

By the Committee on Environmental Preservation

592-988B-06

1 A bill to be entitled
2 An act relating to environmental protection;
3 amending s. 403.413, F.S.; clarifying who is
4 liable for dumping under the Florida Litter
5 Law; amending s. 403.4131, F.S.; deleting the
6 provisions relating to Keep Florida Beautiful,
7 Inc.; providing that certain counties are
8 encouraged to develop a regional approach to
9 coordinating litter control and prevention
10 programs; deleting certain requirements for a
11 litter survey; placing the Wildflower Advisory
12 Council under the control of the Department of
13 Agriculture and Consumer Services; revising the
14 duties of the council; amending s. 403.41315,
15 F.S.; conforming provisions to changes made to
16 the Keep Florida Beautiful, Inc., program;
17 amending s. 403.4133, F.S.; placing the
18 Adopt-a-Shore Program within the Department of
19 Environmental Protection; amending s.
20 320.08058, F.S.; requiring that the proceeds of
21 the fees paid for Wildflower license plates be
22 distributed to the Department of Agriculture
23 and Consumer Services; specifying uses of the
24 proceeds; transferring the balance of such
25 proceeds from Keep Florida Beautiful, Inc., to
26 the Department of Agriculture and Consumer
27 Services; amending s. 403.703, F.S.; reordering
28 definitions in alphabetical order; clarifying
29 certain definitions and deleting definitions
30 that are not used; amending s. 403.704, F.S.;
31 deleting certain obsolete provisions relating

1 to the state solid waste management program;
2 amending s. 403.7043, F.S.; deleting certain
3 obsolete and conflicting provisions relating to
4 compost standards; amending s. 403.7045, F.S.;
5 providing that industrial byproducts are not
6 regulated under certain circumstances;
7 conforming a cross-reference; clarifying
8 certain provisions governing dredged material;
9 amending s. 403.707, F.S.; clarifying the
10 Department of Environmental Preservation's
11 permit authority; deleting certain obsolete
12 provisions; creating s. 403.7071, F.S.;
13 providing for the management and disposal of
14 storm-generated debris; amending s. 403.708,
15 F.S.; deleting obsolete provisions and
16 clarifying certain provisions governing
17 landfills; amending s. 403.709, F.S.; revising
18 the provisions relating to the distribution of
19 the waste tire fees; amending s. 403.7095,
20 F.S., relating to the solid waste management
21 grant program; conforming a cross-reference;
22 amending s. 403.7125, F.S.; deleting certain
23 definitions that appear elsewhere in law and
24 clarifying certain financial-disclosure
25 provisions; amending s. 403.716, F.S.; deleting
26 certain provisions relating to the training of
27 certain facility operators; amending s.
28 403.717, F.S.; clarifying the provisions
29 relating to waste tires and the processing of
30 waste tires; transferring, renumbering, and
31 amending s. 403.7221, F.S.; increasing the

1 duration of certain research, development, and
2 demonstration permits; amending s. 403.722,
3 F.S.; clarifying provisions relating to who is
4 required to obtain certain hazardous waste
5 permits; amending s. 403.7226, F.S.; deleting a
6 provision requiring a report that is
7 duplicative of other reports; amending s.
8 403.724, F.S.; clarifying certain
9 financial-responsibility provisions; amending
10 s. 403.7255, F.S.; providing additional
11 requirements regarding the public notification
12 of certain contaminated sites; amending s.
13 403.726, F.S.; authorizing the Department of
14 Environmental Protection to issue an order to
15 abate certain hazards; amending s. 403.7265,
16 F.S.; requiring a local government to provide
17 matching funds for certain grants; providing
18 that matching funds are not required under
19 certain conditions; repealing s. 403.7075,
20 F.S., relating to the submission of certain
21 plans for solid waste management facilities;
22 repealing s. 403.756, F.S., relating to an
23 annual used-oil report; repealing ss. 403.78,
24 403.781, 403.782, 403.783, 403.784, 403.7841,
25 403.7842, 403.785, 403.786, 403.787, 403.7871,
26 403.7872, 403.7873, 403.788, 403.7881, 403.789,
27 403.7891, 403.7892, 403.7893, and 403.7895,
28 F.S., relating to the Statewide Multipurpose
29 Hazardous Waste Facility Siting Act; providing
30 an effective date.
31

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

2

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

5 403.413 Florida Litter Law.--

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

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

16 (b) In or on any freshwater lake, river, canal, or
17 stream or tidal or coastal water of the state, including
18 canals. When any litter is thrown or discarded from a boat,
19 the operator or owner of the boat, or both, shall be deemed in
20 violation of this section; or

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

26 Section 2. Section 403.4131, Florida Statutes, is
27 amended to read:

28 403.4131 Litter control; Wildflower Advisory Council
29 ~~"Keep Florida Beautiful, Incorporated"; placement of signs.--~~

30 (1) ~~It is the intent of the Legislature that a~~
31 ~~coordinated effort of interested businesses, environmental and~~

1 ~~civic organizations, and state and local agencies of~~
2 ~~government be developed to plan for and assist in implementing~~
3 ~~solutions to the litter and solid waste problems in this state~~
4 ~~and that the state provide financial assistance for the~~
5 ~~establishment of a nonprofit organization with the name of~~
6 ~~"Keep Florida Beautiful, Incorporated," which shall be~~
7 ~~registered, incorporated, and operated in compliance with~~
8 ~~chapter 617. This nonprofit organization shall coordinate the~~
9 ~~statewide campaign and operate as the grassroots arm of the~~
10 ~~state's effort and shall serve as an umbrella organization for~~
11 ~~volunteer based community programs. The organization shall be~~
12 ~~dedicated to helping Florida and its local communities solve~~
13 ~~solid waste problems, to developing and implementing a~~
14 ~~sustained litter prevention campaign, and to act as a working~~
15 ~~public private partnership in helping to implement the state's~~
16 ~~Solid Waste Management Act. As part of this effort, Keep~~
17 ~~Florida Beautiful, Incorporated, in cooperation with the~~
18 ~~Environmental Education Foundation, shall strive to educate~~
19 ~~citizens, visitors, and businesses about the important~~
20 ~~relationship between the state's environment and economy.~~
21 ~~Keep Florida Beautiful, Incorporated, is encouraged to explore~~
22 ~~and identify economic incentives to improve environmental~~
23 ~~initiatives in the area of solid waste management. The~~
24 ~~membership of the board of directors of this nonprofit~~
25 ~~organization may include representatives of the following~~
26 ~~organizations: the Florida League of Cities, the Florida~~
27 ~~Association of Counties, the Governor's Office, the Florida~~
28 ~~Chapter of the National Solid Waste Management Association,~~
29 ~~the Florida Recyclers Association, the Center for Marine~~
30 ~~Conservation, Chapter of the Sierra Club, the Associated~~
31 ~~Industries of Florida, the Florida Soft Drink Association, the~~

1 ~~Florida Petroleum Council, the Retail Grocers Association of~~
2 ~~Florida, the Florida Retail Federation, the Pulp and Paper~~
3 ~~Association, the Florida Automobile Dealers Association, the~~
4 ~~Beer Industries of Florida, the Florida Beer Wholesalers~~
5 ~~Association, and the Distilled Spirits Wholesalers.~~

