storage,
342 transportation, processing, treatment, recovery, recycling, and
343 disposal of hazardous waste.

344 (16) "Land disposal" means any placement of hazardous waste
345 in or on the land and includes, but is not limited to, placement
346 in a landfill, surface impoundment, waste pile, injection well,



658090

EP.EP.02273

347 land treatment facility, salt bed formation, salt dome
348 formation, or underground mine or cave, or placement in a
349 concrete vault or bunker intended for disposal purposes.

350 (17) "High yield materials" are a combination of generator
351 separated debris which, when segregated from the waste stream
352 and then processed at a licensed facility using presently
353 available, proven technology, yields a rate of at least 65%
354 reusable materials.

355 (18) "High yield Materials Recovery Facility" means a
356 facility that provides for the extraction of 65 percent or more
357 per year of solid waste into recyclable materials, recovered
358 materials, materials suitable for use as a fuel or soil
359 amendment, or any combination of such materials, and a majority
360 of the materials are demonstrated to be sold, used, or reused
361 within 1 year. Such a facility is not a solid waste management
362 facility if it meets the conditions of s. 403.7045(1)(e).

363 (19)-(17) "Landfill" means any solid waste land disposal
364 area for which a permit, other than a general permit, is
365 required by s. 403.707 and which receives solid waste for
366 disposal in or upon land. The term does not include a land-
367 spreading site, an injection well, a surface impoundment, or a
368 facility for the disposal of construction and demolition debris.

369 (20)-(18) "Manifest" means the recordkeeping system used for
370 identifying the concentration, quantity, composition, origin,
371 routing, and destination of hazardous waste during its
372 transportation from the point of generation to the point of
373 disposal, storage, or treatment.

374 (21)-(19) "Materials recovery facility" means a solid waste
375 management facility that provides for the extraction from solid



658090

EP.EP.02273

376 waste of recyclable materials, materials suitable for use as a
377 fuel or soil amendment, or any combination of such materials.

378 ~~(22)~~(20) "Municipality," or any like term, means a
379 municipality created pursuant to general or special law
380 authorized or recognized pursuant to s. 2 or s. 6, Art. VIII of
381 the State Constitution and, when s. 403.706(19) applies, means a
382 special district or other entity.

383 ~~(23)~~(21) "Operation," with respect to any solid waste
384 management facility, means the disposal, storage, or processing
385 of solid waste at and by the facility.

386 ~~(24)~~(22) "Person" means any and all persons, natural or
387 artificial, including any individual, firm, or association; any
388 municipal or private corporation organized or existing under the
389 laws of this state or any other state; any county of this state;
390 and any governmental agency of this state or the Federal
391 Government.

392 ~~(25)~~(23) "Processing" means any technique designed to
393 change the physical, chemical, or biological character or
394 composition of any solid waste so as to render it safe for
395 transport; amenable to recovery, storage, or recycling; safe for
396 disposal; or reduced in volume or concentration.

397 ~~(26)~~(24) "Recovered materials" means metal, paper, glass,
398 plastic, wood, earth, concrete, textile, ~~or~~ rubber materials or
399 other high yield materials that have known recycling potential,
400 can be feasibly recycled, and have been diverted or ~~and~~ source
401 separated or have been removed from the solid waste stream for
402 sale, use, or reuse as raw materials, whether or not the
403 materials require subsequent processing or separation from each
404 other, but the term does not include materials destined for any



658090

EP.EP.02273

405 use that constitutes disposal. Recovered materials as described
406 in this subsection are not solid waste.

407 ~~(27)~~~~(25)~~ "Recovered materials processing facility" means a
408 facility engaged solely in the storage, processing, resale, or
409 reuse of recovered materials. Such a facility is not a solid
410 waste management facility if it meets the conditions of s.
411 403.7045(1) (e).

412 ~~(28)~~~~(26)~~ "Recyclable material" means those materials that
413 are capable of being recycled and that would otherwise be
414 processed or disposed of as solid waste.

415 ~~(29)~~~~(27)~~ "Recycling" means any process by which solid
416 waste, or materials that would otherwise become solid waste, are
417 collected, separated, or processed and reused or returned to use
418 in the form of raw materials or products.

419 ~~(30)~~~~(28)~~ "Resource recovery" means the process of
420 recovering materials or energy from solid waste, excluding those
421 materials or solid waste under the control of the Nuclear
422 Regulatory Commission.

423 ~~(31)~~~~(29)~~ "Resource recovery equipment" means equipment or
424 machinery exclusively and integrally used in the actual process
425 of recovering material or energy resources from solid waste.

