

By the Committee on Rules & Calendar and Representative
Constantine

1 A bill to be entitled
2 An act relating to the Florida Statutes;
3 repealing various statutory provisions that
4 have become obsolete, have had their effect,
5 have served their purpose, or have been
6 impliedly repealed or superseded; amending s.
7 161.163, F.S.; deleting an obsolete deadline
8 for designation of coastal areas to be used by
9 sea turtles for nesting; amending s. 161.56,
10 F.S.; deleting an obsolete deadline for
11 submission to the Administration Commission of
12 lists of local governments having coastal zones
13 which have not provided evidence of adoption of
14 the required building code; repealing s.
15 253.033(3)(b), F.S., relating to conveyance of
16 portions of the Graves tract to the City of
17 North Miami; repealing s. 259.032(15), F.S.,
18 relating to use of funds of the Conservation
19 and Recreation Lands Trust Fund to provide
20 grants to local governments for public outdoor
21 recreation purposes; repealing ss. 369.311 and
22 369.313, F.S., relating to state policy and a
23 pilot project on protection of the Wekiva River
24 System; repealing s. 376.11(7), F.S., relating
25 to use of funds of the Florida Coastal
26 Protection Trust Fund to fund statewide beach
27 renourishment, restoration, and inlet
28 management plans; repealing s. 376.185, F.S.,
29 relating to budget approval for funding
30 enforcement of the Pollutant Discharge
31 Prevention and Control Act; amending s. 376.11,

1 F.S.; removing a cross reference, to conform;
2 repealing s. 376.30713(5), F.S., relating to a
3 report on the preapproved advanced cleanup
4 program; repealing s. 377.02, F.S., relating to
5 the form of the interstate compact to conserve
6 oil and gas; repealing s. 403.085(2) and (4),
7 F.S., relating to deadlines for certain
8 sanitary sewage disposal units to provide for
9 secondary or other ordered waste treatment;
10 amending s. 403.086, F.S.; deleting a provision
11 setting a deadline for certain sanitary sewage
12 disposal facilities to provide for secondary
13 and any ordered advanced waste treatment;
14 amending ss. 403.067 and 403.0882, F.S., and s.
15 1, ch. 99-166, Laws of Florida; revising cross
16 references, to conform; amending s. 403.0872,
17 F.S.; deleting provisions relating to temporary
18 exemption of certain air pollution sources from
19 annual operation license fees and a deadline
20 for audit of the major stationary source
21 air-operation permit program; repealing s.
22 403.08851, F.S., relating to implementation of
23 the state National Pollutant Discharge
24 Elimination System (NPDES) Program; repealing
25 s. 403.1826(6)(b), F.S., relating to a
26 temporary waiver from accumulation requirements
27 of the Florida Water Pollution Control and
28 Sewage Treatment Plant Grant Act; repealing s.
29 403.221, F.S., relating to proceedings pending
30 at the time of adoption of the Florida Air and
31 Water Pollution Control Act; amending s.

1 403.7046, F.S.; deleting an obsolete date
2 relating to regulation of recovered materials;
3 amending s. 403.703, F.S.; correcting a cross
4 reference; amending s. 403.7049, F.S.; deleting
5 obsolete dates relating to local government
6 determination and notification of the full cost
7 for solid waste management; amending s.
8 403.706, F.S.; deleting an obsolete date
9 relating to the requirement to weigh solid
10 waste received by a solid waste management
11 facility; amending s. 403.707, F.S.; deleting
12 an obsolete date relating to solid waste
13 management facility permits; amending s.
14 403.708, F.S.; deleting obsolete dates relating
15 to beverage container and packaging
16 requirements; repealing s. 403.7095(8) and (9),
17 F.S., relating to funding of the solid waste
18 management grant program for fiscal year
19 1999-2000; amending s. 403.716, F.S.; deleting
20 obsolete dates relating to training of
21 operators of landfills, waste-to-energy
22 facilities, biomedical waste incinerators, or
23 mobile soil thermal treatment units or
24 facilities; amending s. 403.718, F.S.; deleting
25 obsolete dates relating to imposition of waste
26 tire fees; amending s. 403.7186, F.S.; deleting
27 obsolete dates relating to environmentally
28 sound management of mercury-containing devices
29 and lamps; amending s. 403.7191, F.S.; deleting
30 obsolete dates relating to reduction of toxics
31 in packaging; amending s. 403.7192, F.S.;

1 deleting obsolete provisions relating to
2 requirements for manufacturers, sellers, and
3 consumers with respect to batteries; repealing
4 s. 403.7199, F.S., relating to the Florida
5 Packaging Council; repealing s. 403.724(5),
6 F.S., relating to an obsolete deadline for
7 hazardous waste facilities to comply with
8 financial responsibility requirements; amending
9 s. 403.7265, F.S.; deleting an obsolete
10 deadline for development of the local hazardous
11 waste collection program; amending s. 403.767,
12 F.S.; deleting an obsolete date relating to
13 certification of used oil transporters;
14 amending s. 403.769, F.S.; deleting an obsolete
15 date relating to development of the permitting
16 system for used oil processing facilities;
17 repealing ch. 533, F.S., relating to mining
18 wastes; providing an effective date.

19

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

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22 Section 1. Section 161.163, Florida Statutes, is
23 amended to read:

24

25 161.163 Coastal areas used by sea turtles;
26 rules.--~~Within 2 years of July 1, 1986,~~The department shall
27 adopt by rule a designation of coastal areas which are
28 utilized, or are likely to be utilized, by sea turtles for
29 nesting. The department shall also adopt by rule guidelines
30 for local government regulations that control beachfront
31 lighting to protect hatching sea turtles.

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1 Section 2. Subsection (2) of section 161.56, Florida
2 Statutes, is amended to read:

3 161.56 Establishment of local enforcement.--

4 (2) Each local government shall provide evidence to
5 the state land planning agency that it has adopted a building
6 code pursuant to this section. ~~Within 90 days after January~~
7 ~~1, 1987,~~The state land planning agency shall submit to the
8 Administration Commission a list of those local governments
9 which have not submitted such evidence of adoption. The sole
10 issue before the Administration Commission shall be whether or
11 not to impose sanctions pursuant to s. 163.3184(11)(8).

