

Bill No. SB 1528

Barcode 711998

CHAMBER ACTION

Senate

House

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The Committee on Environmental Preservation (Dockery)
recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsection (4) of section 403.413, Florida
Statutes, is amended to read:

403.413 Florida Litter Law.--

(4) DUMPING LITTER PROHIBITED.--Unless otherwise
authorized by law or permit, it is unlawful for any person to
dump litter in any manner or amount:

(a) In or on any public highway, road, street, alley,
or thoroughfare, including any portion of the right-of-way
thereof, or any other public lands, except in containers or
areas lawfully provided therefor. When any litter is thrown
or discarded from a motor vehicle, the operator or owner of
the motor vehicle, or both, shall be deemed in violation of
this section;

(b) In or on any freshwater lake, river, canal, or

Bill No. SB 1528

Barcode 711998

1 stream or tidal or coastal water of the state, including
2 canals. When any litter is thrown or discarded from a boat,
3 the operator or owner of the boat, or both, shall be deemed in
4 violation of this section; or

5 (c) In or on any private property, unless prior
6 consent of the owner has been given and unless the dumping of
7 such litter by such person will not cause a public nuisance or
8 otherwise be in violation of any other state or local law,
9 rule, or regulation.

10 Section 2. Section 403.4131, Florida Statutes, is
11 amended to read:

12 403.4131 Litter control ~~"Keep Florida Beautiful,~~
13 ~~Incorporated"; placement of signs.--~~

14 ~~(1) It is the intent of the Legislature that a~~
15 ~~coordinated effort of interested businesses, environmental and~~
16 ~~civic organizations, and state and local agencies of~~
17 ~~government be developed to plan for and assist in implementing~~
18 ~~solutions to the litter and solid waste problems in this state~~
19 ~~and that the state provide financial assistance for the~~
20 ~~establishment of a nonprofit organization with the name of~~
21 ~~"Keep Florida Beautiful, Incorporated," which shall be~~
22 ~~registered, incorporated, and operated in compliance with~~
23 ~~chapter 617. This nonprofit organization shall coordinate the~~
24 ~~statewide campaign and operate as the grassroots arm of the~~
25 ~~state's effort and shall serve as an umbrella organization for~~
26 ~~volunteer-based community programs. The organization shall be~~
27 ~~dedicated to helping Florida and its local communities solve~~
28 ~~solid waste problems, to developing and implementing a~~
29 ~~sustained litter prevention campaign, and to act as a working~~
30 ~~public private partnership in helping to implement the state's~~
31 ~~Solid Waste Management Act. As part of this effort, Keep~~

Bill No. SB 1528

Barcode 711998

1 ~~Florida Beautiful, Incorporated, in cooperation with the~~
2 ~~Environmental Education Foundation, shall strive to educate~~
3 ~~citizens, visitors, and businesses about the important~~
4 ~~relationship between the state's environment and economy.~~
5 ~~Keep Florida Beautiful, Incorporated, is encouraged to explore~~
6 ~~and identify economic incentives to improve environmental~~
7 ~~initiatives in the area of solid waste management. The~~
8 ~~membership of the board of directors of this nonprofit~~
9 ~~organization may include representatives of the following~~
10 ~~organizations: the Florida League of Cities, the Florida~~
11 ~~Association of Counties, the Governor's Office, the Florida~~
12 ~~Chapter of the National Solid Waste Management Association,~~
13 ~~the Florida Recyclers Association, the Center for Marine~~
14 ~~Conservation, Chapter of the Sierra Club, the Associated~~
15 ~~Industries of Florida, the Florida Soft Drink Association, the~~
16 ~~Florida Petroleum Council, the Retail Grocers Association of~~
17 ~~Florida, the Florida Retail Federation, the Pulp and Paper~~
18 ~~Association, the Florida Automobile Dealers Association, the~~
19 ~~Beer Industries of Florida, the Florida Beer Wholesalers~~
20 ~~Association, and the Distilled Spirits Wholesalers.~~

21 ~~(2) As a partner working with government, business,~~
22 ~~civic, environmental, and other organizations, Keep Florida~~
23 ~~Beautiful, Incorporated, shall strive to assist the state and~~
24 ~~its local communities by contracting for the development of a~~
25 ~~highly visible antilitter campaign that, at a minimum,~~
26 ~~includes:~~

27 ~~(a) Coordinating with the Center for Marine~~
28 ~~Conservation and the Center for Solid and Hazardous Waste~~
29 ~~Management to identify components of the marine debris and~~
30 ~~litter stream and groups that habitually litter.~~

31 ~~(b) Designing appropriate advertising to promote the~~

Bill No. SB 1528

Barcode 711998

1 ~~proper management of solid waste, with emphasis on educating~~
2 ~~groups that habitually litter.~~

3 ~~(c) Fostering public awareness and striving to build~~
4 ~~an environmental ethic in this state through the development~~
5 ~~of educational programs that result in an understanding and in~~
6 ~~action on the part of individuals and organizations about the~~
7 ~~role they must play in preventing litter and protecting~~
8 ~~Florida's environment.~~

9 ~~(d) Developing educational programs and materials that~~
10 ~~promote the proper management of solid waste, including the~~
11 ~~proper disposal of litter.~~

12 ~~(e) Administering grants provided by the state.~~
13 ~~Grants authorized under this section shall be subject to~~
14 ~~normal department audit procedures and review.~~

15 ~~(1)(3)~~ The Department of Transportation shall
16 establish an "adopt-a-highway" program to allow local
17 organizations to be identified with specific highway cleanup
18 and highway beautification projects authorized under s.
19 339.2405 ~~and shall coordinate such efforts with Keep Florida~~
20 ~~Beautiful, Inc.~~ The department shall report to the Governor
21 and the Legislature on the progress achieved and the savings
22 incurred by the "adopt-a-highway" program. The department
23 shall also monitor and report on compliance with provisions of
24 the adopt-a-highway program to ensure that organizations that
25 participate in the program comply with the goals identified by
26 the department.

27 ~~(2)(4)~~ The Department of Transportation shall place
28 signs discouraging litter at all off-ramps of the interstate
29 highway system in the state. The department shall place other
30 highway signs as necessary to discourage littering ~~through use~~
31 ~~of the antilitter program developed by Keep Florida Beautiful,~~

Bill No. SB 1528

Barcode 711998

1 ~~Incorporated.~~

2 ~~(3)(5)~~ Each county is encouraged to initiate a litter
3 control and prevention program or to expand upon its existing
4 program. The department shall establish a system of grants
5 for municipalities and counties to implement litter control
6 and prevention programs. In addition to the activities
7 described in subsection (1), such grants shall at a minimum be
8 used for litter cleanup, grassroots educational programs
9 involving litter removal and prevention, and the placement of
10 litter and recycling receptacles. Counties are encouraged to
11 form working public private partnerships as authorized under
12 this section to implement litter control and prevention
13 programs at the community level. The grants authorized
14 pursuant to this section shall be incorporated as part of the
15 recycling and education grants. Counties that have a
16 population under 100,000 ~~75,000~~ are encouraged to develop a
17 regional approach to administering and coordinating their
18 litter control and prevention programs.

19 ~~(6) The department may contract with Keep Florida~~
20 ~~Beautiful, Incorporated, to help carry out the provisions of~~
21 ~~this section. All contracts authorized under this section are~~
22 ~~subject to normal department audit procedures and review.~~

23 ~~(7) In order to establish continuity for the statewide~~
24 ~~program, those local governments and community programs~~
25 ~~receiving grants for litter prevention and control must use~~
26 ~~the official State of Florida litter control or campaign~~
27 ~~symbol adopted by Keep Florida Beautiful, Incorporated, for~~
28 ~~use on various receptacles and program material.~~

29 ~~(8) The Legislature establishes a litter reduction~~
30 ~~goal of 50 percent reduction from the period January 1, 1994,~~
31 ~~to January 1, 1997. The method of determination used to~~

Bill No. SB 1528

Barcode 711998

1 ~~measure the reduction in litter is the survey conducted by the~~
2 ~~Center for Solid and Hazardous Waste Management. The center~~
3 ~~shall consider existing litter survey methodologies.~~

4 ~~(9) The Department of Environmental Protection shall~~
5 ~~contract with the Center for Solid and Hazardous Waste~~
6 ~~Management for an ongoing annual litter survey, the first of~~
7 ~~which is to be conducted by January 1, 1994. The center shall~~
8 ~~appoint a broad-based work group not to exceed seven members~~
9 ~~to assist in the development and implementation of the survey.~~
10 ~~Representatives from the university system, business,~~
11 ~~government, and the environmental community shall be~~
12 ~~considered by the center to serve on the work group. Final~~
13 ~~authority on implementing and conducting the survey rests with~~
14 ~~the center. The first survey is to be designed to serve as a~~
15 ~~baseline by measuring the amount of current litter and marine~~
16 ~~debris, and is to include a methodology for measuring the~~
17 ~~reduction in the amount of litter and marine debris to~~
18 ~~determine the progress toward the litter reduction goal~~
19 ~~established in subsection (8). Annually thereafter, additional~~
20 ~~surveys are to be conducted and must also include a~~
21 ~~methodology for measuring the reduction in the amount of~~
22 ~~litter and for determining progress toward the litter~~
23 ~~reduction goal established in subsection (8).~~

24 ~~(10)(a) There is created within Keep Florida~~
25 ~~Beautiful, Inc., the Wildflower Advisory Council, consisting~~
26 ~~of a maximum of nine members to direct and oversee the~~
27 ~~expenditure of the Wildflower Account. The Wildflower Advisory~~
28 ~~Council shall include a representative from the University of~~
29 ~~Florida Institute of Food and Agricultural Sciences, the~~
30 ~~Florida Department of Transportation, and the Florida~~
31 ~~Department of Environmental Protection, the Florida League of~~

Bill No. SB 1528

Barcode 711998

1 ~~Cities, and the Florida Association of Counties. Other members~~
 2 ~~of the committee may include representatives from the Florida~~
 3 ~~Federation of Garden Clubs, Inc., Think Beauty Foundation, the~~
 4 ~~Florida Chapter of the American Society of Landscape~~
 5 ~~Architects, Inc., and a representative of the Master~~
 6 ~~Gardener's Program.~~

7 ~~(b) The Wildflower Advisory Council shall develop~~
 8 ~~procedures of operation, research contracts, educational~~
 9 ~~programs, and wildflower planting grants for Florida native~~
 10 ~~wildflowers, plants, and grasses. The council shall also make~~
 11 ~~the final determination of what constitutes acceptable species~~
 12 ~~of wildflowers and other plantings supported by these~~
 13 ~~programs.~~

14 Section 3. Section 403.41315, Florida Statutes, is
 15 amended to read:

16 403.41315 Comprehensive illegal dumping, litter, and
 17 marine debris control and prevention.--

18 (1) The Legislature finds that a comprehensive illegal
 19 dumping, litter, and marine debris control and prevention
 20 program is necessary to protect the beauty and the environment
 21 of Florida. The Legislature also recognizes that a
 22 comprehensive illegal dumping, litter, and marine debris
 23 control and prevention program will have a positive effect on
 24 the state's economy. The Legislature finds that the state's
 25 rapid population growth, the ever-increasing mobility of its
 26 population, and the large number of tourists contribute to the
 27 need for a comprehensive illegal dumping, litter, and marine
 28 debris control and prevention program. The Legislature further
 29 finds that the program must be coordinated and capable of
 30 having statewide identity and grassroots community support.

31 (2) The comprehensive illegal dumping, litter, and

Bill No. SB 1528

Barcode 711998

1 marine debris control and prevention program at a minimum must
2 include the following:

3 (a) A local ~~statewide~~ public awareness and educational
4 campaign, ~~coordinated by Keep Florida Beautiful, Incorporated,~~
5 to educate individuals, government, businesses, and other
6 organizations concerning the role they must assume in
7 preventing and controlling litter.

8 (b) Enforcement provisions authorized under s.
9 403.413.

10 (c) Enforcement officers whose responsibilities
11 include grassroots education along with enforcing litter and
12 illegal dumping violations.

13 (d) Local illegal dumping, litter, and marine debris
14 control and prevention programs operated at the county level
15 with emphasis placed on grassroots educational programs
16 designed to prevent and remove litter and marine debris.

17 (e) A statewide adopt-a-highway program as authorized
18 under s. 403.4131.

19 (f) The highway beautification program authorized
20 under s. 339.2405.

21 (g) A statewide Adopt-a-Shore program that includes
22 beach, river, and lake shorelines and emphasizes litter and
23 marine debris cleanup and prevention.

24 (h) The prohibition of balloon releases as authorized
25 under s. 372.995.

26 (i) The placement of approved identifiable litter and
27 recycling receptacles.

28 (j) Other educational programs that are implemented at
29 the grassroots level ~~coordinated through Keep Florida~~
30 ~~Beautiful, Inc.,~~ involving volunteers and community programs
31 that clean up and prevent litter, including Youth Conservation

Bill No. SB 1528

Barcode 711998

1 Corps activities.

2 Section 4. Section 403.4133, Florida Statutes, is
3 amended to read:

4 403.4133 Adopt-a-Shore Program.--

5 (1) The Legislature finds that litter and illegal
6 dumping present a threat to the state's wildlife, environment,
7 and shorelines. The Legislature further finds that public
8 awareness and education will assist in preventing litter from
9 being illegally deposited along the state's shorelines.

10 (2) The Adopt-a-Shore Program shall be created within
11 the Department of Environmental Protection ~~nonprofit~~
12 ~~organization referred to in s. 403.4131(1), named Keep Florida~~
13 ~~Beautiful, Incorporated.~~ The program shall be designed to
14 educate the state's citizens and visitors about the importance
15 of litter prevention and shall include approaches and
16 techniques to remove litter from the state's shorelines.

17 (3) For the purposes of this section, the term
18 "shoreline" includes, but is not limited to, beaches,
19 rivershores, and lakeshores.

20 Section 5. Subsection (28) of section 320.08058,
21 Florida Statutes, is amended to read:

22 320.08058 Specialty license plates.--

23 (28) FLORIDA WILDFLOWER LICENSE PLATES.--

24 (a) The department shall develop a Florida Wildflower
25 license plate as provided in this section. The word "Florida"
26 must appear at the top of the plate, and the words "State
27 Wildflower" and "coreopsis" must appear at the bottom of the
28 plate.

29 (b) The annual use fees shall be distributed to the
30 Wildflower Foundation, Inc., a 501(c)(3) nonprofit corporation
31 ~~Wildflower Account established by Keep Florida Beautiful,~~

Bill No. SB 1528

Barcode 711998

1 ~~Inc., created by s. 403.4131.~~ The proceeds must be used to
 2 establish native Florida wildflower research programs,
 3 wildflower educational programs, and wildflower grant programs
 4 to municipal, county, and community-based groups in this
 5 state.

6 1. The Wildflower Foundation, Inc., shall develop
 7 procedures of operation, research contracts, education and
 8 marketing programs, and wildflower planting grants for Florida
 9 native wildflowers, plants, and grasses.

10 2. A maximum of 15 ~~10~~ percent of the proceeds from the
 11 sale of such plates may be used for administrative and
 12 marketing costs.

13 3. In the event the Wildflower Foundation, Inc.,
 14 ceases to be an active 501(c)(3) nonprofit corporation, the
 15 proceeds from the annual use fee shall be deposited into the
 16 General Inspection Trust Fund created within the Department of
 17 Agriculture and Consumer Services. Any funds held by the
 18 Wildflower Foundation, Inc., must be promptly transferred to
 19 the General Inspection Trust Fund. The Department of
 20 Agriculture and Consumer Services shall use and administer the
 21 proceeds from the use fee in the manner specified in this
 22 subsection.

