

By the Committee on Natural Resources; and Senator Brown-Waite

312-1909-02

1 A bill to be entitled
2 An act relating to solid waste management;
3 amending s. 403.705, F.S.; eliminating the
4 requirement that the state solid waste
5 management program be updated every 3 years;
6 requiring the Department of Environmental
7 Protection to obtain certain information from
8 the counties and to prepare an annual report;
9 amending s. 403.706, F.S.; revising the
10 requirements for the counties' recycling
11 program; eliminating certain notice
12 requirements relating to counties providing the
13 opportunity to recycle; modifying the
14 provisions relating to the information counties
15 must provide to the department regarding their
16 solid waste management program and recycling
17 activities; modifying the provisions relating
18 to the eligibility of counties for certain
19 solid waste grants; amending s. 403.707, F.S.;
20 providing requirements for permits; amending s.
21 403.717, F.S.; eliminating the department's
22 authority to establish procedures for
23 administering waste tire grants; repealing s.
24 403.7165, F.S., relating to the Applications
25 Demonstration Center for Resource Recovery from
26 Solid Organic Materials; repealing s. 403.7175,
27 F.S., relating to an annual transfer from the
28 General Revenue Fund; repealing s. 403.7085,
29 F.S., relating to the disposal of animal parts
30 and fats and certain other waste products;
31 providing an effective date.

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

2

3 Section 1. Section 403.705, Florida Statutes, is
4 amended to read:

5 403.705 State solid waste management program.--

6 (1) The state solid waste management program shall:

7 (a) Provide guidelines for the orderly ~~collection,~~
8 ~~transportation,~~ storage, separation, processing, recovery,
9 recycling, and disposal of solid waste throughout the state;

10 (b) Encourage coordinated local activity for solid
11 waste management within a common geographical area;

12 (c) Investigate the present status of solid waste
13 management in the state with positive proposals for local
14 action to correct deficiencies in present solid waste
15 management processes;

16 (d) Provide planning, technical, and financial
17 assistance to local governments and state agencies for
18 reduction, recycling, reuse, and processing of solid waste and
19 for safe and environmentally sound solid waste management and
20 disposal;

21 (e) Assist in the development of solid waste reduction
22 and recycling programs to properly manage solid waste and
23 conserve resources; and

24 (f) Provide for the education of the general public
25 and the training of solid waste management professionals to
26 reduce the production of solid waste, to ensure proper
27 processing and disposal of solid waste, and to encourage
28 recycling and solid waste reduction.

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

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1 (2)~~(3)~~ The state solid waste management program shall
2 include, at a minimum:

3 (a) Procedures and requirements to ensure cooperative
4 efforts in solid waste management by counties and
5 municipalities and groups of counties and municipalities where
6 appropriate.

7 (b) Provisions for the continuation of existing
8 effective regional resource recovery, recycling, and solid
9 waste management facilities and programs.

10 (c) Planning guidelines and technical assistance to
11 counties and municipalities to aid in meeting the municipal
12 solid waste reduction goals established in s. 403.706(4).

13 (d) Planning guidelines and technical assistance to
14 counties and municipalities to develop and implement recycling
15 programs.

16 (e) Technical assistance to counties and
17 municipalities in determining the full cost for solid waste
18 management pursuant to ~~as required in~~ s. 403.7049(1).

19 (f) Planning guidelines and technical assistance to
20 counties and municipalities to develop and implement programs
21 for alternative disposal or processing or recycling of the
22 solid wastes prohibited from disposal in landfills under s.
23 403.708(13) and for special wastes.

24 (g) A public education program, to be developed in
25 cooperation with the Department of Education, local
26 governments, other state agencies, and business and industry
27 organizations, to inform the public of the need for and the
28 benefits of recycling of solid waste and reducing the amounts
29 of solid and hazardous waste generated and disposed of in the
30 state. The public education program shall be implemented
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1 through public workshops and through the use of brochures,
2 reports, public service announcements, and other materials.

3 (3) The department shall periodically seek information
4 from counties to evaluate and report on the success in meeting
5 the solid waste reduction goal.

