

By the Committee on Environmental Preservation

592-1869-06

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; deleting the provisions relating
12	to the Wildflower Advisory Council; amending s.
13	403.41315, F.S.; conforming provisions to
14	changes made to the Keep Florida Beautiful,
15	Inc., program; amending s. 403.4133, F.S.;
16	placing the Adopt-a-Shore Program within the
17	Department of Environmental Protection;
18	amending s. 320.08058, F.S.; requiring that the
19	proceeds of the fees paid for Wildflower
20	license plates be distributed to the Wildflower
21	Foundation, Inc.; specifying uses of the
22	proceeds; requiring that such proceeds be
23	distributed to the Department of Agriculture
24	and Consumer Services under certain
25	circumstances; amending s. 403.703, F.S.;
26	reordering definitions in alphabetical order;
27	clarifying certain definitions and deleting
28	definitions that are not used; amending s.
29	403.704, F.S.; deleting certain obsolete
30	provisions relating to the state solid waste
31	management program; amending s. 403.7043, F.S.;

1 deleting certain obsolete and conflicting
2 provisions relating to compost standards;
3 amending s. 403.7045, F.S.; providing that
4 industrial byproducts are not regulated under
5 certain circumstances; conforming a
6 cross-reference; clarifying certain provisions
7 governing dredged material; amending s.
8 403.7061, F.S.; authorizing the Department of
9 Environmental Protection to initiate rulemaking
10 regarding waste-to-energy facilities; amending
11 s. 403.707, F.S.; clarifying the Department of
12 Environmental Preservation's permit authority;
13 deleting certain obsolete provisions; extending
14 the time period for a public hearing when a
15 local government seeks to exempt certain
16 material from the definition of construction
17 and demolition debris; providing that upon the
18 transfer of ownership or control of a solid
19 waste facility that facility may not operate
20 until the permit is transferred by the
21 Department of Environmental Protection or
22 consent is given to operate by the current
23 permitholder; creating s. 403.7071, F.S.;
24 providing for the management and disposal of
25 storm-generated debris; amending s. 403.708,
26 F.S.; deleting obsolete provisions and
27 clarifying certain provisions governing
28 landfills; amending s. 403.709, F.S.; revising
29 the provisions relating to the distribution of
30 the waste tire fees; amending s. 403.7095,
31 F.S., relating to the solid waste management

1 grant program; conforming a cross-reference;
2 amending s. 403.7125, F.S.; deleting certain
3 definitions that appear elsewhere in law and
4 clarifying certain financial-disclosure
5 provisions; amending s. 403.716, F.S.; deleting
6 certain provisions relating to the training of
7 certain facility operators; amending s.
8 403.717, F.S.; clarifying the provisions
9 relating to waste tires and the processing of
10 waste tires; transferring, renumbering, and
11 amending s. 403.7221, F.S.; increasing the
12 duration of certain research, development, and
13 demonstration permits; amending s. 403.722,
14 F.S.; clarifying provisions relating to who is
15 required to obtain certain hazardous waste
16 permits; amending s. 403.7226, F.S.; deleting a
17 provision requiring a report that is
18 duplicative of other reports; amending s.
19 403.724, F.S.; clarifying certain
20 financial-assurance provisions; amending s.
21 403.7255, F.S.; providing additional
22 requirements regarding the public notification
23 of certain contaminated sites; amending s.
24 403.726, F.S.; authorizing the Department of
25 Environmental Protection to issue an order to
26 abate certain hazards; amending s. 403.7265,
27 F.S.; deleting provisions relating to the
28 development of a statewide local hazardous
29 waste management plan; requiring a local
30 government to provide matching funds for
31 certain grants; providing that matching funds

1 are not required under certain conditions;
2 repealing s. 403.7075, F.S., relating to the
3 submission of certain plans for solid waste
4 management facilities; repealing s. 403.756,
5 F.S., relating to an annual used-oil report;
6 repealing ss. 403.78, 403.781, 403.782,
7 403.783, 403.784, 403.7841, 403.7842, 403.785,
8 403.786, 403.787, 403.7871, 403.7872, 403.7873,
9 403.788, 403.7881, 403.789, 403.7891, 403.7892,
10 403.7893, and 403.7895, F.S., relating to the
11 Statewide Multipurpose Hazardous Waste Facility
12 Siting Act; providing an effective date.
13

14 Be It Enacted by the Legislature of the State of Florida:
15

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

18 403.413 Florida Litter Law.--

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

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

29 (b) In or on any freshwater lake, river, canal, or
30 stream or tidal or coastal water of the state, including
31 canals. When any litter is thrown or discarded from a boat,

1 | the operator or owner of the boat, or both, shall be deemed in
2 | violation of this section; or

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

8 | Section 2. Section 403.4131, Florida Statutes, is
9 | amended to read:

10 | 403.4131 Litter control ~~"Keep Florida Beautiful,~~
11 | ~~Incorporated"; placement of signs.--~~

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

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

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

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

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

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

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

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

13 (1)(3) The Department of Transportation shall
14 establish an "adopt-a-highway" program to allow local
15 organizations to be identified with specific highway cleanup
16 and highway beautification projects authorized under s.
17 ~~339.2405 and shall coordinate such efforts with Keep Florida~~
18 ~~Beautiful, Inc.~~ The department shall report to the Governor
19 and the Legislature on the progress achieved and the savings
20 incurred by the "adopt-a-highway" program. The department
21 shall also monitor and report on compliance with provisions of
22 the adopt-a-highway program to ensure that organizations that
23 participate in the program comply with the goals identified by
24 the department.

25 (2)(4) The Department of Transportation shall place
26 signs discouraging litter at all off-ramps of the interstate
27 highway system in the state. The department shall place other
28 highway signs as necessary to discourage littering ~~through use~~
29 ~~of the antilitter program developed by Keep Florida Beautiful,~~
30 ~~Incorporated.~~

31

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

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

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

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

1 ~~Center for Solid and Hazardous Waste Management. The center~~
2 ~~shall consider existing litter survey methodologies.~~

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

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

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

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

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

15 403.41315 Comprehensive illegal dumping, litter, and
16 marine debris control and prevention.--

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

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

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

9 (b) Enforcement provisions authorized under s.
10 403.413.

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

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

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

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

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

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

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

29 (j) Other educational programs that are implemented at
30 the grassroots level ~~coordinated through Keep Florida~~
31 ~~Beautiful, Inc.,~~ involving volunteers and community programs

1 that clean up and prevent litter, including Youth Conservation
2 Corps activities.

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

5 403.4133 Adopt-a-Shore Program.--

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

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

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

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

23 320.08058 Specialty license plates.--

24 (28) FLORIDA WILDFLOWER LICENSE PLATES.--

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

30 (b) The annual use fees shall be distributed to the
31 Wildflower Foundation, Inc., a nonprofit corporation under s.

1 501(c)(3) of the Internal Revenue Code Wildflower Account
2 established by Keep Florida Beautiful, Inc., created by s.
3 403.4131. The proceeds must be used to establish native
4 Florida wildflower research programs, wildflower educational
5 programs, and wildflower grant programs to municipal, county,
6 and community-based groups in this state.

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

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

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

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

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

28 403.703 Definitions.--As used in this part, the term:

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

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

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

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

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

1 (6) "Construction and demolition debris" means
2 discarded materials generally considered to be not
3 water-soluble and nonhazardous in nature, including, but not
4 limited to, steel, glass, brick, concrete, asphalt roofing
5 material, pipe, gypsum wallboard, and lumber, from the
6 construction or destruction of a structure as part of a
7 construction or demolition project or from the renovation of a
8 structure, and includes rocks, soils, tree remains, trees, and
9 other vegetative matter that normally results from land
10 clearing or land-development operations for a construction
11 project, including such debris from construction of structures
12 at a site remote from the construction or demolition project
13 site. Mixing of construction and demolition debris with other
14 types of solid waste will cause the resulting mixture to be
15 classified as other than construction and demolition debris.
16 The term also includes:
17 (a) Clean cardboard, paper, plastic, wood, and metal
18 scraps from a construction project;
19 (b) Except as provided in s. 403.707(9)(j), yard trash
20 and unpainted, nontreated wood scraps and wood pallets from
21 sources other than construction or demolition projects;
22 (c) Scrap from manufacturing facilities which is the
23 type of material generally used in construction projects and
24 which would meet the definition of construction and demolition
25 debris if it were generated as part of a construction or
26 demolition project. This includes debris from the construction
27 of manufactured homes and scrap shingles, wallboard, siding
28 concrete, and similar materials from industrial or commercial
29 facilities; and
30 (d) De minimis amounts of other nonhazardous wastes
31 that are generated at construction or destruction projects,

1 provided such amounts are consistent with best management
2 practices of the industry.

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

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

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

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

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

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

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

1 when improperly transported, disposed of, stored, treated, or
2 otherwise managed. The term does not include human remains
3 that are disposed of by persons licensed under chapter 497.

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

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

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

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

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

29 (19) "Materials-recovery facility" means a solid waste
30 management facility that provides for the extraction from
31 solid waste of recyclable materials, materials suitable for

1 use as a fuel or soil amendment, or any combination of such
2 materials.

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

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

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

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

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

1 (25) "Recovered materials processing facility" means a
2 facility engaged solely in the storage, processing, resale, or
3 reuse of recovered materials. Such a facility is not a solid
4 waste management facility if it meets the conditions of s.
5 403.7045(1)(e).

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

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

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

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

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

28 (31) "Special wastes" means solid wastes that can
29 require special handling and management, including, but not
30 limited to, white goods, waste tires, used oil, lead-acid
31

1 batteries, construction and demolition debris, ash residue,
2 yard trash, and biological wastes.

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

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

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

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

31

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

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

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

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

27 (40) "Treatment," when used in connection with
28 hazardous waste, means any method, technique, or process,
29 including neutralization, which is designed to change the
30 physical, chemical, or biological character or composition of
31 any hazardous waste so as to neutralize it or render it

1 nonhazardous, safe for transport, amenable to recovery,
2 amenable to storage or disposal, or reduced in volume or
3 concentration. The term includes any activity or processing
4 that is designed to change the physical form or chemical
5 composition of hazardous waste so as to render it
6 nonhazardous.

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

11 (42) "White goods" includes discarded air
12 conditioners, heaters, refrigerators, ranges, water heaters,
13 freezers, and other similar domestic and commercial large
14 appliances.