6 ~~(2) As a partner working with government, business,~~
7 ~~civic, environmental, and other organizations, Keep Florida~~
8 ~~Beautiful, Incorporated, shall strive to assist the state and~~
9 ~~its local communities by contracting for the development of a~~
10 ~~highly visible antilitter campaign that, at a minimum,~~
11 ~~includes:~~

12 ~~(a) Coordinating with the Center for Marine~~
13 ~~Conservation and the Center for Solid and Hazardous Waste~~
14 ~~Management to identify components of the marine debris and~~
15 ~~litter stream and groups that habitually litter.~~

16 ~~(b) Designing appropriate advertising to promote the~~
17 ~~proper management of solid waste, with emphasis on educating~~
18 ~~groups that habitually litter.~~

19 ~~(c) Fostering public awareness and striving to build~~
20 ~~an environmental ethic in this state through the development~~
21 ~~of educational programs that result in an understanding and in~~
22 ~~action on the part of individuals and organizations about the~~
23 ~~role they must play in preventing litter and protecting~~
24 ~~Florida's environment.~~

25 ~~(d) Developing educational programs and materials that~~
26 ~~promote the proper management of solid waste, including the~~
27 ~~proper disposal of litter.~~

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

31

1 ~~(1)(3)~~ The Department of Transportation shall
2 establish an "adopt-a-highway" program to allow local
3 organizations to be identified with specific highway cleanup
4 and highway beautification projects authorized under s.
5 339.2405 ~~and shall coordinate such efforts with Keep Florida~~
6 ~~Beautiful, Inc.~~ The department shall report to the Governor
7 and the Legislature on the progress achieved and the savings
8 incurred by the "adopt-a-highway" program. The department
9 shall also monitor and report on compliance with provisions of
10 the adopt-a-highway program to ensure that organizations that
11 participate in the program comply with the goals identified by
12 the department.

13 ~~(2)(4)~~ The Department of Transportation shall place
14 signs discouraging litter at all off-ramps of the interstate
15 highway system in the state. ~~The department shall place other~~
16 ~~highway signs as necessary to discourage littering through use~~
17 ~~of the antilitter program developed by Keep Florida Beautiful,~~
18 ~~Incorporated.~~

19 ~~(3)(5)~~ Each county is encouraged to initiate a litter
20 control and prevention program or to expand upon its existing
21 program. The department shall establish a system of grants
22 for municipalities and counties to implement litter control
23 and prevention programs. In addition to the activities
24 described in subsection (1), such grants shall at a minimum be
25 used for litter cleanup, grassroots educational programs
26 involving litter removal and prevention, and the placement of
27 litter and recycling receptacles. Counties are encouraged to
28 form working public private partnerships as authorized under
29 this section to implement litter control and prevention
30 programs at the community level. The grants authorized
31 pursuant to this section shall be incorporated as part of the

1 recycling and education grants. Counties that have a
2 population under 100,000 ~~75,000~~ are encouraged to develop a
3 regional approach to administering and coordinating their
4 litter control and prevention programs.

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

9 ~~(7) In order to establish continuity for the statewide~~
10 ~~program, those local governments and community programs~~
11 ~~receiving grants for litter prevention and control must use~~
12 ~~the official State of Florida litter control or campaign~~
13 ~~symbol adopted by Keep Florida Beautiful, Incorporated, for~~
14 ~~use on various receptacles and program material.~~

15 ~~(8) The Legislature establishes a litter reduction~~
16 ~~goal of 50 percent reduction from the period January 1, 1994,~~
17 ~~to January 1, 1997. The method of determination used to~~
18 ~~measure the reduction in litter is the survey conducted by the~~
19 ~~Center for Solid and Hazardous Waste Management. The center~~
20 ~~shall consider existing litter survey methodologies.~~

21 ~~(9) The Department of Environmental Protection shall~~
22 ~~contract with the Center for Solid and Hazardous Waste~~
23 ~~Management for an ongoing annual litter survey, the first of~~
24 ~~which is to be conducted by January 1, 1994. The center shall~~
25 ~~appoint a broad based work group not to exceed seven members~~
26 ~~to assist in the development and implementation of the survey.~~
27 ~~Representatives from the university system, business,~~
28 ~~government, and the environmental community shall be~~
29 ~~considered by the center to serve on the work group. Final~~
30 ~~authority on implementing and conducting the survey rests with~~
31 ~~the center. The first survey is to be designed to serve as a~~

1 ~~baseline by measuring the amount of current litter and marine~~
2 ~~debris, and is to include a methodology for measuring the~~
3 ~~reduction in the amount of litter and marine debris to~~
4 ~~determine the progress toward the litter reduction goal~~
5 ~~established in subsection (8). Annually thereafter, additional~~
6 ~~surveys are to be conducted and must also include a~~
7 ~~methodology for measuring the reduction in the amount of~~
8 ~~litter and for determining progress toward the litter~~
9 ~~reduction goal established in subsection (8).~~

10 ~~(4)(10)(a)~~ There is created within the Department of
11 Agriculture and Consumer Services within Keep Florida
12 ~~Beautiful, Inc.~~, the Wildflower Advisory Council, consisting
13 of a maximum of ten ~~nine~~ members ~~to direct and oversee the~~
14 ~~expenditure of the Wildflower Account~~. The Wildflower Advisory
15 Council shall include a representative from the University of
16 Florida Institute of Food and Agricultural Sciences, the
17 Florida Department of Transportation, the Department of
18 Agriculture and Consumer Services, ~~and~~ the Florida Department
19 of Environmental Protection, the Florida League of Cities, and
20 the Florida Association of Counties. Other members of the
21 committee may include representatives from the Florida
22 Federation of Garden Clubs, Inc., Think Beauty Foundation, the
23 Florida Chapter of the American Society of Landscape
24 Architects, Inc., and a representative of the Master
25 Gardener's Program.

26 (b) The Wildflower Advisory Council shall be advisory
27 to the Department of Agriculture and Consumer Services and
28 develop procedures of operation, research contracts,
29 educational and marketing programs, and wildflower planting
30 grants for Florida native wildflowers, plants, and grasses.
31 The council shall also make recommendations to the department

1 ~~concerning the final determination of~~ what constitutes
2 acceptable species of wildflowers and other plantings
3 supported by these programs.

4 Section 3. Section 403.41315, Florida Statutes, is
5 amended to read:

6 403.41315 Comprehensive illegal dumping, litter, and
7 marine debris control and prevention.--

8 (1) The Legislature finds that a comprehensive illegal
9 dumping, litter, and marine debris control and prevention
10 program is necessary to protect the beauty and the environment
11 of Florida. The Legislature also recognizes that a
12 comprehensive illegal dumping, litter, and marine debris
13 control and prevention program will have a positive effect on
14 the state's economy. The Legislature finds that the state's
15 rapid population growth, the ever-increasing mobility of its
16 population, and the large number of tourists contribute to the
17 need for a comprehensive illegal dumping, litter, and marine
18 debris control and prevention program. The Legislature further
19 finds that the program must be coordinated and capable of
20 having statewide identity and grassroots community support.

21 (2) The comprehensive illegal dumping, litter, and
22 marine debris control and prevention program at a minimum must
23 include the following:

24 (a) A local ~~statewide~~ public awareness and educational
25 campaign, ~~coordinated by Keep Florida Beautiful, Incorporated,~~
26 to educate individuals, government, businesses, and other
27 organizations concerning the role they must assume in
28 preventing and controlling litter.