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

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

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

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

19 ~~(d) An evaluation of the success of each county or~~
20 ~~group of counties in meeting the municipal solid waste~~
21 ~~reduction goal established in s. 403.706(4).~~

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

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

29 ~~(g) Recommendations to the Governor and the~~
30 ~~Legislature to improve the management and recycling of solid~~
31 ~~waste in this state.~~

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

5 Section 2. Section 403.706, Florida Statutes, is
6 amended to read:

7 403.706 Local government solid waste
8 responsibilities.--

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

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

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

29 ~~(a) Construction and demolition debris must be~~
30 ~~separated from the solid waste stream and segregated in~~

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1 ~~separate locations at a solid waste disposal facility or other~~
2 ~~permitted site.~~

3 (b) ~~At a minimum,~~Such programs shall be designed to
4 recover a significant portion ~~majority of the newspaper,~~
5 ~~aluminum cans, steel cans, glass, and plastic bottles~~ from the
6 solid waste stream prior to final disposal at a solid waste
7 disposal facility and to offer the following ~~these~~ materials
8 for recycling: newspaper, aluminum cans, steel cans, glass,
9 plastic bottles, cardboard, office paper, and yard trash.
10 Local governments which operate permitted waste-to-energy
11 facilities may retrieve ferrous and nonferrous metal ~~steel~~
12 ~~cans~~ as a byproduct of combustion.

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

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

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

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

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

8 2. ~~the use of yard trash, or other clean wood waste or~~
9 ~~paper waste, in innovative programs including, but not limited~~
10 ~~to, programs that produce alternative clean-burning fuels such~~
11 ~~as ethanol or that provide for the conversion of yard trash or~~
12 ~~other clean wood waste or paper waste to clean-burning fuel~~
13 ~~for the production of energy for use at facilities other than~~
14 ~~a waste-to-energy facility as defined in s. 403.7061. The~~
15 ~~provisions of this paragraph ~~subparagraph~~ only apply only if a~~
16 ~~county can demonstrate that:~~

17 1.a. ~~The county has implemented a yard trash mulching~~
18 ~~or composting program, and~~

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

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

28 (c)(d) A county with a population of 100,000 ~~75,000~~ or
29 less may provide its residents with the opportunity to recycle
30 in lieu of achieving the goal set forth in paragraph (a). For
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1 the purposes of this subsection, the "opportunity to recycle"
2 means that the county:

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

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

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

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15 ~~If a county with a population of 75,000 or less decides to~~
16 ~~provide the opportunity to recycle in lieu of achieving the~~
17 ~~goal set forth in paragraph (a), the county shall notify the~~
18 ~~department by October 1 of such decision, and shall provide~~
19 ~~the department with a description of how the county intends to~~
20 ~~provide the opportunity to recycle. The department shall take~~
21 ~~into consideration the description provided by the county in~~
22 ~~determining the amount of grant moneys to be provided to the~~
23 ~~county pursuant to s. 403.7095.~~

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

1 (6) The department may reduce or modify the municipal
2 solid waste reduction goal that a county is required to
3 achieve pursuant to subsection (4) if the county demonstrates
4 to the department that:

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

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

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

22 (7) In order to assess the progress in meeting the
23 goal established in subsection (4), each county shall, by
24 November ~~October~~ each year, provide information ~~report~~ to the
25 department its annual solid waste management program and
26 recycling activities. The information ~~report~~ by the county
27 must include:

28 ~~(a) A description of its public education program on~~
29 ~~recycling;~~

30 (a)~~(b)~~ The amount of municipal solid waste disposed of
31 at solid waste disposal facilities, by type of waste such as

1 yard trash, white goods, clean debris, tires, and unseparated
2 solid waste;

3 (b)~~(c)~~ The amount and type of materials from the
4 municipal solid waste stream that were recycled; and

5 (c)~~(d)~~ The percentage of the population participating
6 in various types of recycling activities instituted; 7

7 ~~(e) The percent reduction each year in municipal solid
8 waste disposed of at solid waste disposal facilities;~~

9 ~~(f) A description of the recycling activities
10 attempted, their success rates, the perceived reasons for
11 failure or success, and the recycling activities which are
12 ongoing and most successful; and~~

13 ~~(g) A description of the progress made toward
14 developing a composting program for organic materials such as
15 yard waste, food waste, and paper waste that would otherwise
16 be disposed of in a landfill.~~

17 (8) A county or municipality may enter into a written
18 agreement with other persons, including persons transporting
19 solid waste on October 1, 1988, to undertake to fulfill some
20 or all of the county's or municipality's responsibilities
21 under this section.

