

By the Committee on Environmental Preservation and Conservation;
and Senator Constantine

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1 A bill to be entitled
2 An act relating to environmental protection; amending
3 s. 403.7032, F.S.; requiring all public entities to
4 report recycling data to the county using the format
5 designated by the Department of Environmental
6 Protection; requiring that certain private entities
7 report the disposal of recyclable materials; requiring
8 that businesses reporting such data to be given
9 preference under certain procurement guidelines;
10 requiring the Department of Management Services to
11 report on green and recycled products purchased
12 through its procurement system; directing the
13 Department of Environmental Protection and Enterprise
14 Florida, Inc., to create the Recycling Business
15 Assistance Center; providing requirements for the
16 center; amending s. 288.9015, F.S.; requiring
17 Enterprise Florida, Inc., and the Department of
18 Environmental Protection to create the Recycling
19 Business Assistance Center; amending s. 403.7046,
20 F.S.; deleting a requirement that the Department of
21 Environmental Protection appoint a technical advisory
22 committee; clarifying reporting requirements; amending
23 s. 403.705, F.S.; requiring that the department report
24 biennially to the Legislature on the state's success
25 in meeting solid waste reduction goals; amending s.
26 403.706, F.S.; requiring counties to meet specific
27 recycling benchmarks; requiring the recycling of
28 materials for new commercial and multifamily projects;
29 providing authority for the Department of

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30 Environmental Protection to require a report under
31 certain conditions; requiring a report to the
32 Legislature by the Department of Environmental
33 Protection if recycling benchmarks are not met;
34 eliminating a requirement that counties develop
35 composting goals; clarifying the conditions under
36 which waste to energy may be used as an option for
37 meeting the recycling benchmarks; providing
38 exceptions; providing deadlines for the reporting of
39 recycling data; amending s. 403.7145, F.S.; revising
40 recycling requirements for state buildings; providing
41 for a pilot project; requiring each public airport in
42 the state to collect aluminum beverage cans and
43 recyclable plastic and glass from its place of
44 business, or from the entities doing business at the
45 airport, and to offer such materials for recycling;
46 amending s. 403.707, F.S.; requiring liners for new
47 construction and demolition debris landfills;
48 establishing recycling rates for source-separation
49 activities; requiring inspections for waste-to-energy
50 facilities; repealing s. 288.1185, F.S., relating to
51 the Recycling Markets Advisory Committee; providing an
52 effective date.

53
54 Be It Enacted by the Legislature of the State of Florida:

55
56 Section 1. Section 403.7032, Florida Statutes, is amended
57 to read:

58 403.7032 Recycling.—

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59 (1) The Legislature finds that the failure or inability to
60 economically recover material and energy resources from solid
61 waste results in the unnecessary waste and depletion of our
62 natural resources. As the state continues to grow, so will the
63 potential amount of discarded material that must be treated and
64 disposed of, necessitating the improvement of solid waste
65 collection and disposal. Therefore, the maximum recycling and
66 reuse of such resources are considered high-priority goals of
67 the state.

68 (2) By the year 2020, the long-term goal for the recycling
69 efforts of state and local governmental entities, private
70 companies and organizations, and the general public is to reduce
71 the amount of recyclable solid waste disposed of in waste
72 management facilities, landfills, or incineration facilities by
73 a statewide average of at least 75 percent. ~~However, any solid
74 waste used for the production of renewable energy shall count
75 toward the long-term recycling goal as set forth in this
76 section.~~

77 (3) All state agencies, K-12 public schools, public
78 institutions of higher learning, community colleges, and state
79 universities must, at a minimum, annually report to the county
80 using the department's designated reporting format, all recycled
81 materials from these entities. This includes all buildings that
82 are occupied by municipal, county, or state employees or, if the
83 building is managed by the Department of Management Services,
84 those entities must report their recycling data to the county
85 using the department's designated reporting format. Private
86 businesses, other than certified recovered materials dealers,
87 which have 25 or more employees and generate recyclable