29 (b) Enforcement provisions authorized under s.
30 403.413.

31

1 (c) Enforcement officers whose responsibilities
2 include grassroots education along with enforcing litter and
3 illegal dumping violations.

4 (d) Local illegal dumping, litter, and marine debris
5 control and prevention programs operated at the county level
6 with emphasis placed on grassroots educational programs
7 designed to prevent and remove litter and marine debris.

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

10 (f) The highway beautification program authorized
11 under s. 339.2405.

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

15 (h) The prohibition of balloon releases as authorized
16 under s. 372.995.

17 (i) The placement of approved identifiable litter and
18 recycling receptacles.

19 (j) Other educational programs that are implemented at
20 the grassroots level ~~coordinated through Keep Florida~~
21 ~~Beautiful, Inc.,~~ involving volunteers and community programs
22 that clean up and prevent litter, including Youth Conservation
23 Corps activities.

24 Section 4. Section 403.4133, Florida Statutes, is
25 amended to read:

26 403.4133 Adopt-a-Shore Program.--

27 (1) The Legislature finds that litter and illegal
28 dumping present a threat to the state's wildlife, environment,
29 and shorelines. The Legislature further finds that public
30 awareness and education will assist in preventing litter from
31 being illegally deposited along the state's shorelines.

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

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

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

13 320.08058 Specialty license plates.--

14 (28) FLORIDA WILDFLOWER LICENSE PLATES.--

15 (a) The department shall develop a Florida Wildflower
16 license plate as provided in this section. The word "Florida"
17 must appear at the top of the plate, and the words "State
18 Wildflower" and "coreopsis" must appear at the bottom of the
19 plate.

20 (b) The annual use fees shall be distributed to the
21 Department of Agriculture and Consumer Services, to be used
22 for the purposes set forth in ~~Wildflower Account established~~
23 ~~by Keep Florida Beautiful, Inc., created by s. 403.4131.~~ The
24 proceeds must be used to establish native Florida wildflower
25 research programs, wildflower educational programs, and
26 wildflower grant programs to municipal, county, and
27 community-based groups in this state. A maximum of 10 percent
28 of the proceeds from the sale of such plates may be used for
29 administrative costs.

30 Section 6. All unexpended proceeds of fees paid for
31 Wildflower license plates which are held by Keep Florida

1 Beautiful, Inc., must be transferred to the Department of
2 Agriculture and Consumer Services promptly after the effective
3 date of this act.

4 Section 7. Section 403.703, Florida Statutes, is
5 amended to read:

6 (Substantial rewording of section. See
7 s. 403.703, F.S., for present text.)

8 403.703 Definitions.--As used in this part, the term:

9 (1) "Ash residue" has the same meaning as in the
10 department rule governing solid waste combustors which defines
11 the term.

12 (2) "Biomedical waste" means any solid waste or liquid
13 waste that may present a threat of infection to humans. The
14 term includes, but is not limited to, nonliquid human tissue
15 and body parts; laboratory and veterinary waste that contains
16 human-disease-causing agents; discarded disposable sharps;
17 human blood and human blood products and body fluids; and
18 other materials that in the opinion of the Department of
19 Health represent a significant risk of infection to persons
20 outside the generating facility. The term does not include
21 human remains that are disposed of by persons licensed under
22 chapter 497.

23 (3) "Biological waste" means solid waste that causes
24 or has the capability of causing disease or infection and
25 includes, but is not limited to, biomedical waste, diseased or
26 dead animals, and other wastes capable of transmitting
27 pathogens to humans or animals. The term does not include
28 human remains that are disposed of by persons licensed under
29 chapter 497.

30 (4) "Clean debris" means any solid waste that is
31 virtually inert, that is not a pollution threat to groundwater

1 or surface waters, that is not a fire hazard, and that is
2 likely to retain its physical and chemical structure under
3 expected conditions of disposal or use. The term includes
4 uncontaminated concrete, including embedded pipe or steel,
5 brick, glass, ceramics, and other wastes designated by the
6 department.

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

12 (6) "Construction and demolition debris" means
13 discarded materials generally considered to be not
14 water-soluble and nonhazardous in nature, including, but not
15 limited to, steel, glass, brick, concrete, asphalt roofing
16 material, pipe, gypsum wallboard, and lumber, from the
17 construction or destruction of a structure as part of a
18 construction or demolition project or from the renovation of a
19 structure, and includes rocks, soils, tree remains, trees, and
20 other vegetative matter that normally results from land
21 clearing or land-development operations for a construction
22 project, including such debris from construction of structures
23 at a site remote from the construction or demolition project
24 site. Mixing of construction and demolition debris with other
25 types of solid waste will cause the resulting mixture to be
26 classified as other than construction and demolition debris.
27 The term also includes:

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

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

4 (c) Scrap from manufacturing facilities which is the
5 type of material generally used in construction projects and
6 which would meet the definition of construction and demolition
7 debris if it were generated as part of a construction or
8 demolition project. This includes debris from the construction
9 of manufactured homes and scrap shingles, wallboard, siding
10 concrete, and similar materials from industrial or commercial
11 facilities; and

12 (d) De minimis amounts of other nonhazardous wastes
13 that are generated at construction or destruction projects,
14 provided such amounts are consistent with best management
15 practices of the industry.

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

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

22 (9) "Disposal" means the discharge, deposit,
23 injection, dumping, spilling, leaking, or placing of any solid
24 waste or hazardous waste into or upon any land or water so
25 that such solid waste or hazardous waste or any constituent
26 thereof may enter other lands or be emitted into the air or
27 discharged into any waters, including groundwaters, or
28 otherwise enter the environment.

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

31

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

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

8 (13) "Hazardous waste" means solid waste, or a
9 combination of solid wastes, which, because of its quantity,
10 concentration, or physical, chemical, or infectious
11 characteristics, may cause, or significantly contribute to, an
12 increase in mortality or an increase in serious irreversible
13 or incapacitating reversible illness or may pose a substantial
14 present or potential hazard to human health or the environment
15 when improperly transported, disposed of, stored, treated, or
16 otherwise managed. The term does not include human remains
17 that are disposed of by persons licensed under chapter 497.

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

21 (15) "Hazardous waste management" means the systematic
22 control of the collection, source separation, storage,
23 transportation, processing, treatment, recovery, recycling,
24 and disposal of hazardous wastes.

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

31

1 (17) "Landfill" means any solid waste land disposal
2 area for which a permit, other than a general permit, is
3 required by s. 403.707 and which receives solid waste for
4 disposal in or upon land. The term does not include a
5 land-spreading site, an injection well, a surface impoundment,
6 or a facility for the disposal of construction and demolition
7 debris.

8 (18) "Manifest" means the recordkeeping system used
9 for identifying the concentration, quantity, composition,
10 origin, routing, and destination of hazardous waste during its
11 transportation from the point of generation to the point of
12 disposal, storage, or treatment.

13 (19) "Materials-recovery facility" means a solid waste
14 management facility that provides for the extraction from
15 solid waste of recyclable materials, materials suitable for
16 use as a fuel or soil amendment, or any combination of such
17 materials.

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

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

26 (22) "Person" means any and all persons, natural or
27 artificial, including any individual, firm, or association;
28 any municipal or private corporation organized or existing
29 under the laws of this state or any other state; any county of
30 this state; and any governmental agency of this state or the
31 Federal Government.

