

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Sands offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

7 403.413 Florida Litter Law.--

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

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

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

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

28 Section 2. Section 403.4131, Florida Statutes, is amended  
29 to read:

30 403.4131 Litter control ~~"Keep Florida Beautiful,~~  
31 ~~Incorporated"; placement of signs.--~~

32 ~~(1) It is the intent of the Legislature that a coordinated~~  
33 ~~effort of interested businesses, environmental and civic~~  
34 ~~organizations, and state and local agencies of government be~~  
35 ~~developed to plan for and assist in implementing solutions to~~  
36 ~~the litter and solid waste problems in this state and that the~~  
37 ~~state provide financial assistance for the establishment of a~~  
38 ~~nonprofit organization with the name of "Keep Florida Beautiful,~~  
39 ~~Incorporated," which shall be registered, incorporated, and~~  
40 ~~operated in compliance with chapter 617. This nonprofit~~  
41 ~~organization shall coordinate the statewide campaign and operate~~  
42 ~~as the grassroots arm of the state's effort and shall serve as~~  
43 ~~an umbrella organization for volunteer based community programs.~~  
44 ~~The organization shall be dedicated to helping Florida and its~~  
45 ~~local communities solve solid waste problems, to developing and~~  
46 ~~implementing a sustained litter prevention campaign, and to act~~  
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47 ~~as a working public private partnership in helping to implement~~  
48 ~~the state's Solid Waste Management Act. As part of this effort,~~  
49 ~~Keep Florida Beautiful, Incorporated, in cooperation with the~~  
50 ~~Environmental Education Foundation, shall strive to educate~~  
51 ~~citizens, visitors, and businesses about the important~~  
52 ~~relationship between the state's environment and economy. Keep~~  
53 ~~Florida Beautiful, Incorporated, is encouraged to explore and~~  
54 ~~identify economic incentives to improve environmental~~  
55 ~~initiatives in the area of solid waste management. The~~  
56 ~~membership of the board of directors of this nonprofit~~  
57 ~~organization may include representatives of the following~~  
58 ~~organizations: the Florida League of Cities, the Florida~~  
59 ~~Association of Counties, the Governor's Office, the Florida~~  
60 ~~Chapter of the National Solid Waste Management Association, the~~  
61 ~~Florida Recyclers Association, the Center for Marine~~  
62 ~~Conservation, Chapter of the Sierra Club, the Associated~~  
63 ~~Industries of Florida, the Florida Soft Drink Association, the~~  
64 ~~Florida Petroleum Council, the Retail Grocers Association of~~  
65 ~~Florida, the Florida Retail Federation, the Pulp and Paper~~  
66 ~~Association, the Florida Automobile Dealers Association, the~~  
67 ~~Beer Industries of Florida, the Florida Beer Wholesalers~~  
68 ~~Association, and the Distilled Spirits Wholesalers.~~

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

74 ~~(a) Coordinating with the Center for Marine Conservation~~  
75 ~~and the Center for Solid and Hazardous Waste Management to~~

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76 ~~identify components of the marine debris and litter stream and~~  
77 ~~groups that habitually litter.~~

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

81 ~~(c) Fostering public awareness and striving to build an~~  
82 ~~environmental ethic in this state through the development of~~  
83 ~~educational programs that result in an understanding and in~~  
84 ~~action on the part of individuals and organizations about the~~  
85 ~~role they must play in preventing litter and protecting~~  
86 ~~Florida's environment.~~

87 ~~(d) Developing educational programs and materials that~~  
88 ~~promote the proper management of solid waste, including the~~  
89 ~~proper disposal of litter.~~

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

93 ~~(1)(3)~~ The Department of Transportation shall establish an  
94 "adopt-a-highway" program to allow local organizations to be  
95 identified with specific highway cleanup and highway  
96 beautification projects authorized under s. 339.2405 and shall  
97 ~~coordinate such efforts with Keep Florida Beautiful, Inc.~~ The  
98 department shall report to the Governor and the Legislature on  
99 the progress achieved and the savings incurred by the "adopt-a-  
100 highway" program. The department shall also monitor and report  
101 on compliance with provisions of the adopt-a-highway program to  
102 ensure that organizations that participate in the program comply  
103 with the goals identified by the department.

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104        ~~(2)-(4)~~ The Department of Transportation shall place signs  
105 discouraging litter at all off-ramps of the interstate highway  
106 system in the state. The department shall place other highway  
107 signs as necessary to discourage littering ~~through use of the~~  
108 ~~antilitter program developed by Keep Florida Beautiful,~~  
109 ~~Incorporated.~~

110        ~~(3)-(5)~~ Each county is encouraged to initiate a litter  
111 control and prevention program or to expand upon its existing  
112 program. The department shall establish a system of grants for  
113 municipalities and counties to implement litter control and  
114 prevention programs. In addition to the activities described in  
115 subsection (1), such grants shall at a minimum be used for  
116 litter cleanup, grassroots educational programs involving litter  
117 removal and prevention, and the placement of litter and  
118 recycling receptacles. Counties are encouraged to form working  
119 public private partnerships as authorized under this section to  
120 implement litter control and prevention programs at the  
121 community level. The grants authorized pursuant to this section  
122 shall be incorporated as part of the recycling and education  
123 grants. Counties that have a population under 100,000 ~~75,000~~ are  
124 encouraged to develop a regional approach to administering and  
125 coordinating their litter control and prevention programs.