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88 materials, such as, but not limited to, paper, metals, glass,
89 plastics, textiles, rubber materials, and mulch, shall report
90 the amount of recycled materials to the county biennially
91 starting January 1, 2011, using the department's designated
92 reporting format. Private businesses that are not required to
93 report recycling rates are encouraged to participate.
94 Notwithstanding any other provision of state or local law, those
95 private businesses reporting, other than certified recovered
96 materials dealers, according to this subsection shall not be
97 required to comply with any additional recycling reporting
98 requirements regarding their recycling rates. Private businesses
99 in compliance with the reporting requirement and those that
100 voluntarily report shall be given additional preference under
101 the procurement guidelines of s. 287.045. Private businesses of
102 25 employees or more which do not report recycling rates to the
103 department shall have a zero percent recycling rate reported and
104 are not eligible for additional preference under the procurement
105 guidelines of s. 287.045.

106 (4)~~(3)~~ The Department of Environmental Protection shall
107 develop a comprehensive recycling program that is designed to
108 achieve the percentage under subsection (2) and submit the
109 program to the President of the Senate and the Speaker of the
110 House of Representatives by January 1, 2010. The program may not
111 be implemented until approved by the Legislature. The program
112 must be developed in coordination with input from state and
113 local entities, private businesses, and the public. Under the
114 program, recyclable materials shall include, but are not limited
115 to, metals, paper, glass, plastic, textile, rubber materials,
116 and mulch. Components of the program shall include, but are not

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117 limited to:

118 (a) Programs to identify environmentally preferable
119 purchasing practices to encourage the purchase of recycled,
120 durable, and less toxic goods. The Department of Management
121 Services shall modify its procurement system to report on green
122 and recycled products purchased through the system by September
123 30, 2011.

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

126 (c) Programs for statewide recognition of successful
127 recycling efforts by schools, businesses, public groups, and
128 private citizens.

129 (d) Programs for municipalities and counties to develop and
130 implement efficient recycling efforts to return valuable
131 materials to productive use, conserve energy, and protect
132 natural resources.

133 (e) Programs by which the department can provide technical
134 assistance to municipalities and counties in support of their
135 recycling efforts.

136 (f) Programs to educate and train the public in proper
137 recycling efforts.

138 (g) Evaluation of how financial assistance can best be
139 provided to municipalities and counties in support of their
140 recycling efforts.

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

143 (5) The Department of Environmental Protection, in
144 cooperation with Enterprise Florida, Inc., shall create the
145 Recycling Business Assistance Center by December 1, 2010. The

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146 purpose of the center shall be to serve as the mechanism for
147 coordination among state agencies and the private sector in
148 order to coordinate policy and overall strategic planning for
149 developing new markets and expanding and enhancing existing
150 markets for recyclable materials in this state, other states,
151 and foreign countries. The duties of the center must include, at
152 a minimum:

153 (a) Identifying and developing new markets and expanding
154 and enhancing existing markets for recyclable materials;

155 (b) Pursuing expanded end uses for recycled materials;

156 (c) Targeting materials for concentrated market-development
157 efforts;

158 (d) Developing proposals for new incentives for market
159 development, particularly focusing on targeted materials;

160 (e) Providing guidance on issues such as permitting,
161 finance options for recycling market development, site location,
162 research and development, grant program criteria for recycled
163 materials markets, recycling markets education and information,
164 and minimum content;

165 (f) Coordinating the efforts of various governmental
166 entities having market-development responsibilities in order to
167 optimize supply and demand for recyclable materials;

168 (g) Evaluating source-reduced products as they relate to
169 state procurement policy. The evaluation shall include, but is
170 not limited to, the environmental and economic impact of source-
171 reduced product purchases to the state. For the purposes of this
172 paragraph, the term "source-reduced" means any method, process,
173 product, or technology that significantly or substantially
174 reduces the volume or weight of a product while providing, at a

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175 minimum, equivalent or generally similar performance and service
176 to and for the users of such materials;

177 (h) Providing evaluation of solid waste management grants,
178 pursuant to s. 403.7095, to reduce the flow of solid waste to
179 disposal facilities and encourage the sustainable recovery of
180 materials from Florida's waste stream;

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

186 (j) Maintaining a continuously updated online directory,
187 listing the public and private entities that collect, transport,
188 broker, process, or remanufacture recyclable materials in
189 Florida.