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

6 (24) "Recovered materials" means metal, paper, glass,
7 plastic, textile, or rubber materials that have known
8 recycling potential, can be feasibly recycled, and have been
9 diverted and source separated or have been removed from the
10 solid waste stream for sale, use, or reuse as raw materials,
11 whether or not the materials require subsequent processing or
12 separation from each other, but the term does not include
13 materials destined for any use that constitutes disposal.
14 Recovered materials as described in this subsection are not
15 solid waste.

16 (25) "Recovered materials processing facility" means a
17 facility engaged solely in the storage, processing, resale, or
18 reuse of recovered materials. Such a facility is not a solid
19 waste management facility if it meets the conditions of s.
20 403.7045(1)(e).

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

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

28 (28) "Resource recovery" means the process of
29 recovering materials or energy from solid waste, excluding
30 those materials or solid waste under the control of the
31 Nuclear Regulatory Commission.

1 (29) "Resource recovery equipment" means equipment or
2 machinery exclusively and integrally used in the actual
3 process of recovering material or energy resources from solid
4 waste.

5 (30) "Sludge" includes the accumulated solids,
6 residues, and precipitates generated as a result of waste
7 treatment or processing, including wastewater treatment,
8 water-supply treatment, or operation of an air pollution
9 control facility, and mixed liquids and solids pumped from
10 septic tanks, grease traps, privies, or similar waste disposal
11 appurtenances.

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

17 (32) "Solid waste" means sludge unregulated under the
18 federal Clean Water Act or Clean Air Act, sludge from a waste
19 treatment works, water supply treatment plant, or air
20 pollution control facility, or garbage, rubbish, refuse,
21 special waste, or other discarded material, including solid,
22 liquid, semisolid, or contained gaseous material resulting
23 from domestic, industrial, commercial, mining, agricultural,
24 or governmental operations. Recovered materials as defined in
25 subsection (24) are not solid waste.

26 (33) "Solid waste disposal facility" means any solid
27 waste management facility that is the final resting place for
28 solid waste, including landfills and incineration facilities
29 that produce ash from the process of incinerating municipal
30 solid waste.

31

1 (34) "Solid waste management" means the process by
2 which solid waste is collected, transported, stored,
3 separated, processed, or disposed of in any other way
4 according to an orderly, purposeful, and planned program,
5 which includes closure.

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

15 (36) "Source separated" means that the recovered
16 materials are separated from solid waste at the location where
17 the recovered materials and solid waste are generated. The
18 term does not require that various types of recovered
19 materials be separated from each other, and recognizes de
20 minimis solid waste, in accordance with industry standards and
21 practices, may be included in the recovered materials.
22 Materials are not considered source-separated when two or more
23 types of recovered materials are deposited in combination with
24 each other in a commercial collection container located where
25 the materials are generated and when such materials contain
26 more than 10 percent solid waste by volume or weight. For
27 purposes of this subsection, the term "various types of
28 recovered materials" means metals, paper, glass, plastic,
29 textiles, and rubber.

30 (37) "Storage" means the containment or holding of a
31 hazardous waste, either on a temporary basis or for a period

1 of years, in such a manner as not to constitute disposal of
2 such hazardous waste.

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

6 (39) "Transport" means the movement of hazardous waste
7 from the point of generation or point of entry into the state
8 to any offsite intermediate points and to the point of offsite
9 ultimate disposal, storage, treatment, or exit from the state.

10 (40) "Treatment," when used in connection with
11 hazardous waste, means any method, technique, or process,
12 including neutralization, which is designed to change the
13 physical, chemical, or biological character or composition of
14 any hazardous waste so as to neutralize it or render it
15 nonhazardous, safe for transport, amenable to recovery,
16 amenable to storage or disposal, or reduced in volume or
17 concentration. The term includes any activity or processing
18 that is designed to change the physical form or chemical
19 composition of hazardous waste so as to render it
20 nonhazardous.

21 (41) "Volume-reduction plant" includes incinerators,
22 pulverizers, compactors, shredding and baling plants,
23 composting plants, and other plants that accept and process
24 solid waste for recycling or disposal.

25 (42) "White goods" includes inoperative and discarded
26 refrigerators, ranges, water heaters, freezers, and other
27 similar domestic and commercial large appliances.

28 (43) "Yard trash" means vegetative matter resulting
29 from landscaping maintenance and land clearing operations and
30 includes associated rocks and soils.

31

1 Section 8. Section 403.704, Florida Statutes, is
2 amended to read:

3 403.704 Powers and duties of the department.--The
4 department shall have responsibility for the implementation
5 and enforcement of the provisions of this act. In addition to
6 other powers and duties, the department shall:

7 (1) Develop and implement, in consultation with local
8 governments, a state solid waste management program, as
9 defined in s. 403.705, ~~and update the program at least every 3~~
10 ~~years. In developing rules to implement the state solid waste~~
11 ~~management program, the department shall hold public hearings~~
12 ~~around the state and shall give notice of such public hearings~~
13 ~~to all local governments and regional planning agencies.~~

14 (2) Provide technical assistance to counties,
15 municipalities, and other persons, and cooperate with
16 appropriate federal agencies and private organizations in
17 carrying out the provisions of this act.

18 (3) Promote the planning and application of recycling
19 and resource recovery systems which preserve and enhance the
20 quality of the air, water, and other natural resources of the
21 state and assist in and encourage, where appropriate, the
22 development of regional solid waste management facilities.

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

26 (5) Use private industry or the State University
27 System through contractual arrangements for implementation of
28 some or all of the requirements of the state solid waste
29 management program and for such other activities as may be
30 considered necessary, desirable, or convenient.

31

1 (6) Encourage recycling and resource recovery as a
2 source of energy and materials.

3 (7) Assist in and encourage, as much as possible, the
4 development within the state of industries and commercial
5 enterprises which are based upon resource recovery, recycling,
6 and reuse of solid waste.

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

11 ~~(9) Acquire, at its discretion, personal or real~~
12 ~~property or any interest therein by gift, lease, or purchase~~
13 ~~for the purpose of providing sites for solid waste management~~
14 ~~facilities.~~

15 ~~(10) Acquire, construct, reconstruct, improve,~~
16 ~~maintain, equip, furnish, and operate, at its discretion, such~~
17 ~~solid waste management facilities as are called for by the~~
18 ~~state solid waste management program.~~

19 ~~(11) Receive funds or revenues from the sale of~~
20 ~~products, materials, fuels, or energy in any form derived from~~
21 ~~processing of solid waste by state owned or state operated~~
22 ~~facilities, which funds or revenues shall be deposited into~~
23 ~~the Solid Waste Management Trust Fund.~~

24 (8)(12) Determine by rule the facilities, equipment,
25 personnel, and number of monitoring wells to be provided at
26 each ~~Class I~~ solid waste disposal area.