15 (43) "Yard trash" means vegetative matter resulting
16 from landscaping maintenance and land clearing operations and
17 includes associated rocks and soils.

18 Section 7. Section 403.704, Florida Statutes, is
19 amended to read:

20 403.704 Powers and duties of the department.--The
21 department shall have responsibility for the implementation
22 and enforcement of the provisions of this act. In addition to
23 other powers and duties, the department shall:

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

31

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

5 (3) Promote the planning and application of recycling
6 and resource recovery systems which preserve and enhance the
7 quality of the air, water, and other natural resources of the
8 state and assist in and encourage, where appropriate, the
9 development of regional solid waste management facilities.

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

13 (5) Use private industry or the State University
14 System through contractual arrangements for implementation of
15 some or all of the requirements of the state solid waste
16 management program and for such other activities as may be
17 considered necessary, desirable, or convenient.

18 (6) Encourage recycling and resource recovery as a
19 source of energy and materials.

20 (7) Assist in and encourage, as much as possible, the
21 development within the state of industries and commercial
22 enterprises which are based upon resource recovery, recycling,
23 and reuse of solid waste.

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

28 ~~(9) Acquire, at its discretion, personal or real~~
29 ~~property or any interest therein by gift, lease, or purchase~~
30 ~~for the purpose of providing sites for solid waste management~~
31 ~~facilities.~~

1 ~~(10) Acquire, construct, reconstruct, improve,~~
2 ~~maintain, equip, furnish, and operate, at its discretion, such~~
3 ~~solid waste management facilities as are called for by the~~
4 ~~state solid waste management program.~~

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

10 ~~(8)(12)~~ Determine by rule the facilities, equipment,
11 personnel, and number of monitoring wells to be provided at
12 each ~~Class I~~ solid waste disposal facility area.

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

27 ~~(14) Require a Class II solid waste disposal area to~~
28 ~~have at least one monitoring well which shall be placed~~
29 ~~adjacent to the site in the direction of groundwater flow~~
30 ~~unless otherwise exempted by the department. The department~~
31 ~~may require additional monitoring wells not farther than 1~~

1 ~~mile from the site if it is affirmatively demonstrated by the~~
2 ~~department that a significant change in the initial quality of~~
3 ~~the water has occurred in the downstream monitoring well which~~
4 ~~adversely affects the beneficial uses of the water. These~~
5 ~~wells may be public or private water supply wells if they are~~
6 ~~suitable for use in determining background water quality~~
7 ~~levels.~~

8 (9)~~(15)~~ Adopt rules pursuant to ss. 120.536(1) and
9 120.54 to implement and enforce the provisions of this act,
10 including requirements for the classification, construction,
11 operation, maintenance, and closure of solid waste management
12 facilities and requirements for, and conditions on, solid
13 waste disposal in this state, whether such solid waste is
14 generated within this state or outside this state as long as
15 such requirements and conditions are not based on the
16 out-of-state origin of the waste and are consistent with
17 applicable provisions of law. When classifying solid waste
18 management facilities, the department shall consider the
19 hydrogeology of the site for the facility, the types of wastes
20 to be handled by the facility, and methods used to control the
21 types of waste to be handled by the facility and shall seek to
22 minimize the adverse effects of solid waste management on the
23 environment. Whenever the department adopts any rule stricter
24 or more stringent than one which has been set by the United
25 States Environmental Protection Agency, the procedures set
26 forth in s. 403.804(2) shall be followed. The department shall
27 not, however, adopt hazardous waste rules for solid waste for
28 which special studies were required prior to October 1, 1988,
29 under s. 8002 of the Resource Conservation and Recovery Act,
30 42 U.S.C. s. 6982, as amended, until the studies are completed
31 by the United States Environmental Protection Agency and the

1 information is available to the department for consideration
2 in adopting its own rule.

3 ~~(10)(16)~~ Issue or modify permits on such conditions as
4 are necessary to effect the intent and purposes of this act,
5 and may deny or revoke permits.

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

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

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

1 ~~(12)~~(20) Establish accounts and deposit to the Solid
2 Waste Management Trust Fund and control and administer moneys
3 it may withdraw from the fund.

4 ~~(13)~~(21) Manage a program of grants, using funds from
5 the Solid Waste Management Trust Fund and funds provided by
6 the Legislature for solid waste management, for programs for
7 recycling, composting, litter control, and special waste
8 management and for programs which provide for the safe and
9 proper management of solid waste.

10 ~~(14)~~(22) Budget and receive appropriated funds and
11 accept, receive, and administer grants or other funds or gifts
12 from public or private agencies, including the state and the
13 Federal Government, for the purpose of carrying out the
14 provisions of this act.

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

18 ~~(16)~~(24) Receive and administer funds appropriated for
19 county hazardous waste management assessments.

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

28 ~~(18)~~(26) Increase public education and public
29 awareness of solid and hazardous waste issues by developing
30 and promoting statewide programs of litter control, recycling,
31

1 volume reduction, and proper methods of solid waste and
2 hazardous waste management.

3 ~~(19)(27)~~ Assist the hazardous waste storage,
4 treatment, or disposal industry by providing to the industry
5 any data produced on the types and quantities of hazardous
6 waste generated.

7 ~~(20)(28)~~ Institute a hazardous waste emergency
8 response program which would include emergency
9 telecommunication capabilities and coordination with
10 appropriate agencies.

11 ~~(21)(29)~~ Promulgate rules necessary to accept
12 delegation of the hazardous waste management program from the
13 Environmental Protection Agency under the Hazardous and Solid
14 Waste Amendments of 1984, Pub. L. No. 98-616.

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

22 Section 8. Section 403.7043, Florida Statutes, is
23 amended to read:

24 403.7043 Compost standards and applications.--

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

29 (2) The department shall ~~Within 6 months after October~~
30 ~~1, 1988, the department shall initiate rulemaking to establish~~
31 and maintain rules addressing standards for the production of

1 ~~compost and shall complete and promulgate those rules within~~
2 ~~12 months after initiating the process of rulemaking,~~
3 including rules establishing:

4 (a) Requirements necessary to produce hygienically
5 safe compost products for varying applications.

6 (b) A classification scheme for compost based on~~+~~ the
7 types of waste composted, ~~including at least one type~~
8 ~~containing only yard trash;~~ the maturity of the compost,
9 ~~including at least three degrees of decomposition for fresh,~~
10 ~~semimature, and mature;~~ and the levels of organic and
11 inorganic constituents in the compost. This scheme shall
12 address:

- 13 1. Methods for measurement of the compost maturity.
- 14 2. Particle sizes.
- 15 3. Moisture content.
- 16 4. Average levels of organic and inorganic
17 constituents, including heavy metals, for such classes of
18 compost as the department establishes, and the analytical
19 methods to determine those levels.

20 ~~(3) Within 6 months after October 1, 1988, the~~
21 ~~department shall initiate rulemaking to prescribe the~~
22 ~~allowable uses and application rates of compost and shall~~
23 ~~complete and promulgate those rules within 12 months after~~
24 ~~initiating the process of rulemaking, based on the following~~
25 ~~criteria:~~

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

29 ~~(b) The allowable uses of compost based on maturity~~
30 ~~and type of compost.~~

31

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

6 ~~(5) The provisions of s. 403.706 shall not prohibit~~
7 ~~any county or municipality which has in place a memorandum of~~
8 ~~understanding or other written agreement as of October 1,~~
9 ~~1988, from proceeding with plans to build a compost facility.~~

10 Section 9. Subsections (1), (2), and (3) of section
11 403.7045, Florida Statutes, are amended to read:

12 403.7045 Application of act and integration with other
13 acts.--

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

16 (a) Byproduct material, source material, and special
17 nuclear material, the generation, transportation, disposal,
18 storage, or treatment of which is regulated under chapter 404
19 or under the federal Atomic Energy Act of 1954, ch. 1073, 68
20 Stat. 923, as amended;

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

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

29 (d) Drilling fluids, produced waters, and other wastes
30 associated with the exploration for, or development and
31

1 production of, crude oil or natural gas which are regulated
2 under chapter 377; or

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

6 1. A majority of the recovered materials at the
7 facility are demonstrated to be sold, used, or reused within 1
8 year.

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

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

23 4. The facility is registered as required in s.
24 403.7046.

25 (f) Industrial byproducts, if:

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

28 2. The industrial byproducts are not discharged,
29 deposited, injected, dumped, spilled, leaked, or placed upon
30 any land or water so that such industrial byproducts, or any
31 constituent thereof, may enter other lands or be emitted into

1 | the air or discharged into any waters, including groundwaters,
2 | or otherwise enter the environment such that a threat of
3 | contamination in excess of applicable department standards and
4 | criteria or a significant threat to public health is caused.

5 | 3. The industrial byproducts are not hazardous wastes
6 | as defined under s. 403.703 and rules adopted under this
7 | section.

8 | (2) Except as provided in s. 403.704(9) ~~s.~~
9 | ~~403.704(15)~~, the following wastes shall not be regulated as a
10 | hazardous waste pursuant to this act, except when determined
11 | by the United States Environmental Protection Agency to be a
12 | hazardous waste:

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

15 | (b) Agricultural and silvicultural byproduct material
16 | and agricultural and silvicultural process waste from normal
17 | farming or processing.

18 | (c) Discarded material generated by the mining and
19 | beneficiation and chemical or thermal processing of phosphate
20 | rock, and precipitates resulting from neutralization of
21 | phosphate chemical plant process and nonprocess waters.

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

24 | (a) Dredged material that is generated as part of a
25 | project permitted under part IV of chapter 373 or chapter 161,
26 | or that is authorized to be removed from sovereign submerged
27 | lands under chapter 253, Dredge spoil or fill material shall
28 | be managed in accordance with the conditions of that permit or
29 | authorization unless the dredged material is regulated as
30 | hazardous waste pursuant to this part ~~disposed of pursuant to~~
31 | ~~a dredge and fill permit, but whenever hazardous components~~

1 ~~are disposed of within the dredge or fill material, the dredge~~
2 ~~and fill permits shall specify the specific hazardous wastes~~
3 ~~contained and the concentration of each such waste. If the~~
4 dredged material contains hazardous substances, the department
5 may further ~~then~~ limit or restrict the sale or use of the
6 ~~dredged dredge and fill~~ material and may specify such other
7 conditions relative to this material as are reasonably
8 necessary to protect the public from the potential hazards.
9 However, nothing in this subsection shall be construed to
10 require the routine testing of dredge material for hazardous
11 substances unless there is a reasonable expectation that such
12 substances will be present.