426 ~~(32)~~~~(30)~~ "Sludge" includes the accumulated solids,
427 residues, and precipitates generated as a result of waste
428 treatment or processing, including wastewater treatment, water
429 supply treatment, or operation of an air pollution control
430 facility, and mixed liquids and solids pumped from septic tanks,
431 grease traps, privies, or similar waste disposal appurtenances.

432 ~~(33)~~~~(31)~~ "Special wastes" means solid wastes that can
433 require special handling and management, including, but not



658090

EP.EP.02273

434 limited to, white goods, waste tires, used oil, lead-acid
435 batteries, construction and demolition debris other than high
436 yield materials, ash residue, yard trash, and biological wastes.

437 ~~(34)~~~~(32)~~ "Solid waste" means sludge unregulated under the
438 federal Clean Water Act or Clean Air Act, sludge from a waste
439 treatment works, water supply treatment plant, or air pollution
440 control facility, or garbage, rubbish, refuse, special waste, or
441 other discarded material, including solid, liquid, semisolid, or
442 contained gaseous material resulting from domestic, industrial,
443 commercial, mining, agricultural, or governmental operations.
444 Recovered materials as defined in subsection (24) are not solid
445 waste.

446 ~~(35)~~~~(33)~~ "Solid waste disposal facility" means any solid
447 waste management facility that is the final resting place for
448 solid waste, including landfills and incineration facilities
449 that produce ash from the process of incinerating municipal
450 solid waste.

451 ~~(36)~~~~(34)~~ "Solid waste management" means the process by
452 which solid waste is collected, transported, stored, separated,
453 processed, or disposed of in any other way according to an
454 orderly, purposeful, and planned program, which includes
455 closure.

456 ~~(37)~~~~(35)~~ "Solid waste management facility" means any solid
457 waste disposal area, volume reduction plant, transfer station,
458 materials recovery facility, or other facility, the purpose of
459 which is resource recovery or the disposal, recycling,
460 processing, or storage of solid waste. The term does not include
461 recovered materials processing facilities that meet the
462 requirements of s. 403.7046, except the portion of such



658090

EP.EP.02273

463 facilities, if any, which is used for the management of solid
464 waste.

465 ~~(38)(36)~~ "Source separated" means that the recovered
466 materials are separated from solid waste at the location where
467 the recovered materials and solid waste are generated. The term
468 does not require that various types of recovered materials be
469 separated from each other, and recognizes de minimis solid
470 waste, in accordance with industry standards and practices, may
471 be included in the recovered materials. ~~Materials are not~~
472 ~~considered source separated when two or more types of recovered~~
473 ~~materials are deposited in combination with each other in a~~
474 ~~commercial collection container located where the materials are~~
475 ~~generated and when such materials contain more than 10 percent~~
476 ~~solid waste by volume or weight.~~ For purposes of this
477 subsection, the term "various types of recovered materials"
478 means metals, paper, glass, plastic, textiles, concrete, wood,
479 earth, and rubber and high yield materials.

480 ~~(39)(37)~~ "Storage" means the containment or holding of a
481 hazardous waste, either on a temporary basis or for a period of
482 years, in such a manner as not to constitute disposal of such
483 hazardous waste.

484 ~~(40)(38)~~ "Transfer station" means a site the primary
485 purpose of which is to store or hold solid waste for transport
486 to a processing or disposal facility.

487 ~~(41)(39)~~ "Transport" means the movement of hazardous waste
488 from the point of generation or point of entry into the state to
489 any offsite intermediate points and to the point of offsite
490 ultimate disposal, storage, treatment, or exit from the state.

491 ~~(42)(40)~~ "Treatment," when used in connection with



658090

EP.EP.02273

492 hazardous waste, means any method, technique, or process,
493 including neutralization, which is designed to change the
494 physical, chemical, or biological character or composition of
495 any hazardous waste so as to neutralize it or render it
496 nonhazardous, safe for transport, amenable to recovery, amenable
497 to storage or disposal, or reduced in volume or concentration.
498 The term includes any activity or processing that is designed to
499 change the physical form or chemical composition of hazardous
500 waste so as to render it nonhazardous.

501 ~~(43)~~~~(41)~~ "Volume reduction plant" includes incinerators,
502 pulverizers, compactors, shredding and baling plants, composting
503 plants, and other plants that accept and process solid waste for
504 recycling or disposal.

505 ~~(44)~~~~(42)~~ "White goods" includes discarded air conditioners,
506 heaters, refrigerators, ranges, water heaters, freezers, and
507 other similar domestic and commercial large appliances.