23 Section 6. Section 403.703, Florida Statutes, is
 24 amended to read:

25 (Substantial rewording of section. See

26 s. 403.703, F.S., for present text.)

27 403.703 Definitions.--As used in this part, the term:

28 (1) "Ash residue" has the same meaning as in the
 29 department rule governing solid waste combustors which defines
 30 the term.

31 (2) "Biomedical waste" means any solid waste or liquid

Bill No. SB 1528

Barcode 711998

1 waste that may present a threat of infection to humans. The
 2 term includes, but is not limited to, nonliquid human tissue
 3 and body parts; laboratory and veterinary waste that contains
 4 human-disease-causing agents; discarded disposable sharps;
 5 human blood and human blood products and body fluids; and
 6 other materials that in the opinion of the Department of
 7 Health represent a significant risk of infection to persons
 8 outside the generating facility. The term does not include
 9 human remains that are disposed of by persons licensed under
 10 chapter 497.

11 (3) "Biological waste" means solid waste that causes
 12 or has the capability of causing disease or infection and
 13 includes, but is not limited to, biomedical waste, diseased or
 14 dead animals, and other wastes capable of transmitting
 15 pathogens to humans or animals. The term does not include
 16 human remains that are disposed of by persons licensed under
 17 chapter 497.

18 (4) "Clean debris" means any solid waste that is
 19 virtually inert, that is not a pollution threat to groundwater
 20 or surface waters, that is not a fire hazard, and that is
 21 likely to retain its physical and chemical structure under
 22 expected conditions of disposal or use. The term includes
 23 uncontaminated concrete, including embedded pipe or steel,
 24 brick, glass, ceramics, and other wastes designated by the
 25 department.

26 (5) "Closure" means the cessation of operation of a
 27 solid waste management facility and the act of securing such
 28 facility so that it will pose no significant threat to human
 29 health or the environment and includes long-term monitoring
 30 and maintenance of a facility if required by department rule.

31 (6) "Construction and demolition debris" means

Bill No. SB 1528

Barcode 711998

1 discarded materials generally considered to be not
2 water-soluble and nonhazardous in nature, including, but not
3 limited to, steel, glass, brick, concrete, asphalt roofing
4 material, pipe, gypsum wallboard, and lumber, from the
5 construction or destruction of a structure as part of a
6 construction or demolition project or from the renovation of a
7 structure, and includes rocks, soils, tree remains, trees, and
8 other vegetative matter that normally results from land
9 clearing or land-development operations for a construction
10 project, including such debris from construction of structures
11 at a site remote from the construction or demolition project
12 site. Mixing of construction and demolition debris with other
13 types of solid waste will cause the resulting mixture to be
14 classified as other than construction and demolition debris.

15 The term also includes:

16 (a) Clean cardboard, paper, plastic, wood, and metal
17 scraps from a construction project;

18 (b) Except as provided in s. 403.707(9)(j), yard trash
19 and unpainted, nontreated wood scraps and wood pallets from
20 sources other than construction or demolition projects;

21 (c) Scrap from manufacturing facilities which is the
22 type of material generally used in construction projects and
23 which would meet the definition of construction and demolition
24 debris if it were generated as part of a construction or
25 demolition project. This includes debris from the construction
26 of manufactured homes and scrap shingles, wallboard, siding
27 concrete, and similar materials from industrial or commercial
28 facilities; and

29 (d) De minimis amounts of other nonhazardous wastes
30 that are generated at construction or destruction projects,
31 provided such amounts are consistent with best management

Bill No. SB 1528

Barcode 711998

1 practices of the industry.

2 (7) "County," or any like term, means a political
3 subdivision of the state established pursuant to s. 1, Art.
4 VIII of the State Constitution and, when s. 403.706(19)
5 applies, means a special district or other entity.

6 (8) "Department" means the Department of Environmental
7 Protection or any successor agency performing a like function.

8 (9) "Disposal" means the discharge, deposit,
9 injection, dumping, spilling, leaking, or placing of any solid
10 waste or hazardous waste into or upon any land or water so
11 that such solid waste or hazardous waste or any constituent
12 thereof may enter other lands or be emitted into the air or
13 discharged into any waters, including groundwaters, or
14 otherwise enter the environment.

15 (10) "Generation" means the act or process of
16 producing solid or hazardous waste.

17 (11) "Guarantor" means any person, other than the
18 owner or operator, who provides evidence of financial
19 responsibility for an owner or operator under this part.

20 (12) "Hazardous substance" means any substance that is
21 defined as a hazardous substance in the United States
22 Comprehensive Environmental Response, Compensation, and
23 Liability Act of 1980, 94 Stat. 2767.

24 (13) "Hazardous waste" means solid waste, or a
25 combination of solid wastes, which, because of its quantity,
26 concentration, or physical, chemical, or infectious
27 characteristics, may cause, or significantly contribute to, an
28 increase in mortality or an increase in serious irreversible
29 or incapacitating reversible illness or may pose a substantial
30 present or potential hazard to human health or the environment
31 when improperly transported, disposed of, stored, treated, or

Bill No. SB 1528

Barcode 711998

1 otherwise managed. The term does not include human remains
2 that are disposed of by persons licensed under chapter 497.

3 (14) "Hazardous waste facility" means any building,
4 site, structure, or equipment at or by which hazardous waste
5 is disposed of, stored, or treated.

6 (15) "Hazardous waste management" means the systematic
7 control of the collection, source separation, storage,
8 transportation, processing, treatment, recovery, recycling,
9 and disposal of hazardous wastes.

10 (16) "Land disposal" means any placement of hazardous
11 waste in or on the land and includes, but is not limited to,
12 placement in a landfill, surface impoundment, waste pile,
13 injection well, land treatment facility, salt bed formation,
14 salt dome formation, or underground mine or cave, or placement
15 in a concrete vault or bunker intended for disposal purposes.

16 (17) "Landfill" means any solid waste land disposal
17 area for which a permit, other than a general permit, is
18 required by s. 403.707 and which receives solid waste for
19 disposal in or upon land. The term does not include a
20 land-spreading site, an injection well, a surface impoundment,
21 or a facility for the disposal of construction and demolition
22 debris.

23 (18) "Manifest" means the recordkeeping system used
24 for identifying the concentration, quantity, composition,
25 origin, routing, and destination of hazardous waste during its
26 transportation from the point of generation to the point of
27 disposal, storage, or treatment.

28 (19) "Materials-recovery facility" means a solid waste
29 management facility that provides for the extraction from
30 solid waste of recyclable materials, materials suitable for
31 use as a fuel or soil amendment, or any combination of such

Bill No. SB 1528

Barcode 711998

1 materials.

2 (20) "Municipality," or any like term, means a
3 municipality created pursuant to general or special law
4 authorized or recognized pursuant to s. 2 or s. 6, Art. VIII
5 of the State Constitution and, when s. 403.706(19) applies,
6 means a special district or other entity.

7 (21) "Operation," with respect to any solid waste
8 management facility, means the disposal, storage, or
9 processing of solid waste at and by the facility.

10 (22) "Person" means any and all persons, natural or
11 artificial, including any individual, firm, or association;
12 any municipal or private corporation organized or existing
13 under the laws of this state or any other state; any county of
14 this state; and any governmental agency of this state or the
15 Federal Government.

16 (23) "Processing" means any technique designed to
17 change the physical, chemical, or biological character or
18 composition of any solid waste so as to render it safe for
19 transport; amenable to recovery, storage, or recycling; safe
20 for disposal; or reduced in volume or concentration.

21 (24) "Recovered materials" means metal, paper, glass,
22 plastic, textile, or rubber materials that have known
23 recycling potential, can be feasibly recycled, and have been
24 diverted and source separated or have been removed from the
25 solid waste stream for sale, use, or reuse as raw materials,
26 whether or not the materials require subsequent processing or
27 separation from each other, but the term does not include
28 materials destined for any use that constitutes disposal.
29 Recovered materials as described in this subsection are not
30 solid waste.

31 (25) "Recovered materials processing facility" means a

Bill No. SB 1528

Barcode 711998

1 facility engaged solely in the storage, processing, resale, or
 2 reuse of recovered materials. Such a facility is not a solid
 3 waste management facility if it meets the conditions of s.
 4 403.7045(1)(e).

5 (26) "Recyclable material" means those materials that
 6 are capable of being recycled and that would otherwise be
 7 processed or disposed of as solid waste.

8 (27) "Recycling" means any process by which solid
 9 waste, or materials that would otherwise become solid waste,
 10 are collected, separated, or processed and reused or returned
 11 to use in the form of raw materials or products.

12 (28) "Resource recovery" means the process of
 13 recovering materials or energy from solid waste, excluding
 14 those materials or solid waste under the control of the
 15 Nuclear Regulatory Commission.

16 (29) "Resource recovery equipment" means equipment or
 17 machinery exclusively and integrally used in the actual
 18 process of recovering material or energy resources from solid
 19 waste.

20 (30) "Sludge" includes the accumulated solids,
 21 residues, and precipitates generated as a result of waste
 22 treatment or processing, including wastewater treatment,
 23 water-supply treatment, or operation of an air pollution
 24 control facility, and mixed liquids and solids pumped from
 25 septic tanks, grease traps, privies, or similar waste disposal
 26 appurtenances.

27 (31) "Special wastes" means solid wastes that can
 28 require special handling and management, including, but not
 29 limited to, white goods, waste tires, used oil, lead-acid
 30 batteries, construction and demolition debris, ash residue,
 31 yard trash, and biological wastes.

Bill No. SB 1528

Barcode 711998

1 (32) "Solid waste" means sludge unregulated under the
2 federal Clean Water Act or Clean Air Act, sludge from a waste
3 treatment works, water supply treatment plant, or air
4 pollution control facility, or garbage, rubbish, refuse,
5 special waste, or other discarded material, including solid,
6 liquid, semisolid, or contained gaseous material resulting
7 from domestic, industrial, commercial, mining, agricultural,
8 or governmental operations. Recovered materials as defined in
9 subsection (24) are not solid waste.

10 (33) "Solid waste disposal facility" means any solid
11 waste management facility that is the final resting place for
12 solid waste, including landfills and incineration facilities
13 that produce ash from the process of incinerating municipal
14 solid waste.

15 (34) "Solid waste management" means the process by
16 which solid waste is collected, transported, stored,
17 separated, processed, or disposed of in any other way
18 according to an orderly, purposeful, and planned program,
19 which includes closure.

20 (35) "Solid waste management facility" means any solid
21 waste disposal area, volume-reduction plant, transfer station,
22 materials-recovery facility, or other facility, the purpose of
23 which is resource recovery or the disposal, recycling,
24 processing, or storage of solid waste. The term does not
25 include recovered materials processing facilities that meet
26 the requirements of s. 403.7046, except the portion of such
27 facilities, if any, which is used for the management of solid
28 waste.

29 (36) "Source separated" means that the recovered
30 materials are separated from solid waste at the location where
31 the recovered materials and solid waste are generated. The

Bill No. SB 1528

Barcode 711998

1 term does not require that various types of recovered
 2 materials be separated from each other, and recognizes de
 3 minimis solid waste, in accordance with industry standards and
 4 practices, may be included in the recovered materials.
 5 Materials are not considered source-separated when two or more
 6 types of recovered materials are deposited in combination with
 7 each other in a commercial collection container located where
 8 the materials are generated and when such materials contain
 9 more than 10 percent solid waste by volume or weight. For
 10 purposes of this subsection, the term "various types of
 11 recovered materials" means metals, paper, glass, plastic,
 12 textiles, and rubber.

13 (37) "Storage" means the containment or holding of a
 14 hazardous waste, either on a temporary basis or for a period
 15 of years, in such a manner as not to constitute disposal of
 16 such hazardous waste.

17 (38) "Transfer station" means a site the primary
 18 purpose of which is to store or hold solid waste for transport
 19 to a processing or disposal facility.

20 (39) "Transport" means the movement of hazardous waste
 21 from the point of generation or point of entry into the state
 22 to any offsite intermediate points and to the point of offsite
 23 ultimate disposal, storage, treatment, or exit from the state.

24 (40) "Treatment," when used in connection with
 25 hazardous waste, means any method, technique, or process,
 26 including neutralization, which is designed to change the
 27 physical, chemical, or biological character or composition of
 28 any hazardous waste so as to neutralize it or render it
 29 nonhazardous, safe for transport, amenable to recovery,
 30 amenable to storage or disposal, or reduced in volume or
 31 concentration. The term includes any activity or processing

Bill No. SB 1528

Barcode 711998

1 that is designed to change the physical form or chemical
2 composition of hazardous waste so as to render it
3 nonhazardous.

4 (41) "Volume-reduction plant" includes incinerators,
5 pulverizers, compactors, shredding and baling plants,
6 composting plants, and other plants that accept and process
7 solid waste for recycling or disposal.

8 (42) "White goods" includes air conditioners, heaters,
9 discarded refrigerators, ranges, water heaters, freezers, and
10 other similar domestic and commercial large appliances.

11 (43) "Yard trash" means vegetative matter resulting
12 from landscaping maintenance and land clearing operations and
13 includes associated rocks and soils.

14 Section 7. Section 403.704, Florida Statutes, is
15 amended to read:

16 403.704 Powers and duties of the department.--The
17 department shall have responsibility for the implementation
18 and enforcement of the provisions of this act. In addition to
19 other powers and duties, the department shall:

20 (1) Develop and implement, in consultation with local
21 governments, a state solid waste management program, as
22 defined in s. 403.705, ~~and update the program at least every 3~~
23 ~~years. In developing rules to implement the state solid waste~~
24 ~~management program, the department shall hold public hearings~~
25 ~~around the state and shall give notice of such public hearings~~
26 ~~to all local governments and regional planning agencies.~~

27 (2) Provide technical assistance to counties,
28 municipalities, and other persons, and cooperate with
29 appropriate federal agencies and private organizations in
30 carrying out the provisions of this act.

31 (3) Promote the planning and application of recycling

Bill No. SB 1528

Barcode 711998

1 and resource recovery systems which preserve and enhance the
2 quality of the air, water, and other natural resources of the
3 state and assist in and encourage, where appropriate, the
4 development of regional solid waste management facilities.

5 (4) Serve as the official state representative for all
6 purposes of the federal Solid Waste Disposal Act, as amended
7 by Pub. L. No. 91-512, or as subsequently amended.

8 (5) Use private industry or the State University
9 System through contractual arrangements for implementation of
10 some or all of the requirements of the state solid waste
11 management program and for such other activities as may be
12 considered necessary, desirable, or convenient.

13 (6) Encourage recycling and resource recovery as a
14 source of energy and materials.

15 (7) Assist in and encourage, as much as possible, the
16 development within the state of industries and commercial
17 enterprises which are based upon resource recovery, recycling,
18 and reuse of solid waste.