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

130        ~~(7)~~ ~~In order to establish continuity for the statewide~~  
131 ~~program, those local governments and community programs~~  
132 ~~receiving grants for litter prevention and control must use the~~  
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133 ~~official State of Florida litter control or campaign symbol~~  
134 ~~adopted by Keep Florida Beautiful, Incorporated, for use on~~  
135 ~~various receptacles and program material.~~

136 ~~(8) The Legislature establishes a litter reduction goal of~~  
137 ~~50 percent reduction from the period January 1, 1994, to January~~  
138 ~~1, 1997. The method of determination used to measure the~~  
139 ~~reduction in litter is the survey conducted by the Center for~~  
140 ~~Solid and Hazardous Waste Management. The center shall consider~~  
141 ~~existing litter survey methodologies.~~

142 ~~(9) The Department of Environmental Protection shall~~  
143 ~~contract with the Center for Solid and Hazardous Waste~~  
144 ~~Management for an ongoing annual litter survey, the first of~~  
145 ~~which is to be conducted by January 1, 1994. The center shall~~  
146 ~~appoint a broad-based work group not to exceed seven members to~~  
147 ~~assist in the development and implementation of the survey.~~  
148 ~~Representatives from the university system, business,~~  
149 ~~government, and the environmental community shall be considered~~  
150 ~~by the center to serve on the work group. Final authority on~~  
151 ~~implementing and conducting the survey rests with the center.~~  
152 ~~The first survey is to be designed to serve as a baseline by~~  
153 ~~measuring the amount of current litter and marine debris, and is~~  
154 ~~to include a methodology for measuring the reduction in the~~  
155 ~~amount of litter and marine debris to determine the progress~~  
156 ~~toward the litter reduction goal established in subsection (8).~~  
157 ~~Annually thereafter, additional surveys are to be conducted and~~  
158 ~~must also include a methodology for measuring the reduction in~~  
159 ~~the amount of litter and for determining progress toward the~~  
160 ~~litter reduction goal established in subsection (8).~~

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161 ~~(10)(a) There is created within Keep Florida Beautiful,~~  
162 ~~Inc., the Wildflower Advisory Council, consisting of a maximum~~  
163 ~~of nine members to direct and oversee the expenditure of the~~  
164 ~~Wildflower Account. The Wildflower Advisory Council shall~~  
165 ~~include a representative from the University of Florida~~  
166 ~~Institute of Food and Agricultural Sciences, the Florida~~  
167 ~~Department of Transportation, and the Florida Department of~~  
168 ~~Environmental Protection, the Florida League of Cities, and the~~  
169 ~~Florida Association of Counties. Other members of the committee~~  
170 ~~may include representatives from the Florida Federation of~~  
171 ~~Garden Clubs, Inc., Think Beauty Foundation, the Florida Chapter~~  
172 ~~of the American Society of Landscape Architects, Inc., and a~~  
173 ~~representative of the Master Gardener's Program.~~

174 ~~(b) The Wildflower Advisory Council shall develop~~  
175 ~~procedures of operation, research contracts, educational~~  
176 ~~programs, and wildflower planting grants for Florida native~~  
177 ~~wildflowers, plants, and grasses. The council shall also make~~  
178 ~~the final determination of what constitutes acceptable species~~  
179 ~~of wildflowers and other plantings supported by these programs.~~

180 Section 3. Section 403.41315, Florida Statutes, is amended  
181 to read:

182 403.41315 Comprehensive illegal dumping, litter, and  
183 marine debris control and prevention.--

184 (1) The Legislature finds that a comprehensive illegal  
185 dumping, litter, and marine debris control and prevention  
186 program is necessary to protect the beauty and the environment  
187 of Florida. The Legislature also recognizes that a comprehensive  
188 illegal dumping, litter, and marine debris control and  
189 prevention program will have a positive effect on the state's  
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190 economy. The Legislature finds that the state's rapid  
191 population growth, the ever-increasing mobility of its  
192 population, and the large number of tourists contribute to the  
193 need for a comprehensive illegal dumping, litter, and marine  
194 debris control and prevention program. The Legislature further  
195 finds that the program must be coordinated and capable of having  
196 statewide identity and grassroots community support.

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

200 (a) A local ~~statewide~~ public awareness and educational  
201 campaign, ~~coordinated by Keep Florida Beautiful, Incorporated,~~  
202 to educate individuals, government, businesses, and other  
203 organizations concerning the role they must assume in preventing  
204 and controlling litter.

205 (b) Enforcement provisions authorized under s. 403.413.

206 (c) Enforcement officers whose responsibilities include  
207 grassroots education along with enforcing litter and illegal  
208 dumping violations.

209 (d) Local illegal dumping, litter, and marine debris  
210 control and prevention programs operated at the county level  
211 with emphasis placed on grassroots educational programs designed  
212 to prevent and remove litter and marine debris.

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

215 (f) The highway beautification program authorized under s.  
216 339.2405.

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

220 (h) The prohibition of balloon releases as authorized  
221 under s. 372.995.

222 (i) The placement of approved identifiable litter and  
223 recycling receptacles.

224 (j) Other educational programs that are implemented at the  
225 grassroots level ~~coordinated through Keep Florida Beautiful,~~  
226 ~~Inc.~~, involving volunteers and community programs that clean up  
227 and prevent litter, including Youth Conservation Corps  
228 activities.

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

231 403.4133 Adopt-a-Shore Program.--

232 (1) The Legislature finds that litter and illegal dumping  
233 present a threat to the state's wildlife, environment, and  
234 shorelines. The Legislature further finds that public awareness  
235 and education will assist in preventing litter from being  
236 illegally deposited along the state's shorelines.

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

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

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

249 320.08058 Specialty license plates.--

250 (28) FLORIDA WILDFLOWER LICENSE PLATES.--

251 (a) The department shall develop a Florida Wildflower  
252 license plate as provided in this section. The word "Florida"  
253 must appear at the top of the plate, and the words "State  
254 Wildflower" and "coreopsis" must appear at the bottom of the  
255 plate.

256 (b) The annual use fees shall be distributed to the  
257 Wildflower Foundation, Inc., a nonprofit corporation under s.  
258 501(c)(3) of the Internal Revenue Code ~~Wildflower Account~~  
259 ~~established by Keep Florida Beautiful, Inc., created by s.~~  
260 ~~403.4131~~. The proceeds must be used to establish native Florida  
261 wildflower research programs, wildflower educational programs,  
262 and wildflower grant programs to municipal, county, and  
263 community-based groups in this state.

264 1. The Wildflower Foundation, Inc., shall develop  
265 procedures of operation, research contracts, education and  
266 marketing programs, and wildflower-planting grants for Florida  
267 native wildflowers, plants, and grasses.

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

271 3. In the event the Wildflower Foundation, Inc., ceases to  
272 be an active nonprofit corporation under s. 501(c)(3) of the  
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273 Internal Revenue Code, the proceeds from the annual use fee  
274 shall be deposited into the General Inspection Trust Fund  
275 created within the Department of Agriculture and Consumer  
276 Services. Any funds held by the Wildflower Foundation, Inc.,  
277 must be promptly transferred to the General Inspection Trust  
278 Fund. The Department of Agriculture and Consumer Services shall  
279 use and administer the proceeds from the use fee in the manner  
280 specified in this subsection.