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

19 (c) Solid waste or hazardous waste facilities ~~that~~
20 ~~which~~ are operated as a part of the normal operation of a
21 power generating facility and which are licensed by
22 certification pursuant to the Florida Electrical Power Plant
23 Siting Act, ss. 403.501-403.518, shall undergo such
24 certification subject to the substantive provisions of this
25 act.

26 (d) Biomedical waste and biological waste shall be
27 disposed of only as authorized by the department. However,
28 any person who unknowingly disposes into a sanitary landfill
29 or waste-to-energy facility any such waste ~~that~~ which has not
30 been properly segregated or separated from other solid wastes
31 by the generating facility is not guilty of a violation under

1 | this act. ~~Nothing in~~ This paragraph does not ~~shall be~~
2 | ~~construed to~~ prohibit the department from seeking injunctive
3 | relief pursuant to s. 403.131 to prohibit the unauthorized
4 | disposal of biomedical waste or biological waste.

5 | Section 10. Subsection (2) of section 403.7061,
6 | Florida Statutes, is amended to read:

7 | 403.7061 Requirements for review of new
8 | waste-to-energy facility capacity by the Department of
9 | Environmental Protection.--

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

23 | Section 11. Section 403.707, Florida Statutes, is
24 | amended to read:

25 | 403.707 Permits.--

26 | (1) A ~~No~~ solid waste management facility may not be
27 | operated, maintained, constructed, expanded, modified, or
28 | closed without an appropriate and currently valid permit
29 | issued by the department. The department may by rule exempt
30 | specified types of facilities from the requirement for a
31 | permit under this part if it determines that construction or

1 operation of the facility is not expected to create any
2 significant threat to the environment or public health. For
3 purposes of this part, and only when specified by department
4 rule, a permit may include registrations as well as other
5 forms of licenses as defined in s. 120.52. Solid waste
6 construction permits issued under this section may include any
7 permit conditions necessary to achieve compliance with the
8 recycling requirements of this act. The department shall
9 pursue reasonable timeframes for closure and construction
10 requirements, considering pending federal requirements and
11 implementation costs to the permittee. The department shall
12 adopt a rule establishing performance standards for
13 construction and closure of solid waste management facilities.
14 The standards shall allow flexibility in design and
15 consideration for site-specific characteristics.

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

22 (a) Disposal by persons of solid waste resulting from
23 their own activities on their own property, provided such
24 waste is either ordinary household waste from their
25 residential property or is rocks, soils, trees, tree remains,
26 and other vegetative matter that ~~which~~ normally result from
27 land development operations. Disposal of materials that ~~which~~
28 could create a public nuisance or adversely affect the
29 environment or public health, such as: white goods; automotive
30 materials, such as batteries and tires; petroleum products;

31

1 pesticides; solvents; or hazardous substances, is not covered
2 under this exemption.

3 (b) Storage in containers by persons of solid waste
4 resulting from their own activities on their property, leased
5 or rented property, or property subject to a homeowners or
6 maintenance association for which the person contributes
7 association assessments, if the solid waste in such containers
8 is collected at least once a week.

9 (c) Disposal by persons of solid waste resulting from
10 their own activities on their property, provided the
11 environmental effects of such disposal on groundwater and
12 surface waters are:

13 1. Addressed or authorized by a site certification
14 order issued under part II or a permit issued by the
15 department pursuant to this chapter or rules adopted pursuant
16 thereto; or

17 2. Addressed or authorized by, or exempted from the
18 requirement to obtain, a groundwater monitoring plan approved
19 by the department.

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

23 (e) Disposal of solid waste resulting from normal
24 farming operations as defined by department rule.
25 Polyethylene agricultural plastic, damaged, nonsalvageable,
26 untreated wood pallets, and packing material that cannot be
27 feasibly recycled, which are used in connection with
28 agricultural operations related to the growing, harvesting, or
29 maintenance of crops, may be disposed of by open burning,
30 provided that no public nuisance or any condition adversely
31 affecting the environment or the public health is created

1 | thereby and that state or federal ambient air quality
2 | standards are not violated.

3 | (f) The use of clean debris as fill material in any
4 | area. However, this paragraph does not exempt any person from
5 | obtaining any other required permits, nor does it affect a
6 | person's responsibility to dispose of clean debris
7 | appropriately if it is not to be used as fill material.

8 | (g) Compost operations that produce less than 50 cubic
9 | yards of compost per year when the compost produced is used on
10 | the property where the compost operation is located.

11 | (3) All applicable provisions of ss. 403.087 and
12 | 403.088, relating to permits, apply to the control of solid
13 | waste management facilities.

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

29 | (5) The department may not issue a construction permit
30 | pursuant to this part for a new solid waste landfill within
31 | 3,000 feet of Class I surface waters.

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

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

11 (b) Have a foundation or base that is capable of
12 providing support for structures and waste deposits and
13 capable of preventing foundation or base failure due to
14 settlement, compression, or uplift.

15 (c) Provide for the most economically feasible,
16 cost-effective, and environmentally safe control of leachate,
17 gas, stormwater, and disease vectors and prevent the
18 endangerment of public health and the environment.

19
20 Open fires, air-curtain incinerators, or trench burning may
21 not be used as a means of disposal at a solid waste management
22 facility, unless permitted by the department under s. 403.087.

23 (7) Prior to application for a construction permit, an
24 applicant shall designate to the department temporary backup
25 disposal areas or processes for the resource recovery
26 facility. Failure to designate temporary backup disposal areas
27 or processes shall result in a denial of the construction
28 permit.

29 (8) The department may refuse to issue a permit to an
30 applicant who by past conduct in this state has repeatedly
31 violated pertinent statutes, rules, or orders or permit terms

1 | or conditions relating to any solid waste management facility
2 | and who is deemed to be irresponsible as defined by department
3 | rule. For the purposes of this subsection, an applicant
4 | includes the owner or operator of the facility, or if the
5 | owner or operator is a business entity, a parent of a
6 | subsidiary corporation, a partner, a corporate officer or
7 | director, or a stockholder holding more than 50 percent of the
8 | stock of the corporation.

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

30 | ~~(a) The name of the applicant and a brief description~~
31 | ~~of the facility and its location.~~

1 ~~not provided reasonable assurances that the proposed permittee~~
2 ~~has the administrative, technical, and financial capability to~~
3 ~~properly satisfy the requirements and conditions of the~~
4 ~~permit, as determined by department rule. The determination~~
5 ~~shall be limited solely to the ability of the proposed~~
6 ~~permittee to comply with the conditions of the existing~~
7 ~~permit, and it shall not concern the adequacy of the permit~~
8 ~~conditions. If the department proposes to deny the transfer,~~
9 ~~it shall provide both the transferring permittee and the~~
10 ~~proposed permittee a written objection to such transfer~~
11 ~~together with notice of a right to request a proceeding on~~
12 ~~such determination under chapter 120.~~

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

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

1 ~~(e) Until the transfer of the permit is approved by~~
2 ~~the department, the transferring permittee and any other~~
3 ~~person constructing, operating, or maintaining the permitted~~
4 ~~facility shall be liable for compliance with the terms of the~~
5 ~~permit. Nothing in this section shall relieve the transferring~~
6 ~~permittee of liability for corrective actions that may be~~
7 ~~required as a result of any violations occurring prior to the~~
8 ~~legal transfer of the permit.~~

9 ~~(11) The department shall review all permit~~
10 ~~applications for any designated Class I solid waste disposal~~
11 ~~facility. As used in this subsection, the term "designated~~
12 ~~Class I solid waste disposal facility" means any facility that~~
13 ~~is, as of May 12, 1993, a solid waste disposal facility~~
14 ~~classified as an active Class I landfill by the department,~~
15 ~~that is located in whole or in part within 1,000 feet of the~~
16 ~~boundary of any municipality, but that is not located within~~
17 ~~any county with an approved charter or consolidated municipal~~
18 ~~government, is not located within any municipality, and is not~~
19 ~~operated by a municipality. The department shall not permit~~
20 ~~vertical expansion or horizontal expansion of any designated~~
21 ~~Class I solid waste disposal facility unless the application~~
22 ~~for such permit was filed before January 1, 1993, and no solid~~
23 ~~waste management facility may be operated which is a vertical~~
24 ~~expansion or horizontal expansion of a designated Class I~~
25 ~~solid waste disposal facility. As used in this subsection, the~~
26 ~~term "vertical expansion" means any activity that will result~~
27 ~~in an increase in the height of a designated Class I solid~~
28 ~~waste disposal facility above 100 feet National Geodetic~~
29 ~~Vertical Datum, except solely for closure, and the term~~
30 ~~"horizontal expansion" means any activity that will result in~~
31 ~~an increase in the ground area covered by a designated Class I~~

1 ~~solid waste disposal facility, or if within 1 mile of a~~
2 ~~designated Class I solid waste disposal facility, any new or~~
3 ~~expanded operation of any solid waste disposal facility or~~
4 ~~area, or of incineration of solid waste, or of storage of~~
5 ~~solid waste for more than 1 year, or of composting of solid~~
6 ~~waste other than yard trash.~~

7 ~~(9)(12)~~ The department shall establish a separate
8 category for solid waste management facilities which accept
9 only construction and demolition debris for disposal or
10 recycling. The department shall establish a reasonable
11 schedule for existing facilities to comply with this section
12 to avoid undue hardship to such facilities. However, a
13 permitted solid waste disposal unit that ~~which~~ receives a
14 significant amount of waste prior to the compliance deadline
15 established in this schedule shall not be required to be
16 retrofitted with liners or leachate control systems.

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

21 (a) The department shall establish reasonable
22 construction, operation, monitoring, recordkeeping, financial
23 assurance, and closure requirements for such facilities. The
24 department shall take into account the nature of the waste
25 accepted at various facilities when establishing these
26 requirements, and may impose less stringent requirements,
27 including a system of general permits or registration
28 requirements, for facilities that accept only a segregated
29 waste stream which is expected to pose a minimal risk to the
30 environment and public health, such as clean debris. The
31 Legislature recognizes that incidental amounts of other types

1 of solid waste are commonly generated at construction or
2 demolition projects. In any enforcement action taken pursuant
3 to this section, the department shall consider the difficulty
4 of removing these incidental amounts from the waste stream.