190 (k) Providing information on the availability and benefits
191 of using recycled materials to private entities and industries
192 in the state; and

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

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

198 288.9015 Enterprise Florida, Inc.; purpose; duties.—

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

203 Section 3. Subsections (1) and (2) of section 403.7046,

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204 Florida Statutes, are amended to read:

205 403.7046 Regulation of recovered materials.—

206 (1) Any person who handles, purchases, receives, recovers,
207 sells, or is an end user of recovered materials shall annually
208 certify to the department on forms provided by the department.
209 The department may by rule exempt from this requirement
210 generators of recovered materials; persons who handle or sell
211 recovered materials as an activity which is incidental to the
212 normal primary business activities of that person; or persons
213 who handle, purchase, receive, recover, sell, or are end users
214 of recovered materials in small quantities as defined by the
215 department. The department shall adopt rules for the
216 certification of and reporting by such persons and shall
217 establish criteria for revocation of such certification. ~~Prior~~
218 ~~to the adoption of such rules, the department shall appoint a~~
219 ~~technical advisory committee of no more than nine persons,~~
220 ~~including, at a minimum, representatives of the Florida~~
221 ~~Association of Counties, the Florida League of Cities, the~~
222 ~~Florida Recyclers Association, and the Florida Chapter of the~~
223 ~~National Solid Waste Management Association, to aid in the~~
224 ~~development of such rules.~~ Such rules shall be designed to
225 elicit, at a minimum, the amount and types of recovered
226 materials handled by registrants, and the amount and disposal
227 site, or name of person with whom such disposal was arranged, of
228 any solid waste generated by such facility. By February 1 of
229 each year, registrants shall report all required information to
230 the department and to all counties from which it received
231 materials. Such rules may provide for the department to conduct
232 periodic inspections. The department may charge a fee of up to

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233 \$50 for each registration, which shall be deposited into the
234 Solid Waste Management Trust Fund for implementation of the
235 program.

236 (2) Information reported pursuant to the requirements of
237 this section or any rule adopted pursuant to this section which,
238 if disclosed, would reveal a trade secret, as defined in s.
239 812.081(1)(c), is confidential and exempt from the provisions of
240 s. 119.07(1). For reporting or information purposes, however,
241 the department may provide this information in such form that
242 the names of the persons reporting such information and the
243 specific information reported are not revealed.

244 Section 4. Subsection (3) of section 403.705, Florida
245 Statutes, is amended to read:

246 403.705 State solid waste management program.—

247 (3) The department shall ~~periodically seek information from~~
248 ~~counties to~~ evaluate and report to the Legislature biennially on
249 the state's success in meeting the solid waste reduction goal as
250 described in s. 403.706(2).

251 Section 5. Subsections (2), (4), (7), and (21) of section
252 403.706, Florida Statutes, are amended to read:

253 403.706 Local government solid waste responsibilities.—

254 (2)(a) Each county shall implement a recyclable materials
255 recycling program that shall have a goal of recycling solid
256 waste by 40 percent by December 31, 2012, 50 percent by December
257 31, 2014, 60 percent by December 31, 2016, 70 percent by
258 December 31, 2018, and 75 percent by December 31, 2020. Counties
259 and municipalities are encouraged to form cooperative
260 arrangements for implementing recycling programs.