281 Section 6. Section 403.703, Florida Statutes, is amended  
282 to read:

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

285 403.703 Definitions.--As used in this part, the term:

286 (1) "Ash residue" has the same meaning as in the  
287 department rule governing solid waste combustors which defines  
288 the term.

289 (2) "Biomedical waste" means any solid waste or liquid  
290 waste that may present a threat of infection to humans. The term  
291 includes, but is not limited to, nonliquid human tissue and body  
292 parts; laboratory and veterinary waste that contains human-  
293 disease-causing agents; discarded disposable sharps; human blood  
294 and human blood products and body fluids; and other materials  
295 that in the opinion of the Department of Health represent a  
296 significant risk of infection to persons outside the generating  
297 facility. The term does not include human remains that are  
298 disposed of by persons licensed under chapter 497.

299 (3) "Biological waste" means solid waste that causes or  
300 has the capability of causing disease or infection and includes,  
301 but is not limited to, biomedical waste, diseased or dead

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302 animals, and other wastes capable of transmitting pathogens to  
303 humans or animals. The term does not include human remains that  
304 are disposed of by persons licensed under chapter 497.

305 (4) "Clean debris" means any solid waste that is virtually  
306 inert, that is not a pollution threat to groundwater or surface  
307 waters, that is not a fire hazard, and that is likely to retain  
308 its physical and chemical structure under expected conditions of  
309 disposal or use. The term includes uncontaminated concrete,  
310 including embedded pipe or steel, brick, glass, ceramics, and  
311 other wastes designated by the department.

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

317 (6) "Construction and demolition debris" means discarded  
318 materials generally considered to be not water-soluble and  
319 nonhazardous in nature, including, but not limited to, steel,  
320 glass, brick, concrete, asphalt roofing material, pipe, gypsum  
321 wallboard, and lumber, from the construction or destruction of a  
322 structure as part of a construction or demolition project or  
323 from the renovation of a structure, and includes rocks, soils,  
324 tree remains, trees, and other vegetative matter that normally  
325 results from land clearing or land-development operations for a  
326 construction project, including such debris from construction of  
327 structures at a site remote from the construction or demolition  
328 project site. Mixing of construction and demolition debris with  
329 other types of solid waste will cause the resulting mixture to

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330 be classified as other than construction and demolition debris.

331 The term also includes:

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

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

337 (c) Scrap from manufacturing facilities which is the type  
338 of material generally used in construction projects and which  
339 would meet the definition of construction and demolition debris  
340 if it were generated as part of a construction or demolition  
341 project. This includes debris from the construction of  
342 manufactured homes and scrap shingles, wallboard, siding  
343 concrete, and similar materials from industrial or commercial  
344 facilities; and

345 (d) De minimis amounts of other nonhazardous wastes that  
346 are generated at construction or destruction projects, provided  
347 such amounts are consistent with best management practices of  
348 the industry.

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

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

355 (9) "Disposal" means the discharge, deposit, injection,  
356 dumping, spilling, leaking, or placing of any solid waste or  
357 hazardous waste into or upon any land or water so that such  
358 solid waste or hazardous waste or any constituent thereof may

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359 enter other lands or be emitted into the air or discharged into  
360 any waters, including groundwaters, or otherwise enter the  
361 environment.

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

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

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

371 (13) "Hazardous waste" means solid waste, or a combination  
372 of solid wastes, which, because of its quantity, concentration,  
373 or physical, chemical, or infectious characteristics, may cause,  
374 or significantly contribute to, an increase in mortality or an  
375 increase in serious irreversible or incapacitating reversible  
376 illness or may pose a substantial present or potential hazard to  
377 human health or the environment when improperly transported,  
378 disposed of, stored, treated, or otherwise managed. The term  
379 does not include human remains that are disposed of by persons  
380 licensed under chapter 497.

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

384 (15) "Hazardous waste management" means the systematic  
385 control of the collection, source separation, storage,  
386 transportation, processing, treatment, recovery, recycling, and  
387 disposal of hazardous wastes.

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

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

400       (18) "Manifest" means the recordkeeping system used for  
401 identifying the concentration, quantity, composition, origin,  
402 routing, and destination of hazardous waste during its  
403 transportation from the point of generation to the point of  
404 disposal, storage, or treatment.

405       (19) "Materials-recovery facility" means a solid waste  
406 management facility that provides for the extraction from solid  
407 waste of recyclable materials, materials suitable for use as a  
408 fuel or soil amendment, or any combination of such materials.

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

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

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417       (22) "Person" means any and all persons, natural or  
418 artificial, including any individual, firm, or association; any  
419 municipal or private corporation organized or existing under the  
420 laws of this state or any other state; any county of this state;  
421 and any governmental agency of this state or the Federal  
422 Government.

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

428       (24) "Recovered materials" means metal, paper, glass,  
429 plastic, textile, or rubber materials that have known recycling  
430 potential, can be feasibly recycled, and have been diverted and  
431 source separated or have been removed from the solid waste  
432 stream for sale, use, or reuse as raw materials, whether or not  
433 the materials require subsequent processing or separation from  
434 each other, but the term does not include materials destined for  
435 any use that constitutes disposal. Recovered materials as  
436 described in this subsection are not solid waste.

437       (25) "Recovered materials processing facility" means a  
438 facility engaged solely in the storage, processing, resale, or  
439 reuse of recovered materials. Such a facility is not a solid  
440 waste management facility if it meets the conditions of s.  
441 403.7045(1)(e).

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

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

449 (28) "Resource recovery" means the process of recovering  
450 materials or energy from solid waste, excluding those materials  
451 or solid waste under the control of the Nuclear Regulatory  
452 Commission.

453 (29) "Resource recovery equipment" means equipment or  
454 machinery exclusively and integrally used in the actual process  
455 of recovering material or energy resources from solid waste.

456 (30) "Sludge" includes the accumulated solids, residues,  
457 and precipitates generated as a result of waste treatment or  
458 processing, including wastewater treatment, water-supply  
459 treatment, or operation of an air pollution control facility,  
460 and mixed liquids and solids pumped from septic tanks, grease  
461 traps, privies, or similar waste disposal appurtenances.

