

1 A bill to be entitled
2 An act relating to pollution control; amending
3 s. 165.061, F.S.; providing for the
4 continuation of existing solid waste contracts;
5 requiring written evidence of the duration of
6 the contract within a specified timeframe;
7 amending s. 403.061, F.S.; providing
8 rule-making authority; amending s. 403.707,
9 F.S.; requiring an applicant for a permit to
10 construct or modify a solid waste management
11 facility to notify the local government of the
12 filing of application; requiring publishing of
13 the application; providing requirements with
14 respect thereto; amending s. 403.71851, F.S.;
15 providing for electronics recycling grants;
16 providing that grant funding shall be used for
17 certain demonstration projects; providing for
18 the Department of Environmental Protection to
19 conduct a comprehensive review of certain waste
20 reduction and recycling goals and other related
21 legislative requirements; providing that the
22 department must issue a report; providing an
23 effective date.

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

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27 Section 1. Paragraph (f) of subsection (1) of section
28 165.061, Florida Statutes, is added, and paragraph (d) of
29 subsection (2) is amended to said section, to read:

30 165.061 Standards for incorporation, merger, and
31 dissolution.--

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

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

16 (2) The incorporation of a new municipality through
17 merger of existing municipalities and associated
18 unincorporated areas must meet the following conditions:

19 (d) In accordance with s. 10, Art. I of the State
20 Constitution, the plan for merger ~~or incorporation~~ must honor
21 existing solid waste contracts in the affected geographic area
22 subject to merger ~~or incorporation~~; however, the plan for
23 merger ~~or incorporation~~ may provide that existing contracts
24 for solid waste collection services shall be honored only for
25 5 years or the remainder of the contract term, whichever is
26 shorter, excluding any automatic renewals or so-called
27 "evergreen" provisions, and may require that a copy of the
28 pertinent portion of the contract or other written evidence of
29 the duration of the contract, be provided to the municipality
30 within a reasonable time following a written request to do so.

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1 Section 2. Subsections (37), (38), and (39) of s.
2 403.061, Florida Statutes, are amended to read:

3 403.061 Department; powers and duties.--The department
4 shall have the power and the duty to control and prohibit
5 pollution of air and water in accordance with the law and
6 rules adopted and promulgated by it and, for this purpose, to:

7 (37) Enter into a memorandum of agreement with the
8 Florida Ports Council which provides a supplemental permitting
9 process for the issuance of a joint coastal permit pursuant to
10 s. 161.055 or environmental resource permit pursuant to part
11 IV of chapter 373, to a port listed in s. 311.09(1), for
12 maintenance dredging and the management of dredged materials
13 from maintenance dredging of all navigation channels, port
14 harbors, turning basins, and harbor berths. Such permit shall
15 be issued for a period of 5 years and shall be annually
16 extended for an additional year if the port is in compliance
17 with all permit conditions at the time of extension.The
18 department is authorized to adopt rules to implement this
19 subsection.

20 (38) Enter into a memorandum of agreement with the
21 Florida Ports Council which provides a supplemental permitting
22 process for the issuance of a conceptual joint coastal permit
23 pursuant to s. 161.055 or environmental resource permit
24 pursuant to part IV of chapter 373, to a port listed in s.
25 311.09(1), for dredging and the management of materials from
26 dredging and for other related activities necessary for
27 development, including the expansion of navigation channels,
28 port harbors, turning basins, harbor berths, and associated
29 facilities. Such permit shall be issued for a period of up to
30 15 years.The department is authorized to adopt rules to
31 implement this subsection.

1 (39) Enter into a memorandum of agreement with the
2 Florida Inland Navigation District and the West Coast Inland
3 Navigation District, or their successor agencies, to provide a
4 supplemental process for issuance of joint coastal permits
5 pursuant to s. 161.055 or environmental resource permits
6 pursuant to part IV of chapter 373 for regional waterway
7 management activities, including, but not limited to,
8 maintenance dredging, spoil disposal, public recreation, inlet
9 management, beach nourishment, and environmental protection
10 directly related to public navigation and the construction,
11 maintenance, and operation of Florida's inland waterways. The
12 department is authorized to adopt rules to implement this
13 subsection.

14 Section 3. Subsection (14) is added to section
15 403.707, Florida Statutes, to read:

16 403.707 Permits.--

17 (14) Before or on the same day of filing with the
18 department of an application for a permit to construct or
19 substantially modify a solid waste management facility, the
20 applicant shall notify the local government having
21 jurisdiction over the facility of the filing of the
22 application. The applicant also shall publish notice of the
23 filing of the application in a newspaper of general
24 circulation in the area where the facility will be located.
25 Notice shall be given and published in accordance with
26 applicable department rules. The department shall not issue
27 the requested permit until the applicant has provided the
28 department with proof that the notices required by this
29 subsection have been given. Issuance of a permit does not
30 relieve an applicant from compliance with local zoning or land
31 use ordinances, or with any other law, rules, or ordinances.

1 Section 4. Section 403.71851, Florida Statutes, is
2 amended to read:

3 403.71851 Electronic recycling ~~Lead-containing~~
4 ~~materials~~ grants.--The Department of Environmental Protection
5 is authorized to use funds from the Solid Waste Management
6 Trust Fund as grants to Florida-based businesses with 5 or
7 more years' experience in electronics recycling that recycle
8 electronics such as commercial telephone switching equipment,
9 computers, televisions,~~lead-acid batteries and other~~
10 ~~lead-containing materials, including products such as~~
11 ~~televisions and computer monitors~~ and other products that
12 utilize lead-containing cathode ray tubes. This ~~incentive~~
13 funding ~~shall~~ may be used for demonstration projects with one
14 or more counties for countywide comprehensive electronics
15 recycling where that term means recycling that provides
16 service to the private sector, nonprofit organizations,
17 governmental agencies and the residential sector. This funding
18 may also be used for grants to counties to develop methods to
19 collect and transport electronics to be recycled provided such
20 methods are comprehensive in nature ~~research and development~~
21 ~~in methods to recover and recycle lead from the environment;~~
22 ~~for innovative technologies and equipment to process and~~
23 ~~recycle lead-containing materials; and for establishing an~~
24 ~~infrastructure to collect and transport lead-containing~~
25 ~~material to Florida-based recycling businesses.~~

26 Section 5. The Department of Environmental Protection
27 shall conduct a comprehensive review of the waste reduction
28 and recycling goals set out in part IV of chapter 403, Florida
29 Statutes, and other legislative requirements in view of
30 reduced available funding for these purposes. The review shall
31 include, but is not limited to, the appropriateness of

1 maintaining, extending, or revising the goals; the
2 effectiveness of current programs for meeting the goals; the
3 role of Keep Florida Beautiful, Inc.; the need to continue
4 those programs; alternative techniques for improving those
5 programs; alternative strategies for meeting the needs of the
6 programs; and any other issues related to resource recovery
7 and management. The department shall consult with persons
8 knowledgeable about recycling and waste reduction, including,
9 but not limited to, representatives of local government, the
10 private recycling industry, and the private waste management
11 industry. The department shall issue its report,
12 recommendations, and proposed legislative changes to the
13 Governor, the President of the Senate, and the Speaker of the
14 House of Representatives by October 31, 2001.

15 Section 6. This act shall take effect July 1, 2001.
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