

By the Committee on Natural Resources

312-891-98

1                                   A bill to be entitled  
2           An act relating to solid waste management;  
3           amending s. 403.705, F.S.; providing for a  
4           solid waste diversion goal; amending s.  
5           403.706, F.S.; providing that a county's solid  
6           waste management and recycling program must be  
7           designed to meet the diversion goal; deleting  
8           language relating to a solid waste reduction  
9           goal and its requirements; deleting the  
10          requirement that certain counties must provide  
11          an opportunity to recycle; deleting the  
12          provision that allows the Department of  
13          Environmental Protection to reduce or modify  
14          the solid waste reduction goal under certain  
15          circumstances; deleting certain penalties for  
16          counties not meeting solid waste reduction goal  
17          provisions; amending s. 403.7095, F.S.;  
18          providing criteria that counties must meet in  
19          order to be eligible for recycling incentive  
20          grants; deleting obsolete provisions; providing  
21          that the Legislature must review the provisions  
22          of s. 403.7095, F.S., relating to recycling  
23          grants prior to October 1, 2002; providing an  
24          effective date.

25

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

27

28           Section 1. Section 403.705, Florida Statutes, is  
29 amended to read:

30

403.705 State solid waste management program.--

31

(1) The state solid waste management program shall:

1           (a) Have a goal of diverting by the year 2001 prior to  
2 disposal, through recycling, through the use of processed  
3 fuels derived from municipal solid waste used in industrial  
4 boilers, and through other waste-reduction measures at least  
5 30 percent of all municipal solid waste as defined in s.  
6 403.706(5) and other materials that would otherwise become  
7 municipal solid waste generated in the state. It is the  
8 responsibility of the department, in collaboration with state  
9 and local governments and the private sector, to achieve this  
10 goal;

11           (b)~~(a)~~ Provide guidelines for the orderly collection,  
12 transportation, storage, separation, processing, recovery,  
13 recycling, and disposal of solid waste throughout the state;

14           (c)~~(b)~~ Encourage coordinated local activity for solid  
15 waste management within a common geographical area;

16           (d)~~(c)~~ Investigate the present status of solid waste  
17 management in the state with positive proposals for local  
18 action to correct deficiencies in present solid waste  
19 management processes;

20           (e)~~(d)~~ Provide planning, technical, and financial  
21 assistance to local governments and state agencies for  
22 reduction, recycling, reuse, and processing of solid waste and  
23 for safe and environmentally sound solid waste management and  
24 disposal;

25           (f)~~(e)~~ Assist in the development of solid waste  
26 reduction and recycling programs to properly manage solid  
27 waste and conserve resources; and

28           (g)~~(f)~~ Provide for the education of the general public  
29 and the training of solid waste management professionals to  
30 reduce the production of solid waste, to ensure proper  
31

1 processing and disposal of solid waste, and to encourage  
2 recycling and solid waste reduction.

3 (2) The state solid waste management program shall be  
4 updated at least once every 3 years.

5 (3) The state solid waste management program shall  
6 include, at a minimum:

7 (a) Procedures and requirements to ensure cooperative  
8 efforts in solid waste management by counties and  
9 municipalities and groups of counties and municipalities where  
10 appropriate.

11 (b) Provisions for the continuation of existing  
12 effective regional resource recovery, recycling, and solid  
13 waste management facilities and programs.

14 (c) Planning guidelines and technical assistance to  
15 counties and municipalities to aid in meeting the diversion  
16 goal established in paragraph (1)(a)~~municipal solid waste~~  
17 ~~reduction goals established in s. 403.706(4).~~

18 (d) Planning guidelines and technical assistance to  
19 counties and municipalities to develop and implement recycling  
20 programs.

21 (e) Technical assistance to counties and  
22 municipalities in determining the full cost for solid waste  
23 management as required in s. 403.7049(1).

24 (f) Planning guidelines and technical assistance to  
25 counties and municipalities to develop and implement programs  
26 for alternative disposal or processing or recycling of the  
27 solid wastes prohibited from disposal in landfills under s.  
28 403.708(13) and for special wastes.

29 (g) A public education program, to be developed in  
30 cooperation with the Department of Education, local  
31 governments, other state agencies, and business and industry

1 organizations, to inform the public of the need for and the  
2 benefits of recycling of solid waste and reducing the amounts  
3 of solid and hazardous waste generated and disposed of in the  
4 state. The public education program shall be implemented  
5 through public workshops and through the use of brochures,  
6 reports, public service announcements, and other materials.

7 (4) The department shall prepare by December 1 each  
8 year a report on the status of solid waste management efforts  
9 in the state. The report shall include, at a minimum:

10 (a) A comprehensive analysis, to be updated in each  
11 report, of solid waste generation and disposal in the state  
12 projected for the 20-year period beginning on October 1, 1988.

13 (b) The total amounts of solid waste generated,  
14 materials recycled, and disposed of, and the methods of solid  
15 waste recycling and disposal used during the calendar year  
16 prior to the year in which the report is published.