261 (b) In order to assist in attaining the goals provided in

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262 this subsection, the Legislature finds that the recycling of
263 construction and demolition debris is in the state's interest.
264 Each county shall implement a program that shall have a goal of
265 reducing construction and demolition debris disposed of in
266 landfills by 40 percent by December 31, 2012, 50 percent by
267 December 31, 2014, 60 percent by December 31, 2016, 70 percent
268 by December 31, 2018, and 75 percent by December 31, 2020.

269 (c) All commercial and multifamily construction projects,
270 including, but not limited to, apartment complexes, which begin
271 construction on or after July 1, 2010, must provide an
272 opportunity for the tenants and owners to recycle, including if
273 necessary, designated space for the placement of recycle
274 receptacles for the occupants.

275 (d) If, by January 1 of 2013, 2015, 2017, 2019, or 2021,
276 the county, as determined by the department, has not reached the
277 previous year's recycling goal, as provided in this subsection,
278 the department may direct the county to develop a plan to expand
279 recycling programs to existing commercial and multifamily
280 dwelling, including, but not limited to, apartment complexes.

281 (e) If the state's recycling rate for the 2013 calendar
282 year is below 45 percent, the department shall provide a report
283 to the Legislature. The report shall identify those additional
284 programs, including, but not limited to, composting, zero waste
285 zones, pay as you throw, a container deposit program, a landfill
286 disposal surcharge fee, a prohibition on disposable plastic
287 bags, or statutory changes needed to achieve the goals provided
288 in this subsection. The report must include an evaluation of the
289 costs to the public and private sectors to enact and administer
290 these programs. The report shall be provided no later than 30

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291 days prior to the 2015 Regular Session of the Legislature.

292 (f)~~(b)~~ Such programs shall be designed to recover a
293 significant portion of at least four of the following materials
294 from the solid waste stream prior to final disposal at a solid
295 waste disposal facility and to offer these materials for
296 recycling: newspaper, aluminum cans, steel cans, glass, plastic
297 bottles, cardboard, office paper, and yard trash. Local
298 governments which operate permitted waste-to-energy facilities
299 may retrieve ferrous and nonferrous metal as a byproduct of
300 combustion.

301 (g)~~(e)~~ Local governments are encouraged to separate all
302 plastics, metal, and all grades of paper for recycling prior to
303 final disposal and are further encouraged to recycle yard trash
304 and other mechanically treated solid waste into compost
305 available for agricultural and other acceptable uses.

306 ~~(d) By July 1, 2010, each county shall develop and~~
307 ~~implement a plan to achieve a goal to compost organic materials~~
308 ~~that would otherwise be disposed of in a landfill. The goal~~
309 ~~shall provide that up to 10 percent and no less than 5 percent~~
310 ~~of organic material would be composted within the county and the~~
311 ~~municipalities within its boundaries. The department may reduce~~
312 ~~or modify the compost goal if the county demonstrates to the~~
313 ~~department that achievement of the goal would be impractical~~
314 ~~given the county's unique demographic, urban density, or~~
315 ~~inability to separate normally compostable material from the~~
316 ~~solid waste stream. The composting plan is encouraged to address~~
317 ~~partnership with the private sector.~~

318 (h)~~(e)~~ Each county is encouraged to consider plans for
319 composting or mulching organic materials that would otherwise be

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320 disposed of in a landfill. The composting or mulching plans are
321 encouraged to address partnership with the private sector.

322 (4) (a) A county's solid waste management and recycling
323 programs shall be designed to provide for sufficient reduction
324 of the amount of solid waste generated within the county and the
325 municipalities within its boundaries in order to meet goals for
326 the reduction of municipal solid waste prior to the final
327 disposal or the incineration of such waste at a solid waste
328 disposal facility. The goals shall provide, at a minimum, that
329 the amount of municipal solid waste that would be disposed of
330 within the county and the municipalities within its boundaries
331 is designed to meet the requirements of subsection (2) is
332 ~~reduced by at least 30 percent.~~