12 Section 3. Paragraph (b) of subsection (3) of section
13 253.033, Florida Statutes, is repealed.

14 Section 4. Subsection (15) of section 259.032, Florida
15 Statutes, is repealed.

16 Section 5. Sections 369.311 and 369.313, Florida
17 Statutes, are repealed.

18 Section 6. Subsection (7) of section 376.11, Florida
19 Statutes, is repealed.

20 Section 7. Section 376.185, Florida Statutes, is
21 repealed.

22 Section 8. Paragraph (a) of subsection (4) of section
23 376.11, Florida Statutes, is amended to read:

24 376.11 Florida Coastal Protection Trust Fund.--

25 (4) Moneys in the Florida Coastal Protection Trust
26 Fund shall be disbursed for the following purposes and no
27 others:

28 (a) Administrative expenses, personnel expenses, and
29 equipment costs of the department and the Fish and Wildlife
30 Conservation Commission related to the enforcement of ss.
31 376.011-376.21 ~~subject to s. 376.185.~~

1 Section 9. Subsection (5) of section 376.30713,
2 Florida Statutes, is repealed.

3 Section 10. Section 377.02, Florida Statutes, is
4 repealed.

5 Section 11. Subsections (2) and (4) of section
6 403.085, Florida Statutes, are repealed.

7 Section 12. Section 403.086, Florida Statutes, is
8 amended to read:

9 403.086 Sewage disposal facilities; advanced and
10 secondary waste treatment.--

11 (1)(a) Neither the Department of Health nor any other
12 state agency, county, special district, or municipality shall
13 approve construction of any facilities for sanitary sewage
14 disposal which do not provide for secondary waste treatment
15 and, in addition thereto, advanced waste treatment as deemed
16 necessary and ordered by the department.

17 (b) No facilities for sanitary sewage disposal
18 constructed after June 14, 1978, shall dispose of any wastes
19 by deep well injection without providing for secondary waste
20 treatment and, in addition thereto, advanced waste treatment
21 deemed necessary by the department to protect adequately the
22 beneficial use of the receiving waters.

23 (c) Notwithstanding any other provisions of this
24 chapter or chapter 373, facilities for sanitary sewage
25 disposal may not dispose of any wastes into Old Tampa Bay,
26 Tampa Bay, Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound,
27 Clearwater Bay, Sarasota Bay, Little Sarasota Bay, Roberts
28 Bay, Lemon Bay, or Charlotte Harbor Bay, or into any river,
29 stream, channel, canal, bay, bayou, sound, or other water
30 tributary thereto, without providing advanced waste treatment,
31 ~~as defined in subsection (4),~~ approved by the department. This

1 paragraph shall not apply to facilities which were permitted
2 by February 1, 1987, and which discharge secondary treated
3 effluent, followed by water hyacinth treatment, to tributaries
4 of tributaries of the named waters; or to facilities permitted
5 to discharge to the nontidally influenced portions of the
6 Peace River.

7 ~~(2) Any facilities for sanitary sewage disposal~~
8 ~~existing on July 1, 1971, shall provide for secondary waste~~
9 ~~treatment by January 1, 1973, and, in addition thereto,~~
10 ~~advanced waste treatment as deemed necessary and ordered by~~
11 ~~the former Department of Pollution Control, its successor, the~~
12 ~~former Department of Environmental Regulation, or its~~
13 ~~successor, the Department of Environmental Protection. Failure~~
14 ~~to conform by said date shall be punishable by a civil penalty~~
15 ~~of \$500 for each 24-hour day or fraction thereof that such~~
16 ~~failure is allowed to continue thereafter.~~

17 (2)~~(3)~~ This section shall not be construed to prohibit
18 or regulate septic tanks or other means of individual waste
19 disposal which are otherwise subject to state regulation.

20 (3)~~(4)~~ For purposes of this section, the term
21 "advanced waste treatment" means that treatment which will
22 provide a reclaimed water product that:

23 (a) Contains not more, on a permitted annual average
24 basis, than the following concentrations:

- 25 1. Biochemical Oxygen Demand (CBOD5).....5mg/l
26 2. Suspended Solids.....5mg/l
27 3. Total Nitrogen, expressed as N.....3mg/l
28 4. Total Phosphorus, expressed as P.....1mg/l

29 (b) Has received high level disinfection, as defined
30 by rule of the department.

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1 In those waters where the concentrations of phosphorus have
2 been shown not to be a limiting nutrient or a contaminant, the
3 department may waive or alter the compliance levels for
4 phosphorus until there is a demonstration that phosphorus is a
5 limiting nutrient or a contaminant.

6 (4)~~(5)~~(a) Notwithstanding any other provisions of this
7 chapter or chapter 373, when a reclaimed water product has
8 been established to be in compliance with the standards set
9 forth in subsection~~(3)~~~~(4)~~, that water shall be presumed to
10 be allowable, and its discharge shall be permitted in the
11 waters described in paragraph (1)(c) at a reasonably
12 accessible point where such discharge results in minimal
13 negative impact. This presumption may be overcome only by a
14 demonstration that one or more of the following would occur:

15 1. That the discharge of reclaimed water that meets
16 the standards set forth in subsection~~(3)~~~~(4)~~will be, by
17 itself, a cause of considerable degradation to an Outstanding
18 Florida Water or to other waters and is not clearly in the
19 public interest.

20 2. That the reclaimed water discharge will have a
21 substantial negative impact on an approved shellfish
22 harvesting area or a water used as a public domestic water
23 supply.

24 3. That the increased volume of fresh water
25 contributed by the reclaimed water product will seriously
26 alter the natural fresh-salt water balance of the receiving
27 water after reasonable opportunity for mixing.

28 (b) If one or more of the conditions described in
29 subparagraphs (a)1.-3. have been demonstrated, remedies may
30 include, but are not limited to, the following:

31 1. Require more stringent effluent limitations;

- 1 2. Order the point or method of discharge changed;
2 3. Limit the duration or volume of the discharge; or
3 4. Prohibit the discharge only if no other alternative
4 is in the public interest.

5 (5)~~(6)~~ As of July 10, 1987, any facility covered in
6 paragraph (1)(c) shall be permitted to discharge if it meets
7 the standards set forth in subsections (3)~~(4)~~ and (4)~~(5)~~.

8 Facilities that do not meet the standards in subsections (3)
9 ~~(4)~~ and (4)~~(5)~~ as of July 10, 1987, may be permitted to
10 discharge under existing law until October 1, 1990. On and
11 after October 1, 1990, all of the facilities covered in
12 paragraph (1)(c) shall be required to meet the standards set
13 forth in subsections (3)~~(4)~~ and (4)~~(5)~~.

14 (6)~~(7)~~(a) The department shall allow backup discharges
15 pursuant to permit only. The backup discharge shall be limited
16 to 30 percent of the permitted reuse capacity on an annual
17 basis. For purposes of this subsection, a "backup discharge"
18 is a surface water discharge that occurs as part of a
19 functioning reuse system which has been permitted under
20 department rules and which provides reclaimed water for
21 irrigation of public access areas, residential properties, or
22 edible food crops, or for industrial cooling or other
23 acceptable reuse purposes. Backup discharges may occur during
24 periods of reduced demand for reclaimed water in the reuse
25 system.