17 (c) An evaluation of the development and  
18 implementation of local solid waste management programs and  
19 county and municipal recycling programs.

20 (d) An evaluation of the success of each county or  
21 group of counties in meeting the diversion goal established in  
22 paragraph (1)(a) municipal solid waste reduction goal  
23 established in s. 403.706(4).

24 (e) Recommendations concerning existing and potential  
25 programs for solid waste reduction and recycling that would be  
26 appropriate for local governments and state agencies to  
27 implement to meet the requirements of this act.

28 (f) An evaluation of the markets for recycled  
29 materials and the success of state, local, and private  
30 industry efforts to enhance the markets for such materials.

31

1 (g) Recommendations to the Governor and the  
2 Legislature to improve the management and recycling of solid  
3 waste in this state.

4 (5) The department shall develop descriptive  
5 literature to inform local governments of the solid waste  
6 management responsibilities and opportunities described in  
7 this act.

8 Section 2. Section 403.706, Florida Statutes, is  
9 amended to read:

10 403.706 Local government solid waste  
11 responsibilities.--

12 (1) The governing body of a county has the  
13 responsibility and power to provide for the operation of solid  
14 waste disposal facilities to meet the needs of all  
15 incorporated and unincorporated areas of the county. Unless  
16 otherwise approved by an interlocal agreement or special act,  
17 municipalities may not operate solid waste disposal facilities  
18 unless a municipality demonstrates by a preponderance of the  
19 evidence that the use of a county designated facility, when  
20 compared to alternatives proposed by the municipality, places  
21 a significantly higher and disproportionate financial burden  
22 on the citizens of the municipality when compared to the  
23 financial burden placed on persons residing within the county  
24 but outside of the municipality. However, a municipality may  
25 construct and operate a resource recovery facility and related  
26 onsite solid waste disposal facilities without an interlocal  
27 agreement with the county if the municipality can demonstrate  
28 by a preponderance of the evidence that the operation of such  
29 facility will not significantly impair financial commitments  
30 made by the county with respect to solid waste management  
31 services and facilities or result in significantly increased

1 solid waste management costs to the remaining persons residing  
2 within the county but not served by the municipality's  
3 facility. This section shall not prevent a municipality from  
4 continuing to operate or use an existing disposal facility  
5 permitted on or prior to October 1, 1988. Any municipality  
6 which establishes a solid waste disposal facility under this  
7 subsection and subsequently abandons such facility shall be  
8 responsible for the payment of any capital expansion necessary  
9 to accommodate the municipality's solid waste for the  
10 remaining projected useful life of the county disposal  
11 facility. Pursuant to this section and notwithstanding any  
12 other provision of this chapter, counties shall have the power  
13 and authority to adopt ordinances governing the disposal of  
14 solid waste generated outside of the county at the county's  
15 solid waste disposal facility. In accordance with this  
16 section, municipalities are responsible for collecting and  
17 transporting solid waste from their jurisdictions to a solid  
18 waste disposal facility operated by a county or operated under  
19 a contract with a county. Counties may charge reasonable fees  
20 for the handling and disposal of solid waste at their  
21 facilities. The fees charged to municipalities at a solid  
22 waste management facility specified by the county shall not be  
23 greater than the fees charged to other users of the facility  
24 except as provided in s. 403.7049(5). Solid waste management  
25 fees collected on a countywide basis shall be used to fund  
26 solid waste management services provided countywide.

27 (2) Each county shall initiate a recyclable materials  
28 recycling program. Counties and municipalities are encouraged  
29 to form cooperative arrangements for implementing recycling  
30 programs. The following requirements shall apply:  
31

1 (a) Construction and demolition debris must be  
2 separated from the solid waste stream and segregated in  
3 separate locations at a solid waste disposal facility or other  
4 permitted site.

5 (b) At a minimum, such programs shall be designed to  
6 recover a majority of the newspaper, aluminum cans, steel  
7 cans, glass, and plastic bottles from the solid waste stream  
8 prior to final disposal at a solid waste disposal facility and  
9 to offer these materials for recycling. Local governments  
10 which operate permitted waste-to-energy facilities may  
11 retrieve steel cans as a byproduct of combustion.

12 (c) Local governments are encouraged to separate all  
13 plastics, metal, and all grades of paper for recycling prior  
14 to final disposal and are further encouraged to recycle yard  
15 trash and other mechanically treated solid waste into compost  
16 available for agricultural and other acceptable uses.

17 (d) Each county shall consider plans for composting or  
18 mulching of organic materials that would otherwise be disposed  
19 of in a landfill. The composting or mulching plans must  
20 address partnership with the private sector.