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

467 (32) "Solid waste" means sludge unregulated under the  
468 federal Clean Water Act or Clean Air Act, sludge from a waste  
469 treatment works, water supply treatment plant, or air pollution  
470 control facility, or garbage, rubbish, refuse, special waste, or  
471 other discarded material, including solid, liquid, semisolid, or  
472 contained gaseous material resulting from domestic, industrial,  
473 commercial, mining, agricultural, or governmental operations.

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474 Recovered materials as defined in subsection (24) are not solid  
475 waste.

476 (33) "Solid waste disposal facility" means any solid waste  
477 management facility that is the final resting place for solid  
478 waste, including landfills and incineration facilities that  
479 produce ash from the process of incinerating municipal solid  
480 waste.

481 (34) "Solid waste management" means the process by which  
482 solid waste is collected, transported, stored, separated,  
483 processed, or disposed of in any other way according to an  
484 orderly, purposeful, and planned program, which includes  
485 closure.

486 (35) "Solid waste management facility" means any solid  
487 waste disposal area, volume-reduction plant, transfer station,  
488 materials-recovery facility, or other facility, the purpose of  
489 which is resource recovery or the disposal, recycling,  
490 processing, or storage of solid waste. The term does not  
491 include recovered materials processing facilities that meet the  
492 requirements of s. 403.7046, except the portion of such  
493 facilities, if any, which is used for the management of solid  
494 waste.

495 (36) "Source separated" means that the recovered materials  
496 are separated from solid waste at the location where the  
497 recovered materials and solid waste are generated. The term does  
498 not require that various types of recovered materials be  
499 separated from each other, and recognizes de minimis solid  
500 waste, in accordance with industry standards and practices, may  
501 be included in the recovered materials. Materials are not  
502 considered source-separated when two or more types of recovered

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503 materials are deposited in combination with each other in a  
504 commercial collection container located where the materials are  
505 generated and when such materials contain more than 10 percent  
506 solid waste by volume or weight. For purposes of this  
507 subsection, the term "various types of recovered materials"  
508 means metals, paper, glass, plastic, textiles, and rubber.

509 (37) "Storage" means the containment or holding of a  
510 hazardous waste, either on a temporary basis or for a period of  
511 years, in such a manner as not to constitute disposal of such  
512 hazardous waste.

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

516 (39) "Transport" means the movement of hazardous waste  
517 from the point of generation or point of entry into the state to  
518 any offsite intermediate points and to the point of offsite  
519 ultimate disposal, storage, treatment, or exit from the state.

520 (40) "Treatment," when used in connection with hazardous  
521 waste, means any method, technique, or process, including  
522 neutralization, which is designed to change the physical,  
523 chemical, or biological character or composition of any  
524 hazardous waste so as to neutralize it or render it  
525 nonhazardous, safe for transport, amenable to recovery, amenable  
526 to storage or disposal, or reduced in volume or concentration.  
527 The term includes any activity or processing that is designed to  
528 change the physical form or chemical composition of hazardous  
529 waste so as to render it nonhazardous.

530 (41) "Volume-reduction plant" includes incinerators,  
531 pulverizers, compactors, shredding and baling plants, composting  
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532 plants, and other plants that accept and process solid waste for  
533 recycling or disposal.

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

537 (43) "Yard trash" means vegetative matter resulting from  
538 landscaping maintenance and land clearing operations and  
539 includes associated rocks and soils.

540 Section 7. Subsection (69) of section 316.003, Florida  
541 Statutes, is amended to read:

542 316.003 Definitions.--The following words and phrases,  
543 when used in this chapter, shall have the meanings respectively  
544 ascribed to them in this section, except where the context  
545 otherwise requires:

546 (69) HAZARDOUS MATERIAL.--Any substance or material which  
547 has been determined by the secretary of the United States  
548 Department of Transportation to be capable of imposing an  
549 unreasonable risk to health, safety, and property. This term  
550 includes hazardous waste as defined in s. 403.703(13) ~~s.~~  
551 ~~403.703(21)~~.

552 Section 8. Paragraph (f) of subsection (2) of section  
553 377.709, Florida Statutes, is amended to read:

554 377.709 Funding by electric utilities of local  
555 governmental solid waste facilities that generate electricity.--

556 (2) DEFINITIONS.--As used in this section, the term:

557 (f) "Solid waste facility" means a facility owned or  
558 operated by, or on behalf of, a local government for the purpose  
559 of disposing of solid waste, as that term is defined in s.  
560 403.703(31) ~~s. 403.703(13)~~, by any process that produces heat  
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561 and incorporates, as a part of the facility, the means of  
562 converting heat to electrical energy in amounts greater than  
563 actually required for the operation of the facility.

564 Section 9. Subsection (1) of section 487.048, Florida  
565 Statutes, is amended to read:

566 487.048 Dealer's license; records.--

567 (1) Each person holding or offering for sale, selling, or  
568 distributing restricted-use pesticides shall obtain a dealer's  
569 license from the department. Application for the license shall  
570 be made on a form prescribed by the department. The license must  
571 be obtained before entering into business or transferring  
572 ownership of a business. The department may require examination  
573 or other proof of competency of individuals to whom licenses are  
574 issued or of individuals employed by persons to whom licenses  
575 are issued. Demonstration of continued competency may be  
576 required for license renewal, as set by rule. The license shall  
577 be renewed annually as provided by rule. An annual license fee  
578 not exceeding \$250 shall be established by rule. However, a user  
579 of a restricted-use pesticide may distribute unopened containers  
580 of a properly labeled pesticide to another user who is legally  
581 entitled to use that restricted-use pesticide without obtaining  
582 a pesticide dealer's license. The exclusive purpose of  
583 distribution of the restricted-use pesticide is to keep it from  
584 becoming a hazardous waste as defined in s. 403.703(13) ~~s.~~  
585 ~~403.703(21)~~.

586 Section 10. Section 403.704, Florida Statutes, is amended  
587 to read:

588 403.704 Powers and duties of the department.--The  
589 department shall have responsibility for the implementation and  
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590 enforcement of the provisions of this act. In addition to other  
591 powers and duties, the department shall:

592 (1) Develop and implement, in consultation with local  
593 governments, a state solid waste management program, as defined  
594 in s. 403.705, ~~and update the program at least every 3 years.~~  
595 ~~In developing rules to implement the state solid waste~~  
596 ~~management program, the department shall hold public hearings~~  
597 ~~around the state and shall give notice of such public hearings~~  
598 ~~to all local governments and regional planning agencies.~~

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

603 (3) Promote the planning and application of recycling and  
604 resource recovery systems which preserve and enhance the quality  
605 of the air, water, and other natural resources of the state and  
606 assist in and encourage, where appropriate, the development of  
607 regional solid waste management facilities.