27 ~~(13) Encourage, but not require, as part of a Class II~~
28 ~~solid waste disposal area, a potable water supply; an employee~~
29 ~~shelter; handwashing and toilet facilities; equipment washout~~
30 ~~facilities; electric service for operations and repairs;~~
31 ~~equipment shelter for maintenance and storage of parts,~~

1 ~~equipment, and tools; scales for weighing solid waste received~~
2 ~~at the disposal area; a trained equipment operator in~~
3 ~~full time attendance during operating hours; and communication~~
4 ~~facilities for use in emergencies. The department may require~~
5 ~~an attendant at a Class II solid waste disposal area during~~
6 ~~the hours of operation if the department affirmatively~~
7 ~~demonstrates that such a requirement is necessary to prevent~~
8 ~~unlawful fires, unauthorized dumping, or littering of nearby~~
9 ~~property.~~

10 ~~(14) Require a Class II solid waste disposal area to~~
11 ~~have at least one monitoring well which shall be placed~~
12 ~~adjacent to the site in the direction of groundwater flow~~
13 ~~unless otherwise exempted by the department. The department~~
14 ~~may require additional monitoring wells not farther than 1~~
15 ~~mile from the site if it is affirmatively demonstrated by the~~
16 ~~department that a significant change in the initial quality of~~
17 ~~the water has occurred in the downstream monitoring well which~~
18 ~~adversely affects the beneficial uses of the water. These~~
19 ~~wells may be public or private water supply wells if they are~~
20 ~~suitable for use in determining background water quality~~
21 ~~levels.~~

22 ~~(9)(15)~~ Adopt rules pursuant to ss. 120.536(1) and
23 120.54 to implement and enforce the provisions of this act,
24 including requirements for the classification, construction,
25 operation, maintenance, and closure of solid waste management
26 facilities and requirements for, and conditions on, solid
27 waste disposal in this state, whether such solid waste is
28 generated within this state or outside this state as long as
29 such requirements and conditions are not based on the
30 out-of-state origin of the waste and are consistent with
31 applicable provisions of law. When classifying solid waste

1 management facilities, the department shall consider the
2 hydrogeology of the site for the facility, the types of wastes
3 to be handled by the facility, and methods used to control the
4 types of waste to be handled by the facility and shall seek to
5 minimize the adverse effects of solid waste management on the
6 environment. Whenever the department adopts any rule stricter
7 or more stringent than one which has been set by the United
8 States Environmental Protection Agency, the procedures set
9 forth in s. 403.804(2) shall be followed. The department shall
10 not, however, adopt hazardous waste rules for solid waste for
11 which special studies were required prior to October 1, 1988,
12 under s. 8002 of the Resource Conservation and Recovery Act,
13 42 U.S.C. s. 6982, as amended, until the studies are completed
14 by the United States Environmental Protection Agency and the
15 information is available to the department for consideration
16 in adopting its own rule.

17 (10)~~(16)~~ Issue or modify permits on such conditions as
18 are necessary to effect the intent and purposes of this act,
19 and may deny or revoke permits.

20 ~~(17) Conduct research, using the State University~~
21 ~~System, solid waste professionals from local governments,~~
22 ~~private enterprise, and other organizations, on alternative,~~
23 ~~economically feasible, cost effective, and environmentally~~
24 ~~safe solid waste management and landfill closure methods which~~
25 ~~protect the health, safety, and welfare of the public and the~~
26 ~~environment and which may assist in developing markets and~~
27 ~~provide economic benefits to local governments, the state, and~~
28 ~~its citizens, and solicit public participation during the~~
29 ~~research process. The department shall incorporate such~~
30 ~~cost effective landfill closure methods in the appropriate~~
31 ~~department rule as alternative closure requirements.~~

1 (11)~~(18)~~ Develop and implement or contract for
2 services to develop information on recovered materials markets
3 and strategies for market development and expansion for use of
4 these materials. Additionally, the department shall maintain a
5 directory of recycling businesses operating in the state and
6 shall serve as a coordinator to match recovered materials with
7 markets. Such directory shall be made available to the public
8 and to local governments to assist with their solid waste
9 management activities.

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

15 (12)~~(20)~~ Establish accounts and deposit to the Solid
16 Waste Management Trust Fund and control and administer moneys
17 it may withdraw from the fund.

18 (13)~~(21)~~ Manage a program of grants, using funds from
19 the Solid Waste Management Trust Fund and funds provided by
20 the Legislature for solid waste management, for programs for
21 recycling, composting, litter control, and special waste
22 management and for programs which provide for the safe and
23 proper management of solid waste.

24 (14)~~(22)~~ Budget and receive appropriated funds and
25 accept, receive, and administer grants or other funds or gifts
26 from public or private agencies, including the state and the
27 Federal Government, for the purpose of carrying out the
28 provisions of this act.

29 (15)~~(23)~~ Delegate its powers, enter into contracts, or
30 take such other actions as may be necessary to implement this
31 act.

1 ~~(16)~~~~(24)~~ Receive and administer funds appropriated for
2 county hazardous waste management assessments.

3 ~~(17)~~~~(25)~~ Provide technical assistance to local
4 governments and regional agencies to ensure consistency
5 between county hazardous waste management assessments;
6 coordinate the development of such assessments with the
7 assistance of the appropriate regional planning councils; and
8 review and make recommendations to the Legislature relative to
9 the sufficiency of the assessments to meet state hazardous
10 waste management needs.

11 ~~(18)~~~~(26)~~ Increase public education and public
12 awareness of solid and hazardous waste issues by developing
13 and promoting statewide programs of litter control, recycling,
14 volume reduction, and proper methods of solid waste and
15 hazardous waste management.

16 ~~(19)~~~~(27)~~ Assist the hazardous waste storage,
17 treatment, or disposal industry by providing to the industry
18 any data produced on the types and quantities of hazardous
19 waste generated.

20 ~~(20)~~~~(28)~~ Institute a hazardous waste emergency
21 response program which would include emergency
22 telecommunication capabilities and coordination with
23 appropriate agencies.

24 ~~(21)~~~~(29)~~ Promulgate rules necessary to accept
25 delegation of the hazardous waste management program from the
26 Environmental Protection Agency under the Hazardous and Solid
27 Waste Amendments of 1984, Pub. L. No. 98-616.

28 ~~(22)~~~~(30)~~ Adopt rules, if necessary, to address the
29 incineration and disposal of biomedical waste and the
30 management of biological waste within the state, whether such
31 waste is generated within this state or outside this state, as

1 long as such requirements and conditions are not based on the
2 out-of-state origin of the waste and are consistent with
3 applicable provisions of law.

4 Section 9. Section 403.7043, Florida Statutes, is
5 amended to read:

6 403.7043 Compost standards and applications.--

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

11 (2) The department shall ~~Within 6 months after October~~
12 ~~1, 1988, the department shall initiate rulemaking to~~ establish
13 and maintain rules addressing standards for the production of
14 compost ~~and shall complete and promulgate those rules within~~
15 ~~12 months after initiating the process of rulemaking,~~
16 including rules establishing:

17 (a) Requirements necessary to produce hygienically
18 safe compost products for varying applications.

19 (b) A classification scheme for compost based on+ the
20 types of waste composted, ~~including at least one type~~
21 ~~containing only yard trash;~~ the maturity of the compost,
22 ~~including at least three degrees of decomposition for fresh,~~
23 ~~semimature, and mature;~~ and the levels of organic and
24 inorganic constituents in the compost. This scheme shall
25 address:

- 26 1. Methods for measurement of the compost maturity.
- 27 2. Particle sizes.
- 28 3. Moisture content.
- 29 4. Average levels of organic and inorganic
- 30 constituents, including heavy metals, for such classes of
- 31

1 | compost as the department establishes, and the analytical
2 | methods to determine those levels.