21 (3) Each county shall ensure, to the maximum extent  
22 possible, that municipalities within its boundaries  
23 participate in the preparation and implementation of recycling  
24 and solid waste management programs through interlocal  
25 agreements pursuant to s. 163.01 or other means provided by  
26 law. Nothing in a county's solid waste management or recycling  
27 program shall affect the authority of a municipality to  
28 franchise or otherwise provide for the collection of solid  
29 waste generated within the boundaries of the municipality.

30 (4)~~(a)~~ A county's solid waste management and recycling  
31 programs shall be designed to meet the diversion goal

1 established in s. 403.705(1)(a).~~provide for sufficient~~  
2 ~~reduction of the amount of solid waste generated within the~~  
3 ~~county and the municipalities within its boundaries in order~~  
4 ~~to meet goals for the reduction of municipal solid waste prior~~  
5 ~~to the final disposal or the incineration of such waste at a~~  
6 ~~solid waste disposal facility. The goals shall provide, at a~~  
7 ~~minimum, that the amount of municipal solid waste that would~~  
8 ~~be disposed of within the county and the municipalities within~~  
9 ~~its boundaries is reduced by at least 30 percent by the end of~~  
10 ~~1994. In determining whether the municipal solid waste~~  
11 ~~reduction goal established by this subsection has been~~  
12 ~~achieved, no more than one-half of the goal may be met with~~  
13 ~~yard trash, white goods, construction and demolition debris,~~  
14 ~~and tires that are removed from the total amount of municipal~~  
15 ~~solid waste. However, if a county that is a special district~~  
16 ~~created by chapter 67-764, Laws of Florida, demonstrates that~~  
17 ~~yard trash, construction and demolition debris, white goods,~~  
18 ~~and waste tires comprise more than 50 percent of the municipal~~  
19 ~~solid waste generated in the county and municipalities within~~  
20 ~~its boundaries, the county may meet the reduction goal~~  
21 ~~established by this subsection by reducing the Class I~~  
22 ~~municipal solid waste generated in the county and~~  
23 ~~municipalities within its boundaries at a rate equal to the~~  
24 ~~average rate Class I municipal solid waste is reduced in the~~  
25 ~~20 most populous counties, as determined by the department for~~  
26 ~~the previous reporting period. As used in this subsection,~~  
27 ~~"Class I municipal solid waste" means municipal solid waste~~  
28 ~~other than yard trash, construction and demolition debris,~~  
29 ~~white goods, and waste tires.~~  
30       ~~(b) Notwithstanding the limitation on the waste~~  
31 ~~reduction goal in paragraph (a), a county may receive credit~~



1 ~~for one-half of the goal for waste reduction from one or a~~  
2 ~~combination of the following:~~

3       1. ~~The use of pelletized paper waste as a supplemental~~  
4 ~~fuel in permitted boilers other than waste-to-energy~~  
5 ~~facilities.~~

6       2. ~~The use of yard trash, or other clean wood waste or~~  
7 ~~paper waste, in innovative programs including, but not limited~~  
8 ~~to, programs that produce alternative clean-burning fuels such~~  
9 ~~as ethanol or that provide for the conversion of yard trash or~~  
10 ~~other clean wood waste or paper waste to clean-burning fuel~~  
11 ~~for the production of energy for use at facilities other than~~  
12 ~~a waste-to-energy facility as defined in s. 403.7895. The~~  
13 ~~provisions of this subparagraph only apply if a county can~~  
14 ~~demonstrate that:~~

15           a. ~~The county has implemented a yard trash mulching or~~  
16 ~~composting program, and~~

17           b. ~~As part of the program, compost and mulch made from~~  
18 ~~yard trash is available to the general public and in use at~~  
19 ~~county-owned or maintained and municipally owned or maintained~~  
20 ~~facilities in the county and state agencies operating in the~~  
21 ~~county as required by this section.~~

22           (c) ~~No facility, solely by virtue of the fact that it~~  
23 ~~uses processed yard trash or clean wood or paper waste as a~~  
24 ~~fuel source, shall be deemed to be a solid waste disposal~~  
25 ~~facility.~~

26           (d) ~~A county with a population of 50,000 or less may~~  
27 ~~provide its residents with the opportunity to recycle in lieu~~  
28 ~~of achieving the goal set forth in paragraph (a). For the~~  
29 ~~purposes of this subsection, the "opportunity to recycle"~~  
30 ~~means that the county:~~

31

1           ~~1.a. Provides a system for separating and collecting~~  
2 ~~recyclable materials prior to disposal that is located at a~~  
3 ~~solid waste management facility or solid waste disposal area;~~  
4 ~~or~~

5           ~~b. Provides a system of places within the county for~~  
6 ~~collection of source-separated recyclable materials.~~

7           ~~2. Provides a public education and promotion program~~  
8 ~~that is conducted to inform its residents of the opportunity~~  
9 ~~to recycle, encourages source separation of recyclable~~  
10 ~~materials, and promotes the benefits of reducing, reusing,~~  
11 ~~recycling, and composting materials.~~