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

611 (5) Use private industry or the State University System  
612 through contractual arrangements for implementation of some or  
613 all of the requirements of the state solid waste management  
614 program and for such other activities as may be considered  
615 necessary, desirable, or convenient.

616 (6) Encourage recycling and resource recovery as a source  
617 of energy and materials.

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618 (7) Assist in and encourage, as much as possible, the  
619 development within the state of industries and commercial  
620 enterprises which are based upon resource recovery, recycling,  
621 and reuse of solid waste.

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

626 ~~(9) Acquire, at its discretion, personal or real property~~  
627 ~~or any interest therein by gift, lease, or purchase for the~~  
628 ~~purpose of providing sites for solid waste management~~  
629 ~~facilities.~~

630 ~~(10) Acquire, construct, reconstruct, improve, maintain,~~  
631 ~~equip, furnish, and operate, at its discretion, such solid waste~~  
632 ~~management facilities as are called for by the state solid waste~~  
633 ~~management program.~~

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

639 (8) ~~(12)~~ Determine by rule the facilities, equipment,  
640 personnel, and number of monitoring wells to be provided at each  
641 Class I solid waste disposal facility area.

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

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647 ~~equipment, and tools; scales for weighing solid waste received~~  
648 ~~at the disposal area; a trained equipment operator in full time~~  
649 ~~attendance during operating hours; and communication facilities~~  
650 ~~for use in emergencies. The department may require an attendant~~  
651 ~~at a Class II solid waste disposal area during the hours of~~  
652 ~~operation if the department affirmatively demonstrates that such~~  
653 ~~a requirement is necessary to prevent unlawful fires,~~  
654 ~~unauthorized dumping, or littering of nearby property.~~

655 ~~(14) Require a Class II solid waste disposal area to have~~  
656 ~~at least one monitoring well which shall be placed adjacent to~~  
657 ~~the site in the direction of groundwater flow unless otherwise~~  
658 ~~exempted by the department. The department may require~~  
659 ~~additional monitoring wells not farther than 1 mile from the~~  
660 ~~site if it is affirmatively demonstrated by the department that~~  
661 ~~a significant change in the initial quality of the water has~~  
662 ~~occurred in the downstream monitoring well which adversely~~  
663 ~~affects the beneficial uses of the water. These wells may be~~  
664 ~~public or private water supply wells if they are suitable for~~  
665 ~~use in determining background water quality levels.~~

666 ~~(9)(15)~~ Adopt rules pursuant to ss. 120.536(1) and 120.54  
667 to implement and enforce the provisions of this act, including  
668 requirements for the classification, construction, operation,  
669 maintenance, and closure of solid waste management facilities  
670 and requirements for, and conditions on, solid waste disposal in  
671 this state, whether such solid waste is generated within this  
672 state or outside this state as long as such requirements and  
673 conditions are not based on the out-of-state origin of the waste  
674 and are consistent with applicable provisions of law. When  
675 classifying solid waste management facilities, the department

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676 shall consider the hydrogeology of the site for the facility,  
677 the types of wastes to be handled by the facility, and methods  
678 used to control the types of waste to be handled by the facility  
679 and shall seek to minimize the adverse effects of solid waste  
680 management on the environment. Whenever the department adopts  
681 any rule stricter or more stringent than one which has been set  
682 by the United States Environmental Protection Agency, the  
683 procedures set forth in s. 403.804(2) shall be followed. The  
684 department shall not, however, adopt hazardous waste rules for  
685 solid waste for which special studies were required prior to  
686 October 1, 1988, under s. 8002 of the Resource Conservation and  
687 Recovery Act, 42 U.S.C. s. 6982, as amended, until the studies  
688 are completed by the United States Environmental Protection  
689 Agency and the information is available to the department for  
690 consideration in adopting its own rule.

691 ~~(10)(16)~~ Issue or modify permits on such conditions as are  
692 necessary to effect the intent and purposes of this act, and may  
693 deny or revoke permits.

694 ~~(17) Conduct research, using the State University System,~~  
695 ~~solid waste professionals from local governments, private~~  
696 ~~enterprise, and other organizations, on alternative,~~  
697 ~~economically feasible, cost-effective, and environmentally safe~~  
698 ~~solid waste management and landfill closure methods which~~  
699 ~~protect the health, safety, and welfare of the public and the~~  
700 ~~environment and which may assist in developing markets and~~  
701 ~~provide economic benefits to local governments, the state, and~~  
702 ~~its citizens, and solicit public participation during the~~  
703 ~~research process. The department shall incorporate such cost~~

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704 ~~effective landfill closure methods in the appropriate department~~  
705 ~~rule as alternative closure requirements.~~

706 (11)~~(18)~~ Develop and implement or contract for services to  
707 develop information on recovered materials markets and  
708 strategies for market development and expansion for use of these  
709 materials. Additionally, the department shall maintain a  
710 directory of recycling businesses operating in the state and  
711 shall serve as a coordinator to match recovered materials with  
712 markets. Such directory shall be made available to the public  
713 and to local governments to assist with their solid waste  
714 management activities.

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

720 (12)~~(20)~~ Establish accounts and deposit to the Solid Waste  
721 Management Trust Fund and control and administer moneys it may  
722 withdraw from the fund.

723 (13)~~(21)~~ Manage a program of grants, using funds from the  
724 Solid Waste Management Trust Fund and funds provided by the  
725 Legislature for solid waste management, for programs for  
726 recycling, composting, litter control, and special waste  
727 management and for programs which provide for the safe and  
728 proper management of solid waste.

729 (14)~~(22)~~ Budget and receive appropriated funds and accept,  
730 receive, and administer grants or other funds or gifts from  
731 public or private agencies, including the state and the Federal

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732 Government, for the purpose of carrying out the provisions of  
733 this act.

734 ~~(15)-(23)~~ Delegate its powers, enter into contracts, or  
735 take such other actions as may be necessary to implement this  
736 act.