5 (b) The department shall not require liners and
6 leachate collection systems at individual facilities unless it
7 demonstrates, based upon the types of waste received, the
8 methods for controlling types of waste disposed of, the
9 proximity of groundwater and surface water, and the results of
10 the hydrogeological and geotechnical investigations, that the
11 facility is reasonably expected to result in violations of
12 groundwater standards and criteria otherwise.

13 (c) The owner or operator shall provide financial
14 assurance for closing of the facility in accordance with the
15 requirements of s. 403.7125. The financial assurance shall
16 cover the cost of closing the facility and 5 years of
17 long-term care after closing, unless the department
18 determines, based upon hydrogeologic conditions, the types of
19 wastes received, or the groundwater monitoring results, that a
20 different long-term care period is appropriate. However,
21 unless the owner or operator of the facility is a local
22 government, the escrow account described in s. 403.7125(2) ~~s.~~
23 ~~403.7125(3)~~ may not be used as a financial assurance
24 mechanism.

25 (d) The department shall establish training
26 requirements for operators of facilities, and shall work with
27 the State University System or other providers to assure that
28 adequate training courses are available. The department shall
29 also assist the Florida Home Builders Association in
30 establishing a component of its continuing education program
31 to address proper handling of construction and demolition

1 debris, including best management practices for reducing
2 contamination of the construction and demolition debris waste
3 stream.

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

7 (f) A permit is not required under this section for
8 the disposal of construction and demolition debris on the
9 property where it is generated, but such property must be
10 covered, graded, and vegetated as necessary when disposal is
11 complete.

12 (g) It is the policy of the Legislature to encourage
13 facilities to recycle. The department shall establish
14 criteria and guidelines that encourage recycling where
15 practical and provide for the use of recycled materials in a
16 manner that protects the public health and the environment.
17 Facilities are authorized to recycle, provided such activities
18 do not conflict with such criteria and guidelines.

19 (h) The department shall ensure that the requirements
20 of this section are applied and interpreted consistently
21 throughout the state. In accordance with s. 20.255, the
22 Division of Waste Management shall direct the district offices
23 and bureaus on matters relating to the interpretation and
24 applicability of this section.

25 (i) The department shall provide notice of receipt of
26 a permit application for the initial construction of a
27 construction and demolition debris disposal facility to the
28 local governments having jurisdiction where the facility is to
29 be located.

30 (j) The Legislature recognizes that recycling, waste
31 reduction, and resource recovery are important aspects of an

1 integrated solid waste management program and as such are
2 necessary to protect the public health and the environment.
3 If necessary to promote such an integrated program, the county
4 may determine, after providing notice and an opportunity for a
5 hearing prior to April 30, 2007 ~~December 31, 1996~~, that some
6 or all of the wood material described in s. 403.703(6)(b) ~~s.~~
7 ~~403.703(17)(b)~~ shall be excluded from the definition of
8 "construction and demolition debris" in s. 403.703(6) ~~s.~~
9 ~~403.703(17)~~ within the jurisdiction of such county. The county
10 may make such a determination only if it finds that, prior to
11 June 1, 2006 ~~1996~~, the county has established an adequate
12 method for the use or recycling of such wood material at an
13 existing or proposed solid waste management facility that is
14 permitted or authorized by the department on June 1, 2006
15 ~~1996~~. The county shall not be required to hold a hearing if
16 the county represents that it previously has held a hearing
17 for such purpose, nor shall the county be required to hold a
18 hearing if the county represents that it previously has held a
19 public meeting or hearing that authorized such method for the
20 use or recycling of trash or other nonputrescible waste
21 materials and if the county further represents that such
22 materials include those materials described in s.
23 403.703(6)(b) ~~s. 403.703(17)(b)~~. The county shall provide
24 written notice of its determination to the department by no
25 later than April 30, 2007 ~~December 31, 1996~~; thereafter, the
26 ~~wood~~ materials described in s. 403.703(6) ~~s. 403.703(17)(b)~~
27 shall be excluded from the definition of "construction and
28 demolition debris" in s. 403.703(6) ~~s. 403.703(17)~~ within the
29 jurisdiction of such county. The county may withdraw or revoke
30 its determination at any time by providing written notice to
31 the department.

1 (k) Brazilian pepper and other invasive exotic plant
2 species as designated by the department resulting from
3 eradication projects may be processed at permitted
4 construction and demolition debris recycling facilities or
5 disposed of at permitted construction and demolition debris
6 disposal facilities or Class III facilities. The department
7 may adopt rules to implement this paragraph.

8 ~~(10)~~~~(13)~~ If the department and a local government
9 independently require financial assurance for the closure of a
10 privately owned solid waste management facility, the
11 department and that local government shall enter into an
12 interagency agreement that will allow the owner or operator to
13 provide a single financial mechanism to cover the costs of
14 closure and any required long-term care. The financial
15 mechanism may provide for the department and local government
16 to be cobeneficiaries or copayees, but shall not impose
17 duplicative financial requirements on the owner or operator.
18 These closure costs must include at least the minimum required
19 by department rules and must also include any additional costs
20 required by local ordinance or regulation.

21 ~~(11)~~~~(14)~~ Before or on the same day of filing with the
22 department of an application for a permit to construct or
23 substantially modify a solid waste management facility, the
24 applicant shall notify the local government having
25 jurisdiction over the facility of the filing of the
26 application. The applicant also shall publish notice of the
27 filing of the application in a newspaper of general
28 circulation in the area where the facility will be located.
29 Notice shall be given and published in accordance with
30 applicable department rules. The department shall not issue
31 the requested permit until the applicant has provided the

1 department with proof that the notices required by this
2 subsection have been given. Issuance of a permit does not
3 relieve an applicant from compliance with local zoning or land
4 use ordinances, or with any other law, rules, or ordinances.

5 ~~(12)(15)~~ Construction and demolition debris must be
6 separated from the solid waste stream and segregated in
7 separate locations at a solid waste disposal facility or other
8 permitted site.

9 ~~(13)(16)~~ No facility, solely by virtue of the fact
10 that it uses processed yard trash or clean wood or paper waste
11 as a fuel source, shall be considered to be a solid waste
12 disposal facility.

13 (14)(a) A permit to operate a solid waste management
14 facility may not be transferred by the permittee to any other
15 entity without the consent of the department. If the permitted
16 facility is sold or transferred, or if control of the facility
17 is transferred, the permittee must submit to the department an
18 application for transfer of permit no later than 30 days after
19 the transfer of ownership or control. The department shall
20 approve the transfer of a permit unless it determines that the
21 proposed new permittee cannot provide reasonable assurance
22 that the conditions of the permit will be met. A permit may
23 not be transferred until proof of financial assurance is
24 provided by the proposed new permittee. Until the transfer is
25 approved by the department, the existing permittee is liable
26 for compliance with the terms of the permit, including the
27 financial-assurance requirements.

28 (b) When the transfer of the permit to the new
29 operator or owner has been approved, the department shall
30 return any means of proof of financial assurance held by the
31

1 permittee to the original permittee, and he or she shall be
2 released from his permit obligations.

3 (c) The application for transfer of permit must
4 clearly state in bold letters that the permit cannot be
5 transferred without proof of financial assurance. Until the
6 permit is transferred, the new owner or operator may not
7 operate the facility without the express consent of the
8 permittee.

9 (d) The department may adopt rules to administer the
10 provisions of this subsection, including procedural rules and
11 the permit-transfer form.

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

14 403.7071 Management of storm-generated debris.--Solid
15 waste generated as a result of a storm event that is the
16 subject of an emergency order issued by the department may be
17 managed as follows:

18 (1) To the greatest extent practicable, recycling and
19 reuse of storm-generated vegetative debris is encouraged.
20 Such recycling and reuse must be conducted in accordance with
21 applicable department rules and may include, but is not
22 limited to, chipping and grinding of the vegetative debris to
23 be beneficially used as a ground cover or as a soil amendment,
24 composting of the vegetative debris, and burning of such
25 chipped vegetative debris as fuel for any applicable
26 commercial or industrial application.

27 (2) The Department of Environmental Protection may
28 issue field authorizations for staging areas in those counties
29 affected by a storm event. Such staging areas may be used for
30 the temporary storage and management of storm-generated
31 debris, including the chipping, grinding, or burning of

1 vegetative debris. Field authorizations may include specific
2 conditions for the operation and closure of the staging area
3 and shall include a required closure date. To the greatest
4 extent possible, staging areas may not be located in wetlands
5 or other surface waters. The area that is used or affected by
6 a staging area must be fully restored upon cessation of the
7 use of the area.

8 (3) Storm-generated vegetative debris managed at a
9 staging area may be disposed of in a permitted lined or
10 unlined landfill, a permitted land clearing debris facility, a
11 permitted or certified waste-to-energy facility, or a
12 permitted construction and demolition debris disposal
13 facility. Vegetative debris may also be managed at a
14 permitted waste processing facility or a registered yard trash
15 processing facility.

16 (4) Construction and demolition debris that is mixed
17 with other storm-generated debris need not be segregated from
18 other solid waste prior to disposal in a lined landfill.
19 Construction and demolition debris that is source-separated or
20 is separated from other hurricane-generated debris at an
21 authorized staging area, or at another area permitted or
22 specifically authorized by the department, may be managed at a
23 permitted construction and demolition debris disposal
24 facility, a Class III landfill, or a recycling facility upon
25 approval by the department of the methods and operational
26 practices used to inspect the waste during segregation.

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

1 (6) Local governments or their agents may conduct the
2 burning of storm-generated yard trash and other vegetative
3 debris in air-curtain incinerators without prior notice to the
4 department. Demolition debris may also be burned in
5 air-curtain incinerators if the material is limited to
6 untreated wood. Within 10 days after commencing such burning,
7 the local government shall notify the department in writing
8 describing the general nature of the materials burned; the
9 location and method of burning; and the name, address, and
10 telephone number of the representative of the local government
11 to contact concerning the work. The operator of the
12 air-curtain incinerator is subject to any requirement to
13 obtain an open-burning authorization from the Division of
14 Forestry or any other agency empowered to grant such
15 authorization.