3 | ~~(3) Within 6 months after October 1, 1988, the~~
4 | ~~department shall initiate rulemaking to prescribe the~~
5 | ~~allowable uses and application rates of compost and shall~~
6 | ~~complete and promulgate those rules within 12 months after~~
7 | ~~initiating the process of rulemaking, based on the following~~
8 | ~~criteria:~~

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

12 | ~~(b) The allowable uses of compost based on maturity~~
13 | ~~and type of compost.~~

14 | ~~(4) If compost is produced which does not meet the~~
15 | ~~criteria prescribed by the department for agricultural and~~
16 | ~~other use, the compost must be reprocessed or disposed of in a~~
17 | ~~manner approved by the department, unless a different~~
18 | ~~application is specifically permitted by the department.~~

19 | ~~(5) The provisions of s. 403.706 shall not prohibit~~
20 | ~~any county or municipality which has in place a memorandum of~~
21 | ~~understanding or other written agreement as of October 1,~~
22 | ~~1988, from proceeding with plans to build a compost facility.~~

23 | Section 10. Subsections (1), (2), and (3) of section
24 | 403.7045, Florida Statutes, are amended to read:

25 | 403.7045 Application of act and integration with other
26 | acts.--

27 | (1) The following wastes or activities shall not be
28 | regulated pursuant to this act:

29 | (a) Byproduct material, source material, and special
30 | nuclear material, the generation, transportation, disposal,
31 | storage, or treatment of which is regulated under chapter 404

1 or under the federal Atomic Energy Act of 1954, ch. 1073, 68
2 Stat. 923, as amended;

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

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

11 (d) Drilling fluids, produced waters, and other wastes
12 associated with the exploration for, or development and
13 production of, crude oil or natural gas which are regulated
14 under chapter 377; or

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

18 1. A majority of the recovered materials at the
19 facility are demonstrated to be sold, used, or reused within 1
20 year.

21 2. The recovered materials handled by the facility or
22 the products or byproducts of operations that process
23 recovered materials are not discharged, deposited, injected,
24 dumped, spilled, leaked, or placed into or upon any land or
25 water by the owner or operator of such facility so that such
26 recovered materials, products or byproducts, or any
27 constituent thereof may enter other lands or be emitted into
28 the air or discharged into any waters, including groundwaters,
29 or otherwise enter the environment such that a threat of
30 contamination in excess of applicable department standards and
31 criteria is caused.

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

4 4. The facility is registered as required in s.
5 403.7046.

6 (f) Industrial byproducts, if:

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

9 2. The industrial byproducts are not discharged,
10 deposited, injected, dumped, spilled, leaked, or placed upon
11 any land or water so that such industrial byproducts, or any
12 constituent thereof, may enter other lands or be emitted into
13 the air or discharged into any waters, including groundwaters,
14 or otherwise enter the environment such that a threat of
15 contamination in excess of applicable department standards and
16 criteria or a significant threat to public health is caused.

17 3. The industrial byproducts are not hazardous wastes
18 as defined under s. 403.703 and rules adopted under this
19 section.

20 (2) Except as provided in s. 403.704(9) ~~s.~~
21 ~~403.704(15)~~, the following wastes shall not be regulated as a
22 hazardous waste pursuant to this act, except when determined
23 by the United States Environmental Protection Agency to be a
24 hazardous waste:

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

27 (b) Agricultural and silvicultural byproduct material
28 and agricultural and silvicultural process waste from normal
29 farming or processing.

30 (c) Discarded material generated by the mining and
31 beneficiation and chemical or thermal processing of phosphate

1 rock, and precipitates resulting from neutralization of
2 phosphate chemical plant process and nonprocess waters.

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

5 (a) Dredged material that is generated as part of a
6 project permitted under part IV of chapter 373 or chapter 161,
7 or that is authorized to be removed from sovereign submerged
8 lands under chapter 253, Dredge spoil or fill material shall
9 be managed in accordance with the conditions of that permit or
10 authorization unless the dredged material is regulated as
11 hazardous waste pursuant to this part disposed of pursuant to
12 a dredge and fill permit, but whenever hazardous components
13 are disposed of within the dredge or fill material, the dredge
14 and fill permits shall specify the specific hazardous wastes
15 contained and the concentration of each such waste. If the
16 dredged material contains hazardous substances, the department
17 may further then limit or restrict the sale or use of the
18 dredged dredge and fill material and may specify such other
19 conditions relative to this material as are reasonably
20 necessary to protect the public from the potential hazards.

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

27 (c) Solid waste or hazardous waste facilities that
28 ~~which~~ are operated as a part of the normal operation of a
29 power generating facility and which are licensed by
30 certification pursuant to the Florida Electrical Power Plant
31 Siting Act, ss. 403.501-403.518, shall undergo such

1 certification subject to the substantive provisions of this
2 act.

3 (d) Biomedical waste and biological waste shall be
4 disposed of only as authorized by the department. However,
5 any person who unknowingly disposes into a sanitary landfill
6 or waste-to-energy facility any such waste ~~that which~~ has not
7 been properly segregated or separated from other solid wastes
8 by the generating facility is not guilty of a violation under
9 this act. ~~Nothing in~~ This paragraph ~~does not shall be~~
10 ~~construed to~~ prohibit the department from seeking injunctive
11 relief pursuant to s. 403.131 to prohibit the unauthorized
12 disposal of biomedical waste or biological waste.

13 Section 11. Section 403.707, Florida Statutes, is
14 amended to read:

15 403.707 Permits.--

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

1 | permittee. The department shall adopt a rule establishing
2 | performance standards for construction and closure of solid
3 | waste management facilities. The standards shall allow
4 | flexibility in design and consideration for site-specific
5 | characteristics.

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

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

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

29 | (c) Disposal by persons of solid waste resulting from
30 | their own activities on their property, provided the
31 |

1 environmental effects of such disposal on groundwater and
2 surface waters are:

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

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

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

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

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

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

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

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

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

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

29 (a) Use natural or artificial barriers which are
30 capable of controlling lateral or vertical movement of wastes
31 or waste constituents into surface or ground waters.

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

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

9
10 Open fires, air-curtain incinerators, or trench burning may
11 not be used as a means of disposal at a solid waste management
12 facility, unless permitted by the department under s. 403.087.

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

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

30 ~~(9) Before or on the same day of filing with the~~
31 ~~department of an application for any construction permit for~~

1 ~~the incineration of biomedical waste which the department may~~
2 ~~require by rule, the applicant shall notify each city and~~
3 ~~county within 1 mile of the facility of the filing of the~~
4 ~~application and shall publish notice of the filing of the~~
5 ~~application. The applicant shall publish a second notice of~~
6 ~~the filing within 14 days after the date of filing. Each~~
7 ~~notice shall be published in a newspaper of general~~
8 ~~circulation in the county in which the facility is located or~~
9 ~~is proposed to be located. Notwithstanding the provisions of~~
10 ~~chapter 50, for purposes of this section, a "newspaper of~~
11 ~~general circulation" shall be the newspaper within the county~~
12 ~~in which the installation or facility is proposed which has~~
13 ~~the largest daily circulation in that county and has its~~
14 ~~principal office in that county. If the newspaper with the~~
15 ~~largest daily circulation has its principal office outside the~~
16 ~~county, the notice shall appear in both the newspaper with the~~
17 ~~largest daily circulation in that county, and a newspaper~~
18 ~~authorized to publish legal notices in that county. The notice~~
19 ~~shall contain:~~