333 (b) A county may receive credit for one-half of the goal
334 for waste reduction from the use of yard trash, or other clean
335 wood waste or paper waste, in innovative programs including, but
336 not limited to, programs that produce alternative clean-burning
337 fuels such as ethanol or that provide for the conversion of yard
338 trash or other clean wood waste or paper waste to clean-burning
339 fuel for the production of energy for use at facilities other
340 than a waste-to-energy facility as defined in s. 403.7061. The
341 provisions of this paragraph apply only if a county can
342 demonstrate that:

343 1. The county has implemented a yard trash mulching or
344 composting program, and

345 2. As part of the program, compost and mulch made from yard
346 trash is available to the general public and in use at county-
347 owned or maintained and municipally owned or maintained
348 facilities in the county and state agencies operating in the

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349 county as required by this section.

350 (c) Solid waste used for the production of renewable energy
351 shall count toward the long-term recycling goal as set forth in
352 this section, provided the county in which a waste-to-energy
353 facility is located has implemented and maintains a program that
354 is designed to recycle at least 50 percent of municipal solid
355 waste by means other than gasification or combustion. The duty
356 to implement and maintain such recycling program does not apply
357 to counties where debt service payment is pledged along with net
358 revenues derived from the operation of the waste-to-energy
359 facility.

360 (d)~~(e)~~ A county with a population of 100,000 or less may
361 provide its residents with the opportunity to recycle in lieu of
362 achieving the goal set forth in this section ~~paragraph (a)~~. For
363 the purposes of this section subsection, the "opportunity to
364 recycle" means that the county:

365 1.a. Provides a system for separating and collecting
366 recyclable materials prior to disposal that is located at a
367 solid waste management facility or solid waste disposal area; or

368 b. Provides a system of places within the county for
369 collection of source-separated recyclable materials.

370 2. Provides a public education and promotion program that
371 is conducted to inform its residents of the opportunity to
372 recycle, encourages source separation of recyclable materials,
373 and promotes the benefits of reducing, reusing, recycling, and
374 composting materials.

375 (7) In order to assess the progress in meeting the goal
376 established in subsection (2) ~~(4)~~, each county shall, by April 1
377 ~~November~~ each year, provide information to the department

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378 regarding its annual solid waste management program and
379 recycling activities. The information by the county must, at a
380 minimum, include:

381 (a) The amount of municipal solid waste disposed of at
382 solid waste disposal facilities, by type of waste such as yard
383 trash, white goods, clean debris, tires, and unseparated solid
384 waste;

385 (b) The amount and type of materials from the municipal
386 solid waste stream that were recycled; and

387 (c) The percentage of the population participating in
388 various types of recycling activities instituted.

389 (d) Beginning with the data for the 2012 calendar year, the
390 department shall annually, by July 1, post on its website the
391 recycling rates of each county for the prior calendar year.

392 (21) Local governments are authorized to enact ordinances
393 that require and direct all residential properties, multifamily
394 dwellings, and apartment complexes and industrial, commercial,
395 and institutional establishments as defined by the local
396 government to establish programs for the separation of
397 recyclable materials designated by the local government, which
398 recyclable materials are specifically intended for purposes of
399 recycling and for which a market exists, and to provide for
400 their collection. Such ordinances may include, but are not
401 limited to, provisions that prohibit any person from knowingly
402 disposing of recyclable materials designated by the local
403 government and that ensure the collection of recovered materials
404 as necessary to protect public health and safety.

405 Section 6. Subsection (1) of section 403.7145, Florida
406 Statutes, is amended, and subsections (3) and (4) are added to

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407 that section, to read:

408 403.7145 Recycling.—

409 (1) The Capitol and the House and Senate office buildings
410 constitute the Capitol recycling area. The Florida House of
411 Representatives, the Florida Senate, and the Office of the
412 Governor, the Secretary of State, and each Cabinet officer who
413 heads a department that occupies office space in the Capitol,
414 shall institute a recycling program for their respective offices
415 in the House and Senate office buildings and the Capitol.
416 Provisions shall be made to collect and sell wastepaper and
417 empty ~~aluminum~~ beverage containers ~~cans~~ generated by employee
418 activities in these offices. The collection and sale of such
419 materials shall be reported to Leon County using the
420 department's designated reporting format and coordinated with
421 Department of Management Services recycling activities to
422 maximize the efficiency and economy of this program. The
423 Governor, the Speaker of the House of Representatives, the
424 President of the Senate, the Secretary of State, and the Cabinet
425 officers may authorize the use of proceeds from recyclable
426 material sales for employee benefits and other purposes, in
427 order to provide incentives to their respective employees for
428 participation in the recycling program. Such proceeds may also
429 be used to offset any costs of the recycling program. As a
430 demonstration of leading by example, the Capitol Building's
431 recycling rates shall be posted on the website of the Department
432 of Management Services and shall include the details of the
433 recycling rates for each Department of Management Services pool
434 facility. The Department of Environmental Protection shall post
435 recycling rates of each state-owned facility reported to the

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436 Department of Management Services.

437 (3) Prior to awarding any grants pursuant to s. 403.7095,
438 the department shall develop and contract for an innovative
439 recycling pilot project for the Capitol recycling area. Such
440 project shall be designed to collect recyclable materials and
441 create a more sustainable recycling system. Components of the
442 project shall be designed to increase convenience, incentivize
443 and measure participation, reduce material volume, and assist in
444 achieving the recycling goals enumerated in s. 403.706.

445 (4) Each public airport operating in this state shall, to
446 the greatest extent practicable, collect aluminum beverage cans
447 and recyclable plastic and glass from the airlines and other
448 entities doing business at the airport and offer such materials
449 for recycling. Each airport may retain and use any proceeds
450 received from the sale of these materials for recycling to
451 offset the costs associated with collecting and recycling such
452 materials. Airport administration offices, airport vendors, and
453 airlines are encouraged to coordinate the collection of
454 recyclable waste to the greatest extent practicable. The
455 provisions of this subsection are not intended to interfere with
456 any already established recycling activity.

457 Section 7. Subsection (9) of section 403.707, Florida
458 Statutes, is amended, and subsection (15) is added to that
459 section, to read:

460 403.707 Permits.—

461 (9) The department shall establish a separate category for
462 solid waste management facilities that accept only construction
463 and demolition debris for disposal or recycling. The department
464 shall establish a reasonable schedule for existing facilities to

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465 comply with this section to avoid undue hardship to such
466 facilities. However, a permitted solid waste disposal unit that
467 receives a significant amount of waste prior to the compliance
468 deadline established in this schedule shall not be required to
469 be retrofitted with liners or leachate control systems.

470 (a) The department shall establish reasonable construction,
471 operation, monitoring, recordkeeping, financial assurance, and
472 closure requirements for such facilities. The department shall
473 take into account the nature of the waste accepted at various
474 facilities when establishing these requirements, and may impose
475 less stringent requirements, including a system of general
476 permits or registration requirements, for facilities that accept
477 only a segregated waste stream which is expected to pose a
478 minimal risk to the environment and public health, such as clean
479 debris. The Legislature recognizes that incidental amounts of
480 other types of solid waste are commonly generated at
481 construction or demolition projects. In any enforcement action
482 taken pursuant to this section, the department shall consider
483 the difficulty of removing these incidental amounts from the
484 waste stream.

485 (b) The department shall ~~not~~ require liners and leachate
486 collection systems at individual disposal units ~~facilities~~
487 constructed after July 1, 2010. ~~unless it demonstrates, based~~
488 ~~upon the types of waste received, the methods for controlling~~
489 ~~types of waste disposed of, the proximity of groundwater and~~
490 ~~surface water, and the results of the hydrogeological and~~
491 ~~geotechnical investigations, that the facility is reasonably~~
492 ~~expected to result in violations of groundwater standards and~~
493 ~~criteria otherwise.~~

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494 (c) The owner or operator shall provide financial assurance
495 for closing of the facility in accordance with the requirements
496 of s. 403.7125. The financial assurance shall cover the cost of
497 closing the facility and 5 years of long-term care after
498 closing, unless the department determines, based upon
499 hydrogeologic conditions, the types of wastes received, or the
500 groundwater monitoring results, that a different long-term care
501 period is appropriate. However, unless the owner or operator of
502 the facility is a local government, the escrow account described
503 in s. 403.7125(2) may not be used as a financial assurance
504 mechanism.