19 ~~(8) Charge reasonable fees for any services it~~
20 ~~performs pursuant to this act, provided user fees shall apply~~
21 ~~uniformly within each municipality or county to all users who~~
22 ~~are provided with solid waste management services.~~

23 ~~(9) Acquire, at its discretion, personal or real~~
24 ~~property or any interest therein by gift, lease, or purchase~~
25 ~~for the purpose of providing sites for solid waste management~~
26 ~~facilities.~~

27 ~~(10) Acquire, construct, reconstruct, improve,~~
28 ~~maintain, equip, furnish, and operate, at its discretion, such~~
29 ~~solid waste management facilities as are called for by the~~
30 ~~state solid waste management program.~~

31 ~~(11) Receive funds or revenues from the sale of~~

Bill No. SB 1528

Barcode 711998

1 ~~products, materials, fuels, or energy in any form derived from~~
 2 ~~processing of solid waste by state-owned or state-operated~~
 3 ~~facilities, which funds or revenues shall be deposited into~~
 4 ~~the Solid Waste Management Trust Fund.~~

5 ~~(8)(12)~~ Determine by rule the facilities, equipment,
 6 personnel, and number of monitoring wells to be provided at
 7 each ~~Class I~~ solid waste disposal facility ~~area~~.

8 ~~(13)~~ Encourage, but not require, as part of a Class II
 9 solid waste disposal area, a potable water supply; an employee
 10 shelter; handwashing and toilet facilities; equipment washout
 11 facilities; electric service for operations and repairs;
 12 equipment shelter for maintenance and storage of parts,
 13 equipment, and tools; scales for weighing solid waste received
 14 at the disposal area; a trained equipment operator in
 15 full-time attendance during operating hours; and communication
 16 facilities for use in emergencies. The department may require
 17 an attendant at a Class II solid waste disposal area during
 18 the hours of operation if the department affirmatively
 19 demonstrates that such a requirement is necessary to prevent
 20 unlawful fires, unauthorized dumping, or littering of nearby
 21 property.

22 ~~(14)~~ Require a Class II solid waste disposal area to
 23 have at least one monitoring well which shall be placed
 24 adjacent to the site in the direction of groundwater flow
 25 unless otherwise exempted by the department. The department
 26 may require additional monitoring wells not farther than 1
 27 mile from the site if it is affirmatively demonstrated by the
 28 department that a significant change in the initial quality of
 29 the water has occurred in the downstream monitoring well which
 30 adversely affects the beneficial uses of the water. These
 31 wells may be public or private water supply wells if they are

Bill No. SB 1528

Barcode 711998

1 ~~suitable for use in determining background water quality~~
2 ~~levels.~~

3 ~~(9)(15)~~ Adopt rules pursuant to ss. 120.536(1) and
4 120.54 to implement and enforce the provisions of this act,
5 including requirements for the classification, construction,
6 operation, maintenance, and closure of solid waste management
7 facilities and requirements for, and conditions on, solid
8 waste disposal in this state, whether such solid waste is
9 generated within this state or outside this state as long as
10 such requirements and conditions are not based on the
11 out-of-state origin of the waste and are consistent with
12 applicable provisions of law. When classifying solid waste
13 management facilities, the department shall consider the
14 hydrogeology of the site for the facility, the types of wastes
15 to be handled by the facility, and methods used to control the
16 types of waste to be handled by the facility and shall seek to
17 minimize the adverse effects of solid waste management on the
18 environment. Whenever the department adopts any rule stricter
19 or more stringent than one which has been set by the United
20 States Environmental Protection Agency, the procedures set
21 forth in s. 403.804(2) shall be followed. The department shall
22 not, however, adopt hazardous waste rules for solid waste for
23 which special studies were required prior to October 1, 1988,
24 under s. 8002 of the Resource Conservation and Recovery Act,
25 42 U.S.C. s. 6982, as amended, until the studies are completed
26 by the United States Environmental Protection Agency and the
27 information is available to the department for consideration
28 in adopting its own rule.

29 ~~(10)(16)~~ Issue or modify permits on such conditions as
30 are necessary to effect the intent and purposes of this act,
31 and may deny or revoke permits.

Bill No. SB 1528

Barcode 711998

1 ~~(17) Conduct research, using the State University~~
2 ~~System, solid waste professionals from local governments,~~
3 ~~private enterprise, and other organizations, on alternative,~~
4 ~~economically feasible, cost-effective, and environmentally~~
5 ~~safe solid waste management and landfill closure methods which~~
6 ~~protect the health, safety, and welfare of the public and the~~
7 ~~environment and which may assist in developing markets and~~
8 ~~provide economic benefits to local governments, the state, and~~
9 ~~its citizens, and solicit public participation during the~~
10 ~~research process. The department shall incorporate such~~
11 ~~cost-effective landfill closure methods in the appropriate~~
12 ~~department rule as alternative closure requirements.~~

13 (11)~~(18)~~ Develop and implement or contract for
14 services to develop information on recovered materials markets
15 and strategies for market development and expansion for use of
16 these materials. Additionally, the department shall maintain a
17 directory of recycling businesses operating in the state and
18 shall serve as a coordinator to match recovered materials with
19 markets. Such directory shall be made available to the public
20 and to local governments to assist with their solid waste
21 management activities.

22 ~~(19) Authorize variances from solid waste closure~~
23 ~~rules adopted pursuant to this part, provided such variances~~
24 ~~are applied for and approved in accordance with s. 403.201 and~~
25 ~~will not result in significant threats to human health or the~~
26 ~~environment.~~

27 (12)~~(20)~~ Establish accounts and deposit to the Solid
28 Waste Management Trust Fund and control and administer moneys
29 it may withdraw from the fund.

30 (13)~~(21)~~ Manage a program of grants, using funds from
31 the Solid Waste Management Trust Fund and funds provided by

Bill No. SB 1528

Barcode 711998

1 the Legislature for solid waste management, for programs for
 2 recycling, composting, litter control, and special waste
 3 management and for programs which provide for the safe and
 4 proper management of solid waste.

5 ~~(14)(22)~~ Budget and receive appropriated funds and
 6 accept, receive, and administer grants or other funds or gifts
 7 from public or private agencies, including the state and the
 8 Federal Government, for the purpose of carrying out the
 9 provisions of this act.

10 ~~(15)(23)~~ Delegate its powers, enter into contracts, or
 11 take such other actions as may be necessary to implement this
 12 act.

13 ~~(16)(24)~~ Receive and administer funds appropriated for
 14 county hazardous waste management assessments.

15 ~~(17)(25)~~ Provide technical assistance to local
 16 governments and regional agencies to ensure consistency
 17 between county hazardous waste management assessments;
 18 coordinate the development of such assessments with the
 19 assistance of the appropriate regional planning councils; and
 20 review and make recommendations to the Legislature relative to
 21 the sufficiency of the assessments to meet state hazardous
 22 waste management needs.

23 ~~(18)(26)~~ Increase public education and public
 24 awareness of solid and hazardous waste issues by developing
 25 and promoting statewide programs of litter control, recycling,
 26 volume reduction, and proper methods of solid waste and
 27 hazardous waste management.

28 ~~(19)(27)~~ Assist the hazardous waste storage,
 29 treatment, or disposal industry by providing to the industry
 30 any data produced on the types and quantities of hazardous
 31 waste generated.

Bill No. SB 1528

Barcode 711998

1 ~~(20)(28)~~ Institute a hazardous waste emergency
 2 response program which would include emergency
 3 telecommunication capabilities and coordination with
 4 appropriate agencies.

5 ~~(21)(29)~~ Promulgate rules necessary to accept
 6 delegation of the hazardous waste management program from the
 7 Environmental Protection Agency under the Hazardous and Solid
 8 Waste Amendments of 1984, Pub. L. No. 98-616.

9 ~~(22)(30)~~ Adopt rules, if necessary, to address the
 10 incineration and disposal of biomedical waste and the
 11 management of biological waste within the state, whether such
 12 waste is generated within this state or outside this state, as
 13 long as such requirements and conditions are not based on the
 14 out-of-state origin of the waste and are consistent with
 15 applicable provisions of law.

16 Section 8. Section 403.7043, Florida Statutes, is
 17 amended to read:

18 403.7043 Compost standards and applications.--

19 (1) In order to protect the state's land and water
 20 resources, compost produced, utilized, or disposed of by the
 21 composting process at solid waste management facilities in the
 22 state must meet criteria established by the department.

23 (2) The department shall ~~Within 6 months after October~~
 24 ~~1, 1988, the department shall initiate rulemaking to establish~~
 25 and maintain rules addressing standards for the production of
 26 compost ~~and shall complete and promulgate those rules within~~
 27 ~~12 months after initiating the process of rulemaking,~~
 28 including rules establishing:

29 (a) Requirements necessary to produce hygienically
 30 safe compost products for varying applications.

31 (b) A classification scheme for compost based on+ the

Bill No. SB 1528

Barcode 711998

1 types of waste composted, ~~including at least one type~~
 2 ~~containing only yard trash;~~ the maturity of the compost,
 3 ~~including at least three degrees of decomposition for fresh,~~
 4 ~~semimature, and mature;~~ and the levels of organic and
 5 inorganic constituents in the compost. This scheme shall
 6 address:

- 7 1. Methods for measurement of the compost maturity.
- 8 2. Particle sizes.
- 9 3. Moisture content.
- 10 4. Average levels of organic and inorganic
- 11 constituents, including heavy metals, for such classes of
- 12 compost as the department establishes, and the analytical
- 13 methods to determine those levels.

14 ~~(3) Within 6 months after October 1, 1988, the~~
 15 ~~department shall initiate rulemaking to prescribe the~~
 16 ~~allowable uses and application rates of compost and shall~~
 17 ~~complete and promulgate those rules within 12 months after~~
 18 ~~initiating the process of rulemaking, based on the following~~
 19 ~~criteria:~~

20 ~~(a) The total quantity of organic and inorganic~~
 21 ~~constituents, including heavy metals, allowed to be applied~~
 22 ~~through the addition of compost to the soil per acre per year.~~

23 ~~(b) The allowable uses of compost based on maturity~~
 24 ~~and type of compost.~~

25 ~~(4) If compost is produced which does not meet the~~
 26 ~~criteria prescribed by the department for agricultural and~~
 27 ~~other use, the compost must be reprocessed or disposed of in a~~
 28 ~~manner approved by the department, unless a different~~
 29 ~~application is specifically permitted by the department.~~

30 ~~(5) The provisions of s. 403.706 shall not prohibit~~
 31 ~~any county or municipality which has in place a memorandum of~~

Bill No. SB 1528

Barcode 711998

1 ~~understanding or other written agreement as of October 1,~~
2 ~~1988, from proceeding with plans to build a compost facility.~~

3 Section 9. Subsections (1), (2), and (3) of section
4 403.7045, Florida Statutes, are amended to read:

5 403.7045 Application of act and integration with other
6 acts.--

7 (1) The following wastes or activities shall not be
8 regulated pursuant to this act:

9 (a) Byproduct material, source material, and special
10 nuclear material, the generation, transportation, disposal,
11 storage, or treatment of which is regulated under chapter 404
12 or under the federal Atomic Energy Act of 1954, ch. 1073, 68
13 Stat. 923, as amended;

14 (b) Suspended solids and dissolved materials in
15 domestic sewage effluent or irrigation return flows or other
16 discharges which are point sources subject to permits pursuant
17 to provisions of this chapter or pursuant to s. 402 of the
18 Clean Water Act, Pub. L. No. 95-217;

19 (c) Emissions to the air from a stationary
20 installation or source regulated under provisions of this
21 chapter or under the Clean Air Act, Pub. L. No. 95-95;

22 (d) Drilling fluids, produced waters, and other wastes
23 associated with the exploration for, or development and
24 production of, crude oil or natural gas which are regulated
25 under chapter 377; or

26 (e) Recovered materials or recovered materials
27 processing facilities shall not be regulated pursuant to this
28 act, except as provided in s. 403.7046, if:

29 1. A majority of the recovered materials at the
30 facility are demonstrated to be sold, used, or reused within 1
31 year.

Bill No. SB 1528

Barcode 711998

1 2. The recovered materials handled by the facility or
 2 the products or byproducts of operations that process
 3 recovered materials are not discharged, deposited, injected,
 4 dumped, spilled, leaked, or placed into or upon any land or
 5 water by the owner or operator of such facility so that such
 6 recovered materials, products or byproducts, or any
 7 constituent thereof may enter other lands or be emitted into
 8 the air or discharged into any waters, including groundwaters,
 9 or otherwise enter the environment such that a threat of
 10 contamination in excess of applicable department standards and
 11 criteria is caused.

12 3. The recovered materials handled by the facility are
 13 not hazardous wastes as defined under s. 403.703, and rules
 14 promulgated pursuant thereto.

15 4. The facility is registered as required in s.
 16 403.7046.

17 (f) Industrial byproducts, if:

18 1. A majority of the industrial byproducts are
 19 demonstrated to be sold, used, or reused within 1 year.

20 2. The industrial byproducts are not discharged,
 21 deposited, injected, dumped, spilled, leaked, or placed upon
 22 any land or water so that such industrial byproducts, or any
 23 constituent thereof, may enter other lands or be emitted into
 24 the air or discharged into any waters, including groundwaters,
 25 or otherwise enter the environment such that a threat of
 26 contamination in excess of applicable department standards and
 27 criteria or a significant threat to public health is caused.

28 3. The industrial byproducts are not hazardous wastes
 29 as defined under s. 403.703 and rules adopted under this
 30 section.

31 (2) Except as provided in s. 403.704(9) ~~s.~~

Bill No. SB 1528

Barcode 711998

1 ~~403.704(15)~~, the following wastes shall not be regulated as a
2 hazardous waste pursuant to this act, except when determined
3 by the United States Environmental Protection Agency to be a
4 hazardous waste:

5 (a) Ashes and scrubber sludges generated from the
6 burning of boiler fuel for generation of electricity or steam.

7 (b) Agricultural and silvicultural byproduct material
8 and agricultural and silvicultural process waste from normal
9 farming or processing.

10 (c) Discarded material generated by the mining and
11 beneficiation and chemical or thermal processing of phosphate
12 rock, and precipitates resulting from neutralization of
13 phosphate chemical plant process and nonprocess waters.

14 (3) The following wastes or activities shall be
15 regulated pursuant to this act in the following manner:

16 (a) Dredged material that is generated as part of a
17 project permitted under part IV of chapter 373 or chapter 161,
18 or that is authorized to be removed from sovereign submerged
19 lands under chapter 253, ~~Dredge spoil or fill material~~ shall
20 be managed in accordance with the conditions of that permit or
21 authorization unless the dredged material is regulated as
22 hazardous waste pursuant to this part ~~disposed of pursuant to~~
23 a dredge and fill permit, but whenever hazardous components
24 are disposed of within the dredge or fill material, the dredge
25 and fill permits shall specify the specific hazardous wastes
26 contained and the concentration of each such waste. If the
27 dredged material contains hazardous substances, the department
28 may further ~~then~~ limit or restrict the sale or use of the
29 dredged ~~dredge and fill~~ material and may specify such other
30 conditions relative to this material as are reasonably
31 necessary to protect the public from the potential hazards.

Bill No. SB 1528

Barcode 711998

1 However, nothing in this subsection shall be construed to
 2 require the routine testing of dredged material for hazardous
 3 substances unless there is a reasonable expectation that such
 4 substances will be present.

5 (b) Hazardous wastes that ~~which~~ are contained in
 6 artificial recharge waters or other waters intentionally
 7 introduced into any underground formation and that ~~which~~ are
 8 permitted pursuant to s. 373.106 shall also be handled in
 9 compliance with the requirements and standards for disposal,
 10 storage, and treatment of hazardous waste under this act.