22 (9) In the development and implementation of a
23 curbside recyclable materials collection program, a county or
24 municipality shall enter into negotiations with a franchisee
25 who is operating to exclusively collect solid waste within a
26 service area of a county or municipality to undertake curbside
27 recyclable materials collection responsibilities for a county
28 or municipality. If the county or municipality and such
29 franchisee fail to reach an agreement within 60 days from the
30 initiation of such negotiations, the county or municipality
31 may solicit proposals from other persons to undertake curbside

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

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

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

28 (12) It is the policy of the state that a county and
29 its municipalities may jointly determine, through an
30 interlocal agreement pursuant to s. 163.01 or by requesting
31 the passage of special legislation, which local governmental

1 agency shall administer a solid waste management or recycling
2 program.

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

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

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

1 waste management program, nothing herein shall permit any
2 governmental agency to withdraw from said program if said
3 agency's participation is necessary for the financial
4 feasibility of the project, so long as said bonds are
5 outstanding.

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

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

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

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

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

26 (d) To grant a solid waste fee waiver to nonprofit
27 organizations that are engaged in the collection of donated
28 goods for charitable purposes and that have a recycling or
29 reuse rate of 50 percent or better.

30 (18) Each operator of a solid waste management
31 facility owned or operated by or on behalf of a county or

1 municipality shall weigh all solid waste when it is received.
2 The scale used to measure the solid waste shall conform to the
3 requirements of chapter 531 and any rules promulgated
4 thereunder.

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

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

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

1 the funds are being or will be used to finance the correction
2 of a pollution control problem that spans jurisdictional
3 boundaries.

4 (21)~~(22)~~ Local governments are authorized to enact
5 ordinances that require and direct all residential properties
6 and industrial, commercial, and institutional establishments
7 as defined by the local government to establish programs for
8 the separation of recyclable materials designated by the local
9 government, which recyclable materials are specifically
10 intended for purposes of recycling and for which a market
11 exists, and to provide for their collection. Such ordinances
12 may include, but are not limited to, provisions that prohibit
13 any person from knowingly disposing of recyclable materials
14 designated by the local government and that ensure the
15 collection of recovered materials as necessary to protect
16 public health and safety.

17 (22)~~(23)~~ Nothing in this act shall limit the authority
18 of the state or any local government to regulate the
19 collection, transportation, processing, or handling of
20 recovered materials or solid waste in order to protect the
21 public health, safety, and welfare.

22 Section 3. Subsections (15) and (16) are added to
23 section 403.707, Florida Statutes, to read:

24 403.707 Permits.--

25 (15) Construction and demolition debris must be
26 separated from the solid waste stream and segregated in
27 separate locations at a solid waste disposal facility or other
28 permitted site.

29 (16) No facility, solely by virtue of the fact that it
30 uses processed yard trash or clean wood or paper waste as a
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1 fuel source, shall be deemed to be a solid waste disposal
2 facility.

3 Section 4. Subsections (1) and (4) of section 403.717,
4 Florida Statutes, are amended to read:

5 403.717 Waste tire and lead-acid battery
6 requirements.--

7 (1) For purposes of this section and ss. 403.718 and,
8 ~~403.7185, and 403.719~~:

9 (a) "Department" means the Department of Environmental
10 Protection.

11 (b) "Motor vehicle" means an automobile, motorcycle,
12 truck, trailer, semitrailer, truck tractor and semitrailer
13 combination, or any other vehicle operated in this state, used
14 to transport persons or property and propelled by power other
15 than muscular power, but the term does not include traction
16 engines, road rollers, such vehicles as run only upon a track,
17 bicycles, mopeds, or farm tractors and trailers.

18 (c) "Tire" means a continuous solid or pneumatic
19 rubber covering encircling the wheel of a motor vehicle.

20 (d) "Waste tire" means a tire that has been removed
21 from a motor vehicle and has not been retreaded or regrooved.
22 "Waste tire" includes, but is not limited to, used tires and
23 processed tires.

24 (e) "Waste tire collection center" means a site where
25 waste tires are collected from the public prior to being
26 offered for recycling and where fewer than 1,500 tires are
27 kept on the site on any given day.

28 (f) "Waste tire processing facility" means a site
29 where equipment is used to recapture reusable byproducts from
30 waste tires or to cut, burn, or otherwise alter waste tires so
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1 that they are no longer whole. The term includes mobile waste
2 tire processing equipment.

3 (g) "Waste tire site" means a site at which 1,500 or
4 more waste tires are accumulated.