12  
13 ~~If a county with a population of 50,000 or less decides to~~  
14 ~~provide the opportunity to recycle in lieu of achieving the~~  
15 ~~goal set forth in paragraph (a), the county shall notify the~~  
16 ~~department by October 1, 1993, of such decision, and shall~~  
17 ~~provide the department with a description of how the county~~  
18 ~~intends to provide the opportunity to recycle. The department~~  
19 ~~shall take into consideration the description provided by the~~  
20 ~~county in determining the amount of grant moneys to be~~  
21 ~~provided to the county pursuant to s. 403.7095.~~

22           ~~(5) As used in this section, "municipal solid waste"~~  
23 ~~includes any solid waste, except for sludge, resulting from~~  
24 ~~the operation of residential, commercial, governmental, or~~  
25 ~~institutional establishments that would normally be collected,~~  
26 ~~processed, and disposed of through a public or private solid~~  
27 ~~waste management service. The term includes yard trash but~~  
28 ~~does not include solid waste from industrial, mining, or~~  
29 ~~agricultural operations.~~

30           ~~(6) The department may reduce or modify the municipal~~  
31 ~~solid waste reduction goal that a county is required to~~

1 ~~achieve pursuant to subsection (4) if the county demonstrates~~  
2 ~~to the department that:~~

3 ~~(a) The achievement of the goal set forth in~~  
4 ~~subsection (4) would have an adverse effect on the financial~~  
5 ~~obligations of a county that are directly related to a~~  
6 ~~waste-to-energy facility owned or operated by or on behalf of~~  
7 ~~the county; and~~

8 ~~(b) The county cannot remove normally combustible~~  
9 ~~materials from solid waste that is to be processed at a~~  
10 ~~waste-to-energy facility because of the need to maintain a~~  
11 ~~sufficient amount of solid waste to ensure the financial~~  
12 ~~viability of the facility.~~

13  
14 ~~The goal shall not be waived entirely and may only be reduced~~  
15 ~~or modified to the extent necessary to alleviate the adverse~~  
16 ~~effects of achieving the goal on the financial viability of a~~  
17 ~~county's waste-to-energy facility. Nothing in this subsection~~  
18 ~~shall exempt a county from developing and implementing a~~  
19 ~~recycling program pursuant to this act.~~

20 ~~(6)(7)~~ In order to assist the department in assessing  
21 assess the state's progress in meeting the goal established in  
22 s.403.705(1)(a)~~subsection (4)~~, each county shall, by October  
23 each year, report to the department its annual solid waste  
24 management program and recycling activities. The report by  
25 the county must include:

26 (a) A description of its public education program on  
27 recycling;

28 (b) The amount of solid waste disposed of at solid  
29 waste disposal facilities, by type of waste such as yard  
30 trash, white goods, clean debris, tires, and unseparated solid  
31 waste;

1           ~~(c)~~ ~~The amount and type of materials from the solid~~  
2 ~~waste stream that were recycled;~~  
3           (c)~~(d)~~ The percentage of the population participating  
4 in various types of recycling activities instituted;  
5           (d)~~(e)~~ The percent reduction each year in municipal  
6 solid waste disposed of at solid waste disposal facilities;  
7           (e)~~(f)~~ A description of the recycling activities  
8 attempted, ~~their success rates,~~ the perceived reasons for  
9 failure or success, and the recycling activities that ~~which~~  
10 are ongoing and most successful; and  
11           (f)~~(g)~~ A description of the progress made toward  
12 developing a composting program for organic materials such as  
13 yard waste, food waste, and paper waste that would otherwise  
14 be disposed of in a landfill.  
15           (7)~~(8)~~ A county or municipality may enter into a  
16 written agreement with other persons, including persons  
17 transporting solid waste on October 1, 1988, to undertake to  
18 fulfill some or all of the county's or municipality's  
19 responsibilities under this section.  
20           (8)~~(9)~~ In the development and implementation of a  
21 curbside recyclable materials collection program, a county or  
22 municipality shall enter into negotiations with a franchisee  
23 who is operating to exclusively collect solid waste within a  
24 service area of a county or municipality to undertake curbside  
25 recyclable materials collection responsibilities for a county  
26 or municipality. If the county or municipality and such  
27 franchisee fail to reach an agreement within 60 days from the  
28 initiation of such negotiations, the county or municipality  
29 may solicit proposals from other persons to undertake curbside  
30 recyclable materials collection responsibilities for the  
31 county or municipality as it may require. Upon the

1 determination of the lowest responsible proposal, the county  
2 or municipality may undertake, or enter into a written  
3 agreement with the person who submitted the lowest responsible  
4 proposal to undertake, the curbside recyclable materials  
5 collection responsibilities for the county or municipality,  
6 notwithstanding the exclusivity of such franchise agreement.