11 (c) Solid waste or hazardous waste facilities that
 12 ~~which~~ are operated as a part of the normal operation of a
 13 power generating facility and which are licensed by
 14 certification pursuant to the Florida Electrical Power Plant
 15 Siting Act, ss. 403.501-403.518, shall undergo such
 16 certification subject to the substantive provisions of this
 17 act.

18 (d) Biomedical waste and biological waste shall be
 19 disposed of only as authorized by the department. However,
 20 any person who unknowingly disposes into a sanitary landfill
 21 or waste-to-energy facility any such waste that ~~which~~ has not
 22 been properly segregated or separated from other solid wastes
 23 by the generating facility is not guilty of a violation under
 24 this act. ~~Nothing in This paragraph does not shall be~~
 25 ~~construed to~~ prohibit the department from seeking injunctive
 26 relief pursuant to s. 403.131 to prohibit the unauthorized
 27 disposal of biomedical waste or biological waste.

28 Section 10. Subsection (2) of section 403.7061,
 29 Florida Statutes, is amended to read:

30 403.7061 Requirements for review of new
 31 waste-to-energy facility capacity by the Department of

Bill No. SB 1528

Barcode 711998

1 Environmental Protection.--

2 (2) Notwithstanding any other provisions of state law,
3 the department shall not issue a construction permit or
4 certification to build a waste-to-energy facility or expand an
5 existing waste-to-energy facility unless the facility meets
6 the requirements set forth in subsection (3). Any construction
7 permit issued by the department between January 1, 1993, and
8 May 12, 1993, which does not address these new requirements
9 shall be invalid. These new requirements do not apply to the
10 issuance of permits or permit modifications to retrofit
11 existing facilities with new or improved pollution control
12 equipment to comply with state or federal law. The department
13 may ~~shall~~ initiate rulemaking to incorporate the criteria in
14 subsection (3) into its permit review process.

15 Section 11. Section 403.707, Florida Statutes, is
16 amended to read:

17 403.707 Permits.--

18 (1) A ~~No~~ solid waste management facility may not be
19 operated, maintained, constructed, expanded, modified, or
20 closed without an appropriate and currently valid permit
21 issued by the department. The department may by rule exempt
22 specified types of facilities from the requirement for a
23 permit under this part if it determines that construction or
24 operation of the facility is not expected to create any
25 significant threat to the environment or public health. For
26 purposes of this part, and only when specified by department
27 rule, a permit may include registrations as well as other
28 forms of licenses as defined in s. 120.52. Solid waste
29 construction permits issued under this section may include any
30 permit conditions necessary to achieve compliance with the
31 recycling requirements of this act. The department shall

Bill No. SB 1528

Barcode 711998

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

8 (2) Except as provided in s. 403.722(6), no permit
 9 under this section is required for the following, provided
 10 that the activity shall not create a public nuisance or any
 11 condition adversely affecting the environment or public health
 12 and shall not violate other state or local laws, ordinances,
 13 rules, regulations, or orders:

14 (a) Disposal by persons of solid waste resulting from
 15 their own activities on their own property, provided such
 16 waste is either ordinary household waste from their
 17 residential property or is rocks, soils, trees, tree remains,
 18 and other vegetative matter that ~~which~~ normally result from
 19 land development operations. Disposal of materials that ~~which~~
 20 could create a public nuisance or adversely affect the
 21 environment or public health, such as: white goods; automotive
 22 materials, such as batteries and tires; petroleum products;
 23 pesticides; solvents; or hazardous substances, is not covered
 24 under this exemption.

25 (b) Storage in containers by persons of solid waste
 26 resulting from their own activities on their property, leased
 27 or rented property, or property subject to a homeowners or
 28 maintenance association for which the person contributes
 29 association assessments, if the solid waste in such containers
 30 is collected at least once a week.

31 (c) Disposal by persons of solid waste resulting from

Bill No. SB 1528

Barcode 711998

1 their own activities on their property, provided the
2 environmental effects of such disposal on groundwater and
3 surface waters are:

4 1. Addressed or authorized by a site certification
5 order issued under part II or a permit issued by the
6 department pursuant to this chapter or rules adopted pursuant
7 thereto; or

8 2. Addressed or authorized by, or exempted from the
9 requirement to obtain, a groundwater monitoring plan approved
10 by the department.

11 (d) Disposal by persons of solid waste resulting from
12 their own activities on their own property, provided that such
13 disposal occurred prior to October 1, 1988.

14 (e) Disposal of solid waste resulting from normal
15 farming operations as defined by department rule.
16 Polyethylene agricultural plastic, damaged, nonsalvageable,
17 untreated wood pallets, and packing material that cannot be
18 feasibly recycled, which are used in connection with
19 agricultural operations related to the growing, harvesting, or
20 maintenance of crops, may be disposed of by open burning,
21 provided that no public nuisance or any condition adversely
22 affecting the environment or the public health is created
23 thereby and that state or federal ambient air quality
24 standards are not violated.

25 (f) The use of clean debris as fill material in any
26 area. However, this paragraph does not exempt any person from
27 obtaining any other required permits, nor does it affect a
28 person's responsibility to dispose of clean debris
29 appropriately if it is not to be used as fill material.

30 (g) Compost operations that produce less than 50 cubic
31 yards of compost per year when the compost produced is used on

Bill No. SB 1528

Barcode 711998

1 the property where the compost operation is located.

2 (3) All applicable provisions of ss. 403.087 and
3 403.088, relating to permits, apply to the control of solid
4 waste management facilities.

5 (4) When application for a construction permit for a
6 Class I landfill ~~or Class II solid waste disposal area~~ is
7 made, it is the duty of the department to provide a copy of
8 the application, within 7 days after filing, to the water
9 management district having jurisdiction where the area is to
10 be located. The water management district may prepare an
11 advisory report as to the impact on water resources. This
12 report shall contain the district's recommendations as to the
13 disposition of the application and shall be submitted to the
14 department no later than 30 days prior to the deadline for
15 final agency action by the department. However, the failure of
16 the department or the water management district to comply with
17 the provisions of this subsection shall not be the basis for
18 the denial, revocation, or remand of any permit or order
19 issued by the department.

20 (5) The department may not issue a construction permit
21 pursuant to this part for a new solid waste landfill within
22 3,000 feet of Class I surface waters.

23 (6) The department may issue a construction permit
24 pursuant to this part only to a solid waste management
25 facility that provides the conditions necessary to control the
26 safe movement of wastes or waste constituents into surface or
27 ground waters or the atmosphere and that will be operated,
28 maintained, and closed by qualified and properly trained
29 personnel. Such facility must if necessary:

30 (a) Use natural or artificial barriers which are
31 capable of controlling lateral or vertical movement of wastes

Bill No. SB 1528

Barcode 711998

1 or waste constituents into surface or ground waters.

2 (b) Have a foundation or base that is capable of
3 providing support for structures and waste deposits and
4 capable of preventing foundation or base failure due to
5 settlement, compression, or uplift.

6 (c) Provide for the most economically feasible,
7 cost-effective, and environmentally safe control of leachate,
8 gas, stormwater, and disease vectors and prevent the
9 endangerment of public health and the environment.

10

11 Open fires, air-curtain incinerators, or trench burning may
12 not be used as a means of disposal at a solid waste management
13 facility, unless permitted by the department under s. 403.087.

14 (7) Prior to application for a construction permit, an
15 applicant shall designate to the department temporary backup
16 disposal areas or processes for the resource recovery
17 facility. Failure to designate temporary backup disposal areas
18 or processes shall result in a denial of the construction
19 permit.

20 (8) The department may refuse to issue a permit to an
21 applicant who by past conduct in this state has repeatedly
22 violated pertinent statutes, rules, or orders or permit terms
23 or conditions relating to any solid waste management facility
24 and who is deemed to be irresponsible as defined by department
25 rule. For the purposes of this subsection, an applicant
26 includes the owner or operator of the facility, or if the
27 owner or operator is a business entity, a parent of a
28 subsidiary corporation, a partner, a corporate officer or
29 director, or a stockholder holding more than 50 percent of the
30 stock of the corporation.

31 ~~(9) Before or on the same day of filing with the~~

Bill No. SB 1528

Barcode 711998

1 ~~of an application for a permit from ... (name of applicant) ...~~
 2 ~~to ... (brief description of project) This proposed project~~
 3 ~~will be located at ... (location) ... in ... (county) ...~~
 4 ~~... (city)~~

5
 6 ~~This application is being processed and is available for~~
 7 ~~public inspection during normal business hours, 8:00 a.m. to~~
 8 ~~5:00 p.m., Monday through Friday, except legal holidays, at~~
 9 ~~... (name and address of office)~~

10

11 ~~(10) A permit, which the department may require by~~
 12 ~~rule, for the incineration of biomedical waste, may not be~~
 13 ~~transferred by the permittee to any other entity, except in~~
 14 ~~conformity with the requirements of this subsection.~~

15 ~~(a) Within 30 days after the sale or legal transfer of~~
 16 ~~a permitted facility, the permittee shall file with the~~
 17 ~~department an application for transfer of the permits on such~~
 18 ~~form as the department shall establish by rule. The form must~~
 19 ~~be completed with the notarized signatures of both the~~
 20 ~~transferring permittee and the proposed permittee.~~

21 ~~(b) The department shall approve the transfer of a~~
 22 ~~permit unless it determines that the proposed permittee has~~
 23 ~~not provided reasonable assurances that the proposed permittee~~
 24 ~~has the administrative, technical, and financial capability to~~
 25 ~~properly satisfy the requirements and conditions of the~~
 26 ~~permit, as determined by department rule. The determination~~
 27 ~~shall be limited solely to the ability of the proposed~~
 28 ~~permittee to comply with the conditions of the existing~~
 29 ~~permit, and it shall not concern the adequacy of the permit~~
 30 ~~conditions. If the department proposes to deny the transfer,~~
 31 ~~it shall provide both the transferring permittee and the~~

Bill No. SB 1528

Barcode 711998

1 ~~proposed permittee a written objection to such transfer~~
2 ~~together with notice of a right to request a proceeding on~~
3 ~~such determination under chapter 120.~~

4 ~~(c) Within 90 days after receiving a properly~~
5 ~~completed application for transfer of a permit, the department~~
6 ~~shall issue a final determination. The department may toll the~~
7 ~~time for making a determination on the transfer by notifying~~
8 ~~both the transferring permittee and the proposed permittee~~
9 ~~that additional information is required to adequately review~~
10 ~~the transfer request. Such notification shall be provided~~
11 ~~within 30 days after receipt of an application for transfer of~~
12 ~~the permit, completed pursuant to paragraph (a). If the~~
13 ~~department fails to take action to approve or deny the~~
14 ~~transfer within 90 days after receipt of the completed~~
15 ~~application or within 90 days after receipt of the last item~~
16 ~~of timely requested additional information, the transfer shall~~
17 ~~be deemed approved.~~

18 ~~(d) The transferring permittee is encouraged to apply~~
19 ~~for a permit transfer well in advance of the sale or legal~~
20 ~~transfer of a permitted facility. However, the transfer of~~
21 ~~the permit shall not be effective prior to the sale or legal~~
22 ~~transfer of the facility.~~

23 ~~(e) Until the transfer of the permit is approved by~~
24 ~~the department, the transferring permittee and any other~~
25 ~~person constructing, operating, or maintaining the permitted~~
26 ~~facility shall be liable for compliance with the terms of the~~
27 ~~permit. Nothing in this section shall relieve the transferring~~
28 ~~permittee of liability for corrective actions that may be~~
29 ~~required as a result of any violations occurring prior to the~~
30 ~~legal transfer of the permit.~~

31 ~~(11) The department shall review all permit~~

Bill No. SB 1528

Barcode 711998

1 ~~applications for any designated Class I solid waste disposal~~
2 ~~facility. As used in this subsection, the term "designated~~
3 ~~Class I solid waste disposal facility" means any facility that~~
4 ~~is, as of May 12, 1993, a solid waste disposal facility~~
5 ~~classified as an active Class I landfill by the department,~~
6 ~~that is located in whole or in part within 1,000 feet of the~~
7 ~~boundary of any municipality, but that is not located within~~
8 ~~any county with an approved charter or consolidated municipal~~
9 ~~government, is not located within any municipality, and is not~~
10 ~~operated by a municipality. The department shall not permit~~
11 ~~vertical expansion or horizontal expansion of any designated~~
12 ~~Class I solid waste disposal facility unless the application~~
13 ~~for such permit was filed before January 1, 1993, and no solid~~
14 ~~waste management facility may be operated which is a vertical~~
15 ~~expansion or horizontal expansion of a designated Class I~~
16 ~~solid waste disposal facility. As used in this subsection, the~~
17 ~~term "vertical expansion" means any activity that will result~~
18 ~~in an increase in the height of a designated Class I solid~~
19 ~~waste disposal facility above 100 feet National Geodetic~~
20 ~~Vertical Datum, except solely for closure, and the term~~
21 ~~"horizontal expansion" means any activity that will result in~~
22 ~~an increase in the ground area covered by a designated Class I~~
23 ~~solid waste disposal facility, or if within 1 mile of a~~
24 ~~designated Class I solid waste disposal facility, any new or~~
25 ~~expanded operation of any solid waste disposal facility or~~
26 ~~area, or of incineration of solid waste, or of storage of~~
27 ~~solid waste for more than 1 year, or of composting of solid~~
28 ~~waste other than yard trash.~~

29 ~~(9)(12)~~ The department shall establish a separate
30 category for solid waste management facilities which accept
31 only construction and demolition debris for disposal or

Bill No. SB 1528

Barcode 711998

1 recycling. The department shall establish a reasonable
 2 schedule for existing facilities to comply with this section
 3 to avoid undue hardship to such facilities. However, a
 4 permitted solid waste disposal unit that ~~which~~ receives a
 5 significant amount of waste prior to the compliance deadline
 6 established in this schedule shall not be required to be
 7 retrofitted with liners or leachate control systems.

8 ~~Facilities accepting materials defined in s. 403.703(17)(b)~~
 9 ~~must implement a groundwater monitoring system adequate to~~
 10 ~~detect contaminants that may reasonably be expected to result~~
 11 ~~from such disposal prior to the acceptance of those materials.~~

12 (a) The department shall establish reasonable
 13 construction, operation, monitoring, recordkeeping, financial
 14 assurance, and closure requirements for such facilities. The
 15 department shall take into account the nature of the waste
 16 accepted at various facilities when establishing these
 17 requirements, and may impose less stringent requirements,
 18 including a system of general permits or registration
 19 requirements, for facilities that accept only a segregated
 20 waste stream which is expected to pose a minimal risk to the
 21 environment and public health, such as clean debris. The
 22 Legislature recognizes that incidental amounts of other types
 23 of solid waste are commonly generated at construction or
 24 demolition projects. In any enforcement action taken pursuant
 25 to this section, the department shall consider the difficulty
 26 of removing these incidental amounts from the waste stream.

27 (b) The department shall not require liners and
 28 leachate collection systems at individual facilities unless it
 29 demonstrates, based upon the types of waste received, the
 30 methods for controlling types of waste disposed of, the
 31 proximity of groundwater and surface water, and the results of

Bill No. SB 1528

Barcode 711998

1 the hydrogeological and geotechnical investigations, that the
2 facility is reasonably expected to result in violations of
3 groundwater standards and criteria otherwise.