508 ~~(45)~~~~(43)~~ "Yard trash" means vegetative matter resulting
509 from landscaping maintenance and land clearing operations and
510 includes associated rocks and soils.

511 Section 6. Paragraph (e) of subsection (1) of section
512 403.7045, Florida Statutes, is amended to read:

513 403.7045 Application of act and integration with other
514 acts.—

515 (1) The following wastes or activities shall not be
516 regulated pursuant to this act:

517 (e) Recovered materials or recovered materials processing
518 facilities, or high yield material recovery facilities except as
519 provided in s. 403.7046, if:

520 1. A majority of the recovered materials at the facility



658090

EP.EP.02273

521 are demonstrated to be sold, used, or reused within 1 year.

522 2. The recovered materials handled by the facility or the
523 products or byproducts of operations that process recovered
524 materials are not discharged, deposited, injected, dumped,
525 spilled, leaked, or placed into or upon any land or water by the
526 owner or operator of such facility so that such recovered
527 materials, products or byproducts, or any constituent thereof
528 may enter other lands or be emitted into the air or discharged
529 into any waters, including groundwaters, or otherwise enter the
530 environment such that a threat of contamination in excess of
531 applicable department standards and criteria is caused.

532 3. The recovered materials handled by the facility are not
533 hazardous wastes as defined under s. 403.703, and rules
534 promulgated pursuant thereto.

535 4. The facility is registered as required in s. 403.7046.

536 Section 7. Subsection (1) of section 403.7046, Florida
537 Statutes, is amended to read:

538 403.7046 Regulation of recovered materials.—

539 (1) Any person who handles, purchases, receives, recovers,
540 sells, or is an end user of recovered materials, including those
541 who run high yield materials recovery facilities shall annually
542 certify to the department on forms provided by the department.
543 The department may by rule exempt from this requirement
544 generators of recovered materials; persons who handle or sell
545 recovered materials as an activity which is incidental to the
546 normal primary business activities of that person; or persons
547 who handle, purchase, receive, recover, sell, or are end users
548 of recovered materials in small quantities as defined by the
549 department. The department shall adopt rules for the



658090

EP.EP.02273

550 certification of and reporting by such persons and shall
551 establish criteria for revocation of such certification. Prior
552 to the adoption of such rules, the department shall appoint a
553 technical advisory committee of no more than nine persons,
554 including, at a minimum, representatives of the Florida
555 Association of Counties, the Florida League of Cities, the
556 Florida Recyclers Association, and the Florida Chapter of the
557 National Solid Waste Management Association, to aid in the
558 development of such rules. Such rules shall be designed to
559 elicit, at a minimum, the amount and types of recovered
560 materials handled by registrants, and the amount and disposal
561 site, or name of person with whom such disposal was arranged, of
562 any solid waste generated by such facility. Such rules may
563 provide for the department to conduct periodic inspections. The
564 department may charge a fee of up to \$50 for each registration,
565 which shall be deposited into the Solid Waste Management Trust
566 Fund for implementation of the program.

567 Section 8. Subsection (9) of section 403.707, Florida
568 Statutes, is amended and a new subsection (15) is created to
569 read:

570 403.707 Permits.—

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



658090

EP.EP.02273

579 be retrofitted with liners or leachate control systems.

580 (a) The department shall establish reasonable construction,
581 operation, monitoring, recordkeeping, financial assurance, and
582 closure requirements for such facilities. The department shall
583 take into account the nature of the waste accepted at various
584 facilities when establishing these requirements, and may impose
585 less stringent requirements, including a system of general
586 permits or registration requirements, for facilities that accept
587 only a segregated waste stream which is expected to pose a
588 minimal risk to the environment and public health, such as clean
589 debris. The Legislature recognizes that incidental amounts of
590 other types of solid waste are commonly generated at
591 construction or demolition projects. In any enforcement action
592 taken pursuant to this section, the department shall consider
593 the difficulty of removing these incidental amounts from the
594 waste stream.

595 (b) The department shall ~~not~~ require liners and leachate
596 collection systems at individual facilities constructed after
597 July 1, 2010. ~~unless it demonstrates, based upon the types of~~
598 ~~waste received, the methods for controlling types of waste~~
599 ~~disposed of, the proximity of groundwater and surface water, and~~
600 ~~the results of the hydrogeological and geotechnical~~
601 ~~investigations, that the facility is reasonably expected to~~
602 ~~result in violations of groundwater standards and criteria~~
603 ~~otherwise.~~

604 (c) The owner or operator shall provide financial assurance
605 for closing of the facility in accordance with the requirements
606 of s. 403.7125. The financial assurance shall cover the cost of
607 closing the facility and 5 years of long-term care after



658090

EP.EP.02273

608 closing, unless the department determines, based upon
609 hydrogeologic conditions, the types of wastes received, or the
610 groundwater monitoring results, that a different long-term care
611 period is appropriate. However, unless the owner or operator of
612 the facility is a local government, the escrow account described
613 in s. 403.7125(2) may not be used as a financial assurance
614 mechanism.