7 (9)~~(10)~~ In developing and implementing recycling  
8 programs, counties and municipalities shall give consideration  
9 to the collection, marketing, and disposition of recyclable  
10 materials by persons engaged in the business of recycling on  
11 October 1, 1988, whether or not the persons were operating for  
12 profit. Counties and municipalities are encouraged to use  
13 for-profit and nonprofit organizations in fulfilling their  
14 responsibilities under this act.

15 (10)~~(11)~~ A county and the municipalities within the  
16 county's boundaries may jointly develop a recycling program,  
17 provided that the county and each such municipality must enter  
18 into a written agreement to jointly develop a recycling  
19 program. If a municipality does not participate in jointly  
20 developing a recycling program with the county within which it  
21 is located, the county may require the municipality to provide  
22 information on recycling efforts undertaken within the  
23 boundaries of the municipality in order to determine whether  
24 the goal for municipal solid waste reduction is being  
25 achieved.

26 (11)~~(12)~~ It is the policy of the state that a county  
27 and its municipalities may jointly determine, through an  
28 interlocal agreement pursuant to s. 163.01 or by requesting  
29 the passage of special legislation, which local governmental  
30 agency shall administer a solid waste management or recycling  
31 program.

1           (12)~~(13)~~ The county shall provide written notice to  
2 all municipalities within the county when recycling program  
3 development begins and shall provide periodic written progress  
4 reports to the municipalities concerning the preparation of  
5 the recycling program.

6           (13)~~(14)~~ Nothing in this act shall be construed to  
7 prevent the governing body of any county or municipality from  
8 providing by ordinance or regulation for solid waste  
9 management requirements which are stricter or more extensive  
10 than those imposed by the state solid waste management program  
11 and rules, regulations, and orders issued thereunder.

12           (14)~~(15)~~ Nothing in this act or in any rule adopted by  
13 any agency shall be construed to require any county or  
14 municipality to participate in any regional solid waste  
15 management or regional resource recovery program until the  
16 governing body of such county or municipality has determined  
17 that participation in such a program is economically feasible  
18 for that county or municipality. Nothing in this act or in any  
19 special or local act or in any rule adopted by any agency  
20 shall be construed to limit the authority of a municipality to  
21 regulate the disposal of solid waste within its boundaries or  
22 generated within its boundaries so long as a facility for any  
23 such disposal has been approved by the department, unless the  
24 municipality is included within a solid waste management  
25 program created by interlocal agreement or special or local  
26 act. If bonds had been issued to finance a resource recovery  
27 or management program or a solid waste management program in  
28 reliance on state law granting to a county the responsibility  
29 for the resource recovery or management program or a solid  
30 waste management program, nothing herein shall permit any  
31 governmental agency to withdraw from said program if said

1 agency's participation is necessary for the financial  
2 feasibility of the project, so long as said bonds are  
3 outstanding.

4 (15)~~(16)~~ Nothing in this chapter or in any rule  
5 adopted by any state agency hereunder shall require any person  
6 to subscribe to any private solid waste collection service.

7 (16)~~(17)~~ To effect the purposes of this part, counties  
8 and municipalities are authorized, in addition to other powers  
9 granted pursuant to this part:

10 (a) To contract with persons to provide resource  
11 recovery services or operate resource recovery facilities on  
12 behalf of the county or municipality.

13 (b) To indemnify persons providing resource recovery  
14 services or operating resource recovery facilities for  
15 liabilities or claims arising out of the provision or  
16 operation of such services or facilities that are not the  
17 result of the sole negligence of the persons providing such  
18 services or operating such facilities.

19 (c) To waive sovereign immunity and immunity from suit  
20 in federal court by vote of the governing body of the county  
21 or municipality to the extent necessary to carry out the  
22 authority granted in paragraphs (a) and (b), notwithstanding  
23 the limitations prescribed in s. 768.28.

24 (17)~~(18)~~ On and after July 1, 1989, each operator of a  
25 solid waste management facility owned or operated by or on  
26 behalf of a county or municipality, except existing facilities  
27 which will not be in use 1 year after October 1, 1988, shall  
28 weigh all solid waste when it is received. The scale used to  
29 measure the solid waste shall conform to the requirements of  
30 chapter 531 and any rules promulgated thereunder.

31

1           (18)~~(19)~~ A county listed in chapter 62-7 ~~17-7~~, Florida  
2 Administrative Code, which was required to submit to the  
3 department a local resource recovery and management program  
4 shall revise its existing local resource recovery and  
5 management program if necessary to meet the requirements of  
6 this act.

7           (19)~~(20)~~ In the event the power to manage solid waste  
8 has been granted to a special district or other entity by  
9 special act or interlocal agreement, any duty or  
10 responsibility or penalty imposed under this part on a county  
11 or municipality shall apply to such special district or other  
12 entity to the extent of the grant of such duty or  
13 responsibility or imposition of such penalty. To the same  
14 extent, such special district or other entity shall be  
15 eligible for grants or other benefits provided pursuant to  
16 this part.