505 (d) The department shall establish training requirements
506 for operators of facilities, and shall work with the State
507 University System or other providers to assure that adequate
508 training courses are available. The department shall also assist
509 the Florida Home Builders Association in establishing a
510 component of its continuing education program to address proper
511 handling of construction and demolition debris, including best
512 management practices for reducing contamination of the
513 construction and demolition debris waste stream.

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

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

521 (g) By January 1, 2012, all construction and demolition
522 debris must be processed prior to disposal at a permitted

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523 materials recovery facility or at a permitted disposal facility.
524 The facility must be designed and operated to separate and offer
525 for recycling at least 60 percent of the material accepted, and
526 must have a long-term plan to separate at least 75 percent of
527 the material accepted by December 31, 2020. This paragraph does
528 not apply to any materials that have been source separated and
529 offered for recycling. It is the policy of the Legislature to
530 encourage facilities to recycle. The department shall establish
531 criteria and guidelines that encourage recycling where practical
532 and provide for the use of recycled materials in a manner that
533 protects the public health and the environment. Facilities are
534 authorized to recycle, provided such activities do not conflict
535 with such criteria and guidelines.

536 (i)-(h) The department shall ensure that the requirements of
537 this section are applied and interpreted consistently throughout
538 the state. In accordance with s. 20.255, the Division of Waste
539 Management shall direct the district offices and bureaus on
540 matters relating to the interpretation and applicability of this
541 section.

542 (j)-(i) The department shall provide notice of receipt of a
543 permit application for the initial construction of a
544 construction and demolition debris disposal facility to the
545 local governments having jurisdiction where the facility is to
546 be located.

547 (k)-(j) The Legislature recognizes that recycling, waste
548 reduction, and resource recovery are important aspects of an
549 integrated solid waste management program and as such are
550 necessary to protect the public health and the environment. If
551 necessary to promote such an integrated program, the county may

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552 determine, after providing notice and an opportunity for a
553 hearing prior to April 30, 2008, that some or all of the
554 material described in s. 403.703(6)(b) shall be excluded from
555 the definition of "construction and demolition debris" in s.
556 403.703(6) within the jurisdiction of such county. The county
557 may make such a determination only if it finds that, prior to
558 June 1, 2007, the county has established an adequate method for
559 the use or recycling of such wood material at an existing or
560 proposed solid waste management facility that is permitted or
561 authorized by the department on June 1, 2007. The county is not
562 required to hold a hearing if the county represents that it
563 previously has held a hearing for such purpose, or if the county
564 represents that it previously has held a public meeting or
565 hearing that authorized such method for the use or recycling of
566 trash or other nonputrescible waste materials and that such
567 materials include those materials described in s. 403.703(6)(b).
568 The county shall provide written notice of its determination to
569 the department by no later than April 30, 2008; thereafter, the
570 materials described in s. 403.703(6) shall be excluded from the
571 definition of "construction and demolition debris" in s.
572 403.703(6) within the jurisdiction of such county. The county
573 may withdraw or revoke its determination at any time by
574 providing written notice to the department.

575 (1)~~(*)~~ Brazilian pepper and other invasive exotic plant
576 species as designated by the department resulting from
577 eradication projects may be processed at permitted construction
578 and demolition debris recycling facilities or disposed of at
579 permitted construction and demolition debris disposal facilities
580 or Class III facilities. The department may adopt rules to

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581 implement this paragraph.

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

586 Section 8. Section 288.1185, Florida Statutes, is repealed.

587 Section 9. This act shall take effect July 1, 2010.