20 ~~(a) The name of the applicant and a brief description~~
21 ~~of the facility and its location.~~

22 ~~(b) The location of the application file and when it~~
23 ~~is available for public inspection.~~

24
25 ~~The notice shall be prepared by the applicant and shall comply~~
26 ~~with the following format:~~

27
28 ~~Notice of Application~~

29
30 ~~The Department of Environmental Protection announces receipt~~
31 ~~of an application for a permit from ...(name of applicant)...~~

1 ~~to ... (brief description of project).... This proposed project~~
2 ~~will be located at ... (location)... in ... (county)...~~
3 ~~... (city)....~~

4
5 ~~This application is being processed and is available for~~
6 ~~public inspection during normal business hours, 8:00 a.m. to~~
7 ~~5:00 p.m., Monday through Friday, except legal holidays, at~~
8 ~~... (name and address of office)....~~

9
10 ~~(10) A permit, which the department may require by~~
11 ~~rule, for the incineration of biomedical waste, may not be~~
12 ~~transferred by the permittee to any other entity, except in~~
13 ~~conformity with the requirements of this subsection.~~

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

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

1 ~~together with notice of a right to request a proceeding on~~
2 ~~such determination under chapter 120.~~

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

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

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

30 ~~(11) The department shall review all permit~~
31 ~~applications for any designated Class I solid waste disposal~~

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

28 | (9)~~(12)~~ The department shall establish a separate
29 | category for solid waste management facilities which accept
30 | only construction and demolition debris for disposal or
31 | recycling. The department shall establish a reasonable

1 | schedule for existing facilities to comply with this section
2 | to avoid undue hardship to such facilities. However, a
3 | permitted solid waste disposal unit that ~~which~~ receives a
4 | significant amount of waste prior to the compliance deadline
5 | established in this schedule shall not be required to be
6 | retrofitted with liners or leachate control systems.
7 | Facilities accepting materials defined in s. 403.703(17)(b)
8 | must implement a groundwater monitoring system adequate to
9 | detect contaminants that may reasonably be expected to result
10 | from such disposal prior to the acceptance of those materials.

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

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

1 facility is reasonably expected to result in violations of
2 groundwater standards and criteria otherwise.

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

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

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

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

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 December 31, 2006 ~~1996~~, that some or all of
28 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

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. 403.703(6)
14 | ~~s. 403.703(17)(b)~~. The county shall provide written notice of
15 | its determination to the department by no later than December
16 | 31, 2006 ~~1996~~; thereafter, the wood materials described in s.
17 | 403.703(6) ~~s. 403.703(17)(b)~~ shall be excluded from the
18 | definition of "construction and demolition debris" in s.
19 | 403.703(6) ~~s. 403.703(17)~~ within the jurisdiction of such
20 | county. The county may withdraw or revoke its determination at
21 | any time by providing written notice to the department.

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

29 | ~~(10)(13)~~ If the department and a local government
30 | independently require financial assurance for the closure of a
31 | privately owned solid waste management facility, the

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

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

26 ~~(12)(15)~~ Construction and demolition debris must be
27 separated from the solid waste stream and segregated in
28 separate locations at a solid waste disposal facility or other
29 permitted site.

30 ~~(13)(16)~~ No facility, solely by virtue of the fact
31 that it uses processed yard trash or clean wood or paper waste

1 as a fuel source, shall be considered to be a solid waste
2 disposal facility.

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

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

9 (1) The Department of Environmental Protection may
10 issue field authorizations for staging areas in those counties
11 affected by a storm event. Such staging areas may be used for
12 the temporary storage and management of storm-generated
13 debris, including the chipping, grinding, or burning of
14 vegetative debris. Field authorizations may be requested by
15 providing a notice to the local office of the department
16 containing a description of the design and operation of the
17 staging area; the location of the staging area, and the name,
18 address, and telephone number of the site manager. Field
19 authorizations also may be issued by the department staff
20 without prior notice. Written records of all field
21 authorizations shall be created and maintained by department
22 staff. Field authorizations may include specific conditions
23 for the operation and closure of the staging area and shall
24 include a required closure date. A local government shall
25 avoid locating a staging area in wetlands and other surface
26 waters to the greatest extent possible, and the area that is
27 used or affected by a staging area must be fully restored upon
28 cessation of use of the area.

29 (2) 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,

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

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

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

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

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

7 Section 13. Section 403.708, Florida Statutes, is
8 amended to read:

9 403.708 Prohibition; penalty.--

10 (1) No person shall:

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

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

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

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

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

28 ~~(a) "Degradable," with respect to any material, means~~
29 ~~that such material, after being discarded, is capable of~~
30 ~~decomposing to components other than heavy metals or other~~
31

1 ~~toxic substances, after exposure to bacteria, light, or~~
2 ~~outdoor elements.~~

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

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

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

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

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

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

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

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

- 1 (a) For polyethylene terephthalate, the letters "PETE"
2 and the number 1.
- 3 (b) For high-density polyethylene, the letters "HDPE"
4 and the number 2.
- 5 (c) For vinyl, the letter "V" and the number 3.
- 6 (d) For low-density polyethylene, the letters "LDPE"
7 and the number 4.
- 8 (e) For polypropylene, the letters "PP" and the number
9 5.
- 10 (f) For polystyrene, the letters "PS" and the number
11 6.
- 12 (g) For any other, the letters "OTHER" and the number
13 7.
- 14 (9) No person shall distribute, sell, or expose for
15 sale in this state any product packaged in a container or
16 packing material manufactured with fully halogenated
17 chlorofluorocarbons (CFC). Producers of containers or packing
18 material manufactured with chlorofluorocarbons (CFC) are urged
19 to introduce alternative packaging materials which are
20 environmentally compatible.
- 21 (10) The packaging of products manufactured or sold in
22 the state may not be controlled by governmental rule,
23 regulation, or ordinance adopted after March 1, 1974, other
24 than as expressly provided in this act.
- 25 (11) Violations of this part or rules, regulations,
26 permits, or orders issued thereunder by the department and
27 violations of approved local programs of counties or
28 municipalities or rules, regulations, or orders issued
29 thereunder shall be punishable by a civil penalty as provided
30 in s. 403.141.
31

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 such
7 solid waste shall dispose of such solid waste in landfills:

8 (a) ~~Lead-acid batteries, after January 1, 1989.~~

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

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

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

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

27
28 ~~Prior to the effective dates specified in paragraphs (a) (d),~~
29 ~~the department shall identify and assist in developing~~
30 ~~alternative disposal, processing, or recycling options for the~~
31 ~~solid wastes identified in paragraphs (a) (d).~~

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

3 403.709 Solid Waste Management Trust Fund; use of
4 waste tire fees.--There is created the Solid Waste Management
5 Trust Fund, to be administered by the department.

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

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

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

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

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

30 (e)(5) ~~A minimum of 40 percent shall be used for~~
31 Funding a competitive and innovative grant program pursuant to

1 s. 403.7095 for activities relating to recycling and reducing
2 the volume of municipal solid waste, including waste tires
3 requiring final disposal.