737 ~~(16)-(24)~~ Receive and administer funds appropriated for  
738 county hazardous waste management assessments.

739 ~~(17)-(25)~~ Provide technical assistance to local governments  
740 and regional agencies to ensure consistency between county  
741 hazardous waste management assessments; coordinate the  
742 development of such assessments with the assistance of the  
743 appropriate regional planning councils; and review and make  
744 recommendations to the Legislature relative to the sufficiency  
745 of the assessments to meet state hazardous waste management  
746 needs.

747 ~~(18)-(26)~~ Increase public education and public awareness of  
748 solid and hazardous waste issues by developing and promoting  
749 statewide programs of litter control, recycling, volume  
750 reduction, and proper methods of solid waste and hazardous waste  
751 management.

752 ~~(19)-(27)~~ Assist the hazardous waste storage, treatment, or  
753 disposal industry by providing to the industry any data produced  
754 on the types and quantities of hazardous waste generated.

755 ~~(20)-(28)~~ Institute a hazardous waste emergency response  
756 program which would include emergency telecommunication  
757 capabilities and coordination with appropriate agencies.

758 ~~(21)-(29)~~ Promulgate rules necessary to accept delegation  
759 of the hazardous waste management program from the Environmental

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760 Protection Agency under the Hazardous and Solid Waste Amendments  
761 of 1984, Pub. L. No. 98-616.

762 ~~(22)(30)~~ Adopt rules, if necessary, to address the  
763 incineration and disposal of biomedical waste and the management  
764 of biological waste within the state, whether such waste is  
765 generated within this state or outside this state, as long as  
766 such requirements and conditions are not based on the out-of-  
767 state origin of the waste and are consistent with applicable  
768 provisions of law.

769 Section 11. Section 403.7043, Florida Statutes, is amended  
770 to read:

771 403.7043 Compost standards and applications.--

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

776 (2) The department shall ~~Within 6 months after October 1,~~  
777 ~~1988, the department shall initiate rulemaking to~~ establish and  
778 maintain rules addressing standards for the production of  
779 compost ~~and shall complete and promulgate those rules within 12~~  
780 ~~months after initiating the process of rulemaking,~~ including  
781 rules establishing:

782 (a) Requirements necessary to produce hygienically safe  
783 compost products for varying applications.

784 (b) A classification scheme for compost based on~~+~~ the  
785 types of waste composted, ~~including at least one type containing~~  
786 ~~only yard trash;~~ the maturity of the compost, ~~including at least~~  
787 ~~three degrees of decomposition for fresh, semimature, and~~

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788 ~~mature~~, and the levels of organic and inorganic constituents in  
789 the compost. This scheme shall address:

- 790 1. Methods for measurement of the compost maturity.
- 791 2. Particle sizes.
- 792 3. Moisture content.
- 793 4. Average levels of organic and inorganic constituents,  
794 including heavy metals, for such classes of compost as the  
795 department establishes, and the analytical methods to determine  
796 those levels.

797 ~~(3) Within 6 months after October 1, 1988, the department~~  
798 ~~shall initiate rulemaking to prescribe the allowable uses and~~  
799 ~~application rates of compost and shall complete and promulgate~~  
800 ~~those rules within 12 months after initiating the process of~~  
801 ~~rulemaking, based on the following criteria:~~

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

805 ~~(b) The allowable uses of compost based on maturity and~~  
806 ~~type of compost.~~

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

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

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816 Section 12. Subsections (1), (2), and (3) of section  
817 403.7045, Florida Statutes, are amended to read:

818 403.7045 Application of act and integration with other  
819 acts.--

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

822 (a) Byproduct material, source material, and special  
823 nuclear material, the generation, transportation, disposal,  
824 storage, or treatment of which is regulated under chapter 404 or  
825 under the federal Atomic Energy Act of 1954, ch. 1073, 68 Stat.  
826 923, as amended;

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

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

835 (d) Drilling fluids, produced waters, and other wastes  
836 associated with the exploration for, or development and  
837 production of, crude oil or natural gas which are regulated  
838 under chapter 377; or

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

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

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844           2. The recovered materials handled by the facility or the  
845 products or byproducts of operations that process recovered  
846 materials are not discharged, deposited, injected, dumped,  
847 spilled, leaked, or placed into or upon any land or water by the  
848 owner or operator of such facility so that such recovered  
849 materials, products or byproducts, or any constituent thereof  
850 may enter other lands or be emitted into the air or discharged  
851 into any waters, including groundwaters, or otherwise enter the  
852 environment such that a threat of contamination in excess of  
853 applicable department standards and criteria is caused.

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

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

858           (f) Industrial byproducts, if:

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

861           2. The industrial byproducts are not discharged,  
862 deposited, injected, dumped, spilled, leaked, or placed upon any  
863 land or water so that such industrial byproducts, or any  
864 constituent thereof, may enter other lands or be emitted into  
865 the air or discharged into any waters, including groundwaters,  
866 or otherwise enter the environment such that a threat of  
867 contamination in excess of applicable department standards and  
868 criteria or a significant threat to public health is caused.

869           3. The industrial byproducts are not hazardous wastes as  
870 defined under s. 403.703 and rules adopted under this section.

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

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

877 (b) Agricultural and silvicultural byproduct material and  
878 agricultural and silvicultural process waste from normal farming  
879 or processing.

880 (c) Discarded material generated by the mining and  
881 beneficiation and chemical or thermal processing of phosphate  
882 rock, and precipitates resulting from neutralization of  
883 phosphate chemical plant process and nonprocess waters.

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

886 (a) Dredged material that is generated as part of a  
887 project permitted under part IV of chapter 373 or chapter 161,  
888 or that is authorized to be removed from sovereign submerged  
889 lands under chapter 253, ~~Dredge spoil or fill material~~ shall be  
890 managed in accordance with the conditions of that permit or  
891 authorization unless the dredged material is regulated as  
892 hazardous waste pursuant to this part ~~disposed of pursuant to a~~  
893 ~~dredge and fill permit, but whenever hazardous components are~~  
894 ~~disposed of within the dredge or fill material, the dredge and~~  
895 ~~fill permits shall specify the specific hazardous wastes~~  
896 ~~contained and the concentration of each such waste. If the~~  
897 dredged material contains hazardous substances, the department  
898 may further ~~then~~ limit or restrict the sale or use of the  
899 dredged ~~dredge and fill~~ material and may specify such other  
900 conditions relative to this material as are reasonably necessary  
901 to protect the public from the potential hazards. However,  
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902 nothing in this subsection shall be construed to require the  
903 routine testing of dredge material for hazardous substances  
904 unless there is a reasonable expectation that such substances  
905 will be present.