615 (d) The department shall establish training requirements
616 for operators of facilities, and shall work with the State
617 University System or other providers to assure that adequate
618 training courses are available. The department shall also assist
619 the Florida Home Builders Association in establishing a
620 component of its continuing education program to address proper
621 handling of construction and demolition debris, including best
622 management practices for reducing contamination of the
623 construction and demolition debris waste stream.

624 (e) The issuance of a permit under this subsection does not
625 obviate the need to comply with all applicable zoning and land
626 use regulations.

627 (f) A permit is not required under this section for the
628 disposal of construction and demolition debris on the property
629 where it is generated, but such property must be covered,
630 graded, and vegetated as necessary when disposal is complete.

631 (g) Beginning July 1, 2011, all construction or demolition
632 debris must be processed at a material recovery facility prior
633 to disposal, unless such material has been source separated into
634 recyclable components. Any materials recovery facility that
635 accepts construction or demolition debris beginning January 1,
636 2012, must be designed to separate and offer for recycling at



658090

EP.EP.02273

637 least sixty percent of the material accepted and seventy-five
638 percent by December 31, 2020. It is the policy of the
639 Legislature to encourage facilities to recycle. The department
640 shall establish criteria and guidelines that encourage recycling
641 where practical and provide for the use of recycled materials in
642 a manner that protects the public health and the environment.
643 Facilities are authorized to recycle, provided such activities
644 do not conflict with such criteria and guidelines.

645 (h) The department shall ensure that the requirements of
646 this section are applied and interpreted consistently throughout
647 the state. In accordance with s. 20.255, the Division of Waste
648 Management shall direct the district offices and bureaus on
649 matters relating to the interpretation and applicability of this
650 section.

651 (i) The department shall provide notice of receipt of a
652 permit application for the initial construction of a
653 construction and demolition debris disposal facility to the
654 local governments having jurisdiction where the facility is to
655 be located.

656 (j) The Legislature recognizes that recycling, waste
657 reduction, and resource recovery are important aspects of an
658 integrated solid waste management program and as such are
659 necessary to protect the public health and the environment. If
660 necessary to promote such an integrated program, the county may
661 determine, after providing notice and an opportunity for a
662 hearing prior to April 30, 2008, that some or all of the
663 material described in s. 403.703(6)(b) shall be excluded from
664 the definition of "construction and demolition debris" in s.
665 403.703(6) within the jurisdiction of such county. The county



658090

EP.EP.02273

666 may make such a determination only if it finds that, prior to
667 June 1, 2007, the county has established an adequate method for
668 the use or recycling of such wood material at an existing or
669 proposed solid waste management facility that is permitted or
670 authorized by the department on June 1, 2007. The county is not
671 required to hold a hearing if the county represents that it
672 previously has held a hearing for such purpose, or if the county
673 represents that it previously has held a public meeting or
674 hearing that authorized such method for the use or recycling of
675 trash or other nonputrescible waste materials and that such
676 materials include those materials described in s. 403.703(6)(b).
677 The county shall provide written notice of its determination to
678 the department by no later than April 30, 2008; thereafter, the
679 materials described in s. 403.703(6) shall be excluded from the
680 definition of "construction and demolition debris" in s.
681 403.703(6) within the jurisdiction of such county. The county
682 may withdraw or revoke its determination at any time by
683 providing written notice to the department.

684 (k) Brazilian pepper and other invasive exotic plant
685 species as designated by the department resulting from
686 eradication projects may be processed at permitted construction
687 and demolition debris recycling facilities or disposed of at
688 permitted construction and demolition debris disposal facilities
689 or Class III facilities. The department may adopt rules to
690 implement this paragraph.

691 (15) The department must, at a minimum, conduct at least
692 one unannounced inspection, on an annual basis, of each waste-
693 to-energy facility for the purposes of determining compliance
694 with permit conditions.



658090

EP.EP.02273

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Section 9. Section 288.1185, Florida Statutes, is repealed.

Section 10. Section 403.7033, Florida Statutes, is
repealed.

Section 11. This act shall take effect July 1, 2010.