

By the Committee on Natural Resources and Senator Dyer

312-1896B-01

1 A bill to be entitled
2 An act relating to solid waste collection;
3 amending s. 165.061, F.S.; providing
4 requirements for the plan for incorporation of
5 a new municipality relating to contracts for
6 solid waste collection; amending s. 403.707,
7 F.S.; amending provisions relating to
8 permitting solid waste management facilities;
9 providing requirements for scales used by and
10 records that must be kept by materials recovery
11 facilities and facilities at which construction
12 and demolition debris is processed; providing
13 for applicability; providing for rulemaking;
14 providing an effective date.

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

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18 Section 1. Paragraph (f) is added to subsection (1) of
19 section 165.061, Florida Statutes, and paragraph (d) of
20 subsection (2) of that section is amended to read:

21 165.061 Standards for incorporation, merger, and
22 dissolution.--

23 (1) The incorporation of a new municipality, other
24 than through merger of existing municipalities, must meet the
25 following conditions in the area proposed for incorporation:

26 (f) In accordance with s. 10, Art. I of the State
27 Constitution, the plan for incorporation must honor existing
28 solid waste contracts in the affected geographic area subject
29 to incorporation; however, the plan for incorporation may
30 provide that existing contracts for solid waste collection
31 services shall be honored only for 5 years or the remainder of

1 the contract term, whichever is shorter, excluding any
2 automatic renewals or so-called "evergreen" provisions, and
3 may require that a copy of the pertinent portion of the
4 contract or other written evidence of the duration of the
5 contract be provided to the municipality within a reasonable
6 time following a written request to do so.

7 (2) The incorporation of a new municipality through
8 merger of existing municipalities and associated
9 unincorporated areas must meet the following conditions:

10 (d) In accordance with s. 10, Art. I of the State
11 Constitution, the plan for merger ~~or incorporation~~ must honor
12 existing solid waste contracts in the affected geographic area
13 subject to merger ~~or incorporation~~; however, the plan for
14 merger ~~or incorporation~~ may provide that existing contracts
15 for solid waste collection services shall be honored only for
16 5 years or the remainder of the contract term, whichever is
17 shorter, and may require that a copy of the pertinent portion
18 of the contract or other written evidence of the duration of
19 the contract, excluding any automatic renewals or so-called
20 "evergreen" provisions, be provided to the municipality within
21 a reasonable time following a written request to do so.

22 Section 2. Subsection (1) of section 403.707, Florida
23 Statutes, is amended, and subsection (14) is added to that
24 section, to read:

25 403.707 Permits.--

26 (1) No solid waste management facility may be
27 operated, maintained, constructed, expanded, modified, or
28 closed without an appropriate and currently valid permit or
29 registration issued by the department, unless specifically
30 exempted by law or department rule. Solid waste construction
31 permits issued under this section may include any permit

1 conditions necessary to achieve compliance with the recycling
2 requirements of this act. The department shall pursue
3 reasonable timeframes for closure and construction
4 requirements, considering pending federal requirements and
5 implementation costs to the permittee. The department shall
6 adopt a rule establishing performance standards for
7 construction and closure of solid waste management facilities.
8 The standards shall allow flexibility in design and
9 consideration for site-specific characteristics.

10 (14)(a) Any materials recovery facility for which a
11 permit is required, and any other facility designated by
12 department rule at which a significant amount of construction
13 and demolition debris is sorted, recovered, recycled, or
14 processed for use or reuse, shall use scales that conform with
15 the requirements of chapter 531 and any rules adopted under
16 that chapter. All such facilities shall keep monthly records
17 of the following information: the total weight of materials
18 received at the facility; the total weight of materials
19 recovered, recycled, or reused, recorded by category; and the
20 total weight of materials not recovered, recycled, or reused.

21 (b) The department shall implement the requirements of
22 this section by rule, and such requirements shall become
23 effective only after the implementing rules become effective.
24 The department shall establish a reasonable schedule for
25 existing facilities to comply with this subsection to avoid
26 undue hardship to such facilities. Such rules must designate
27 the types of facilities and the categories of materials for
28 which records must be kept pursuant to this subsection and
29 must specify requirements relating to reporting such
30 information to the department.

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1 (c) The designated facilities also shall keep detailed
2 records, including the name and location of the solid waste
3 disposal facility at which material not recovered, recycled,
4 or reused is ultimately disposed of. The implementing rules
5 must specify the requirements relating to reporting this
6 information to the department.

7 (d) This subsection does not apply to a recovered-
8 materials processing facility. This subsection does not alter
9 or otherwise affect the list of recovered materials as set
10 forth in s. 403.703(7) or the regulation of recovered
11 materials as provided in s. 403.7046.

12 Section 3. This act shall take effect July 1, 2001.

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14 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
15 COMMITTEE SUBSTITUTE FOR
16 Senate Bill 2142

17 The committee substitute deletes the provisions that require
18 each facility at which construction and demolition debris is
19 sorted, recovered, recycled, or processed for reuse to keep
20 certain specified records. The requirement that material
21 received by a waste processing facility which is not reused,
22 recovered, or recycled must be disposed of at a permitted
23 solid waste disposal facility is deleted. The requirement that
24 material that is commingled with or contaminated by Class I
25 waste must be disposed of in a Class I landfill is deleted.

26 The committee substitute also deletes the provision that
27 allows a private company that is a party to a solid waste
28 franchise agreement to enforce that agreement or the related
29 ordinance against any third party by filing an action for
30 injunctive relief or damages against a third party whose
31 actions violate the agreement or ordinance.

Any materials recovery facility for which a permit is
required, and any other facility designated by department rule
at which a significant amount of construction and demolition
debris is sorted, recovered, recycled, or processed for use or
reuse, shall use scales and keep certain records. The
Department of Environmental Protection is required to
establish a reasonable schedule for existing facilities to
comply to avoid any undue hardship to such facilities.