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

912 (c) Solid waste or hazardous waste facilities that ~~which~~  
913 are operated as a part of the normal operation of a power  
914 generating facility and which are licensed by certification  
915 pursuant to the Florida Electrical Power Plant Siting Act, ss.  
916 403.501-403.518, shall undergo such certification subject to the  
917 substantive provisions of this act.

918 (d) Biomedical waste and biological waste shall be  
919 disposed of only as authorized by the department. However, any  
920 person who unknowingly disposes into a sanitary landfill or  
921 waste-to-energy facility any such waste that ~~which~~ has not been  
922 properly segregated or separated from other solid wastes by the  
923 generating facility is not guilty of a violation under this act.

924 ~~Nothing in This paragraph does not shall be construed to~~  
925 prohibit the department from seeking injunctive relief pursuant  
926 to s. 403.131 to prohibit the unauthorized disposal of  
927 biomedical waste or biological waste.

928 Section 13. Subsection (2) of section 403.7061, Florida  
929 Statutes, is amended to read:

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930 403.7061 Requirements for review of new waste-to-energy  
931 facility capacity by the Department of Environmental  
932 Protection.--

933 (2) Notwithstanding any other provisions of state law, the  
934 department shall not issue a construction permit or  
935 certification to build a waste-to-energy facility or expand an  
936 existing waste-to-energy facility unless the facility meets the  
937 requirements set forth in subsection (3). Any construction  
938 permit issued by the department between January 1, 1993, and May  
939 12, 1993, which does not address these new requirements shall be  
940 invalid. These new requirements do not apply to the issuance of  
941 permits or permit modifications to retrofit existing facilities  
942 with new or improved pollution control equipment to comply with  
943 state or federal law. The department may ~~shall~~ initiate  
944 rulemaking to incorporate the criteria in subsection (3) into  
945 its permit review process.

946 Section 14. Section 403.70611, Florida Statutes, is  
947 amended to read:

948 403.70611 Requirements relating to solid waste disposal  
949 facility and Class I landfill permitting.--

950 (1) Local government applicants for a permit to construct  
951 or expand a Class I landfill are encouraged to consider  
952 construction of a waste-to-energy facility as an alternative to  
953 additional landfill space.

954 (2) A closed Class I landfill that is substantially  
955 rehabilitated or remediated in such a manner that at least 15  
956 percent of the residential units are affordable as defined in s.  
957 420.0004(3) is not subject to the requirements of any building

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958 permit allocation system or other rate of growth regulation  
959 adopted pursuant to chapter 380.

960 Section 15. Section 403.707, Florida Statutes, is amended  
961 to read:

962 403.707 Permits.--

963 (1) A ~~No~~ solid waste management facility may not be  
964 operated, maintained, constructed, expanded, modified, or closed  
965 without an appropriate and currently valid permit issued by the  
966 department. The department may by rule exempt specified types of  
967 facilities from the requirement for a permit under this part if  
968 it determines that construction or operation of the facility is  
969 not expected to create any significant threat to the environment  
970 or public health. For purposes of this part, and only when  
971 specified by department rule, a permit may include registrations  
972 as well as other forms of licenses as defined in s. 120.52.

973 Solid waste construction permits issued under this section may  
974 include any permit conditions necessary to achieve compliance  
975 with the recycling requirements of this act. The department  
976 shall pursue reasonable timeframes for closure and construction  
977 requirements, considering pending federal requirements and  
978 implementation costs to the permittee. The department shall  
979 adopt a rule establishing performance standards for construction  
980 and closure of solid waste management facilities. The standards  
981 shall allow flexibility in design and consideration for site-  
982 specific characteristics.

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

989 (a) Disposal by persons of solid waste resulting from  
990 their own activities on their own property, provided such waste  
991 is either ordinary household waste from their residential  
992 property or is rocks, soils, trees, tree remains, and other  
993 vegetative matter that ~~which~~ normally result from land  
994 development operations. Disposal of materials that ~~which~~ could  
995 create a public nuisance or adversely affect the environment or  
996 public health, such as: white goods; automotive materials, such  
997 as batteries and tires; petroleum products; pesticides;  
998 solvents; or hazardous substances, is not covered under this  
999 exemption.

1000 (b) Storage in containers by persons of solid waste  
1001 resulting from their own activities on their property, leased or  
1002 rented property, or property subject to a homeowners or  
1003 maintenance association for which the person contributes  
1004 association assessments, if the solid waste in such containers  
1005 is collected at least once a week.

1006 (c) Disposal by persons of solid waste resulting from  
1007 their own activities on their property, provided the  
1008 environmental effects of such disposal on groundwater and  
1009 surface waters are:

1010 1. Addressed or authorized by a site certification order  
1011 issued under part II or a permit issued by the department  
1012 pursuant to this chapter or rules adopted pursuant thereto; or

1013 2. Addressed or authorized by, or exempted from the  
1014 requirement to obtain, a groundwater monitoring plan approved by  
1015 the department.

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1016 (d) Disposal by persons of solid waste resulting from  
1017 their own activities on their own property, provided that such  
1018 disposal occurred prior to October 1, 1988.

1019 (e) Disposal of solid waste resulting from normal farming  
1020 operations as defined by department rule. Polyethylene  
1021 agricultural plastic, damaged, nonsalvageable, untreated wood  
1022 pallets, and packing material that cannot be feasibly recycled,  
1023 which are used in connection with agricultural operations  
1024 related to the growing, harvesting, or maintenance of crops, may  
1025 be disposed of by open burning, provided that no public nuisance  
1026 or any condition adversely affecting the environment or the  
1027 public health is created thereby and that state or federal  
1028 ambient air quality standards are not violated.

1029 (f) The use of clean debris as fill material in any area.  
1030 However, this paragraph does not exempt any person from  
1031 obtaining any other required permits, nor does it affect a  
1032 person's responsibility to dispose of clean debris appropriately  
1033 if it is not to be used as fill material.