17           ~~(21) In addition to any other penalties provided by~~  
18 ~~law, a local government that does not comply with the~~  
19 ~~requirements of subsections (2) and (4) shall not be eligible~~  
20 ~~for grants from the Solid Waste Management Trust Fund, and the~~  
21 ~~department may notify the State Treasurer to withhold payment~~  
22 ~~of all or a portion of funds payable to the local government~~  
23 ~~by the department from the General Revenue Fund or by the~~  
24 ~~department from any other state fund, to the extent not~~  
25 ~~pledged to retire bonded indebtedness, unless the local~~  
26 ~~government demonstrates that good faith efforts to meet the~~  
27 ~~requirements of subsections (2) and (4) have been made or that~~  
28 ~~the funds are being or will be used to finance the correction~~  
29 ~~of a pollution control problem that spans jurisdictional~~  
30 ~~boundaries.~~

31



1           (20)~~(22)~~ Local governments are authorized to enact  
2 ordinances that require and direct all residential properties  
3 and industrial, commercial, and institutional establishments  
4 as defined by the local government to establish programs for  
5 the separation of recyclable materials designated by the local  
6 government, which recyclable materials are specifically  
7 intended for purposes of recycling and for which a market  
8 exists, and to provide for their collection. Such ordinances  
9 may include, but are not limited to, provisions that prohibit  
10 any person from knowingly disposing of recyclable materials  
11 designated by the local government and that ensure the  
12 collection of recovered materials as necessary to protect  
13 public health and safety.

14           (21)~~(23)~~ Nothing in this act shall limit the authority  
15 of the state or any local government to regulate the  
16 collection, transportation, processing, or handling of  
17 recovered materials or solid waste in order to protect the  
18 public health, safety, and welfare.

19           Section 3. Section 403.7095, Florida Statutes, is  
20 amended to read:

21           403.7095 Solid waste management grant program.--

22           (1) The department shall develop a grant program to  
23 enable counties and municipalities to operate solid waste  
24 management recycling and education programs to carry out the  
25 purposes of this section. Counties and municipalities are  
26 encouraged to form interlocal agreements to implement solid  
27 waste recycling and education programs.

28           (2) Twenty-five percent of the funds available for  
29 recycling and education grants in subsections (4) and (5)  
30 shall be distributed as base portions of grants to counties  
31 and to municipalities with populations over 50,000. The base

1 portion of grants shall be awarded in equal amounts to all  
2 applicants determined eligible by the department according to  
3 the provisions of this section.

4 (3) Seventy-five percent of the funds available for  
5 recycling and education grants in subsections (4) and (5)  
6 shall be distributed as incentive portions of grants based on  
7 the formula set forth in this subsection. Each county and  
8 each municipality with a population of greater than 50,000 may  
9 apply for the incentive portions of recycling and education  
10 grants individually, and counties may apply individually or in  
11 conjunction with other municipalities.

12 (a) Effective July 1, 1998, applicants for incentive  
13 grants must:

14 1. Ensure the provision of an adequate and convenient  
15 level of recycling service to single-family and multifamily  
16 residential areas.

17 2. Ensure the collection of glass, newspaper, aluminum  
18 cans, steel cans, and plastic bottles.

19 3. Provide technical assistance and education programs  
20 specifically designed to increase recycling in the commercial  
21 sector.

22 4. Have sufficient resources available to administer  
23 the program.

24 5. Have a procurement policy for the purchase of  
25 products or materials with recycled content.

26 6. Demonstrate that the materials to be collected or  
27 processed, or both, are not presently being recovered to the  
28 extent necessary to meet the goal established in s.

29 403.705(1)(a) and will not otherwise be recovered except by  
30 the proposed recycling or composting project.

31

1           7. Provide a description of how the private recycling  
2 infrastructure has been used in carrying out the recycling  
3 program.

4           **(b)**~~(a)~~ The incentive portions of grants shall be  
5 available to municipalities with populations greater than  
6 50,000 applying individually on a 50-percent matching basis.  
7 The incentive portion of grants shall be available to counties  
8 with unincorporated populations of greater than 50,000 ~~30,000~~  
9 applying individually or in combination with municipalities  
10 within the county on a 50-percent matching basis, except for  
11 such grant applications meeting the requirements of paragraph  
12 ~~(d)~~**(d)**~~(e)~~. Counties with populations of 50,000 ~~30,000~~ or less  
13 applying individually or in combination with municipalities  
14 within the county shall not be required to match incentive  
15 portions of grants.

16           **(c)**~~(b)~~ In all cases, the incentive portions of grants  
17 shall be distributed based proportionately on the total  
18 population of each county and the municipalities within the  
19 counties applying jointly during a grant period. Counties  
20 shall be credited only with the population of the  
21 unincorporated areas, and municipalities shall be credited  
22 with their total population.