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

19 Section 13. Section 403.708, Florida Statutes, is
20 amended to read:

21 403.708 Prohibition; penalty.--

22 (1) No person shall:

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

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

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

4 (2) No beverage shall be sold or offered for sale
5 within the state in a beverage container designed and
6 constructed so that the container is opened by detaching a
7 metal ring or tab.

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

9 ~~(a) "Degradable," with respect to any material, means~~
10 ~~that such material, after being discarded, is capable of~~
11 ~~decomposing to components other than heavy metals or other~~
12 ~~toxic substances, after exposure to bacteria, light, or~~
13 ~~outdoor elements.~~

14 (a)(b) "Beverage" means soda water, carbonated natural
15 or mineral water, or other nonalcoholic carbonated drinks;
16 soft drinks, whether or not carbonated; beer, ale, or other
17 malt drink of whatever alcoholic content; or a mixed wine
18 drink or a mixed spirit drink.

19 (b)(c) "Beverage container" means an airtight
20 container which at the time of sale contains 1 gallon or less
21 of a beverage, or the metric equivalent of 1 gallon or less,
22 and which is composed of metal, plastic, or glass or a
23 combination thereof.

24 (4) The Division of Alcoholic Beverages and Tobacco of
25 the Department of Business and Professional Regulation may
26 impose a fine of not more than \$100 on any person currently
27 licensed pursuant to s. 561.14 for each violation of the
28 provisions of subsection (2). If the violation is of a
29 continuing nature, each day during which such violation occurs
30 shall constitute a separate and distinct offense and shall be
31 subject to a separate fine.

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

8 (6) Fifty percent of each fine collected pursuant to
9 subsections (4) and (5) shall be deposited into the Solid
10 Waste Management Trust Fund. The balance of fines collected
11 pursuant to subsection (4) shall be deposited into the
12 Alcoholic Beverage and Tobacco Trust Fund for the use of the
13 division for inspection and enforcement of the provisions of
14 this section. The balance of fines collected pursuant to
15 subsection (5) shall be deposited into the General Inspection
16 Trust Fund for the use of the Department of Agriculture and
17 Consumer Services for inspection and enforcement of the
18 provisions of this section.

19 (7) The Division of Alcoholic Beverages and Tobacco
20 and the Department of Agriculture and Consumer Services shall
21 coordinate their responsibilities under the provisions of this
22 section to ensure that inspections and enforcement are
23 accomplished in an efficient, cost-effective manner.

24 (8) A person may not distribute, sell, or expose for
25 sale in this state any plastic bottle or rigid container
26 intended for single use unless such container has a molded
27 label indicating the plastic resin used to produce the plastic
28 container. The label must appear on or near the bottom of the
29 plastic container product and be clearly visible. This label
30 must consist of a number placed inside a triangle and letters
31 placed below the triangle. The triangle must be equilateral

1 and must be formed by three arrows, and, in the middle of each
2 arrow, there must be a rounded bend that forms one apex of the
3 triangle. The pointer, or arrowhead, of each arrow must be at
4 the midpoint of a side of the triangle, and a short gap must
5 separate each pointer from the base of the adjacent arrow.
6 The three curved arrows that form the triangle must depict a
7 clockwise path around the code number. Plastic bottles of less
8 than 16 ounces, rigid plastic containers of less than 8
9 ounces, and plastic casings on lead-acid storage batteries are
10 not required to be labeled under this section. The numbers
11 and letters must be as follows:

12 (a) For polyethylene terephthalate, the letters "PETE"
13 and the number 1.

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

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

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

19 (e) For polypropylene, the letters "PP" and the number
20 5.

21 (f) For polystyrene, the letters "PS" and the number
22 6.

23 (g) For any other, the letters "OTHER" and the number
24 7.

25 (9) No person shall distribute, sell, or expose for
26 sale in this state any product packaged in a container or
27 packing material manufactured with fully halogenated
28 chlorofluorocarbons (CFC). Producers of containers or packing
29 material manufactured with chlorofluorocarbons (CFC) are urged
30 to introduce alternative packaging materials which are
31 environmentally compatible.

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

5 (11) Violations of this part or rules, regulations,
6 permits, or orders issued thereunder by the department and
7 violations of approved local programs of counties or
8 municipalities or rules, regulations, or orders issued
9 thereunder shall be punishable by a civil penalty as provided
10 in s. 403.141.

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

15 (13) ~~In accordance with the following schedule,~~ No
16 person who knows or who should know of the nature of the
17 following types of ~~such~~ solid waste shall dispose of such
18 solid waste in landfills:

19 (a) Lead-acid batteries, ~~after January 1, 1989.~~
20 Lead-acid batteries also ~~may~~ shall not be disposed of in any
21 waste-to-energy facility ~~after January 1, 1989.~~ To encourage
22 proper collection and recycling, all persons who sell
23 lead-acid batteries at retail shall accept used lead-acid
24 batteries as trade-ins for new lead-acid batteries.

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

26 (c) Yard trash, ~~after January 1, 1992, except in lined~~
27 ~~unlined~~ landfills classified by department rule as Class I
28 landfills. Yard trash that is source separated from solid
29 waste may be accepted at a solid waste disposal area where the
30 area provides and maintains separate yard trash composting
31 facilities. The department recognizes that incidental amounts

1 of yard trash may be disposed of in Class I lined landfills.
2 In any enforcement action taken pursuant to this paragraph,
3 the department shall consider the difficulty of removing
4 incidental amounts of yard trash from a mixed solid waste
5 stream.

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

7
8 ~~Prior to the effective dates specified in paragraphs (a) (d),~~
9 ~~the department shall identify and assist in developing~~
10 ~~alternative disposal, processing, or recycling options for the~~
11 ~~solid wastes identified in paragraphs (a) (d).~~

12 Section 14. Section 403.709, Florida Statutes, is
13 amended to read:

14 403.709 Solid Waste Management Trust Fund; use of
15 waste tire fees.--There is created the Solid Waste Management
16 Trust Fund, to be administered by the department.

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

20 ~~(a)(1) Up to 40 percent shall be used for Funding~~
21 solid waste activities of the department and other state
22 agencies, such as providing technical assistance to local
23 governments and the private sector, performing solid waste
24 regulatory and enforcement functions, preparing solid waste
25 documents, and implementing solid waste education programs.

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

31

1 ~~(c)(3)~~ ~~Up to 11 percent shall be used for~~ Funding to
2 supplement any other funds provided to the Department of
3 Agriculture and Consumer Services for mosquito control. This
4 distribution shall be annually transferred to the General
5 Inspection Trust Fund in the Department of Agriculture and
6 Consumer Services to be used for mosquito control, especially
7 control of West Nile Virus.

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

11 ~~(e)(5)~~ ~~A minimum of 40 percent shall be used for~~
12 Funding a competitive and innovative grant program pursuant to
13 s. 403.7095 for activities relating to recycling and reducing
14 the volume of municipal solid waste, including waste tires
15 requiring final disposal.

16 ~~(2)(6)~~ The department shall recover to the use of the
17 fund from the site owner or the person responsible for the
18 accumulation of tires at the site, jointly and severally, all
19 sums expended from the fund pursuant to this section to manage
20 tires at an illegal waste tire site, except that the
21 department may decline to pursue such recovery if it finds the
22 amount involved too small or the likelihood of recovery too
23 uncertain. If a court determines that the owner is unable or
24 unwilling to comply with the rules adopted pursuant to this
25 section or s. 403.717, the court may authorize the department
26 to take possession and control of the waste tire site in order
27 to protect the health, safety, and welfare of the community
28 and the environment.

29 ~~(3)(7)~~ The department may impose a lien on the real
30 property on which the waste tire site is located and the waste
31 tires equal to the estimated cost to bring the tire site into

1 compliance, including attorney's fees and court costs. Any
2 owner whose property has such a lien imposed may release her
3 or his property from any lien claimed under this subsection by
4 filing with the clerk of the circuit court a cash or surety
5 bond, payable to the department in the amount of the estimated
6 cost of bringing the tire site into compliance with department
7 rules, including attorney's fees and court costs, or the value
8 of the property after the abatement action is complete,
9 whichever is less. No lien provided by this subsection shall
10 continue for a longer period than 4 years after the completion
11 of the abatement action unless within that time an action to
12 enforce the lien is commenced in a court of competent
13 jurisdiction. The department may take action to enforce the
14 lien in the same manner used for construction liens under part
15 I of chapter 713.

16 ~~(4)(8)~~ This section does not limit the use of other
17 remedies available to the department.

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

20 403.7095 Solid waste management grant program.--

21 (5) From the funds made available pursuant to s.
22 403.709(1)(e) ~~s. 403.709(5)~~ for the grant program created by
23 this section, the following distributions shall be made:

24 (a) Up to 15 percent for the program described in
25 subsection (1);

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

28 (c) Up to 50 percent for the program described in
29 subsection (4).

30 Section 16. Section 403.7125, Florida Statutes, is
31 amended to read:

1 403.7125 Financial assurance for closure landfill
2 ~~management escrow account.--~~
3 ~~(1) As used in this section:~~
4 ~~(a) "Landfill" means any solid waste land disposal~~
5 ~~area for which a permit, other than a general permit, is~~
6 ~~required by s. 403.707 that receives solid waste for disposal~~
7 ~~in or upon land other than a land spreading site, injection~~
8 ~~well, or a surface impoundment.~~
9 ~~(b) "Closure" means the ceasing operation of a~~
10 ~~landfill and securing such landfill so that it does not pose a~~
11 ~~significant threat to public health or the environment and~~
12 ~~includes long term monitoring and maintenance of a landfill.~~
13 ~~(c) "Owner or operator" means, in addition to the~~
14 ~~usual meanings of the term, any owner of record of any~~
15 ~~interest in land whereon a landfill is or has been located and~~
16 ~~any person or corporation which owns a majority interest in~~
17 ~~any other corporation which is the owner or operator of a~~
18 ~~landfill.~~
19 ~~(1)(2)~~ Every owner or operator of a landfill is
20 jointly and severally liable for the improper operation and
21 closure of the landfill, as provided by law. As used in this
22 section, the term "owner or operator" means any owner of
23 record of any interest in land wherein a landfill is or has
24 been located and any person or corporation that owns a
25 majority interest in any other corporation that is the owner
26 or operator of a landfill.
27 ~~(2)(3)~~ The owner or operator of a landfill owned or
28 operated by a local or state government or the Federal
29 Government shall establish a fee, or a surcharge on existing
30 fees or other appropriate revenue-producing mechanism, to
31 ensure the availability of financial resources for the proper

1 closure of the landfill. However, the disposal of solid waste
2 by persons on their own property, as described in s.
3 403.707(2), is exempt from the provisions of this section.