4 (c) The owner or operator shall provide financial
5 assurance for closing of the facility in accordance with the
6 requirements of s. 403.7125. The financial assurance shall
7 cover the cost of closing the facility and 5 years of
8 long-term care after closing, unless the department
9 determines, based upon hydrogeologic conditions, the types of
10 wastes received, or the groundwater monitoring results, that a
11 different long-term care period is appropriate. However,
12 unless the owner or operator of the facility is a local
13 government, the escrow account described in s. 403.7125(2) ~~s.~~
14 ~~403.7125(3)~~ may not be used as a financial assurance
15 mechanism.

16 (d) The department shall establish training
17 requirements for operators of facilities, and shall work with
18 the State University System or other providers to assure that
19 adequate training courses are available. The department shall
20 also assist the Florida Home Builders Association in
21 establishing a component of its continuing education program
22 to address proper handling of construction and demolition
23 debris, including best management practices for reducing
24 contamination of the construction and demolition debris waste
25 stream.

26 (e) The issuance of a permit under this subsection
27 does not obviate the need to comply with all applicable zoning
28 and land use regulations.

29 (f) A permit is not required under this section for
30 the disposal of construction and demolition debris on the
31 property where it is generated, but such property must be

Bill No. SB 1528

Barcode 711998

1 covered, graded, and vegetated as necessary when disposal is
2 complete.

3 (g) It is the policy of the Legislature to encourage
4 facilities to recycle. The department shall establish
5 criteria and guidelines that encourage recycling where
6 practical and provide for the use of recycled materials in a
7 manner that protects the public health and the environment.
8 Facilities are authorized to recycle, provided such activities
9 do not conflict with such criteria and guidelines.

10 (h) The department shall ensure that the requirements
11 of this section are applied and interpreted consistently
12 throughout the state. In accordance with s. 20.255, the
13 Division of Waste Management shall direct the district offices
14 and bureaus on matters relating to the interpretation and
15 applicability of this section.

16 (i) The department shall provide notice of receipt of
17 a permit application for the initial construction of a
18 construction and demolition debris disposal facility to the
19 local governments having jurisdiction where the facility is to
20 be located.

21 (j) The Legislature recognizes that recycling, waste
22 reduction, and resource recovery are important aspects of an
23 integrated solid waste management program and as such are
24 necessary to protect the public health and the environment.
25 If necessary to promote such an integrated program, the county
26 may determine, after providing notice and an opportunity for a
27 hearing prior to April 30, 2007 ~~December 31, 1996~~, that some
28 or all of the wood material described in s. 403.703(6)(b) ~~s.~~
29 ~~403.703(17)(b)~~ shall be excluded from the definition of
30 "construction and demolition debris" in s. 403.703(6) ~~s.~~
31 ~~403.703(17)~~ within the jurisdiction of such county. The county

Bill No. SB 1528

Barcode 711998

1 may make such a determination only if it finds that, prior to
2 June 1, 2006 ~~1996~~, the county has established an adequate
3 method for the use or recycling of such wood material at an
4 existing or proposed solid waste management facility that is
5 permitted or authorized by the department on June 1, 2006
6 ~~1996~~. The county shall not be required to hold a hearing if
7 the county represents that it previously has held a hearing
8 for such purpose, nor shall the county be required to hold a
9 hearing if the county represents that it previously has held a
10 public meeting or hearing that authorized such method for the
11 use or recycling of trash or other nonputrescible waste
12 materials and if the county further represents that such
13 materials include those materials described in s.
14 403.703(6)(b) ~~s. 403.703(17)(b)~~. The county shall provide
15 written notice of its determination to the department by no
16 later than April 30, 2007 ~~December 31, 1996~~; thereafter, the
17 ~~wood~~ materials described in s. 403.703(6) ~~s. 403.703(17)(b)~~
18 shall be excluded from the definition of "construction and
19 demolition debris" in s. 403.703(6) ~~s. 403.703(17)~~ within the
20 jurisdiction of such county. The county may withdraw or revoke
21 its determination at any time by providing written notice to
22 the department.

23 (k) Brazilian pepper and other invasive exotic plant
24 species as designated by the department resulting from
25 eradication projects may be processed at permitted
26 construction and demolition debris recycling facilities or
27 disposed of at permitted construction and demolition debris
28 disposal facilities or Class III facilities. The department
29 may adopt rules to implement this paragraph.

30 ~~(10)(13)~~ If the department and a local government
31 independently require financial assurance for the closure of a

Bill No. SB 1528

Barcode 711998

1 privately owned solid waste management facility, the
 2 department and that local government shall enter into an
 3 interagency agreement that will allow the owner or operator to
 4 provide a single financial mechanism to cover the costs of
 5 closure and any required long-term care. The financial
 6 mechanism may provide for the department and local government
 7 to be cobeneficiaries or copayees, but shall not impose
 8 duplicative financial requirements on the owner or operator.
 9 These closure costs must include at least the minimum required
 10 by department rules and must also include any additional costs
 11 required by local ordinance or regulation.

12 ~~(11)(14)~~ Before or on the same day of filing with the
 13 department of an application for a permit to construct or
 14 substantially modify a solid waste management facility, the
 15 applicant shall notify the local government having
 16 jurisdiction over the facility of the filing of the
 17 application. The applicant also shall publish notice of the
 18 filing of the application in a newspaper of general
 19 circulation in the area where the facility will be located.
 20 Notice shall be given and published in accordance with
 21 applicable department rules. The department shall not issue
 22 the requested permit until the applicant has provided the
 23 department with proof that the notices required by this
 24 subsection have been given. Issuance of a permit does not
 25 relieve an applicant from compliance with local zoning or land
 26 use ordinances, or with any other law, rules, or ordinances.

27 ~~(12)(15)~~ Construction and demolition debris must be
 28 separated from the solid waste stream and segregated in
 29 separate locations at a solid waste disposal facility or other
 30 permitted site.

31 ~~(13)(16)~~ No facility, solely by virtue of the fact

Bill No. SB 1528

Barcode 711998

1 that it uses processed yard trash or clean wood or paper waste
2 as a fuel source, shall be considered to be a solid waste
3 disposal facility.

4 (14)(a) A permit to operate a solid waste management
5 facility may not be transferred by the permittee to any other
6 entity without the consent of the department. If the
7 permitted facility is sold or transferred, or if control of
8 the facility is transferred, the permittee must submit to the
9 department an "Application for Transfer of Permit" no later
10 than 30 days after the transfer of ownership or control. The
11 department shall approve the transfer of a permit unless it
12 determines that the proposed new permittee cannot provide
13 reasonable assurance that the conditions of the permit will be
14 met. No permit may be transferred until proof of financial
15 assurance is provided by the proposed new permittee. Until
16 the transfer is approved by the department, the existing
17 permittee is liable for compliance with the terms of the
18 permit, including the financial assurance requirements.

19 (b) When the transfer of the permit to the new
20 operator or owner has been approved, the department shall
21 return any means of proof of financial assurance held by the
22 permittee and he or she shall be released from his permit
23 obligations.

24 (c) The "Application for Transfer of Permit" shall
25 clearly state in bold letters that the permit cannot be
26 transferred without proof of financial responsibility. Until
27 the permit is transferred, the new owner or operator may not
28 operate the facility without the express consent of the
29 permittee.

30 (d) The department is authorized to adopt rules to
31 implement the provisions of this subsection, including

Bill No. SB 1528

Barcode 711998

1 procedural rules and the permit transfer form.

2 Section 12. Section 403.7071, Florida Statutes, is
3 created to read:

4 403.7071 Management of storm-generated debris.--Solid
5 waste generated as a result of a storm event that is the
6 subject of an emergency order issued by the department may be
7 managed as follows:

8 (1) To the greatest extent practicable, recycling and
9 reuse of storm-generated vegetative debris is encouraged.
10 Such recycling and reuse must be conducted in accordance with
11 applicable department regulations and may include, but is not
12 limited to, chipping and grinding of the vegetative debris to
13 be beneficially used as a ground cover or as a soil amendment,
14 composting of the vegetative debris, and the burning of such
15 chipped vegetative debris as fuel for any applicable
16 commercial or industrial application.

17 (2) The Department of Environmental Protection may
18 issue field authorizations for staging areas in those counties
19 affected by a storm event. Such staging areas may be used for
20 the temporary storage and management of storm-generated
21 debris, including the chipping, grinding, or burning of
22 vegetative debris. Field authorizations may include specific
23 conditions for the operation and closure of the staging area
24 and shall include a required closure date. To the greatest
25 extent possible, staging areas may not be located in wetlands
26 or other surface waters. The area that is used or affected by
27 a staging area must be fully restored upon cessation of the
28 use of the area.

29 (3) Storm-generated vegetative debris managed at a
30 staging area may be disposed of in a permitted lined or
31 unlined landfill, a permitted land clearing debris facility, a

Bill No. SB 1528

Barcode 711998

1 permitted or certified waste-to-energy facility, or a
 2 permitted construction and demolition debris disposal
 3 facility. Vegetative debris may also be managed at a
 4 permitted waste processing facility or a registered yard trash
 5 processing facility.

6 (4) Construction and demolition debris that is mixed
 7 with other storm-generated debris need not be segregated from
 8 other solid waste prior to disposal in a lined landfill.
 9 Construction and demolition debris that is source-separated or
 10 is separated from other hurricane-generated debris at an
 11 authorized staging area, or at another area permitted or
 12 specifically authorized by the department, may be managed at a
 13 permitted construction and demolition debris disposal
 14 facility. Class III landfill, or recycling facility upon
 15 approval by the department of the methods and operational
 16 practices used to inspect the waste during segregation.

17 (5) Unsalvageable refrigerators and freezers
 18 containing solid waste, such as rotting food, which may create
 19 a sanitary nuisance may be disposed of in a permitted lined
 20 landfill; however; chlorofluorocarbons and capacitors must be
 21 removed and recycled to the greatest extent practicable.

22 (6) Local governments or their agents may conduct the
 23 burning of storm-generated yard trash and other vegetative
 24 debris in air-curtain incinerators without prior notice to the
 25 department. Demolitions debris may also be burned in
 26 air-curtain incinerators if the material is limited to
 27 untreated wood. Within 10 days after commencing such burning,
 28 the local government shall notify the department in writing
 29 describing the general nature of the materials burned; the
 30 location and method of burning; and the name, address, and
 31 telephone number of the representative of the local government

Bill No. SB 1528

Barcode 711998

1 to contact concerning the work. The operator of the
 2 air-curtain incinerator is subject to any requirement to
 3 obtain an open-burning authorization from the Division of
 4 Forestry or any other agency empowered to grant such
 5 authorization.

6 (7) Any person conducting open burning of vegetative
 7 debris piles is subject to the requirements for obtaining
 8 authorizations from the Divisions of Forestry.

9 Section 13. Section 403.708, Florida Statutes, is
 10 amended to read:

11 403.708 Prohibition; penalty.--

12 (1) No person shall:

13 (a) Place or deposit any solid waste in or on the land
 14 or waters located within the state except in a manner approved
 15 by the department and consistent with applicable approved
 16 programs of counties or municipalities. However, nothing in
 17 this act shall be construed to prohibit the disposal of solid
 18 waste without a permit as provided in s. 403.707(2).

19 (b) Burn solid waste except in a manner prescribed by
 20 the department and consistent with applicable approved
 21 programs of counties or municipalities.

22 (c) Construct, alter, modify, or operate a solid waste
 23 management facility or site without first having obtained from
 24 the department any permit required by s. 403.707.

25 (2) No beverage shall be sold or offered for sale
 26 within the state in a beverage container designed and
 27 constructed so that the container is opened by detaching a
 28 metal ring or tab.

29 (3) For purposes of subsections (2), (9), and (10):

30 ~~(a) "Degradable," with respect to any material, means~~
 31 ~~that such material, after being discarded, is capable of~~

Bill No. SB 1528

Barcode 711998

1 ~~decomposing to components other than heavy metals or other~~
2 ~~toxic substances, after exposure to bacteria, light, or~~
3 ~~outdoor elements.~~

4 (a)(b) "Beverage" means soda water, carbonated natural
5 or mineral water, or other nonalcoholic carbonated drinks;
6 soft drinks, whether or not carbonated; beer, ale, or other
7 malt drink of whatever alcoholic content; or a mixed wine
8 drink or a mixed spirit drink.

9 (b)(c) "Beverage container" means an airtight
10 container which at the time of sale contains 1 gallon or less
11 of a beverage, or the metric equivalent of 1 gallon or less,
12 and which is composed of metal, plastic, or glass or a
13 combination thereof.

14 (4) The Division of Alcoholic Beverages and Tobacco of
15 the Department of Business and Professional Regulation may
16 impose a fine of not more than \$100 on any person currently
17 licensed pursuant to s. 561.14 for each violation of the
18 provisions of subsection (2). If the violation is of a
19 continuing nature, each day during which such violation occurs
20 shall constitute a separate and distinct offense and shall be
21 subject to a separate fine.

22 (5) The Department of Agriculture and Consumer
23 Services may impose a fine of not more than \$100 on any person
24 not currently licensed pursuant to s. 561.14 for each
25 violation of the provisions of subsection (2). If the
26 violation is of a continuing nature, each day during which
27 such violation occurs shall constitute a separate and distinct
28 offense and shall be subject to a separate fine.

29 (6) Fifty percent of each fine collected pursuant to
30 subsections (4) and (5) shall be deposited into the Solid
31 Waste Management Trust Fund. The balance of fines collected

Bill No. SB 1528

Barcode 711998

1 pursuant to subsection (4) shall be deposited into the
 2 Alcoholic Beverage and Tobacco Trust Fund for the use of the
 3 division for inspection and enforcement of the provisions of
 4 this section. The balance of fines collected pursuant to
 5 subsection (5) shall be deposited into the General Inspection
 6 Trust Fund for the use of the Department of Agriculture and
 7 Consumer Services for inspection and enforcement of the
 8 provisions of this section.

9 (7) The Division of Alcoholic Beverages and Tobacco
 10 and the Department of Agriculture and Consumer Services shall
 11 coordinate their responsibilities under the provisions of this
 12 section to ensure that inspections and enforcement are
 13 accomplished in an efficient, cost-effective manner.

14 (8) A person may not distribute, sell, or expose for
 15 sale in this state any plastic bottle or rigid container
 16 intended for single use unless such container has a molded
 17 label indicating the plastic resin used to produce the plastic
 18 container. The label must appear on or near the bottom of the
 19 plastic container product and be clearly visible. This label
 20 must consist of a number placed inside a triangle and letters
 21 placed below the triangle. The triangle must be equilateral
 22 and must be formed by three arrows, and, in the middle of each
 23 arrow, there must be a rounded bend that forms one apex of the
 24 triangle. The pointer, or arrowhead, of each arrow must be at
 25 the midpoint of a side of the triangle, and a short gap must
 26 separate each pointer from the base of the adjacent arrow.
 27 The three curved arrows that form the triangle must depict a
 28 clockwise path around the code number. Plastic bottles of less
 29 than 16 ounces, rigid plastic containers of less than 8
 30 ounces, and plastic casings on lead-acid storage batteries are
 31 not required to be labeled under this section. The numbers

Bill No. SB 1528

Barcode 711998

1 and letters must be as follows:

2 (a) For polyethylene terephthalate, the letters "PETE"
3 and the number 1.

4 (b) For high-density polyethylene, the letters "HDPE"
5 and the number 2.

6 (c) For vinyl, the letter "V" and the number 3.

7 (d) For low-density polyethylene, the letters "LDPE"
8 and the number 4.

9 (e) For polypropylene, the letters "PP" and the number
10 5.

11 (f) For polystyrene, the letters "PS" and the number
12 6.