26 (b) Notwithstanding any other provisions of this
27 chapter or chapter 373, backup discharges of reclaimed water
28 meeting the standards as set forth in subsection (3)~~(4)~~ shall
29 be presumed to be allowable and shall be permitted in all
30 waters in the state at a reasonably accessible point where
31 such discharge results in minimal negative impact. Wet weather

1 discharges as provided in s. 2(3)(c), chapter 90-262, Laws of
2 Florida, shall include backup discharges as provided in this
3 section. The presumption of the allowability of a backup
4 discharge may be overcome only by a demonstration that one or
5 more of the following conditions is present:

6 1. The discharge will be to an Outstanding Florida
7 Water, except as provided in chapter 90-262, Laws of Florida;
8 2. The discharge will be to Class I or Class II
9 waters;

10 3. The increased volume of fresh water contributed by
11 a backup discharge will seriously alter the natural freshwater
12 to saltwater balance of receiving waters after reasonable
13 opportunity for mixing;

14 4. The discharge will be to a water body having a
15 pollutant load reduction goal established by a water
16 management district or the department, and the discharge will
17 cause or contribute to a violation of the established goal;

18 5. The discharge fails to meet the requirements of the
19 antidegradation policy contained in department rules; or
20 6. The discharge will be to waters that the department
21 determines require more stringent nutrient limits than those
22 set forth in subsection (3)~~(4)~~.

23 (c) Any backup discharge shall be subject to the
24 provisions of the antidegradation policy contained in
25 department rules.

26 (d) If one or more of the conditions described in
27 paragraph (b) have been demonstrated, a backup discharge may
28 still be allowed in conjunction with one or more of the
29 remedies provided in paragraph (4)~~(5)~~(b) or other suitable
30 measures.
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1 (e) The department shall allow lower levels of
2 treatment of reclaimed water if the applicant affirmatively
3 demonstrates that water quality standards will be met during
4 periods of backup discharge and if all other requirements of
5 this subsection are met.

6 (7)~~(8)~~ The department may require backflow prevention
7 devices on potable water lines within reclaimed water service
8 areas to protect public health and safety. The department
9 shall establish rules that determine when backflow prevention
10 devices on potable water lines are necessary and when such
11 devices are not necessary.

12 Section 13. Paragraph (b) of subsection (7) of section
13 403.067, Florida Statutes, is amended to read:

14 403.067 Establishment and implementation of total
15 maximum daily loads.--

16 (7) IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.--

17 (b) In developing and implementing the total maximum
18 daily load allocation, the department may develop a basin
19 plan. The basin plan will serve to fully integrate all the
20 management strategies available to the state for the purpose
21 of achieving water quality restoration. The basin planning
22 process is intended to involve the broadest possible range of
23 interested parties, with the objective of encouraging the
24 greatest amount of cooperation and consensus possible. The
25 department shall hold at least one public meeting in the
26 vicinity of the basin to discuss and receive comments during
27 the basin planning process and shall otherwise encourage
28 public participation to the greatest practical extent. Notice
29 of the public meeting shall be published in a newspaper of
30 general circulation in each county in which the basin lies not
31 less than 5 days nor more than 15 days before the public

1 meeting. A basin plan shall not supplant or otherwise alter
2 any assessment made under s. 403.086~~(2)(3)~~and~~(3)(4)~~, or any
3 calculation or allocation made under s. 403.086~~(5)(6)~~.

4 Section 14. Paragraph (a) of subsection (3) of section
5 403.0882, Florida Statutes, is amended to read:

6 403.0882 Discharge of demineralization concentrate.--

7 (3)(a) The discharge of demineralization concentrate
8 from small water utility businesses meeting the standards set
9 forth in this section and s. 403.086~~(3)(4)~~shall be presumed
10 to be allowable and permittable in all waters in the state at
11 a reasonably accessible point where such discharge results in
12 minimal negative impact as demonstrated by the permit
13 applicant. The presumption may be overcome only by a
14 demonstration that one or more of the following conditions is
15 present:

16 1. The discharge will be made directly into an
17 Outstanding Florida Water, except as provided in chapter
18 90-262, Laws of Florida;

19 2. The discharge will be made directly to Class I or
20 Class II waters;

21 3. The discharge will be made to a water body having a
22 total maximum daily load established by the department and the
23 discharge will cause or contribute to a violation of the
24 established load;

25 4. The discharge fails to meet the requirements of the
26 antidegradation policy contained in the department rules;

27 5. The discharge will be made to a sole-source aquifer
28 as defined in department rules; or

29 6. The discharge fails to meet applicable surface
30 water and groundwater quality standards.

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1 Section 15. Subsection (3) of section 1 of chapter
2 99-166, Laws of Florida, is amended to read:

3 Section 1. Elimination of sewage treatment facility
4 discharges into coastal waters within Pasco County.--

5 (3) The Department of Environmental Protection may
6 grant an exception to subsections (1) or (2) only in the
7 following circumstances:

8 (a) The applicant conclusively demonstrates that no
9 other practical alternative exists, the discharge will receive
10 advanced waste treatment as defined in s. 403.086~~(3)~~~~(4)~~,
11 Florida Statutes, or a higher level of treatment, and the
12 applicant conclusively demonstrates that the proposed
13 discharge will not result in a violation of water quality
14 standards; or

15 (b) The applicant's discharge is a limited wet weather
16 surface water discharge serving as a backup to a reuse system
17 pursuant to s. 403.086~~(6)~~~~(7)~~(a), Florida Statutes, and will
18 not cause a violation of state water quality standards and is
19 subject to the requirements of department rules.

20 Section 16. Paragraphs (a) and (c) of subsection (11)
21 of section 403.0872, Florida Statutes, are amended to read:

22 403.0872 Operation permits for major sources of air
23 pollution; annual operation license fee.--Provided that
24 program approval pursuant to 42 U.S.C. s. 7661a has been
25 received from the United States Environmental Protection
26 Agency, beginning January 2, 1995, each major source of air
27 pollution, including electrical power plants certified under
28 s. 403.511, must obtain from the department an operation
29 permit for a major source of air pollution under this section,
30 which is the only department operation permit for a major
31 source of air pollution required for such source. Operation

1 permits for major sources of air pollution, except general
2 permits issued pursuant to s. 403.814, must be issued in
3 accordance with the following procedures and in accordance
4 with chapter 120; however, to the extent that chapter 120 is
5 inconsistent with the provisions of this section, the
6 procedures contained in this section prevail:

7 (11) Commencing in 1993, each major source of air
8 pollution permitted to operate in this state must pay between
9 January 15 and March 1 of each year, upon written notice from
10 the department, an annual operation license fee in an amount
11 determined by department rule. The annual operation license
12 fee shall be terminated immediately in the event the United
13 States Environmental Protection Agency imposes annual fees
14 solely to implement and administer the major source
15 air-operation permit program in Florida under 40 C.F.R. s.
16 70.10(d).