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

7 (b) The revenue shall be deposited in an
8 interest-bearing escrow account to be held and administered by
9 the owner or operator. The owner or operator shall file with
10 the department an annual audit of the account. The audit shall
11 be conducted by an independent certified public accountant.
12 Failure to collect or report such revenue, except as allowed
13 in subsection ~~(3)(4)~~, is a noncriminal violation punishable
14 by a fine of not more than \$5,000 for each offense. The owner
15 or operator may make expenditures from the account and its
16 accumulated interest only for the purpose of landfill closure
17 and, if such expenditures do not deplete the fund to the
18 detriment of eventual closure, for planning and construction
19 of resource recovery or landfill facilities. Any moneys
20 remaining in the account after paying for proper and complete
21 closure, as determined by the department, shall, if the owner
22 or operator does not operate a landfill, be deposited by the
23 owner or operator into the general fund or the appropriate
24 solid waste fund of the local government of jurisdiction.

25 (c) The revenue generated under this subsection and
26 any accumulated interest thereon may be applied to the payment
27 of, or pledged as security for, the payment of revenue bonds
28 issued in whole or in part for the purpose of complying with
29 state and federal landfill closure requirements. Such
30 application or pledge may be made directly in the proceedings
31

1 authorizing such bonds or in an agreement with an insurer of
2 bonds to assure such insurer of additional security therefor.

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

7 (e) The owner or operator of any landfill that had
8 established an escrow account in accordance with this section
9 and the conditions of its permit prior to January 1, 2006, may
10 continue to use that escrow account to provide financial
11 assurance for closure of that landfill, even if that landfill
12 is not owned or operated by a local or state government or the
13 Federal Government.

14 (3)(4) An owner or operator of a landfill owned or
15 operated by a local or state government or by the Federal
16 Government may provide financial assurance to establish proof
17 of financial responsibility with the department in lieu of the
18 requirements of subsection(2)(3). An owner or operator of
19 any other landfill, or any other solid waste management
20 facility designated by department rule, shall provide
21 financial assurance to the department for the closure of the
22 facility. Such financial assurance ~~proof~~ may include surety
23 bonds, certificates of deposit, securities, letters of credit,
24 or other documents showing that the owner or operator has
25 sufficient financial resources to cover, at a minimum, the
26 costs of complying with applicable landfill closure
27 requirements. The owner or operator shall estimate such costs
28 to the satisfaction of the department.

29 (4)(5) This section does not repeal, limit, or
30 abrogate any other law authorizing local governments to fix,
31 levy, or charge rates, fees, or charges for the purpose of

1 complying with state and federal landfill closure
2 requirements.

3 ~~(5)(6)~~ The department shall adopt rules to implement
4 this section.

5 Section 17. Section 403.716, Florida Statutes, is
6 amended to read:

7 403.716 Training of operators of solid waste
8 management and other facilities.--

9 (1) The department shall establish qualifications for,
10 and encourage the development of training programs for,
11 operators of landfills, coordinators of local recycling
12 programs, ~~operators of waste to energy facilities, biomedical~~
13 ~~waste incinerators, and mobile soil thermal treatment units or~~
14 ~~facilities,~~ and operators of other solid waste management
15 facilities.

16 (2) The department shall work with accredited
17 community colleges, career centers, state universities, and
18 private institutions in developing educational materials,
19 courses of study, and other such information to be made
20 available for persons seeking to be trained as operators of
21 solid waste management facilities.

22 (3) A person may not perform the duties of an operator
23 of a landfill, ~~or perform the duties of an operator of a~~
24 ~~waste to energy facility, biomedical waste incinerator, or~~
25 ~~mobile soil thermal treatment unit or facility,~~ unless she or
26 he has completed an operator training course approved by the
27 department or she or he has qualified as an interim operator
28 in compliance with requirements established by the department
29 by rule. An owner of a landfill, ~~waste to energy facility,~~
30 ~~biomedical waste incinerator, or mobile soil thermal treatment~~
31 ~~unit or facility~~ may not employ any person to perform the

1 duties of an operator unless such person has completed an
2 approved landfill, ~~waste to energy facility, biomedical waste~~
3 ~~incinerator, or mobile soil thermal treatment unit or facility~~
4 operator training course, as appropriate, or has qualified as
5 an interim operator in compliance with requirements
6 established by the department by rule. The department may
7 establish by rule operator training requirements for other
8 solid waste management facilities and facility operators.

9 (4) The department has authority to adopt minimum
10 standards and other rules pursuant to ss. 120.536(1) and
11 120.54 to implement the provisions of this section. The
12 department shall ensure the safe, healthy, and lawful
13 operation of solid waste management facilities in this state.
14 The department may establish by rule various classifications
15 for operators to cover the need for differing levels of
16 training required to operate various types of solid waste
17 management facilities due to different operating requirements
18 at such facilities.

19 (5) For purposes of this section, the term "operator"
20 means any person, including the owner, who is principally
21 engaged in, and is in charge of, the actual operation,
22 supervision, and maintenance of a solid waste management
23 facility and includes the person in charge of a shift or
24 period of operation during any part of the day.

25 Section 18. Section 403.717, Florida Statutes, is
26 amended to read:

27 403.717 Waste tire and lead-acid battery
28 requirements.--

29 (1) For purposes of this section and ss. 403.718 and
30 403.7185:

31

1 (a) "Department" means the Department of Environmental
2 Protection.

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

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

12 (d) "Waste tire" means a tire that has been removed
13 from a motor vehicle and has not been retreaded or regrooved.
14 "Waste tire" includes, but is not limited to, used tires and
15 processed tires. The term does not include solid rubber tires
16 and tires that are inseparable from the rim.

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

21 (f) "Waste tire processing facility" means a site
22 where equipment is used to treat waste tires mechanically,
23 chemically, or thermally so that the resulting material is a
24 marketable product or is suitable for proper disposal
25 ~~recapture reusable byproducts from waste tires or to cut,~~
26 ~~burn, or otherwise alter waste tires so that they are no~~
27 ~~longer whole.~~ The term includes mobile waste tire processing
28 equipment.

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

31

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

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

9 (j) "Processed tire" means a tire that has been
10 treated mechanically, chemically, or thermally so that the
11 resulting material is a marketable product or is suitable for
12 proper disposal.

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

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

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

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

25 2. Used for the storage of waste tires prior to
26 processing and is located at a permitted solid waste
27 management facility.

28 (b) It is unlawful for any person to dispose of waste
29 tires or processed tires in the state except at a permitted
30 solid waste management facility. Collection or storage of
31 waste tires at a permitted waste tire processing facility or

1 waste tire collection center prior to processing or use does
2 not constitute disposal, provided that the collection and
3 storage complies with rules established by the department.

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

6 (d) A person may not contract with a waste tire
7 collector for the transportation, disposal, or processing of
8 waste tires unless the collector is registered with the
9 department or exempt from requirements provided under this
10 section. Any person who contracts with a waste tire collector
11 for the transportation of more than 25 waste tires per month
12 from a single business location must maintain records for that
13 location and make them available for review by the department
14 or by law enforcement officers, which records must contain the
15 date when the tires were transported, the quantity of tires,
16 the registration number of the collector, and the name of the
17 driver.

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

20 (a) Provide for the administration or revocation of
21 waste tire processing facility permits, including mobile
22 processor permits;

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

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

29 (d) Set standards, including financial assurance
30 standards, for waste tire processing facilities and associated
31 waste tire sites, waste tire collection centers, waste tire

1 collectors, and for the storage of waste tires and processed
2 tires, including storage indoors;

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

6 (f) Authorize the final disposal of waste tires at a
7 permitted solid waste disposal facility provided the tires
8 have been cut into sufficiently small parts to assure their
9 proper disposal; and

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

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

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

16 ~~(b) A business that, in the ordinary course of~~
17 ~~business, removes tires from motor vehicles if fewer than~~
18 ~~1,500 of these tires are kept on the business premises; or~~

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

22 (5)(6)(a) The department shall encourage the voluntary
23 establishment of waste tire collection centers at retail
24 tire-selling businesses, waste tire processing facilities, and
25 solid waste disposal facilities, to be open to the public for
26 the deposit of waste tires.

27 (b) The department is authorized to establish an
28 incentives program for individuals to encourage them to return
29 their waste tires to a waste tire collection center. The
30 incentives used by the department may involve the use of
31 discount or prize coupons, prize drawings, promotional

1 giveaways, or other activities the department determines will
2 promote collection, reuse, volume reduction, and proper
3 disposal of waste tires.

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

6 Section 19. Section 403.7221, Florida Statutes, is
7 transferred, renumbered as section 403.70715, Florida
8 Statutes, and is amended to read:

9 403.70715 ~~403.7221~~ Research, development, and
10 demonstration permits.--

11 (1) The department may issue a research, development,
12 and demonstration permit to the owner or operator of any solid
13 waste management facility, including any hazardous waste
14 management facility, who proposes to utilize an innovative and
15 experimental solid waste treatment technology or process for
16 which permit standards have not been promulgated. Permits
17 shall:

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

21 (b) Provide for the receipt and treatment by the
22 facility of only those types and quantities of solid waste
23 which the department deems necessary for purposes of
24 determining the performance capabilities of the technology or
25 process and the effects of such technology or process on human
26 health and the environment.

27 (c) Include requirements the department deems
28 necessary which may include monitoring, operation, testing,
29 financial responsibility, closure, and remedial action.

30 (2) The department may apply the criteria set forth in
31 this section in establishing the conditions of each permit

1 without separate establishment of rules implementing such
2 criteria.

3 (3) For the purpose of expediting review and issuance
4 of permits under this section, the department may, consistent
5 with the protection of human health and the environment,
6 modify or waive permit application and permit issuance
7 requirements, except that there shall be no modification or
8 waiver of regulations regarding financial responsibility or of
9 procedures established regarding public participation.

10 (4) The department may order an immediate termination
11 of all operations at the facility at any time upon a
12 determination that termination is necessary to protect human
13 health and the environment.