13 (g) For any other, the letters "OTHER" and the number
14 7.

15 (9) No person shall distribute, sell, or expose for
16 sale in this state any product packaged in a container or
17 packing material manufactured with fully halogenated
18 chlorofluorocarbons (CFC). Producers of containers or packing
19 material manufactured with chlorofluorocarbons (CFC) are urged
20 to introduce alternative packaging materials which are
21 environmentally compatible.

22 (10) The packaging of products manufactured or sold in
23 the state may not be controlled by governmental rule,
24 regulation, or ordinance adopted after March 1, 1974, other
25 than as expressly provided in this act.

26 (11) Violations of this part or rules, regulations,
27 permits, or orders issued thereunder by the department and
28 violations of approved local programs of counties or
29 municipalities or rules, regulations, or orders issued
30 thereunder shall be punishable by a civil penalty as provided
31 in s. 403.141.

Bill No. SB 1528

Barcode 711998

1 (12) The department or any county or municipality may
 2 also seek to enjoin the violation of, or enforce compliance
 3 with, this part or any program adopted hereunder as provided
 4 in s. 403.131.

5 (13) ~~In accordance with the following schedule,~~ No
 6 person who knows or who should know of the nature of the
 7 following types of ~~such~~ solid waste shall dispose of such
 8 solid waste in landfills:

9 (a) Lead-acid batteries, ~~after January 1, 1989.~~
 10 Lead-acid batteries also may ~~shall~~ not be disposed of in any
 11 waste-to-energy facility ~~after January 1, 1989.~~ To encourage
 12 proper collection and recycling, all persons who sell
 13 lead-acid batteries at retail shall accept used lead-acid
 14 batteries as trade-ins for new lead-acid batteries.

15 (b) Used oil, ~~after October 1, 1988.~~

16 (c) Yard trash, ~~after January 1, 1992, except in lined~~
 17 ~~unlined~~ landfills classified by department rule as Class I
 18 landfills. Yard trash that is source separated from solid
 19 waste may be accepted at a solid waste disposal area where the
 20 area provides and maintains separate yard trash composting
 21 facilities. The department recognizes that incidental amounts
 22 of yard trash may be disposed of in Class I ~~lined~~ landfills.
 23 In any enforcement action taken pursuant to this paragraph,
 24 the department shall consider the difficulty of removing
 25 incidental amounts of yard trash from a mixed solid waste
 26 stream.

27 (d) White goods, ~~after January 1, 1990.~~

28
 29 ~~Prior to the effective dates specified in paragraphs (a) - (d),~~
 30 ~~the department shall identify and assist in developing~~
 31 ~~alternative disposal, processing, or recycling options for the~~

Bill No. SB 1528

Barcode 711998

1 ~~solid wastes identified in paragraphs (a)-(d).~~

2 Section 14. Section 403.709, Florida Statutes, is
3 amended to read:

4 403.709 Solid Waste Management Trust Fund; use of
5 waste tire fees.--There is created the Solid Waste Management
6 Trust Fund, to be administered by the department.

7 (1) ~~From~~ The annual revenues deposited in the trust
8 fund, unless otherwise specified in the General Appropriations
9 Act, shall be used as follows:

10 (a)(1) ~~Up to 40 percent shall be used for~~ Funding
11 solid waste activities of the department and other state
12 agencies, such as providing technical assistance to local
13 governments and the private sector, performing solid waste
14 regulatory and enforcement functions, preparing solid waste
15 documents, and implementing solid waste education programs.

16 (b)(2) ~~Up to 4.5 percent shall be used for~~ Funding
17 research and training programs relating to solid waste
18 management through the Center for Solid and Hazardous Waste
19 Management and other organizations which can reasonably
20 demonstrate the capability to carry out such projects.

21 (c)(3) ~~Up to 11 percent shall be used for~~ Funding to
22 supplement any other funds provided to the Department of
23 Agriculture and Consumer Services for mosquito control. This
24 distribution shall be annually transferred to the General
25 Inspection Trust Fund in the Department of Agriculture and
26 Consumer Services to be used for mosquito control, especially
27 control of West Nile Virus.

28 (d)(4) ~~Up to 4.5 percent shall be used for~~ Funding to
29 the Department of Transportation for litter prevention and
30 control programs ~~coordinated by Keep Florida Beautiful, Inc.~~

31 (e)(5) ~~A minimum of 40 percent shall be used for~~

Bill No. SB 1528

Barcode 711998

1 Funding a competitive and innovative grant program pursuant to
 2 s. 403.7095 for activities relating to recycling and reducing
 3 the volume of municipal solid waste, including waste tires
 4 requiring final disposal.

5 ~~(2)(6)~~ The department shall recover to the use of the
 6 fund from the site owner or the person responsible for the
 7 accumulation of tires at the site, jointly and severally, all
 8 sums expended from the fund pursuant to this section to manage
 9 tires at an illegal waste tire site, except that the
 10 department may decline to pursue such recovery if it finds the
 11 amount involved too small or the likelihood of recovery too
 12 uncertain. If a court determines that the owner is unable or
 13 unwilling to comply with the rules adopted pursuant to this
 14 section or s. 403.717, the court may authorize the department
 15 to take possession and control of the waste tire site in order
 16 to protect the health, safety, and welfare of the community
 17 and the environment.

18 ~~(3)(7)~~ The department may impose a lien on the real
 19 property on which the waste tire site is located and the waste
 20 tires equal to the estimated cost to bring the tire site into
 21 compliance, including attorney's fees and court costs. Any
 22 owner whose property has such a lien imposed may release her
 23 or his property from any lien claimed under this subsection by
 24 filing with the clerk of the circuit court a cash or surety
 25 bond, payable to the department in the amount of the estimated
 26 cost of bringing the tire site into compliance with department
 27 rules, including attorney's fees and court costs, or the value
 28 of the property after the abatement action is complete,
 29 whichever is less. No lien provided by this subsection shall
 30 continue for a longer period than 4 years after the completion
 31 of the abatement action unless within that time an action to

Bill No. SB 1528

Barcode 711998

1 enforce the lien is commenced in a court of competent
 2 jurisdiction. The department may take action to enforce the
 3 lien in the same manner used for construction liens under part
 4 I of chapter 713.

5 ~~(4)(8)~~ This section does not limit the use of other
 6 remedies available to the department.

7 Section 15. Subsection (5) of section 403.7095,
 8 Florida Statutes, is amended to read:

9 403.7095 Solid waste management grant program.--

10 (5) From the funds made available pursuant to s.
 11 403.709(1)(e) ~~s. 403.709(5)~~ for the grant program created by
 12 this section, the following distributions shall be made:

13 (a) Up to 15 percent for the program described in
 14 subsection (1);

15 (b) Up to 35 percent for the program described in
 16 subsection (3); and

17 (c) Up to 50 percent for the program described in
 18 subsection (4).

19 Section 16. Section 403.7125, Florida Statutes, is
 20 amended to read:

21 403.7125 Financial assurance for closure ~~landfill~~
 22 ~~management escrow account.--~~

23 ~~(1) As used in this section:~~

24 ~~(a) "Landfill" means any solid waste land disposal~~
 25 ~~area for which a permit, other than a general permit, is~~
 26 ~~required by s. 403.707 that receives solid waste for disposal~~
 27 ~~in or upon land other than a land-spreading site, injection~~
 28 ~~well, or a surface impoundment.~~

29 ~~(b) "Closure" means the ceasing operation of a~~
 30 ~~landfill and securing such landfill so that it does not pose a~~
 31 ~~significant threat to public health or the environment and~~

Bill No. SB 1528

Barcode 711998

1 ~~includes long-term monitoring and maintenance of a landfill.~~

2 ~~(c) "Owner or operator" means, in addition to the~~
3 ~~usual meanings of the term, any owner of record of any~~
4 ~~interest in land whereon a landfill is or has been located and~~
5 ~~any person or corporation which owns a majority interest in~~
6 ~~any other corporation which is the owner or operator of a~~
7 ~~landfill.~~

8 (1)(2) Every owner or operator of a landfill is
9 jointly and severally liable for the improper operation and
10 closure of the landfill, as provided by law. As used in this
11 section, the term "owner or operator" means any owner of
12 record of any interest in land wherein a landfill is or has
13 been located and any person or corporation that owns a
14 majority interest in any other corporation that is the owner
15 or operator of a landfill.

16 (2)(3) The owner or operator of a landfill owned or
17 operated by a local or state government or the Federal
18 Government shall establish a fee, or a surcharge on existing
19 fees or other appropriate revenue-producing mechanism, to
20 ensure the availability of financial resources for the proper
21 closure of the landfill. However, the disposal of solid waste
22 by persons on their own property, as described in s.
23 403.707(2), is exempt from the provisions of this section.

24 (a) The revenue-producing mechanism must produce
25 revenue at a rate sufficient to generate funds to meet state
26 and federal landfill closure requirements.

27 (b) The revenue shall be deposited in an
28 interest-bearing escrow account to be held and administered by
29 the owner or operator. The owner or operator shall file with
30 the department an annual audit of the account. The audit shall
31 be conducted by an independent certified public accountant.

Bill No. SB 1528

Barcode 711998

1 Failure to collect or report such revenue, except as allowed
 2 in subsection(3) ~~(4)~~, is a noncriminal violation punishable
 3 by a fine of not more than \$5,000 for each offense. The owner
 4 or operator may make expenditures from the account and its
 5 accumulated interest only for the purpose of landfill closure
 6 and, if such expenditures do not deplete the fund to the
 7 detriment of eventual closure, for planning and construction
 8 of resource recovery or landfill facilities. Any moneys
 9 remaining in the account after paying for proper and complete
 10 closure, as determined by the department, shall, if the owner
 11 or operator does not operate a landfill, be deposited by the
 12 owner or operator into the general fund or the appropriate
 13 solid waste fund of the local government of jurisdiction.

14 (c) The revenue generated under this subsection and
 15 any accumulated interest thereon may be applied to the payment
 16 of, or pledged as security for, the payment of revenue bonds
 17 issued in whole or in part for the purpose of complying with
 18 state and federal landfill closure requirements. Such
 19 application or pledge may be made directly in the proceedings
 20 authorizing such bonds or in an agreement with an insurer of
 21 bonds to assure such insurer of additional security therefor.

22 (d) The provisions of s. 212.055 which ~~that~~ relate to
 23 raising of revenues for landfill closure or long-term
 24 maintenance do not relieve a landfill owner or operator from
 25 the obligations of this section.

26 (e) The owner or operator of any landfill that had
 27 established an escrow account in accordance with this section
 28 and the conditions of its permit prior to January 1, 2006, may
 29 continue to use that escrow account to provide financial
 30 assurance for closure of that landfill, even if that landfill
 31 is not owned or operated by a local or state government or the

Bill No. SB 1528

Barcode 711998

1 Federal Government.

2 ~~(3)(4)~~ An owner or operator of a landfill owned or
3 operated by a local or state government or by the Federal
4 Government may provide financial assurance to ~~establish proof~~
5 ~~of financial responsibility with~~ the department in lieu of the
6 requirements of subsection~~(2)~~ ~~(3)~~. An owner or operator of
7 any other landfill, or any other solid waste management
8 facility designated by department rule, shall provide
9 financial assurance to the department for the closure of the
10 facility. Such financial assurance ~~proof~~ may include surety
11 bonds, certificates of deposit, securities, letters of credit,
12 or other documents showing that the owner or operator has
13 sufficient financial resources to cover, at a minimum, the
14 costs of complying with applicable ~~landfill~~ closure
15 requirements. The owner or operator shall estimate such costs
16 to the satisfaction of the department.

17 ~~(4)(5)~~ This section does not repeal, limit, or
18 abrogate any other law authorizing local governments to fix,
19 levy, or charge rates, fees, or charges for the purpose of
20 complying with state and federal landfill closure
21 requirements.

22 ~~(5)(6)~~ The department shall adopt rules to implement
23 this section.

24 Section 17. Section 403.716, Florida Statutes, is
25 amended to read:

26 403.716 Training of operators of solid waste
27 management and other facilities.--

28 (1) The department shall establish qualifications for,
29 and encourage the development of training programs for,
30 operators of landfills, coordinators of local recycling
31 programs, ~~operators of waste-to-energy facilities, biomedical~~

Bill No. SB 1528

Barcode 711998

1 ~~waste incinerators, and mobile soil thermal treatment units or~~
2 ~~facilities,~~ and operators of other solid waste management
3 facilities.

4 (2) The department shall work with accredited
5 community colleges, career centers, state universities, and
6 private institutions in developing educational materials,
7 courses of study, and other such information to be made
8 available for persons seeking to be trained as operators of
9 solid waste management facilities.

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

28 (4) The department has authority to adopt minimum
29 standards and other rules pursuant to ss. 120.536(1) and
30 120.54 to implement the provisions of this section. The
31 department shall ensure the safe, healthy, and lawful

Bill No. SB 1528

Barcode 711998

1 operation of solid waste management facilities in this state.
 2 The department may establish by rule various classifications
 3 for operators to cover the need for differing levels of
 4 training required to operate various types of solid waste
 5 management facilities due to different operating requirements
 6 at such facilities.

7 (5) For purposes of this section, the term "operator"
 8 means any person, including the owner, who is principally
 9 engaged in, and is in charge of, the actual operation,
 10 supervision, and maintenance of a solid waste management
 11 facility and includes the person in charge of a shift or
 12 period of operation during any part of the day.

13 Section 18. Section 403.717, Florida Statutes, is
 14 amended to read:

15 403.717 Waste tire and lead-acid battery
 16 requirements.--

17 (1) For purposes of this section and ss. 403.718 and
 18 403.7185:

19 (a) "Department" means the Department of Environmental
 20 Protection.

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

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

30 (d) "Waste tire" means a tire that has been removed
 31 from a motor vehicle and has not been retreaded or regrooved.

Bill No. SB 1528

Barcode 711998

1 "Waste tire" includes, but is not limited to, used tires and
2 processed tires. The term does not include solid rubber tires
3 and tires that are inseparable from the rim.

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

8 (f) "Waste tire processing facility" means a site
9 where equipment is used to treat waste tires mechanically,
10 chemically, or thermally so that the resulting material is a
11 marketable product or is suitable for proper disposal
12 ~~recapture reusable byproducts from waste tires or to cut,~~
13 ~~burn, or otherwise alter waste tires so that they are no~~
14 ~~longer whole.~~ The term includes mobile waste tire processing
15 equipment.

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

18 (h) "Lead-acid battery" means a ~~those~~ lead-acid
19 battery ~~batteries~~ designed for use in motor vehicles, vessels,
20 and aircraft, and includes such batteries when sold new as a
21 component part of a motor vehicle, vessel, or aircraft, but
22 not when sold to recycle components.

23 (i) "Indoor" means within a structure that ~~which~~
24 excludes rain and public access and would control air flows in
25 the event of a fire.

26 (j) "Processed tire" means a tire that has been
27 treated mechanically, chemically, or thermally so that the
28 resulting material is a marketable product or is suitable for
29 proper disposal.

30 (k) "Used tire" means a waste tire which has a minimum
31 tread depth of 3/32 inch or greater and is suitable for use

Bill No. SB 1528

Barcode 711998

1 on a motor vehicle.

2 (2) The owner or operator of any waste tire site shall
3 provide the department with information concerning the site's
4 location, size, and the approximate number of waste tires that
5 are accumulated at the site and shall initiate steps to comply
6 with subsection (3).