5 (h) "Lead-acid battery" means those lead-acid
6 batteries designed for use in motor vehicles, vessels, and
7 aircraft, and includes such batteries when sold new as a
8 component part of a motor vehicle, vessel, or aircraft, but
9 not when sold to recycle components.

10 (i) "Indoor" means within a structure which excludes
11 rain and public access and would control air flows in the
12 event of a fire.

13 (j) "Processed tire" means a tire that has been
14 treated mechanically, chemically, or thermally so that the
15 resulting material is a marketable product or is suitable for
16 proper disposal.

17 (k) "Used tire" means a waste tire which has a minimum
18 tread depth of $\frac{3}{32}$ inch or greater and is suitable for use
19 on a motor vehicle.

20 (4) The department shall adopt rules to carry out the
21 provisions of this section and s.ss.403.718 and ~~403.719~~.
22 Such rules shall:

23 (a) Provide for the administration or revocation of
24 waste tire processing facility permits, including mobile
25 processor permits;

26 (b) Provide for the administration or revocation of
27 waste tire collector registrations, the fees for which may not
28 exceed \$50 per vehicle registered annually;

29 (c) Provide for the administration or revocation of
30 waste tire collection center permits, the fee for which may
31 not exceed \$250 annually;—

1 (d) Set standards, including financial assurance
2 standards, for waste tire processing facilities and associated
3 waste tire sites, waste tire collection centers, waste tire
4 collectors, and for the storage of waste tires and processed
5 tires, including storage indoors;

6 (e) The department may by rule exempt not-for-hire
7 waste tire collectors and processing facilities from financial
8 assurance requirements;—

9 ~~(f) Establish procedures for administering the waste~~
10 ~~tire grants program and issuing grants;~~

11 (f)~~(g)~~ Authorize the final disposal of waste tires at
12 a permitted solid waste disposal facility provided the tires
13 have been cut into sufficiently small parts to assure their
14 proper disposal; and

15 (g)~~(h)~~ Allow waste tire material which has been cut
16 into sufficiently small parts to be used as daily cover
17 material for a landfill.

18 Section 5. Sections 403.7085, 403.7165, and 403.7175,
19 Florida Statutes, are repealed.

20 Section 6. This act shall take effect upon becoming
21 law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1038

- 4 The committee substitute rewrites the bill to conform other
5 statutory provisions to the changes made by CS/SB 710
6 relating to financial matters of the Solid Waste Management
7 Trust Fund.
- 8 Deletes the requirement that the state solid waste program
9 must provide guidelines for the collection and transportation
10 of solid waste.
- 11 Deletes the requirement that the state solid waste management
12 program be updated every 3 years.
- 13 Deletes the detailed language regarding what information the
14 counties must submit to the Department of Environmental
15 Protection (DEP) annually. Instead, the DEP would periodically
16 seek information from the counties to evaluate and report on
17 the success of meeting the solid waste reduction goal.
- 18 Requires the counties to implement a recyclable materials
19 recycling program; however, the counties are no longer
20 required to recover a majority of the "minimum five." Instead,
21 counties have flexibility to recover a significant portion of
22 at least four of the following materials: newspaper, aluminum
23 cans, steel cans, glass, plastic bottles, cardboard, office
24 paper, and yard trash.
- 25 Counties are encouraged to consider plans for composting or
26 mulching of organic materials and work in partnership with the
27 private sector.
- 28 Deletes specific language regarding the amount of construction
29 and demolition debris, yard trash, white goods, and tires that
30 may be considered when determining the 30 percent waste
31 reduction goal.
- Redefines a small county for the purpose of having to provide
an opportunity to recycle in lieu of achieving the 30 percent
goal. Increases the population threshold from 75,000 to
100,000. Deletes certain notice requirements for such
counties.
- Requires that construction and demolition debris must be
separated from the solid waste stream in separate locations at
a solid waste disposal facility or other permitted site.
Clarifies in the permit section that no facility that uses
processed yard trash or clean wood or paper waste as a fuel
source is deemed to be a solid waste disposal facility.
- Deletes DEP's authority to establish and administer a separate
waste tire grants program.
- Repeals s. 403.7085, F.S., relating to animal parts, fats,
disposal; repeals s. 403.7165, relating to the Applications
Demonstration Center for Resource Recovery from Solid Organic
Materials; and repeals s. 403.7175, F.S., relating to an
annual transfer from the General Revenue Fund to the Water

1 Quality Assurance Trust Fund.
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