17 (a) The annual fee must be assessed based upon the
18 source's previous year's emissions and must be calculated by
19 multiplying the applicable annual operation license fee factor
20 times the tons of each regulated air pollutant (except carbon
21 monoxide) allowed to be emitted per hour by specific condition
22 of the source's most recent construction or operation permit,
23 times the annual hours of operation allowed by permit
24 condition; provided, however, that:

25 1. For 1993 and 1994, the license fee factor is \$10.
26 For 1995, the license fee factor is \$25. In succeeding years,
27 the license fee factor is \$25 or another amount determined by
28 department rule which ensures that the revenue provided by
29 each year's operation license fees is sufficient to cover all
30 reasonable direct and indirect costs of the major stationary
31 source air-operation permit program established by this

1 section. The license fee factor may be increased beyond \$25
2 only if the secretary of the department affirmatively finds
3 that a shortage of revenue for support of the major stationary
4 source air-operation permit program will occur in the absence
5 of a fee factor adjustment. The annual license fee factor may
6 never exceed \$35. The department shall retain a nationally
7 recognized accounting firm to conduct a study to determine the
8 reasonable revenue requirements necessary to support the
9 development and administration of the major source
10 air-operation permit program as prescribed in paragraph (b).
11 The results of that determination must be considered in
12 assessing whether a \$25-per-ton fee factor is sufficient to
13 adequately fund the major source air-operation permit program.
14 The results of the study must be presented to the Governor,
15 the President of the Senate, the Speaker of the House of
16 Representatives, and the Public Service Commission, including
17 the Public Counsel's Office, by no later than October 31,
18 1994.

19 2. For any source that operates for fewer hours during
20 the calendar year than allowed under its permit, the annual
21 fee calculation must be based upon actual hours of operation
22 rather than allowable hours if the owner or operator of the
23 source documents the source's actual hours of operation for
24 the calendar year. For any source that has an emissions limit
25 that is dependent upon the type of fuel burned, the annual fee
26 calculation must be based on the emissions limit applicable
27 during actual hours of operation.

28 3. For any source whose allowable emission limitation
29 is specified by permit per units of material input or heat
30 input or product output, the applicable input or production
31 amount may be used to calculate the allowable emissions if the

1 owner or operator of the source documents the actual input or
2 production amount. If the input or production amount is not
3 documented, the maximum allowable input or production amount
4 specified in the permit must be used to calculate the
5 allowable emissions.

6 4. For any new source that does not receive its first
7 operation permit until after the beginning of a calendar year,
8 the annual fee for the year must be reduced pro rata to
9 reflect the period during which the source was not allowed to
10 operate.

11 5. For any source that emits less of any regulated air
12 pollutant than allowed by permit condition, the annual fee
13 calculation for such pollutant must be based upon actual
14 emissions rather than allowable emissions if the owner or
15 operator documents the source's actual emissions by means of
16 data from a department-approved certified continuous emissions
17 monitor or from an emissions monitoring method which has been
18 approved by the United States Environmental Protection Agency
19 under the regulations implementing 42 U.S.C. ss. 7651 et seq.,
20 or from a method approved by the department for purposes of
21 this section.

22 6. The amount of each regulated air pollutant in
23 excess of 4,000 tons per year allowed to be emitted by any
24 source, or group of sources belonging to the same Major Group
25 as described in the Standard Industrial Classification Manual,
26 1987, may not be included in the calculation of the fee. Any
27 source, or group of sources, which does not emit any regulated
28 air pollutant in excess of 4,000 tons per year, is allowed a
29 one-time credit not to exceed 25 percent of the first annual
30 licensing fee for the prorated portion of existing
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1 air-operation permit application fees remaining upon
2 commencement of the annual licensing fees.

3 7. If the department has not received the fee by
4 February 15 of the calendar year, the permittee must be sent a
5 written warning of the consequences for failing to pay the fee
6 by March 1. If the fee is not postmarked by March 1 of the
7 calendar year, commencing with calendar year 1997, the
8 department shall impose, in addition to the fee, a penalty of
9 50 percent of the amount of the fee, plus interest on such
10 amount computed in accordance with s. 220.807. The department
11 may not impose such penalty or interest on any amount
12 underpaid, provided that the permittee has timely remitted
13 payment of at least 90 percent of the amount determined to be
14 due and remits full payment within 60 days after receipt of
15 notice of the amount underpaid. The department may waive the
16 collection of underpayment and shall not be required to refund
17 overpayment of the fee, if the amount due is less than 1
18 percent of the fee, up to \$50. The department may revoke any
19 major air pollution source operation permit if it finds that
20 the permitholder has failed to timely pay any required annual
21 operation license fee, penalty, or interest.

22 ~~8. During the years 1993 through 1999, inclusive, no~~
23 ~~fee shall be required to be paid under this section with~~
24 ~~respect to emissions from any unit which is an affected unit~~
25 ~~under 42 U.S.C. s. 7651c.~~

26 8.9. Notwithstanding the computational provisions of
27 this subsection, the annual operation license fee for any
28 source subject to this section shall not be less than \$250,
29 except that the annual operation license fee for sources
30 permitted solely through general permits issued under s.
31 403.814 shall not exceed \$50 per year.

1 ~~9.10.~~ Notwithstanding the provisions of s.
2 403.087(6)(a)4.a., authorizing air pollution construction
3 permit fees, the department may not require such fees for
4 changes or additions to a major source of air pollution
5 permitted pursuant to this section, unless the activity
6 triggers permitting requirements under Title I, Part C or Part
7 D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a.
8 Costs to issue and administer such permits shall be considered
9 direct and indirect costs of the major stationary source
10 air-operation permit program under s. 403.0873. The department
11 shall, however, require fees pursuant to the provisions of s.
12 403.087(6)(a)4.a. for the construction of a new major source
13 of air pollution that will be subject to the permitting
14 requirements of this section once constructed and for
15 activities triggering permitting requirements under Title I,
16 Part C or Part D, of the federal Clean Air Act, 42 U.S.C. ss.
17 7470-7514a.

18 (c) ~~An audit of the major stationary source~~
19 ~~air-operation permit program must be conducted 2 years after~~
20 ~~the United States Environmental Protection Agency has given~~
21 ~~full approval of the program, or by the end of 1996, whichever~~
22 ~~comes later, to ascertain whether the annual operation license~~
23 ~~fees collected by the department are used solely to support~~
24 ~~any reasonable direct and indirect costs as listed in~~
25 ~~paragraph (b).~~A program audit must be performed biennially
26 ~~after the first audit.~~

27 Section 17. Section 403.08851, Florida Statutes, is
28 repealed.

29 Section 18. Paragraph (b) of subsection (6) of section
30 403.1826, Florida Statutes, is repealed.

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1 Section 19. Section 403.221, Florida Statutes, is
2 repealed.