7 (3)(a) A person may not maintain a waste tire site
8 unless such site is:

9 1. An integral part of the person's permitted waste
10 tire processing facility; or

11 2. Used for the storage of waste tires prior to
12 processing and is located at a permitted solid waste
13 management facility.

14 (b) It is unlawful for any person to dispose of waste
15 tires or processed tires in the state except at a permitted
16 solid waste management facility. Collection or storage of
17 waste tires at a permitted waste tire processing facility or
18 waste tire collection center prior to processing or use does
19 not constitute disposal, provided that the collection and
20 storage complies with rules established by the department.

21 (c) Whole waste tires may not be deposited in a
22 landfill as a method of ultimate disposal.

23 (d) A person may not contract with a waste tire
24 collector for the transportation, disposal, or processing of
25 waste tires unless the collector is registered with the
26 department or exempt from requirements provided under this
27 section. Any person who contracts with a waste tire collector
28 for the transportation of more than 25 waste tires per month
29 from a single business location must maintain records for that
30 location and make them available for review by the department
31 or by law enforcement officers, which records must contain the

Bill No. SB 1528

Barcode 711998

1 date when the tires were transported, the quantity of tires,
2 the registration number of the collector, and the name of the
3 driver.

4 (4) The department shall adopt rules to carry out the
5 provisions of this section and s. 403.718. Such rules shall:

6 (a) Provide for the administration or revocation of
7 waste tire processing facility permits, including mobile
8 processor permits;

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

12 (c) Provide for the administration or revocation of
13 waste tire collection center permits, the fee for which may
14 not exceed \$250 annually;

15 (d) Set standards, including financial assurance
16 standards, for waste tire processing facilities and associated
17 waste tire sites, waste tire collection centers, waste tire
18 collectors, and for the storage of waste tires and processed
19 tires, including storage indoors;

20 (e) The department may by rule exempt not-for-hire
21 waste tire collectors and processing facilities from financial
22 assurance requirements;

23 (f) Authorize the final disposal of waste tires at a
24 permitted solid waste disposal facility provided the tires
25 have been cut into sufficiently small parts to assure their
26 proper disposal; and

27 (g) Allow waste tire material which has been cut into
28 sufficiently small parts to be used as daily cover material
29 for a landfill.

30 ~~(5) A permit is not required for tire storage at:~~

31 ~~(a) A tire retreading business where fewer than 1,500~~

Bill No. SB 1528

Barcode 711998

1 ~~waste tires are kept on the business premises;~~

2 ~~(b) A business that, in the ordinary course of~~
3 ~~business, removes tires from motor vehicles if fewer than~~
4 ~~1,500 of these tires are kept on the business premises; or~~

5 ~~(c) A retail tire selling business which is serving as~~
6 ~~a waste tire collection center if fewer than 1,500 waste tires~~
7 ~~are kept on the business premises.~~

8 ~~(5)(6)~~(a) The department shall encourage the voluntary
9 establishment of waste tire collection centers at retail
10 tire-selling businesses, waste tire processing facilities, and
11 solid waste disposal facilities, to be open to the public for
12 the deposit of waste tires.

13 (b) The department is authorized to establish an
14 incentives program for individuals to encourage them to return
15 their waste tires to a waste tire collection center. The
16 incentives used by the department may involve the use of
17 discount or prize coupons, prize drawings, promotional
18 giveaways, or other activities the department determines will
19 promote collection, reuse, volume reduction, and proper
20 disposal of waste tires.

21 (c) The department may contract with a promotion
22 company to administer the incentives program.

23 Section 19. Section 403.7221, Florida Statutes, is
24 transferred, renumbered as section 403.70715, Florida
25 Statutes, and is amended to read:

26 403.70715 ~~403.7221~~ Research, development, and
27 demonstration permits.--

28 (1) The department may issue a research, development,
29 and demonstration permit to the owner or operator of any solid
30 waste management facility, including any hazardous waste
31 management facility, who proposes to utilize an innovative and

Bill No. SB 1528

Barcode 711998

1 experimental solid waste treatment technology or process for
2 which permit standards have not been promulgated. Permits
3 shall:

4 (a) Provide for construction and operation of the
5 facility for not longer than 3 years ~~1 year~~, renewable no more
6 than 3 times.

7 (b) Provide for the receipt and treatment by the
8 facility of only those types and quantities of solid waste
9 which the department deems necessary for purposes of
10 determining the performance capabilities of the technology or
11 process and the effects of such technology or process on human
12 health and the environment.

13 (c) Include requirements the department deems
14 necessary which may include monitoring, operation, testing,
15 financial responsibility, closure, and remedial action.

16 (2) The department may apply the criteria set forth in
17 this section in establishing the conditions of each permit
18 without separate establishment of rules implementing such
19 criteria.

20 (3) For the purpose of expediting review and issuance
21 of permits under this section, the department may, consistent
22 with the protection of human health and the environment,
23 modify or waive permit application and permit issuance
24 requirements, except that there shall be no modification or
25 waiver of regulations regarding financial responsibility or of
26 procedures established regarding public participation.

27 (4) The department may order an immediate termination
28 of all operations at the facility at any time upon a
29 determination that termination is necessary to protect human
30 health and the environment.

31 Section 20. Section 403.722, Florida Statutes, is

Bill No. SB 1528

Barcode 711998

1 amended to read:

2 403.722 Permits; hazardous waste disposal, storage,
3 and treatment facilities.--

4 (1) Each person who intends to or is required to
5 construct, modify, operate, or close a hazardous waste
6 disposal, storage, or treatment facility shall obtain a
7 construction permit, operation permit, postclosure permit,
8 clean closure plan approval, or corrective action permit from
9 the department prior to constructing, modifying, operating, or
10 closing the facility. By rule, the department may provide for
11 the issuance of a single permit instead of any two or more
12 hazardous waste facility permits.

13 (2) Any owner or operator of a hazardous waste
14 facility in operation on the effective date of the department
15 rule listing and identifying hazardous wastes shall file an
16 application for a temporary operation permit within 6 months
17 after the effective date of such rule. The department, upon
18 receipt of a properly completed application, shall identify
19 any department rules which are being violated by the facility
20 and shall establish a compliance schedule. However, if the
21 department determines that an imminent hazard exists, the
22 department may take any necessary action pursuant to s.
23 403.726 to abate the hazard. The department shall issue a
24 temporary operation permit to such facility within the time
25 constraints of s. 120.60 upon submission of a properly
26 completed application which is in conformance with this
27 subsection. Temporary operation permits for such facilities
28 shall be issued for up to 3 years only. Upon termination of
29 the temporary operation permit and upon proper application by
30 the facility owner or operator, the department shall issue an
31 operation permit for such existing facilities if the applicant

Bill No. SB 1528

Barcode 711998

1 has corrected all of the deficiencies identified in the
2 temporary operation permit and is in compliance with all other
3 rules adopted pursuant to this act.

4 (3) ~~Permit~~ Applicants shall provide any information
5 that ~~which~~ will enable the department to determine that the
6 proposed construction, modification, operation, ~~or closure, or~~
7 corrective action will comply with this act and any applicable
8 rules. In no instance shall any person construct, modify,
9 operate, or close a facility or perform corrective actions at
10 a facility in contravention of the standards, requirements, or
11 criteria for a hazardous waste facility. Authorizations
12 ~~Permits~~ issued under this section may include any permit
13 conditions necessary to achieve compliance with applicable
14 hazardous waste rules and necessary to protect human health
15 and the environment.

16 (4) The department may require, in an ~~a permit~~
17 application, submission of information concerning matters
18 specified in s. 403.721(6) as well as information respecting:

19 (a) Estimates of the composition, quantity, and
20 concentration of any hazardous waste identified or listed
21 under this act or combinations of any such waste and any other
22 solid waste, proposed to be disposed of, treated, transported,
23 or stored and the time, frequency, or rate at which such waste
24 is proposed to be disposed of, treated, transported, or
25 stored; and

26 (b) The site to which such hazardous waste or the
27 products of treatment of such hazardous waste will be
28 transported and at which it will be disposed of, treated, or
29 stored.

30 (5) An authorization ~~A permit~~ issued pursuant to this
31 section is not a vested right. The department may revoke or

Bill No. SB 1528

Barcode 711998

1 modify any such authorization ~~permit~~.

2 (a) Authorizations ~~Permits~~ may be revoked for failure
3 of the holder to comply with the provisions of this act, the
4 terms of the authorization ~~permit~~, the standards,
5 requirements, or criteria adopted pursuant to this act, or an
6 order of the department; for refusal by the holder to allow
7 lawful inspection; for submission by the holder of false or
8 inaccurate information in the permit application; or if
9 necessary to protect the public health or the environment.

10 (b) Authorizations ~~Permits~~ may be modified, upon
11 request of the holder ~~permittee~~, if such modification is not
12 in violation of this act or department rules or if the
13 department finds the modification necessary to enable the
14 facility to remain in compliance with this act and department
15 rules.

16 (c) An owner or operator of a hazardous waste facility
17 in existence on the effective date of a department rule
18 changing an exemption or listing and identifying the hazardous
19 wastes that ~~which~~ require that facility to be permitted who
20 notifies the department pursuant to s. 403.72, and who has
21 applied for a permit pursuant to subsection (2), may continue
22 to operate until ~~be~~ issued a temporary operation permit. If
23 such owner or operator intends to or is required to
24 discontinue operation, the temporary operation permit must
25 include final closure conditions.

26 (6) A hazardous waste facility permit issued pursuant
27 to this section shall satisfy the permit requirements of s.
28 403.707(1). The permit exemptions provided in s. 403.707(2)
29 shall not apply to hazardous waste.

30 (7) The department may establish ~~permit~~ application
31 procedures for hazardous waste facilities, which procedures

Bill No. SB 1528

Barcode 711998

1 may vary based on differences in amounts, types, and
 2 concentrations of hazardous waste and on differences in the
 3 size and location of facilities and which procedures may take
 4 into account permitting procedures of other laws not in
 5 conflict with this act.

6 (8) For authorizations ~~permits~~ required by this
 7 section, the department may require that a fee be paid and may
 8 establish, by rule, a fee schedule based on the degree of
 9 hazard and the amount and type of hazardous waste disposed of,
 10 stored, or treated at the facility.

11 (9) It shall not be a requirement for the issuance of
 12 ~~such~~ a hazardous waste authorization ~~permit~~ that the facility
 13 complies with an adopted local government comprehensive plan,
 14 local land use ordinances, zoning ordinances or regulations,
 15 or other local ordinances. However, such an authorization ~~a~~
 16 ~~permit~~ issued by the department shall not override adopted
 17 local government comprehensive plans, local land use
 18 ordinances, zoning ordinances or regulations, or other local
 19 ordinances.

20 (10) Notwithstanding ss. 120.60(1) and 403.815:

21 (a) The time specified by law for permit review shall
 22 be tolled by the request of the department for publication of
 23 notice of proposed agency action to issue a permit for a
 24 hazardous waste treatment, storage, or disposal facility and
 25 shall resume 45 days after receipt by the department of proof
 26 of publication. If, within 45 days after publication of the
 27 notice of the proposed agency action, the department receives
 28 written notice of opposition to the intention of the agency to
 29 issue such permit and receives a request for a hearing, the
 30 department shall provide for a hearing pursuant to ss. 120.569
 31 and 120.57, if requested by a substantially affected party, or

Bill No. SB 1528

Barcode 711998

1 an informal public meeting, if requested by any other person.
2 The failure to request a hearing within 45 days after
3 publication of the notice of the proposed agency action
4 constitutes a waiver of the right to a hearing under ss.
5 120.569 and 120.57. The permit review time period shall
6 continue to be tolled until the completion of such hearing or
7 meeting and shall resume within 15 days after conclusion of a
8 public hearing held on the application or within 45 days after
9 the recommended order is submitted to the agency and the
10 parties, whichever is later.

11 (b) Within 60 days after receipt of an application for
12 a hazardous waste facility permit, the department shall
13 examine the application, notify the applicant of any apparent
14 errors or omissions, and request any additional information
15 the department is permitted by law to require. The failure to
16 correct an error or omission or to supply additional
17 information shall not be grounds for denial of the permit
18 unless the department timely notified the applicant within the
19 60-day period, except that this paragraph does not prevent the
20 department from denying an application if the department does
21 not possess sufficient information to ensure that the facility
22 is in compliance with applicable statutes and rules.

23 (c) The department shall approve or deny each
24 hazardous waste facility permit within 135 days after receipt
25 of the original application or after receipt of the requested
26 additional information or correction of errors or omissions.
27 However, the failure of the department to approve or deny
28 within the 135-day time period does not result in the
29 automatic approval or denial of the permit and does not
30 prevent the inclusion of specific permit conditions which are
31 necessary to ensure compliance with applicable statutes and

Bill No. SB 1528

Barcode 711998

1 rules. If the department fails to approve or deny the permit
2 within the 135-day period, the applicant may petition for a
3 writ of mandamus to compel the department to act consistently
4 with applicable regulatory requirements.

5 (11) Hazardous waste facility operation permits shall
6 be issued for no more than 5 years.

7 (12) On the same day of filing with the department of
8 an application for a permit for the construction modification,
9 or operation of a hazardous waste facility, the applicant
10 shall notify each city and county within 1 mile of the
11 facility of the filing of the application and shall publish
12 notice of the filing of the application. The applicant shall
13 publish a second notice of the filing within 14 days after the
14 date of filing. Each notice shall be published in a newspaper
15 of general circulation in the county in which the facility is
16 located or is proposed to be located. Notwithstanding the
17 provisions of chapter 50, for purposes of this section, a
18 "newspaper of general circulation" shall be the newspaper
19 within the county in which the installation or facility is
20 proposed which has the largest daily circulation in that
21 county and has its principal office in that county. If the
22 newspaper with the largest daily circulation has its principal
23 office outside the county, the notice shall appear in both the
24 newspaper with the largest daily circulation in that county,
25 and a newspaper authorized to publish legal notices in that
26 county. The notice shall contain:

27 (a) The name of the applicant and a brief description
28 of the project and its location.

29 (b) The location of the application file and when it
30 is available for public inspection.

31

Bill No. SB 1528

Barcode 711998

1 The notice shall be prepared by the applicant and shall comply
2 with the following format:

3

4

Notice of Application

5

The Department of Environmental Protection announces receipt
6 of an application for a permit from ...(name of applicant)...
7 to ...(brief description of project).... This proposed project
8 will be located at ...(location)... in ...(county)...
9 ...(city)....

10

11

This application is being processed and is available for
12 public inspection during normal business hours, 8:00 a.m. to
13 5:00 p.m., Monday through Friday, except legal holidays, at
14 ...(name and address of office)....

15

16

(13) A permit for the construction, modification, or
17 operation of a hazardous waste facility which initially was
18 issued under authority of this section, may not be transferred
19 by the permittee to any other entity, except in conformity
20 with the requirements of this subsection.

21

(a) At least 30 days prior to the sale or legal
22 transfer of a permitted facility, the permittee shall file
23 with the department an application for transfer of the permits
24 on such form as the department shall establish by rule. The
25 form must be completed with the notarized signatures of both
26 the transferring permittee and the proposed permittee.