23           **(d)**~~(c)~~ However, the incentive portion of grants shall  
24 be available without a required match to counties with  
25 incorporated and unincorporated populations of greater than  
26 50,000 ~~30,000~~ jointly applying with municipalities  
27 constituting at least 75 percent of the total incorporated  
28 population within the county; except that when a county has at  
29 least one municipality within it that has a population  
30 exceeding 25 percent of the incorporated population of the  
31 county, such county shall not be required to match if

1 municipalities constituting at least 75 percent of the  
2 remaining incorporated population of such county apply jointly  
3 with such county.

4 (e)~~(d)~~ Population of municipalities shall be  
5 determined by the most recent population census determination  
6 under s. 186.901.

7 (f)~~(e)~~ To effectuate the intent of this subsection,  
8 counties and municipalities shall enter into interlocal  
9 agreements that determine how the grant funds shall be used.  
10 These agreements shall be part of the joint grant application.

11 (4)(a) Solid waste recycling grants shall provide  
12 funding for capital costs and operating subsidies to assist  
13 local governments in recycling paper, glass, plastic,  
14 construction and demolition debris, white goods, and metals  
15 and in composting organic materials.

16 (b) The department shall consider the following  
17 factors in selecting recipients of recycling program grants:

- 18 1. The likelihood of project success.
- 19 2. The availability of an appropriate site.
- 20 3. ~~A demonstration by the local government that the~~  
21 ~~materials to be collected or processed, or both, are not~~  
22 ~~presently being recovered to the extent necessary to meet the~~  
23 ~~goal established in s. 403.706(4) and would not be so~~  
24 ~~recovered otherwise but for the proposed recycling or~~  
25 ~~composting project.~~

26 3.4. The business and accounting plans for the  
27 proposed project.

28 4.5. The need for a new or expanded recycling program  
29 in the area to be served relative to the needs of other areas  
30 in the state.

31

1           5.6. The availability of capacity at existing  
2 permitted solid waste management facilities and recovered  
3 materials processing facilities that serve the area to be  
4 served by the proposed recycling program.

5           6.7. The demonstrated municipal, community, private  
6 recycling industry, or volunteer interest in undertaking the  
7 recycling project.

8           (c) The department shall determine grant eligibility  
9 after receiving an application for a recycling grant from a  
10 local government.

11           (d) The department may not approve a grant unless the  
12 appropriate county or municipality provides sufficient data  
13 justifying the proposed program.

14           (e) The department may reduce grants, eliminate  
15 grants, or place conditions upon grants to a local government  
16 if insufficient progress is being made by the local government  
17 in meeting the goal set forth in s. 403.705(1)(a)~~s.~~  
18 ~~403.706(4)~~, in procuring products made with recycled content  
19 as required by s. 403.7065, in complying with s. 403.7049 and  
20 applicable department rules regarding full cost accounting, or  
21 in meeting any other state requirements for solid waste  
22 management.

23           (5)(a) Solid waste education grants shall provide  
24 funds to local governments to promote recycling, volume  
25 reduction, the proper disposal of solid wastes, and market  
26 development for recyclable materials.

27           (b) The department shall consider the following  
28 factors in selecting recipients of solid waste education  
29 grants:

30           1. Whether the education program has measurable  
31 objectives.

- 1           2. The type and extent of followup or evaluation.  
2           3. The level of commitment by local officials.  
3           4. The extent to which the local government commits  
4 its own financial resources to the education project.  
5           5. The extent to which selection of the project  
6 contributes to the achievement of a balanced distribution of  
7 grants throughout the state.

8           (c) The department may not approve a grant unless a  
9 local recycling project is planned or under way and the  
10 proposed education project directly promotes the use of that  
11 project.

12           (6) Each eligible county or municipality, or  
13 combination thereof acting under an interlocal agreement,  
14 which requests grants pursuant to this section shall include  
15 the following items as part of the grant application:

16           (a) A description of the type and the weight of solid  
17 waste generated within the county's or municipality's  
18 boundaries and the general type and the weight of solid waste  
19 that will be generated within the county's or municipality's  
20 boundaries in the 20-year period beginning on October 1, 1988.

21           (b) An identification and description of the  
22 facilities where solid waste is being disposed of or  
23 processed, the remaining available permitted capacity of such  
24 facilities, any anticipated increases in the capacity of such  
25 facilities.

26           (c) An analysis of the effect of current and planned  
27 recycling on solid waste disposed.

28           (d) A description and evaluation of solid waste that  
29 could be recycled, including, but not limited to:

- 30           1. The type and weight of solid waste that could be  
31 recycled, giving consideration at a minimum to the following

1 materials: glass, aluminum, steel and bimetallic materials,  
2 office paper, yard trash, newsprint, corrugated paper, and  
3 plastics.

4           2. The compatibility of recycling with other solid  
5 waste processing or disposal methods, describing anticipated  
6 and available markets for materials collected through  
7 recycling programs, which markets ensure that those materials  
8 are returned to use in the form of raw materials or products.

9           3. Estimated costs of and revenue from operating and  
10 maintaining a recycling program.