3 Section 20. Subsection (1) of section 403.7046,
4 Florida Statutes, is amended to read:

5 403.7046 Regulation of recovered materials.--

6 (1) ~~After January 1, 1994,~~Any person who handles,
7 purchases, receives, recovers, sells, or is an end user of
8 recovered materials shall annually certify to the department
9 on forms provided by the department. The department may by
10 rule exempt from this requirement generators of recovered
11 materials, persons who handle or sell recovered materials as
12 an activity which is incidental to the normal primary business
13 activities of that person, or persons who handle, purchase,
14 receive, recover, sell, or are end users of recovered
15 materials in small quantities as defined by the department.
16 The department shall adopt rules for the certification of and
17 reporting by such persons and shall establish criteria for
18 revocation of such certification. Prior to the adoption of
19 such rules, the department shall appoint a technical advisory
20 committee of no more than nine persons, including, at a
21 minimum, representatives of the Florida Association of
22 Counties, the Florida League of Cities, the Florida Recyclers
23 Association, and the Florida Chapter of the National Solid
24 Waste Management Association, to aid in the development of
25 such rules. Such rules shall be designed to elicit, at a
26 minimum, the amount and types of recovered materials handled
27 by registrants, and the amount and disposal site, or name of
28 person with whom such disposal was arranged, of any solid
29 waste generated by such facility. Such rules may provide for
30 the department to conduct periodic inspections. The
31 department may charge a fee of up to \$50 for each

1 registration, which shall be deposited into the Solid Waste
2 Management Trust Fund for implementation of the program.

3 Section 21. Subsection (10) of section 403.703,
4 Florida Statutes, is amended to read:

5 403.703 Definitions.--As used in this act, unless the
6 context clearly indicates otherwise, the term:

7 (10) "Solid waste management facility" means any solid
8 waste disposal area, volume reduction plant, transfer station,
9 materials recovery facility, or other facility, the purpose of
10 which is resource recovery or the disposal, recycling,
11 processing, or storage of solid waste. The term does not
12 include recovered materials processing facilities which meet
13 the requirements of s. 403.7046~~(4)~~, except the portion of such
14 facilities, if any, that is used for the management of solid
15 waste.

16 Section 22. Subsection (1) and paragraph (a) of
17 subsection (2) of section 403.7049, Florida Statutes, are
18 amended to read:

19 403.7049 Determination of full cost for solid waste
20 management; local solid waste management fees.--

21 ~~(1) Within 1 year of October 1, 1988, or within 1 year~~
22 ~~after rules are established by the department, whichever~~
23 ~~occurs later, Each county and each municipality shall~~
24 ~~determine each year the full cost for solid waste management~~
25 ~~within the service area of the county or municipality for the~~
26 ~~1-year period beginning on October 1, 1988, and shall update~~
27 ~~the full cost every year thereafter. The department shall~~
28 ~~establish by rule the method for local governments to use in~~
29 ~~calculating full cost. Rulemaking shall be initiated and at~~
30 ~~least one public hearing shall be held by March 1, 1989. In~~
31 developing the rule, the department shall examine the

1 feasibility of the use of an enterprise fund process by local
2 governments in operating their solid waste management systems.

3 (2)(a) ~~Within 1 year from October 1, 1988,~~Each
4 municipality shall establish a system to inform, no less than
5 once a year, residential and nonresidential users of solid
6 waste management services within the municipality's service
7 area of the user's share, on an average or individual basis,
8 of the full cost for solid waste management as determined
9 pursuant to subsection (1). Counties shall provide the
10 information required of municipalities only to residential and
11 nonresidential users of solid waste management services within
12 the county's service area that are not served by a
13 municipality. Municipalities shall include costs charged to
14 them or persons contracting with them for disposal of solid
15 waste in the full cost information provided to residential and
16 nonresidential users of solid waste management services.

17 Section 23. Subsection (18) of section 403.706,
18 Florida Statutes, is amended to read:

19 403.706 Local government solid waste
20 responsibilities.--

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

28 Section 24. Subsection (1) of section 403.707, Florida
29 Statutes, is amended to read:

30 403.707 Permits.--

31

1 (1) No solid waste management facility may be
2 operated, maintained, constructed, expanded, modified, or
3 closed without an appropriate and currently valid permit
4 issued by the department. ~~Effective October 1, 1989,~~ Solid
5 waste construction permits issued under this section may
6 include any permit conditions necessary to achieve compliance
7 with the recycling requirements of this act. The department
8 shall pursue reasonable timeframes for closure and
9 construction requirements, considering pending federal
10 requirements and implementation costs to the permittee. The
11 department shall adopt a rule establishing performance
12 standards for construction and closure of solid waste
13 management facilities. The standards shall allow flexibility
14 in design and consideration for site-specific characteristics.

15 Section 25. Subsections (2) and (9) of section
16 403.708, Florida Statutes, are amended to read:

17 403.708 Prohibition; penalty.--

18 (2) ~~After January 1, 1989,~~ No beverage shall be sold
19 or offered for sale within the state in a beverage container
20 designed and constructed so that the container is opened by
21 detaching a metal ring or tab.

22 (9) No person shall, ~~on or after October 1, 1990,~~
23 distribute, sell, or expose for sale in this state any product
24 packaged in a container or packing material manufactured with
25 fully halogenated chlorofluorocarbons (CFC). Producers of
26 containers or packing material manufactured with
27 chlorofluorocarbons (CFC) are urged to introduce alternative
28 packaging materials which are environmentally compatible.

29 Section 26. Subsections (8) and (9) of section
30 403.7095, Florida Statutes, are repealed.

31

1 Section 27. Subsection (3) of section 403.716, Florida
2 Statutes, is amended to read:

3 403.716 Training of operators of solid waste
4 management and other facilities.--

5 (3) A person may not perform the duties of an operator
6 of a landfill ~~after July 1, 1991~~, or perform the duties of an
7 operator of a waste-to-energy facility, biomedical waste
8 incinerator, or mobile soil thermal treatment unit or facility
9 ~~after July 1, 1994~~, unless she or he has completed an operator
10 training course approved by the department or she or he has
11 qualified as an interim operator in compliance with
12 requirements established by the department by rule. An owner
13 of a landfill, waste-to-energy facility, biomedical waste
14 incinerator, or mobile soil thermal treatment unit or facility
15 may not employ any person to perform the duties of an operator
16 unless such person has completed an approved landfill,
17 waste-to-energy facility, biomedical waste incinerator, or
18 mobile soil thermal treatment unit or facility operator
19 training course, as appropriate, or has qualified as an
20 interim operator in compliance with requirements established
21 by the department by rule. The department may establish by
22 rule operator training requirements for other solid waste
23 management facilities and facility operators.

24 Section 28. Subsection (1) of section 403.718, Florida
25 Statutes, is amended to read:

26 403.718 Waste tire fees.--

27 (1) For the privilege of engaging in business, a fee
28 of \$1 for each new motor vehicle tire sold at retail is
29 imposed on any person engaging in the business of making
30 retail sales of new motor vehicle tires within this state. ~~For~~
31 ~~the period January 1, 1989, through December 31, 1989, such~~

1 ~~fee shall be imposed at the rate of 50 cents for each new tire~~
2 ~~sold.~~The fee imposed under this section shall be stated
3 separately on the invoice to the purchaser. ~~Beginning January~~
4 ~~1, 1990, and thereafter, such fee shall be imposed at the rate~~
5 ~~of \$1 for each new tire sold.~~ The fee imposed shall be paid
6 to the Department of Revenue on or before the 20th day of the
7 month following the month in which the sale occurs. For
8 purposes of this section, a motor vehicle tire sold at retail
9 includes such tires when sold as a component part of a motor
10 vehicle. The terms "sold at retail" and "retail sales" do not
11 include the sale of new motor vehicle tires to a person solely
12 for the purpose of resale provided the subsequent retail sale
13 in this state is subject to the fee. This fee does not apply
14 to recapped tires. Such fee shall be subject to all
15 applicable taxes imposed in chapter 212.