4 ~~(2)(6)~~ The department shall recover to the use of the
5 fund from the site owner or the person responsible for the
6 accumulation of tires at the site, jointly and severally, all
7 sums expended from the fund pursuant to this section to manage
8 tires at an illegal waste tire site, except that the
9 department may decline to pursue such recovery if it finds the
10 amount involved too small or the likelihood of recovery too
11 uncertain. If a court determines that the owner is unable or
12 unwilling to comply with the rules adopted pursuant to this
13 section or s. 403.717, the court may authorize the department
14 to take possession and control of the waste tire site in order
15 to protect the health, safety, and welfare of the community
16 and the environment.

17 ~~(3)(7)~~ The department may impose a lien on the real
18 property on which the waste tire site is located and the waste
19 tires equal to the estimated cost to bring the tire site into
20 compliance, including attorney's fees and court costs. Any
21 owner whose property has such a lien imposed may release her
22 or his property from any lien claimed under this subsection by
23 filing with the clerk of the circuit court a cash or surety
24 bond, payable to the department in the amount of the estimated
25 cost of bringing the tire site into compliance with department
26 rules, including attorney's fees and court costs, or the value
27 of the property after the abatement action is complete,
28 whichever is less. No lien provided by this subsection shall
29 continue for a longer period than 4 years after the completion
30 of the abatement action unless within that time an action to
31 enforce the lien is commenced in a court of competent

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

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

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

8 403.7095 Solid waste management grant program.--

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

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

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

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

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

20 403.7125 Financial assurance for closure ~~Landfill~~
21 ~~management escrow account.--~~

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

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

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

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

7 ~~(1)(2)~~ Every owner or operator of a landfill is
8 jointly and severally liable for the improper operation and
9 closure of the landfill, as provided by law. As used in this
10 section, the term "owner or operator" means any owner of
11 record of any interest in land wherein a landfill is or has
12 been located and any person or corporation that owns a
13 majority interest in any other corporation that is the owner
14 or operator of a landfill.

15 ~~(2)(3)~~ The owner or operator of a landfill owned or
16 operated by a local or state government or the Federal
17 Government shall establish a fee, or a surcharge on existing
18 fees or other appropriate revenue-producing mechanism, to
19 ensure the availability of financial resources for the proper
20 closure of the landfill. However, the disposal of solid waste
21 by persons on their own property, as described in s.
22 403.707(2), is exempt from the provisions of this section.

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

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

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

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

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

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

1 ~~(3)(4)~~ An owner or operator of a landfill owned or
2 operated by a local or state government or by the Federal
3 Government may provide financial assurance to establish proof
4 ~~of financial responsibility with~~ the department in lieu of the
5 requirements of subsection~~(2)(3)~~. An owner or operator of
6 any other landfill, or any other solid waste management
7 facility designated by department rule, shall provide
8 financial assurance to the department for the closure of the
9 facility. Such financial assurance ~~proof~~ may include surety
10 bonds, certificates of deposit, securities, letters of credit,
11 or other documents showing that the owner or operator has
12 sufficient financial resources to cover, at a minimum, the
13 costs of complying with applicable landfill closure
14 requirements. The owner or operator shall estimate such costs
15 to the satisfaction of the department.

16 ~~(4)(5)~~ This section does not repeal, limit, or
17 abrogate any other law authorizing local governments to fix,
18 levy, or charge rates, fees, or charges for the purpose of
19 complying with state and federal landfill closure
20 requirements.

21 ~~(5)(6)~~ The department shall adopt rules to implement
22 this section.

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

25 403.716 Training of operators of solid waste
26 management and other facilities.--

27 (1) The department shall establish qualifications for,
28 and encourage the development of training programs for,
29 operators of landfills, coordinators of local recycling
30 programs, ~~operators of waste to energy facilities, biomedical~~
31 ~~waste incinerators, and mobile soil thermal treatment units or~~

1 ~~facilities,~~ and operators of other solid waste management
2 facilities.

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

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

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

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

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

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

14 403.717 Waste tire and lead-acid battery
15 requirements.--

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

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

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

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

29 (d) "Waste tire" means a tire that has been removed
30 from a motor vehicle and has not been retreaded or regrooved.
31 "Waste tire" includes, but is not limited to, used tires and

1 processed tires. The term does not include solid rubber tires
2 and tires that are inseparable from the rim.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the registration number of the collector, and the name of the
2 driver.

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

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

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

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

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

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

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

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

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

30 ~~(a) A tire retreading business where fewer than 1,500~~
31 ~~waste tires are kept on the business premises;~~

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

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

7 ~~(5)(6)~~(a) The department shall encourage the voluntary
8 establishment of waste tire collection centers at retail
9 tire-selling businesses, waste tire processing facilities, and
10 solid waste disposal facilities, to be open to the public for
11 the deposit of waste tires.

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

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

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

25 403.70715 ~~403.7221~~ Research, development, and
26 demonstration permits.--

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

1 | which permit standards have not been promulgated. Permits
2 | shall:

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

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

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

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

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

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

30 | Section 20. Section 403.722, Florida Statutes, is
31 | amended to read:

1 403.722 Permits; hazardous waste disposal, storage,
2 and treatment facilities.--

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

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

1 temporary operation permit and is in compliance with all other
2 rules adopted pursuant to this act.

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

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

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

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

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

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

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

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

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

29 (7) The department may establish ~~permit~~ application
30 procedures for hazardous waste facilities, which procedures
31 may vary based on differences in amounts, types, and

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

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

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

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

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

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

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

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

1 within the 135-day period, the applicant may petition for a
2 writ of mandamus to compel the department to act consistently
3 with applicable regulatory requirements.

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

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

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

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

30
31

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

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

28

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

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

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

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

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. Subsection (8) of section 403.7265,
17 Florida Statutes, is amended to read:

18 403.7265 Local hazardous waste collection program.--

19 (8) The department has the authority to establish an
20 additional local project grant program enabling a local
21 hazardous waste collection center grantee to receive funding
22 for unique projects that improve the collection and lower the
23 incidence of improper management of conditionally exempt or
24 household hazardous waste. Eligible local governments may
25 receive up to \$50,000 in grant funds for these unique and
26 innovative projects, provided they match 25 percent of the
27 grant amount. If the department finds that the project has
28 statewide applicability and immediate benefits to other local
29 hazardous waste collection programs in the state, matching
30 funds are not required. This grant will not count toward the
31

1 \$100,000 maximum grant amount for development of a collection
2 center.

3 Section 26. Sections 403.7075 and 403.756, Florida
4 Statutes, are repealed.

5 Section 27. Sections 403.78, 403.781, 403.782,
6 403.783, 403.784, 403.7841, 403.7842, 403.785, 403.786,
7 403.787, 403.7871, 403.7872, 403.7873, 403.788, 403.7881,
8 403.789, 403.7891, 403.7892, 403.7893, and 403.7895, Florida
9 Statutes, are repealed.

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

11
12 *****

13 SENATE SUMMARY

14 Revises various provisions governing the management of
15 solid waste and environmental protection. Clarifies
16 various provisions of the Florida Litter Law. Abolishes
17 Keep Florida Beautiful, Inc. Places the Wildflower
18 Advisory Council within the Department of Agriculture and
19 Consumer Services. Places the Adopt-a-Shore Program
20 within the Department of Environmental Protection.
21 Provides requirements for the management and disposal of
22 storm-generated debris. Revises requirements governing
23 hazardous waste permits and facilities. Repeals the
24 Statewide Multipurpose Hazardous Waste Facility Siting
25 Act. (See bill for details.)
26
27
28
29
30
31