11           4. An explanation of how anticipated solid waste  
12 reduction or recycling will affect the type and size of any  
13 proposed solid waste management facility.

14           (e) An explanation of how the recycling program  
15 relates to the future land use elements; sanitary sewer, solid  
16 waste, drainage, potable water, and natural groundwater  
17 aquifer recharge elements; intergovernmental coordination  
18 elements; and capital improvements elements of the local  
19 government comprehensive plans prepared pursuant to part II of  
20 chapter 163 by the county or the municipality.

21           (f) A description of how the county's or  
22 municipality's existing recycling programs will be continued.  
23 The continued programs shall be based on the recycling program  
24 initiated under s. 403.706(2) and, in addition to yard trash,  
25 shall involve the recycling of at least the materials required  
26 to be separated pursuant to s. 403.706(2). Such description  
27 must demonstrate that the allocation of grant money will be  
28 used to provide for recycling the required materials for both  
29 single-family units and multifamily dwellings.

30           (g) The recycling or waste reduction program shall  
31 contain at a minimum:

1           1. An explanation of the manner in which the recycling  
2 or waste reduction program will be implemented.

3           2. A timetable for the continued development and  
4 implementation of the recycling or waste reduction program.

5           3. Any contracts or agreements entered into or  
6 summaries of contemplated agreements or contracts to develop  
7 and implement the recycling or waste reduction program.

8           4. The estimated costs of the recycling or waste  
9 reduction program, including a description of the estimated  
10 avoided or added costs of solid waste disposal or processing  
11 resulting from the implementation of the recycling program.

12

13 The recycling or waste reduction program shall serve as the  
14 primary means of meeting the diversion goal ~~goals~~ established  
15 ~~for municipal solid waste reduction in s. 403.705(1)(a)s-~~  
16 ~~403.706(4).~~

17           (h) A description of a public education program for  
18 the recycling or waste reduction program.

19           (i) A description for a program for the management of  
20 special wastes. The county or municipality shall work with the  
21 construction industry to plan for and identify suitable  
22 construction and demolition debris disposal sites.

23           ~~(j) A description of how the private recycling~~  
24 ~~infrastructure has been used in carrying out the recycling~~  
25 ~~program. If the department finds that the local government~~  
26 ~~recycling program has failed to consider the use of recycling~~  
27 ~~efforts of the private sector, the department may restrict the~~  
28 ~~grants to that local government.~~

29

(7)

30           (a) Annual solid waste and recycling grants shall be  
31 available to counties with populations of fewer than 100,000.



1 The sum of \$50,000 shall be available annually to each  
2 eligible county from the Solid Waste Management Trust Fund  
3 through June 30, 1998. These grants shall be made by October  
4 1 of each year to any county applying to the department prior  
5 to August 1 of any given year.

6 (b) A county may use the grants authorized by this  
7 subsection for purchasing or repairing solid waste weight  
8 scales, annual solid waste management program operating costs,  
9 planning, construction, and maintenance of solid waste  
10 management facilities or recycling facilities, solid waste  
11 management education for employees or the public, or recycling  
12 demonstration projects. Counties which do not have operational  
13 weight scales at solid waste disposal facilities operated by  
14 or for the counties must purchase or require purchase of such  
15 scales or repair or require repair of inoperable scales prior  
16 to using the annual grant for any other authorized uses.

17 (8) For fiscal year 1997-1998 the department shall  
18 provide counties with populations under 100,000 with at least  
19 the same level of funding they received in fiscal year  
20 1996-1997 for solid waste management and recycling grants.

21 (9) For fiscal year 1997-1998 the department shall  
22 provide 10 percent of the total funds available after the  
23 requirements of subsection (8) are met for recycling grants  
24 available to all counties on a competitive basis for  
25 innovative programs that meet one or more of the following  
26 criteria:

27 (a) Demonstrate advanced technologies or processes.

28 (b) Collect and recycle nontraditional materials.

29 (c) Demonstrate substantial improvement in program  
30 cost-effectiveness and efficiency as measured against  
31 statewide average costs for the same or similar programs.

1 (d) Demonstrate transferability of technology and  
2 processes used in program.

3 (e) Demonstrate and implement multicounty or regional  
4 recycling programs.

5 Section 4. The provisions of section 403.7095, Florida  
6 Statutes, relating to recycling grants shall be reviewed by  
7 the Legislature prior to October 1, 2002, and a determination  
8 made regarding the need to continue state funding of these  
9 activities.

10 Section 5. This act shall take effect July 1, 1998.

11 \*\*\*\*\*

12 SENATE SUMMARY

13  
14 Requires the state solid waste management program to have  
15 a diversion goal by the year 2001. Requires that a  
16 county's solid waste management and recycling program be  
17 designed to meet the state goal. Provides criteria for a  
18 local government's eligibility to receive recycling  
19 incentive grants. Directs the Legislature to review the  
20 recycling grant program by October 1, 2002.  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31