16 Section 29. Subsections (2), (3), and (4) of section
17 403.7186, Florida Statutes, are amended to read:

18 403.7186 Environmentally sound management of
19 mercury-containing devices and lamps.--

20 (2) PROHIBITION ON INCINERATION OR DISPOSAL OF
21 MERCURY-CONTAINING DEVICES.--Mercury-containing devices may
22 not be disposed of or incinerated in any manner prohibited by
23 this section or by the rules of the department promulgated
24 under this section. ~~After July 1, 1994,~~If the secretary of
25 the department determines that sufficient recycling capacity
26 exists to recycle mercury-containing devices generated in the
27 state, the secretary may, by rule, designate regions of the
28 state in which a person shall not place such a device that was
29 purchased for use or used by a government agency or an
30 industrial or commercial facility in a mixed solid waste
31 stream. ~~After January 1, 1996,~~A mercury-containing device

1 shall not knowingly be incinerated or disposed of in a
2 landfill.

3 (3) PROHIBITION ON INCINERATION OF SPENT LAMPS.--~~After~~
4 ~~July 1, 1994,~~Spent mercury-containing lamps shall not
5 knowingly be incinerated in any municipal or other
6 incinerator. This subsection shall not apply to incinerators
7 that are permitted to operate under state or federal hazardous
8 waste regulations.

9 (4) WASTE MANAGEMENT REQUIREMENT FOR SPENT LAMPS.--

10 (a) ~~Effective July 1, 1994,~~Any person owning or
11 operating an industrial, institutional, or commercial facility
12 in this state or providing outdoor lighting for public places
13 in this state, including streets and highways, that disposes
14 of more than 10 spent lamps per month shall arrange for
15 disposal of such lamps in permitted lined landfills or at
16 appropriately permitted reclamation facilities.

17 (b) ~~After July 1, 1994,~~The department may, by rule,
18 designate regions of the state wherein any person owning or
19 operating an industrial, institutional, or commercial facility
20 in such a designated region, or providing lighting for public
21 places in such designated region, including streets and
22 highways, that disposes of more than 10 spent lamps per month
23 shall arrange for disposal of such lamps at appropriately
24 permitted reclamation facilities; provided, however, that
25 before such rule is adopted, the secretary of the department
26 first determines that appropriately permitted reclamation
27 facilities are reasonably available and afford sufficient
28 recycling capacity.

29 Section 30. Subsections (3) and (5) of section
30 403.7191, Florida Statutes, are amended to read:

31 403.7191 Toxics in packaging.--

1 (3) PROHIBITIONS; SCHEDULE FOR REMOVAL OF INCIDENTAL
2 AMOUNTS.--Except as provided in subsection (4), a manufacturer
3 or distributor may not sell a package or packaging component,
4 and a manufacturer or distributor of products shall not offer
5 for sale or promotional purposes in this state, any package or
6 any packaging component with a total concentration of lead,
7 cadmium, mercury, and hexavalent chromium that exceeds ~~after~~
8 ~~July 1, 1996~~, 100 parts per million by weight (.01 percent).

9 (5) CERTIFICATE OF COMPLIANCE.--~~As soon as feasible~~
10 ~~but not later than July 1, 1994~~, Each manufacturer or
11 distributor of a package or packaging component shall provide,
12 if required, to the purchaser of such package or packaging
13 component, a certificate of compliance stating that the
14 package or packaging component is in compliance with the
15 provisions of this section. If compliance is achieved under
16 any of the exemptions provided in paragraph (4)(b) or
17 paragraph (4)(c), the certificate shall state the specific
18 basis upon which the exemption is claimed. The certificate of
19 compliance shall be signed by an authorized official of the
20 manufacturing or distributing company. The manufacturer or
21 distributor shall retain the certificate of compliance for as
22 long as the package or packaging component is in use. A copy
23 of the certificate of compliance shall be kept on file by the
24 manufacturer or distributor of the package or packaging
25 component for at least 3 years from the date of the last sale
26 or distribution by the manufacturer or distributor.
27 Certificates of compliance, or copies thereof, shall be
28 furnished within 60 days to the department upon the
29 department's request. If the manufacturer or distributor of
30 the package or packaging component reformulates or creates a
31 new package or packaging component, including a reformulation

1 or creation to meet the maximum levels set forth in paragraph
2 (3)(c), the manufacturer or distributor shall provide an
3 amended or new certificate of compliance for the reformulated
4 or new package or packaging component.

5 Section 31. Section 403.7192, Florida Statutes, is
6 amended to read:

7 403.7192 Batteries; requirements for consumer,
8 manufacturers, and sellers; penalties.--

9 (1) As used in this section, the term:

10 (a) "Cell" means a galvanic or voltaic device weighing
11 25 pounds or less consisting of an enclosed or sealed
12 container containing a positive and negative electrode in
13 which one or both electrodes consist primarily of cadmium or
14 lead and which container contains a gel or liquid starved
15 electrolyte.

16 (b) "Cell manufacturer" means an entity which
17 manufactures cells in the United States; or imports into the
18 United States cells or units for which no unit management
19 program has been put into effect by the actual manufacturer of
20 the cell or unit.

21 (c) "Marketer" means any person who manufactures,
22 sells, distributes, assembles, or affixes a brand name or
23 private label or licenses the use of a brand name on a unit or
24 rechargeable product. Marketer does not include a person
25 engaged in the retail sale of a unit or rechargeable product.

26 (d) "Rechargeable battery" means any small,
27 nonvehicular, rechargeable nickel-cadmium or sealed lead-acid
28 battery, or battery pack containing such a battery, weighing
29 less than 25 pounds and not used for memory backup.

30 (e) "Unit" means a cell, a rechargeable battery, or a
31 rechargeable product with nonremovable rechargeable batteries.

1 (f) "Unit management program" means a program or
2 system for the collection, recycling, or disposal of units put
3 in place by a marketer in accordance with this section.

4 (2)(a) ~~After July 1, 1993,~~A person may not
5 distribute, sell, or offer for sale in this state an
6 alkaline-manganese or zinc-carbon battery that contains more
7 than 0.025 percent mercury by weight. ~~After January 1, 1996,~~
8 A person may not distribute, sell, or offer for sale in this
9 state an alkaline-manganese or zinc-carbon battery that
10 contains any intentionally introduced mercury and more than
11 0.0004 percent mercury by weight.

12 (b) For any alkaline-manganese battery resembling a
13 button or coin in size and shape, the limitation shall be 25
14 milligrams of mercury.