14 Section 20. Section 403.722, Florida Statutes, is
15 amended to read:

16 403.722 Permits; hazardous waste disposal, storage,
17 and treatment facilities.--

18 (1) Each person who intends to or is required to
19 construct, modify, operate, or close a hazardous waste
20 disposal, storage, or treatment facility shall obtain a
21 construction permit, operation permit, postclosure permit,
22 clean closure plan approval, or corrective action permit from
23 the department prior to constructing, modifying, operating, or
24 closing the facility. By rule, the department may provide for
25 the issuance of a single permit instead of any two or more
26 hazardous waste facility permits.

27 (2) Any owner or operator of a hazardous waste
28 facility in operation on the effective date of the department
29 rule listing and identifying hazardous wastes shall file an
30 application for a temporary operation permit within 6 months
31 after the effective date of such rule. The department, upon

1 receipt of a properly completed application, shall identify
2 any department rules which are being violated by the facility
3 and shall establish a compliance schedule. However, if the
4 department determines that an imminent hazard exists, the
5 department may take any necessary action pursuant to s.
6 403.726 to abate the hazard. The department shall issue a
7 temporary operation permit to such facility within the time
8 constraints of s. 120.60 upon submission of a properly
9 completed application which is in conformance with this
10 subsection. Temporary operation permits for such facilities
11 shall be issued for up to 3 years only. Upon termination of
12 the temporary operation permit and upon proper application by
13 the facility owner or operator, the department shall issue an
14 operation permit for such existing facilities if the applicant
15 has corrected all of the deficiencies identified in the
16 temporary operation permit and is in compliance with all other
17 rules adopted pursuant to this act.

18 (3) ~~Permit~~ Applicants shall provide any information
19 that which will enable the department to determine that the
20 proposed construction, modification, operation, ~~or~~ closure, or
21 corrective action will comply with this act and any applicable
22 rules. In no instance shall any person construct, modify,
23 operate, or close a facility or perform corrective actions at
24 a facility in contravention of the standards, requirements, or
25 criteria for a hazardous waste facility. Authorizations
26 ~~Permits~~ issued under this section may include any permit
27 conditions necessary to achieve compliance with applicable
28 hazardous waste rules and necessary to protect human health
29 and the environment.

30
31

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

4 (a) Estimates of the composition, quantity, and
5 concentration of any hazardous waste identified or listed
6 under this act or combinations of any such waste and any other
7 solid waste, proposed to be disposed of, treated, transported,
8 or stored and the time, frequency, or rate at which such waste
9 is proposed to be disposed of, treated, transported, or
10 stored; and

11 (b) The site to which such hazardous waste or the
12 products of treatment of such hazardous waste will be
13 transported and at which it will be disposed of, treated, or
14 stored.

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

18 (a) Authorizations ~~Permits~~ may be revoked for failure
19 of the holder to comply with the provisions of this act, the
20 terms of the authorization ~~permit~~, the standards,
21 requirements, or criteria adopted pursuant to this act, or an
22 order of the department; for refusal by the holder to allow
23 lawful inspection; for submission by the holder of false or
24 inaccurate information in the permit application; or if
25 necessary to protect the public health or the environment.

26 (b) Authorizations ~~Permits~~ may be modified, upon
27 request of the holder ~~permittee~~, if such modification is not
28 in violation of this act or department rules or if the
29 department finds the modification necessary to enable the
30 facility to remain in compliance with this act and department
31 rules.

1 (c) An owner or operator of a hazardous waste facility
2 in existence on the effective date of a department rule
3 changing an exemption or listing and identifying the hazardous
4 wastes ~~that~~ ~~which~~ require that facility to be permitted who
5 notifies the department pursuant to s. 403.72, and who has
6 applied for a permit pursuant to subsection (2), may continue
7 to operate until ~~be~~ issued a temporary operation permit. If
8 such owner or operator intends to or is required to
9 discontinue operation, the temporary operation permit must
10 include final closure conditions.

11 (6) A hazardous waste facility permit issued pursuant
12 to this section shall satisfy the permit requirements of s.
13 403.707(1). The permit exemptions provided in s. 403.707(2)
14 shall not apply to hazardous waste.

15 (7) The department may establish ~~permit~~ application
16 procedures for hazardous waste facilities, which procedures
17 may vary based on differences in amounts, types, and
18 concentrations of hazardous waste and on differences in the
19 size and location of facilities and which procedures may take
20 into account permitting procedures of other laws not in
21 conflict with this act.

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

27 (9) It shall not be a requirement for the issuance of
28 ~~such~~ a hazardous waste authorization ~~permit~~ that the facility
29 complies with an adopted local government comprehensive plan,
30 local land use ordinances, zoning ordinances or regulations,
31 or other local ordinances. However, such an authorization ~~a~~

1 ~~permit~~ issued by the department shall not override adopted
2 local government comprehensive plans, local land use
3 ordinances, zoning ordinances or regulations, or other local
4 ordinances.

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

6 (a) The time specified by law for permit review shall
7 be tolled by the request of the department for publication of
8 notice of proposed agency action to issue a permit for a
9 hazardous waste treatment, storage, or disposal facility and
10 shall resume 45 days after receipt by the department of proof
11 of publication. If, within 45 days after publication of the
12 notice of the proposed agency action, the department receives
13 written notice of opposition to the intention of the agency to
14 issue such permit and receives a request for a hearing, the
15 department shall provide for a hearing pursuant to ss. 120.569
16 and 120.57, if requested by a substantially affected party, or
17 an informal public meeting, if requested by any other person.
18 The failure to request a hearing within 45 days after
19 publication of the notice of the proposed agency action
20 constitutes a waiver of the right to a hearing under ss.
21 120.569 and 120.57. The permit review time period shall
22 continue to be tolled until the completion of such hearing or
23 meeting and shall resume within 15 days after conclusion of a
24 public hearing held on the application or within 45 days after
25 the recommended order is submitted to the agency and the
26 parties, whichever is later.

27 (b) Within 60 days after receipt of an application for
28 a hazardous waste facility permit, the department shall
29 examine the application, notify the applicant of any apparent
30 errors or omissions, and request any additional information
31 the department is permitted by law to require. The failure to

1 correct an error or omission or to supply additional
2 information shall not be grounds for denial of the permit
3 unless the department timely notified the applicant within the
4 60-day period, except that this paragraph does not prevent the
5 department from denying an application if the department does
6 not possess sufficient information to ensure that the facility
7 is in compliance with applicable statutes and rules.

8 (c) The department shall approve or deny each
9 hazardous waste facility permit within 135 days after receipt
10 of the original application or after receipt of the requested
11 additional information or correction of errors or omissions.
12 However, the failure of the department to approve or deny
13 within the 135-day time period does not result in the
14 automatic approval or denial of the permit and does not
15 prevent the inclusion of specific permit conditions which are
16 necessary to ensure compliance with applicable statutes and
17 rules. If the department fails to approve or deny the permit
18 within the 135-day period, the applicant may petition for a
19 writ of mandamus to compel the department to act consistently
20 with applicable regulatory requirements.

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

23 (12) On the same day of filing with the department of
24 an application for a permit for the construction modification,
25 or operation of a hazardous waste facility, the applicant
26 shall notify each city and county within 1 mile of the
27 facility of the filing of the application and shall publish
28 notice of the filing of the application. The applicant shall
29 publish a second notice of the filing within 14 days after the
30 date of filing. Each notice shall be published in a newspaper
31 of general circulation in the county in which the facility is

1 | located or is proposed to be located. Notwithstanding the
2 | provisions of chapter 50, for purposes of this section, a
3 | "newspaper of general circulation" shall be the newspaper
4 | within the county in which the installation or facility is
5 | proposed which has the largest daily circulation in that
6 | county and has its principal office in that county. If the
7 | newspaper with the largest daily circulation has its principal
8 | office outside the county, the notice shall appear in both the
9 | newspaper with the largest daily circulation in that county,
10 | and a newspaper authorized to publish legal notices in that
11 | county. The notice shall contain:

12 | (a) The name of the applicant and a brief description
13 | of the project and its location.

14 | (b) The location of the application file and when it
15 | is available for public inspection.

16 |
17 | The notice shall be prepared by the applicant and shall comply
18 | with the following format:

19 |
20 | Notice of Application

21 | The Department of Environmental Protection announces receipt
22 | of an application for a permit from ...(name of applicant)...
23 | to ...(brief description of project).... This proposed project
24 | will be located at ...(location)... in ...(county)...
25 | ...(city)....

26 |
27 | This application is being processed and is available for
28 | public inspection during normal business hours, 8:00 a.m. to
29 | 5:00 p.m., Monday through Friday, except legal holidays, at
30 | ...(name and address of office)....
31 |

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

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

12 (b) The department shall approve the transfer of a
13 permit unless it determines that the proposed permittee has
14 not provided reasonable assurances that the proposed permittee
15 has the administrative, technical, and financial capability to
16 properly satisfy the requirements and conditions of the
17 permit, as determined by department rule. The determination
18 shall be limited solely to the ability of the proposed
19 permittee to comply with the conditions of the existing
20 permit, and it shall not concern the adequacy of the permit
21 conditions. If the department proposes to deny the transfer,
22 it shall provide both the transferring permittee and the
23 proposed permittee a written objection to such transfer
24 together with notice of a right to request a proceeding on
25 such determination under chapter 120.

26 (c) Within 90 days after receiving a properly
27 completed application for transfer of permit, the department
28 shall issue a final determination. The department may toll the
29 time for making a determination on the transfer by notifying
30 both the transferring permittee and the proposed permittee
31 that additional information is required to adequately review

1 | the transfer request. Such notification shall be served within
2 | 30 days after receipt of an application for transfer of
3 | permit, completed pursuant to paragraph (a). However, the
4 | failure of the department to approve or deny within the 90-day
5 | time period does not result in the automatic approval or
6 | denial of the transfer. If the department fails to approve or
7 | deny the transfer within the 90-day period, the applicant may
8 | petition for a writ of mandamus to compel the department to
9 | act consistently with applicable regulatory requirements.

10 | (d) The transferring permittee is encouraged to apply
11 | for a permit transfer well in advance of the sale or legal
12 | transfer of a permitted facility. However, the transfer or
13 | the permit shall not be effective prior to the sale or legal
14 | transfer of the facility.