27

(b) The department shall approve the transfer of a
28 permit unless it determines that the proposed permittee has
29 not provided reasonable assurances that the proposed permittee
30 has the administrative, technical, and financial capability to
31 properly satisfy the requirements and conditions of the

Bill No. SB 1528

Barcode 711998

1 permit, as determined by department rule. The determination
 2 shall be limited solely to the ability of the proposed
 3 permittee to comply with the conditions of the existing
 4 permit, and it shall not concern the adequacy of the permit
 5 conditions. If the department proposes to deny the transfer,
 6 it shall provide both the transferring permittee and the
 7 proposed permittee a written objection to such transfer
 8 together with notice of a right to request a proceeding on
 9 such determination under chapter 120.

10 (c) Within 90 days after receiving a properly
 11 completed application for transfer of permit, the department
 12 shall issue a final determination. The department may toll the
 13 time for making a determination on the transfer by notifying
 14 both the transferring permittee and the proposed permittee
 15 that additional information is required to adequately review
 16 the transfer request. Such notification shall be served within
 17 30 days after receipt of an application for transfer of
 18 permit, completed pursuant to paragraph (a). However, the
 19 failure of the department to approve or deny within the 90-day
 20 time period does not result in the automatic approval or
 21 denial of the transfer. If the department fails to approve or
 22 deny the transfer within the 90-day period, the applicant may
 23 petition for a writ of mandamus to compel the department to
 24 act consistently with applicable regulatory requirements.

25 (d) The transferring permittee is encouraged to apply
 26 for a permit transfer well in advance of the sale or legal
 27 transfer of a permitted facility. However, the transfer or
 28 the permit shall not be effective prior to the sale or legal
 29 transfer of the facility.

30 (e) Until the transfer of the permit is approved by
 31 the department, the transferring permittee and any other

Bill No. SB 1528

Barcode 711998

1 person constructing, operating, or maintaining the permitted
 2 facility shall be liable for compliance with the terms of the
 3 permit. Nothing in this section shall relieve the transferring
 4 permittee of liability for corrective actions that may be
 5 required as a result of any violations occurring prior to the
 6 legal transfer of the permit.

7 Section 21. Subsection (2) of section 403.7226,
 8 Florida Statutes, is amended to read:

9 403.7226 Technical assistance by the department.--The
 10 department shall:

11 (2) Identify short-term needs and long-term needs for
 12 hazardous waste management for the state on the basis of the
 13 information gathered through the local hazardous waste
 14 management assessments and other information from state and
 15 federal regulatory agencies and sources. The state needs
 16 assessment must be ongoing and must be updated when new data
 17 concerning waste generation and waste management technologies
 18 become available. ~~The department shall annually send a copy of~~
 19 ~~this assessment to the Governor and to the Legislature.~~

20 Section 22. Subsection (3) of section 403.724, Florida
 21 Statutes, is amended to read:

22 403.724 Financial responsibility.--

23 (3) The amount of financial responsibility required
 24 shall be approved by the department upon each issuance,
 25 renewal, or modification of a hazardous waste facility
 26 authorization ~~permit~~. Such factors as inflation rates and
 27 changes in operation may be considered when approving
 28 financial responsibility for the duration of the authorization
 29 ~~permit~~. The Office of Insurance Regulation of the Department
 30 of Financial Services ~~Commission~~ shall be available to assist
 31 the department in making this determination. In approving or

Bill No. SB 1528

Barcode 711998

1 modifying the amount of financial responsibility, the
2 department shall consider:

3 (a) The amount and type of hazardous waste involved;

4 (b) The probable damage to human health and the
5 environment;

6 (c) The danger and probable damage to private and
7 public property near the facility;

8 (d) The probable time that the hazardous waste and
9 facility involved will endanger the public health, safety, and
10 welfare or the environment; and

11 (e) The probable costs of properly closing the
12 facility and performing corrective action.

13 Section 23. Section 403.7255, Florida Statutes, is
14 amended to read:

15 403.7255 Placement of signs ~~Department to adopt~~
16 ~~rules.--~~

17 (1) ~~The department shall adopt rules which establish~~
18 ~~requirements and procedures for the placement of Signs must be~~
19 ~~placed by the owner or operator at sites which may have been~~
20 ~~contaminated by hazardous wastes. Sites shall include any site~~
21 ~~in the state which that is listed or proposed for listing on~~
22 ~~the Superfund Site List of the United States Environmental~~
23 ~~Protection Agency or any site identified by the department as~~
24 ~~a suspected or confirmed contaminated site contaminated by~~
25 ~~hazardous waste where there is may be a risk of exposure to~~
26 ~~the public. The requirements of this section shall not apply~~
27 ~~to sites reported under ss. 376.3071 and 376.3072. The~~
28 ~~department shall establish requirements and procedures for the~~
29 ~~placement of signs, and may do so in rules, permits, orders,~~
30 ~~or other authorizations. The authorization rules shall~~
31 ~~establish the appropriate size for such signs, which size~~

Bill No. SB 1528

Barcode 711998

1 shall be no smaller than 2 feet by 2 feet, and shall provide
2 in clearly legible print appropriate warning language for the
3 waste or other materials at the site and a telephone number
4 which may be called for further information.

5 (2) Violations of this act are punishable as provided
6 in s. 403.161(4).

7 (3) The provisions of this act are independent of and
8 cumulative to any other requirements and remedies in this
9 chapter or chapter 376, or any rules promulgated thereunder.

10 Section 24. Subsection (5) of section 403.726, Florida
11 Statutes, is amended to read:

12 403.726 Abatement of imminent hazard caused by
13 hazardous substance.--

14 (5) The department may issue a permit or order
15 requiring prompt abatement of an imminent hazard.

16 Section 25. Section 403.7265, Florida Statutes, is
17 amended to read:

18 403.7265 Local hazardous waste collection program.--

19 (1) The Legislature recognizes the need for local
20 governments to establish local hazardous waste management
21 programs and local collection centers throughout the state.
22 Local hazardous waste management programs are to educate and
23 assist small businesses and households in properly managing
24 the hazardous waste they generate. Local collection centers
25 are to serve a purpose similar to the collection locations
26 used in the amnesty days program described in s. 403.7264.
27 Such collection centers are to be operated to provide a
28 service to homeowners, farmers, and conditionally exempt small
29 quantity generators to encourage proper hazardous waste
30 management. Local collection centers will allow local
31 governments the opportunity to provide a location for

Bill No. SB 1528

Barcode 711998

1 collection and temporary storage of small quantities of
 2 hazardous waste. A private hazardous waste management company
 3 should be responsible for collecting the waste within 90 days
 4 for transfer to a permitted recycling, disposal, or treatment
 5 facility. In time, local collection centers are to become
 6 privately operated businesses in order to reduce the burden of
 7 hazardous waste collection on local government.

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

18 ~~(2)(3)~~ For the purposes of this section, the phrase:

19 (a) "Collection center" means a secured site approved
 20 by the department to be used as a base for a hazardous waste
 21 collection facility.

22 (b) "Regional collection center" means a facility
 23 permitted by the department for the storage of hazardous
 24 wastes.

25 ~~(3)(4)~~ The department shall establish a grant program
 26 for local governments which desire to provide a local or
 27 regional hazardous waste collection center. Grants shall be
 28 authorized to cover collection center costs associated with
 29 capital outlay for preparing a facility or site to safely
 30 serve as a collection center and to cover costs of
 31 administration, public awareness, and local amnesty days

Bill No. SB 1528

Barcode 711998

1 | programs. The total cost for administration and public
 2 | awareness shall not exceed 10 percent of the grant award.
 3 | Grants shall be available on a competitive basis to local
 4 | governments which:

5 | (a) Comply with the provisions of ss. 403.7225 and
 6 | 403.7264;

7 | (b) Design a collection center which is approved by
 8 | the department; and

9 | (c) Provide up to 33 percent of the capital outlay
 10 | money needed for the facility as matching money.

11 | ~~(4)(5)~~ The maximum amount of a grant for any local
 12 | government participating in the development of a collection
 13 | center shall be \$100,000. If a regional collection facility
 14 | is designed, each participating county shall be eligible for
 15 | up to \$100,000. The department is authorized to use up to 1
 16 | percent of the funds appropriated for the local hazardous
 17 | waste collection center grant program for administrative costs
 18 | and public education relating to proper hazardous waste
 19 | management.

20 | ~~(5)(6)~~ The department shall establish a cooperative
 21 | collection center arrangement grant program enabling a local
 22 | hazardous waste collection center grantee to receive a
 23 | financial incentive for hosting an amnesty days program in a
 24 | neighboring county that is currently unable to establish a
 25 | permanent collection center, but desires a local hazardous
 26 | waste collection. The grant may reimburse up to 75 percent of
 27 | the neighboring county's amnesty days. Grants shall be
 28 | available, on a competitive basis, to local governments which:

29 | (a) Have established operational hazardous waste
 30 | collection centers and are willing to assume a host role,
 31 | similar to that of the state in the amnesty days program

Bill No. SB 1528

Barcode 711998

1 described in s. 403.7264, in organizing a local hazardous
2 waste collection in the neighboring county.

3 (b) Enter into, and jointly submit, an interlocal
4 agreement outlining department-established duties for both the
5 host local government and neighboring county.

6 ~~(6)(7)~~ The maximum amount for the cooperative
7 collection center arrangement grant is \$35,000, with a maximum
8 amnesty days reimbursement of \$25,000, and a limit of \$10,000
9 for the host local government. The host local government may
10 receive up to \$10,000 per cooperative collection center
11 arrangement in addition to its maximum local hazardous waste
12 collection center grant.

13 ~~(7)(8)~~ The department has the authority to establish
14 an additional local project grant program enabling a local
15 hazardous waste collection center grantee to receive funding
16 for unique projects that improve the collection and lower the
17 incidence of improper management of conditionally exempt or
18 household hazardous waste. Eligible local governments may
19 receive up to \$50,000 in grant funds for these unique and
20 innovative projects, provided they match 25 percent of the
21 grant amount. If the department finds that the project has
22 statewide applicability and immediate benefits to other local
23 hazardous waste collection programs in the state, matching
24 funds are not required. This grant will not count toward the
25 \$100,000 maximum grant amount for development of a collection
26 center.

27 ~~(8)(9)~~ The department has the authority to use grant
28 funds authorized under this section to assist local
29 governments in carrying out the responsibilities and programs
30 specified in ss. 403.7225, 403.7226, 403.7234, 403.7236, and
31 403.7238.

Bill No. SB 1528

Barcode 711998

1 Section 26. Sections 403.7075 and 403.756, Florida
2 Statutes, are repealed.

3 Section 27. Sections 403.78, 403.781, 403.782,
4 403.783, 403.784, 403.7841, 403.7842, 403.785, 403.786,
5 403.787, 403.7871, 403.7872, 403.7873, 403.788, 403.7881,
6 403.789, 403.7891, 403.7892, 403.7893, and 403.7895, Florida
7 Statutes, are repealed.

8 Section 28. This act shall take effect July 1, 2006.

9
10

11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:

13 Delete everything before the enacting clause

14

15 and insert:

16

A bill to be entitled

17

An act relating to environmental protection;

18

amending s. 403.413, F.S.; clarifying who is

19

liable for dumping under the Florida Litter

20

Law; amending s. 403.4131, F.S.; deleting the

21

provisions relating to Keep Florida Beautiful,

22

Inc.; providing that certain counties are

23

encouraged to develop a regional approach to

24

coordinating litter control and prevention

25

programs; deleting certain requirements for a

26

litter survey; deleting provisions relating to

27

the Wildflower Advisory Council; amending s.

28

403.41315, F.S.; conforming provisions to

29

changes made to the Keep Florida Beautiful,

30

Inc., program; amending s. 403.4133, F.S.;

31

placing the Adopt-a-Shore Program within the

Bill No. SB 1528

Barcode 711998

1 Department of Environmental Protection;
2 amending s. 320.08058, F.S.; requiring that the
3 proceeds of the fees paid for Wildflower
4 license plates be distributed to the Wildflower
5 Foundation, Inc.; specifying uses of the
6 proceeds; providing that such proceeds be
7 distributed to the Department of Agriculture
8 and Consumer Services under certain
9 circumstances; amending s. 403.703, F.S.;
10 reordering definitions in alphabetical order;
11 clarifying certain definitions and deleting
12 definitions that are not used; amending s.
13 403.704, F.S.; deleting certain obsolete
14 provisions relating to the state solid waste
15 management program; amending s. 403.7043, F.S.;
16 deleting certain obsolete and conflicting
17 provisions relating to compost standards;
18 amending s. 403.7045, F.S.; providing that
19 industrial byproducts are not regulated under
20 certain circumstances; conforming a
21 cross-reference; clarifying certain provisions
22 governing dredged material; amending s.
23 403.7061, F.S.; authorizing the Department of
24 Environmental Protection to initiate rulemaking
25 regarding waste-to-energy facilities; amending
26 s. 403.707, F.S.; clarifying the Department of
27 Environmental Preservation's permit authority;
28 deleting certain obsolete provisions; extending
29 the time period for a public hearing when a
30 local government seeks to exempt certain
31 material from the definition of construction

Bill No. SB 1528

Barcode 711998

1 and demolition debris; providing that upon the
2 transfer of ownership or control of a solid
3 waste facility, that facility may not be
4 operated until the permit has been transferred
5 by the Department of Environmental Protection;
6 creating s. 403.7071, F.S.; providing for the
7 management and disposal of storm-generated
8 debris; amending s. 403.708, F.S.; deleting
9 obsolete provisions and clarifying certain
10 provisions governing landfills; amending s.
11 403.709, F.S.; revising the provisions relating
12 to the distribution of the waste tire fees;
13 amending s. 403.7095, F.S., relating to the
14 solid waste management grant program;
15 conforming a cross-reference; amending s.
16 403.7125, F.S.; deleting certain definitions
17 that appear elsewhere in law and clarifying
18 certain financial-disclosure provisions;
19 amending s. 403.716, F.S.; deleting certain
20 provisions relating to the training of certain
21 facility operators; amending s. 403.717, F.S.;
22 clarifying the provisions relating to waste
23 tires and the processing of waste tires;
24 transferring, renumbering, and amending s.
25 403.7221, F.S.; increasing the duration of
26 certain research, development, and
27 demonstration permits; amending s. 403.722,
28 F.S.; clarifying provisions relating to who is
29 required to obtain certain hazardous waste
30 permits; amending s. 403.7226, F.S.; deleting a
31 provision requiring a report that is

Bill No. SB 1528

Barcode 711998

1 duplicative of other reports; amending s.
2 403.724, F.S.; clarifying certain
3 financial-assurance provisions; amending s.
4 403.7255, F.S.; providing additional
5 requirements regarding the public notification
6 of certain contaminated sites; amending s.
7 403.726, F.S.; authorizing the Department of
8 Environmental Protection to issue an order to
9 abate certain hazards; amending s. 403.7265,
10 F.S.; deleting provisions relating to the
11 development of a statewide local hazardous
12 waste management plan; requiring a local
13 government to provide matching funds for
14 certain grants; providing that matching funds
15 are not required under certain conditions;
16 repealing s. 403.7075, F.S., relating to the
17 submission of certain plans for solid waste
18 management facilities; repealing s. 403.756,
19 F.S., relating to an annual used-oil report;
20 repealing ss. 403.78, 403.781, 403.782,
21 403.783, 403.784, 403.7841, 403.7842, 403.785,
22 403.786, 403.787, 403.7871, 403.7872, 403.7873,
23 403.788, 403.7881, 403.789, 403.7891, 403.7892,
24 403.7893, and 403.7895, F.S., relating to the
25 Statewide Multipurpose Hazardous Waste Facility
26 Siting Act; providing an effective date.

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