15 (c) ~~After October 1, 1993,~~A person may not
16 distribute, sell, or offer for sale in this state a consumer
17 button dry cell battery containing a mercuric oxide electrode
18 or a product containing such a battery.

19 (d) The secretary of the department may exempt a
20 specific type of battery from this subsection if there is not
21 a battery that meets those requirements and that reasonably
22 can be substituted for the battery for which the exemption is
23 sought.

24 (3)(a) ~~After January 1, 1994,~~A person may not
25 knowingly place in a mixed solid waste stream a dry cell
26 battery that uses a mercuric oxide electrode or a product
27 containing such a battery, and that was purchased for use or
28 used by a consumer or by a government, industrial,
29 communications, or medical facility that is a conditionally
30 exempt small quantity generator of hazardous waste under 40
31 C.F.R. s. 261.5.

1 (b) Eighteen months after the effective date of this
2 subsection, or October 1, 1995, whichever is later, a person
3 may not knowingly place in a mixed solid waste stream a
4 rechargeable battery, or a product containing such a
5 rechargeable battery, which was purchased for use or used by a
6 consumer or by a government, industrial, commercial,
7 communications, or medical facility that is a conditionally
8 exempt small quantity generator of hazardous waste under 40
9 C.F.R. s. 261.5.

10 (c) Each government, industrial, commercial,
11 communications, or medical facility shall collect and
12 segregate its batteries to which the prohibitions in
13 paragraphs (a) and (b) apply and send each segregated
14 collection of batteries back to a collection site designated
15 by the manufacturer or distributor in the case of mercuric
16 oxide batteries, to a collection site designated by a marketer
17 or cell manufacturer of rechargeable batteries, or the
18 products powered by nonremovable batteries, or to a facility
19 permitted to dispose of those batteries.

20 (4) A cell manufacturer or marketer shall not sell or
21 offer for sale in this state any consumer product or
22 nonconsumer product that is ~~manufactured on or after October~~
23 ~~1, 1993, and that is~~ powered by a rechargeable battery unless:

24 (a) In the case of consumer products, the battery can
25 be easily removed by the consumer, or the battery is contained
26 in a battery pack that is separate from the product and can be
27 easily removed from the product.

28 (b) In the case of nonconsumer products, the battery
29 can be removed or is contained in a battery pack that is
30 separate from the product.

31

1 (c) The product or the battery, or the package in the
2 case of a consumer product, is labeled with a recycling symbol
3 and includes, as an indication of the chemical composition of
4 the battery, the term "Cd" for nickel-cadmium batteries or
5 "Pb" for small sealed lead batteries.

6 (d) The instruction manual for the product or, in the
7 case of a consumer product, the package containing the product
8 states that the sealed lead or nickel-cadmium battery must be
9 recycled or disposed of properly.

10 (5) The secretary of the department may authorize the
11 sale of a consumer or nonconsumer product that does not comply
12 with paragraphs (4)(a) and (b), if the secretary finds that+

13 ~~(a) The product was available for sale on or before~~
14 ~~May 12, 1993, and the product cannot reasonably be redesigned~~
15 ~~and manufactured by January 1, 1994; or,~~

16 ~~(b)~~ the design of the product, to comply with the
17 requirements of this subsection, would result in significant
18 danger to public health and safety.

19 (6) ~~By October 1, 1993,~~Manufacturers and distributors
20 of mercuric oxide batteries and products containing these
21 batteries~~and, 6 months after the report required in~~
22 ~~paragraph (7)(b) is due to be presented to the department,~~
23 marketers of rechargeable batteries or the products powered by
24 such batteries, excluding those used solely for memory, whose
25 batteries and products are sold and distributed in this state
26 and that are subject to the requirements of subsection (3),
27 must:

28 (a) Implement a unit management program, other than a
29 local government curbside program and other local government
30 collection system, unless the local government agrees
31 otherwise, through which the discarded batteries or products

1 | powered by nonremovable batteries may be returned to
2 | designated collection sites and submit this information to the
3 | department. The unit management program must be accessible for
4 | consumers or local governments collecting batteries or
5 | products from consumers, for returning the discarded batteries
6 | or products. In addition to other requirements which cell
7 | manufacturers have as marketers, cell manufacturers shall
8 | accept rechargeable batteries collected in this state. Cell
9 | manufacturers shall accept rechargeable batteries returned to
10 | them of the same general type, including differing brands, not
11 | to exceed the same annual rate as batteries manufactured by
12 | them are sold in this state. Cell manufacturers shall have
13 | the sole responsibility for reclamation and disposal of
14 | rechargeable batteries returned to them.

15 | (b) Clearly inform each purchaser of the prohibition
16 | on the disposal in the solid waste stream of these batteries
17 | and products powered by nonremovable batteries and of the
18 | system for return available to the purchaser for their proper
19 | collection, transportation, recycling, or disposal. A
20 | telephone number must be provided to each final purchaser of
21 | the batteries, or products powered by these batteries, so that
22 | the final purchasers can call to get information on returning
23 | the discarded batteries or products for recycling or proper
24 | disposal. The telephone number must also be provided to the
25 | department.

26 | (c) Accept waste batteries or products containing
27 | these batteries returned to their designated collection sites
28 | as allowed by federal, state, and local laws and regulations.

29 | (d) Ensure that each battery is clearly identifiable
30 | as to the type of electrode used in the battery.

31 |

1 ~~(7)(a) Twelve months after the effective date of this~~
2 ~~subsection, cell manufacturers and marketers of rechargeable~~
3 ~~batteries or products powered by rechargeable batteries which~~
4 ~~are sold in the state shall implement pilot projects for the~~
5 ~~collection and transportation of these batteries and products.~~
6 ~~Pilot projects implemented in other jurisdictions and lasting~~
7 ~~for at least 18 months may be used to satisfy the requirements~~
8 ~~of this subsection. Marketers and cell manufacturers may~~
9 ~~satisfy the requirements of this subsection individually or as~~
10 ~~part of a representative organization of marketers and cell~~
11 ~~manufacturers. Representative organizations of manufacturers~~
12 ~~shall supply to the department a list of those organization~~
13 ~~members for whom the association is conducting the pilot~~
14 ~~program to satisfy the requirements of this subsection.~~

15 ~~(b) Twenty-five months after the effective date of~~
16 ~~this subsection, cell manufacturers and marketers or their~~
17 ~~representative organization shall report to the department the~~
18 ~~final results of the pilot projects and plans for the~~
19 ~~implementation of the requirements under subsection (6). The~~
20 ~~reports shall include estimates of the cadmium disposal~~
21 ~~reductions achieved through the pilot projects. Plans for~~
22 ~~implementation and the determination of the reasonableness of~~
23 ~~those plans shall be based on the results of the pilot~~
24 ~~programs.~~

25
26 ~~Annually thereafter, for a period of 3 years, they shall~~
27 ~~report on the results of their unit management programs as~~
28 ~~described in this subsection.~~