15 | (e) Until the transfer of the permit is approved by
16 | the department, the transferring permittee and any other
17 | person constructing, operating, or maintaining the permitted
18 | facility shall be liable for compliance with the terms of the
19 | permit. Nothing in this section shall relieve the transferring
20 | permittee of liability for corrective actions that may be
21 | required as a result of any violations occurring prior to the
22 | legal transfer of the permit.

23 | Section 21. Subsection (2) of section 403.7226,
24 | Florida Statutes, is amended to read:

25 | 403.7226 Technical assistance by the department.--The
26 | department shall:

27 | (2) Identify short-term needs and long-term needs for
28 | hazardous waste management for the state on the basis of the
29 | information gathered through the local hazardous waste
30 | management assessments and other information from state and
31 | federal regulatory agencies and sources. The state needs

1 assessment must be ongoing and must be updated when new data
2 concerning waste generation and waste management technologies
3 become available. ~~The department shall annually send a copy of~~
4 ~~this assessment to the Governor and to the Legislature.~~

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

7 403.724 Financial responsibility.--

8 (3) The amount of financial responsibility required
9 shall be approved by the department upon each issuance,
10 renewal, or modification of a hazardous waste facility
11 authorization permit. Such factors as inflation rates and
12 changes in operation may be considered when approving
13 financial responsibility for the duration of the authorization
14 ~~permit~~. The Office of Insurance Regulation of the Department
15 of Financial Services Commission shall be available to assist
16 the department in making this determination. In approving or
17 modifying the amount of financial responsibility, the
18 department shall consider:

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

20 (b) The probable damage to human health and the
21 environment;

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

24 (d) The probable time that the hazardous waste and
25 facility involved will endanger the public health, safety, and
26 welfare or the environment; and

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

29 Section 23. Section 403.7255, Florida Statutes, is
30 amended to read:

31

1 403.7255 Placement of signs ~~Department to adopt~~
2 ~~rules.--~~
3 (1) ~~The department shall adopt rules which establish~~
4 ~~requirements and procedures for the placement of Signs must be~~
5 ~~placed by the owner or operator at sites which may have been~~
6 ~~contaminated by hazardous wastes. Sites shall include any site~~
7 ~~in the state which that is listed or proposed for listing on~~
8 ~~the Superfund Site List of the United States Environmental~~
9 ~~Protection Agency or any site identified by the department as~~
10 ~~a suspected or confirmed contaminated site contaminated by~~
11 ~~hazardous waste where there is may be a risk of exposure to~~
12 ~~the public. The requirements of this section shall not apply~~
13 ~~to sites reported under ss. 376.3071 and 376.3072. The~~
14 ~~department shall establish requirements and procedures for the~~
15 ~~placement of signs, and may do so in rules, permits, orders,~~
16 ~~or other authorizations. The authorization rules shall~~
17 ~~establish the appropriate size for such signs, which size~~
18 ~~shall be no smaller than 2 feet by 2 feet, and shall provide~~
19 ~~in clearly legible print appropriate warning language for the~~
20 ~~waste or other materials at the site and a telephone number~~
21 ~~which may be called for further information.~~
22 (2) Violations of this act are punishable as provided
23 in s. 403.161(4).
24 (3) The provisions of this act are independent of and
25 cumulative to any other requirements and remedies in this
26 chapter or chapter 376, or any rules promulgated thereunder.
27 Section 24. Subsection (5) of section 403.726, Florida
28 Statutes, is amended to read:
29 403.726 Abatement of imminent hazard caused by
30 hazardous substance.--
31

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

3 Section 25. Section 403.7265, Florida Statutes, is
4 amended to read:

5 403.7265 Local hazardous waste collection program.--

6 (1) The Legislature recognizes the need for local
7 governments to establish local hazardous waste management
8 programs and local collection centers throughout the state.
9 Local hazardous waste management programs are to educate and
10 assist small businesses and households in properly managing
11 the hazardous waste they generate. Local collection centers
12 are to serve a purpose similar to the collection locations
13 used in the amnesty days program described in s. 403.7264.
14 Such collection centers are to be operated to provide a
15 service to homeowners, farmers, and conditionally exempt small
16 quantity generators to encourage proper hazardous waste
17 management. Local collection centers will allow local
18 governments the opportunity to provide a location for
19 collection and temporary storage of small quantities of
20 hazardous waste. A private hazardous waste management company
21 should be responsible for collecting the waste within 90 days
22 for transfer to a permitted recycling, disposal, or treatment
23 facility. In time, local collection centers are to become
24 privately operated businesses in order to reduce the burden of
25 hazardous waste collection on local government.

26 ~~(2) The department shall develop a statewide local~~
27 ~~hazardous waste management plan which will ensure~~
28 ~~comprehensive collection and proper management of hazardous~~
29 ~~waste from small quantity generators and household hazardous~~
30 ~~waste in Florida. The plan shall address, at a minimum, a~~
31 ~~network of local collection centers, transfer stations, and~~

1 ~~expanded hazardous waste collection route services. The plan~~
2 ~~shall assess the need for additional compliance verification~~
3 ~~inspections, enforcement, and penalties. The plan shall~~
4 ~~include a strategy, timetable, and budget for implementation.~~

5 (2)~~(3)~~ For the purposes of this section, the phrase:

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

9 (b) "Regional collection center" means a facility
10 permitted by the department for the storage of hazardous
11 wastes.

12 (3)~~(4)~~ The department shall establish a grant program
13 for local governments which desire to provide a local or
14 regional hazardous waste collection center. Grants shall be
15 authorized to cover collection center costs associated with
16 capital outlay for preparing a facility or site to safely
17 serve as a collection center and to cover costs of
18 administration, public awareness, and local amnesty days
19 programs. The total cost for administration and public
20 awareness shall not exceed 10 percent of the grant award.
21 Grants shall be available on a competitive basis to local
22 governments which:

23 (a) Comply with the provisions of ss. 403.7225 and
24 403.7264;

25 (b) Design a collection center which is approved by
26 the department; and

27 (c) Provide up to 33 percent of the capital outlay
28 money needed for the facility as matching money.

29 (4)~~(5)~~ The maximum amount of a grant for any local
30 government participating in the development of a collection
31 center shall be \$100,000. If a regional collection facility

1 is designed, each participating county shall be eligible for
2 up to \$100,000. The department is authorized to use up to 1
3 percent of the funds appropriated for the local hazardous
4 waste collection center grant program for administrative costs
5 and public education relating to proper hazardous waste
6 management.

7 ~~(5)(6)~~ The department shall establish a cooperative
8 collection center arrangement grant program enabling a local
9 hazardous waste collection center grantee to receive a
10 financial incentive for hosting an amnesty days program in a
11 neighboring county that is currently unable to establish a
12 permanent collection center, but desires a local hazardous
13 waste collection. The grant may reimburse up to 75 percent of
14 the neighboring county's amnesty days. Grants shall be
15 available, on a competitive basis, to local governments which:

16 (a) Have established operational hazardous waste
17 collection centers and are willing to assume a host role,
18 similar to that of the state in the amnesty days program
19 described in s. 403.7264, in organizing a local hazardous
20 waste collection in the neighboring county.

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

24 ~~(6)(7)~~ The maximum amount for the cooperative
25 collection center arrangement grant is \$35,000, with a maximum
26 amnesty days reimbursement of \$25,000, and a limit of \$10,000
27 for the host local government. The host local government may
28 receive up to \$10,000 per cooperative collection center
29 arrangement in addition to its maximum local hazardous waste
30 collection center grant.

31

1 ~~(7)(8)~~ The department has the authority to establish
2 an additional local project grant program enabling a local
3 hazardous waste collection center grantee to receive funding
4 for unique projects that improve the collection and lower the
5 incidence of improper management of conditionally exempt or
6 household hazardous waste. Eligible local governments may
7 receive up to \$50,000 in grant funds for these unique and
8 innovative projects, provided they match 25 percent of the
9 grant amount. If the department finds that the project has
10 statewide applicability and immediate benefits to other local
11 hazardous waste collection programs in the state, matching
12 funds are not required. This grant will not count toward the
13 \$100,000 maximum grant amount for development of a collection
14 center.

15 ~~(8)(9)~~ The department has the authority to use grant
16 funds authorized under this section to assist local
17 governments in carrying out the responsibilities and programs
18 specified in ss. 403.7225, 403.7226, 403.7234, 403.7236, and
19 403.7238.

20 Section 26. Sections 403.7075 and 403.756, Florida
21 Statutes, are repealed.

22 Section 27. Sections 403.78, 403.781, 403.782,
23 403.783, 403.784, 403.7841, 403.7842, 403.785, 403.786,
24 403.787, 403.7871, 403.7872, 403.7873, 403.788, 403.7881,
25 403.789, 403.7891, 403.7892, 403.7893, and 403.7895, Florida
26 Statutes, are repealed.

27 Section 28. This act shall take effect July 1, 2006.
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29
30
31

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate 1528

4 The committee substitute makes a number of technical changes
5 to correct cross references and to clarify several provisions.
6 In addition to the provisions in the original bill, the
7 committee substitute:

8 --Provides that the annual use fee proceeds from the
9 Wildflower License Plate will go to the Wildflower Foundation,
10 Inc., a 501(c)(3) nonprofit corporation. If the Wildflower
11 Foundation, Inc., ceases to be an active 501(c)(3) nonprofit
12 corporation, the annual use fee proceeds will go the
13 Department of Agriculture and Consumer Services.

14 --Clarifies that a permit to operate a solid waste management
15 facility may not be transferred by the permittee without the
16 consent of the Department of Environmental Protection (DEP).
17 No permit may be transferred until proof of financial
18 assurance is provided by the proposed new permittee. When the
19 transfer is approved, the DEP must return any means of proof
20 of financial assurance to the original permittee and he or she
21 is released from his or her permit obligations.

22 --Revises the provisions relating to the management of
23 hurricane vegetative debris. Provides that to the greatest
24 extent practicable, recycling and reuse of storm-generated
25 vegetative debris is encouraged. Recycling and reuse may
26 include chipping and grinding of the vegetative debris to be
27 beneficially used as a ground cover or as a soil amendment,
28 composting of the vegetative debris, and the burning of such
29 chipped vegetative debris as fuel for any applicable
30 commercial or industrial application. Provides guidelines for
31 the burning of vegetative debris, within air-curtain
incinerators or by open burning.