29 ~~(8) The effective date of subsections (1) and (2),~~
30 ~~paragraph (3)(a), and subsections (4), (5), and (6) for~~
31 ~~mercuric oxide batteries, and subsections (8), (10), and (11),~~

1 ~~shall be July 1, 1993. The effective date of paragraphs~~
2 ~~(3)(b) and (c) and subsection (6) for rechargeable batteries,~~
3 ~~and subsections (7) and (9), shall be upon final adoption by~~
4 ~~the United States Environmental Protection Agency of 40 C.F.R.~~
5 ~~part 273 as proposed in Federal Register, Volume 58, Number~~
6 ~~27, pp. 8101 et seq., February 11, 1993, and adoption by the~~
7 ~~department.~~

8 (7)~~(9)~~ Manufacturers and importers of mercuric oxide
9 batteries and cell manufacturers and marketers of rechargeable
10 batteries or products powered by these batteries that do not
11 comply with the requirements in subsection (6) ~~and paragraph~~
12 ~~(7)(a)~~ may not sell, distribute, or offer for sale in this
13 state these batteries or products powered by these batteries.
14 Manufacturers or marketers may satisfy the requirements of
15 subsection (6) ~~and paragraph (7)(a)~~ individually, as part of a
16 representative organization of manufacturers, or by
17 contracting with private or government parties. Any such
18 contractual arrangements may include appointment of agents,
19 allocation of costs and duties, and such indemnifications as
20 the parties deem appropriate.

21 (8)~~(10)~~ Any person who violates any provision of this
22 section commits a misdemeanor of the second degree, punishable
23 as provided in s. 775.082 or s. 775.083. A manufacturer or
24 distributor who violates such provision is subject to a
25 minimum fine of \$100 per violation.

26 (9)~~(11)~~ In an enforcement action under this section in
27 which the state prevails, the state may recover reasonable
28 administrative expenses, court costs, and attorney's fees
29 incurred to take the enforcement action, in an amount to be
30 determined by the court.

31

1 Section 32. Section 403.7199, Florida Statutes, is
2 repealed.

3 Section 33. Subsection (5) of section 403.724, Florida
4 Statutes, is repealed.

5 Section 34. Subsection (2) of section 403.7265,
6 Florida Statutes, is amended to read:

7 403.7265 Local hazardous waste collection program.--

8 (2) ~~By March 1, 1991,~~The department shall develop a
9 statewide local hazardous waste management plan which will
10 ensure comprehensive collection and proper management of
11 hazardous waste from small quantity generators and household
12 hazardous waste in Florida. The plan shall address, at a
13 minimum, a network of local collection centers, transfer
14 stations, and expanded hazardous waste collection route
15 services. The plan shall assess the need for additional
16 compliance verification inspections, enforcement, and
17 penalties. The plan shall include a strategy, timetable, and
18 budget for implementation.

19 Section 35. Subsection (1) of section 403.767, Florida
20 Statutes, is amended to read:

21 403.767 Certification of used oil transporters.--

22 (1) Any person who transports over public highways
23 ~~after January 1, 1990,~~more than 500 gallons annually of used
24 oil must be a certified transporter. This subsection does not
25 apply to:

26 (a) Local governments or private solid waste haulers
27 under contract to a local government that transport used oil
28 collected from households to a public used oil collection
29 center.

30 (b) Persons who transport less than 55 gallons of used
31 oil at one time that is stored in tightly closed containers

1 which are secured in a totally enclosed section of the
2 transport vehicle.

3 (c) Persons who transport their own used oil, which is
4 generated at their own noncontiguous facilities, to their own
5 central collection facility for storage, processing, or energy
6 recovery. However, such persons shall provide the same proof
7 of liability insurance or other means of financial
8 responsibility for liability which may be incurred in the
9 transport of used oil as provided by certified transporters
10 under subsection (3).

11 Section 36. Subsection (2) of section 403.769, Florida
12 Statutes, is amended to read:

13 403.769 Permits for used oil processing and rerefining
14 facilities.--

15 (2) ~~By January 1, 1990,~~The department shall develop a
16 permitting system for used oil processing facilities after
17 reviewing and considering the applicability of the permit
18 system for hazardous waste treatment, storage, or disposal
19 facilities.

20 Section 37. Sections 533.01, 533.02, 533.03, 533.04,
21 533.05, and 533.06, Florida Statutes, are repealed.

22 Section 38. This act shall take effect upon becoming a
23 law.

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HOUSE SUMMARY

Repeals various statutory provisions that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded. Repeals or deletes provisions relating to an obsolete deadline for designation of coastal areas to be used by sea turtles for nesting; an obsolete deadline for submission to the Administration Commission of lists of local governments having coastal zones which have not provided evidence of adoption of the required building code; conveyance of portions of the Graves tract to the City of North Miami; use of funds of the Conservation and Recreation Lands Trust Fund to provide grants to local governments for public outdoor recreation purposes; state policy and a pilot project on protection of the Wekiva River System; use of funds of the Florida Coastal Protection Trust Fund to fund statewide beach renourishment, restoration, and inlet management plans; budget approval for funding enforcement of the Pollutant Discharge Prevention and Control Act; a report on the preapproved advanced cleanup program; the form of the interstate compact to conserve oil and gas; deadlines for certain sanitary sewage disposal units to provide for secondary or other ordered waste treatment; a deadline for certain sanitary sewage disposal facilities to provide for secondary and any ordered advanced waste treatment; temporary exemption of certain air pollution sources from annual operation license fees and a deadline for audit of the major stationary source air-operation permit program; implementation of the state National Pollutant Discharge Elimination System (NPDES) Program; a temporary waiver from accumulation requirements of the Florida Water Pollution Control and Sewage Treatment Plant Grant Act; proceedings pending at the time of adoption of the Florida Air and Water Pollution Control Act; an obsolete date relating to regulation of recovered materials; obsolete dates relating to local government determination and notification of the full cost for solid waste management; an obsolete date relating to the requirement to weigh solid waste received by a solid waste management facility; an obsolete date relating to solid waste management facility permits; obsolete dates relating to beverage container and packaging requirements; funding of the solid waste management grant program for fiscal year 1999-2000; training of operators of landfills, waste-to-energy facilities, biomedical waste incinerators, or mobile soil thermal treatment units or facilities; obsolete dates relating to imposition of waste tire fees; obsolete dates relating to environmentally sound management of mercury-containing devices and lamps; obsolete dates relating to reduction of toxics in packaging; obsolete provisions relating to requirements for manufacturers, sellers, and consumers with respect to batteries; the Florida Packaging Council; an obsolete deadline for hazardous waste facilities to comply with financial responsibility requirements; an obsolete deadline for development of the local hazardous waste collection program; an obsolete date relating to

1 certification of used oil transporters; an obsolete date
2 relating to development of the permitting system for used
3 oil processing facilities; and ch. 533, F.S., relating to
4 mining wastes.
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