1034 (g) Compost operations that produce less than 50 cubic  
1035 yards of compost per year when the compost produced is used on  
1036 the property where the compost operation is located.

1037 (3) All applicable provisions of ss. 403.087 and 403.088,  
1038 relating to permits, apply to the control of solid waste  
1039 management facilities.

1040 (4) When application for a construction permit for a Class  
1041 I ~~or Class II~~ solid waste disposal facility ~~area~~ is made, it is  
1042 the duty of the department to provide a copy of the application,  
1043 within 7 days after filing, to the water management district  
1044 having jurisdiction where the area is to be located. The water  
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1045 management district may prepare an advisory report as to the  
1046 impact on water resources. This report shall contain the  
1047 district's recommendations as to the disposition of the  
1048 application and shall be submitted to the department no later  
1049 than 30 days prior to the deadline for final agency action by  
1050 the department. However, the failure of the department or the  
1051 water management district to comply with the provisions of this  
1052 subsection shall not be the basis for the denial, revocation, or  
1053 remand of any permit or order issued by the department.

1054 (5) The department may not issue a construction permit  
1055 pursuant to this part for a new solid waste landfill within  
1056 3,000 feet of Class I surface waters.

1057 (6) The department may issue a construction permit  
1058 pursuant to this part only to a solid waste management facility  
1059 that provides the conditions necessary to control the safe  
1060 movement of wastes or waste constituents into surface or ground  
1061 waters or the atmosphere and that will be operated, maintained,  
1062 and closed by qualified and properly trained personnel. Such  
1063 facility must if necessary:

1064 (a) Use natural or artificial barriers which are capable  
1065 of controlling lateral or vertical movement of wastes or waste  
1066 constituents into surface or ground waters.

1067 (b) Have a foundation or base that is capable of providing  
1068 support for structures and waste deposits and capable of  
1069 preventing foundation or base failure due to settlement,  
1070 compression, or uplift.

1071 (c) Provide for the most economically feasible, cost-  
1072 effective, and environmentally safe control of leachate, gas,

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1073 stormwater, and disease vectors and prevent the endangerment of  
1074 public health and the environment.

1075  
1076 Open fires, air-curtain incinerators, or trench burning may not  
1077 be used as a means of disposal at a solid waste management  
1078 facility, unless permitted by the department under s. 403.087.

1079 (7) Prior to application for a construction permit, an  
1080 applicant shall designate to the department temporary backup  
1081 disposal areas or processes for the resource recovery facility.  
1082 Failure to designate temporary backup disposal areas or  
1083 processes shall result in a denial of the construction permit.

1084 (8) The department may refuse to issue a permit to an  
1085 applicant who by past conduct in this state has repeatedly  
1086 violated pertinent statutes, rules, or orders or permit terms or  
1087 conditions relating to any solid waste management facility and  
1088 who is deemed to be irresponsible as defined by department rule.  
1089 For the purposes of this subsection, an applicant includes the  
1090 owner or operator of the facility, or if the owner or operator  
1091 is a business entity, a parent of a subsidiary corporation, a  
1092 partner, a corporate officer or director, or a stockholder  
1093 holding more than 50 percent of the stock of the corporation.

1094 ~~(9) Before or on the same day of filing with the~~  
1095 ~~department of an application for any construction permit for the~~  
1096 ~~incineration of biomedical waste which the department may~~  
1097 ~~require by rule, the applicant shall notify each city and county~~  
1098 ~~within 1 mile of the facility of the filing of the application~~  
1099 ~~and shall publish notice of the filing of the application. The~~  
1100 ~~applicant shall publish a second notice of the filing within 14~~  
1101 ~~days after the date of filing. Each notice shall be published in~~  
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1102 ~~a newspaper of general circulation in the county in which the~~  
1103 ~~facility is located or is proposed to be located.~~  
1104 ~~Notwithstanding the provisions of chapter 50, for purposes of~~  
1105 ~~this section, a "newspaper of general circulation" shall be the~~  
1106 ~~newspaper within the county in which the installation or~~  
1107 ~~facility is proposed which has the largest daily circulation in~~  
1108 ~~that county and has its principal office in that county. If the~~  
1109 ~~newspaper with the largest daily circulation has its principal~~  
1110 ~~office outside the county, the notice shall appear in both the~~  
1111 ~~newspaper with the largest daily circulation in that county, and~~  
1112 ~~a newspaper authorized to publish legal notices in that county.~~  
1113 ~~The notice shall contain:~~

1114 ~~(a) The name of the applicant and a brief description of~~  
1115 ~~the facility and its location.~~

1116 ~~(b) The location of the application file and when it is~~  
1117 ~~available for public inspection.~~

1118  
1119 ~~The notice shall be prepared by the applicant and shall comply~~  
1120 ~~with the following format:~~

1121 ~~Notice of Application~~

1122  
1123 ~~The Department of Environmental Protection announces receipt of~~  
1124 ~~an application for a permit from (name of applicant) to~~  
1125 ~~(brief description of project). This proposed project will be~~  
1126 ~~located at (location) in (county) (city).~~

1127  
1128 ~~This application is being processed and is available for public~~  
1129 ~~inspection during normal business hours, 8:00 a.m. to 5:00 p.m.,~~

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1130 ~~Monday through Friday, except legal holidays, at (name and~~  
1131 ~~address of office).~~

1132 ~~(10) A permit, which the department may require by rule,~~  
1133 ~~for the incineration of biomedical waste, may not be transferred~~  
1134 ~~by the permittee to any other entity, except in conformity with~~  
1135 ~~the requirements of this subsection.~~

1136 ~~(a) Within 30 days after the sale or legal transfer of a~~  
1137 ~~permitted facility, the permittee shall file with the department~~  
1138 ~~an application for transfer of the permits on such form as the~~  
1139 ~~department shall establish by rule. The form must be completed~~  
1140 ~~with the notarized signatures of both the transferring permittee~~  
1141 ~~and the proposed permittee.~~

1142 ~~(b) The department shall approve the transfer of a permit~~  
1143 ~~unless it determines that the proposed permittee has not~~  
1144 ~~provided reasonable assurances that the proposed permittee has~~  
1145 ~~the administrative, technical, and financial capability to~~  
1146 ~~properly satisfy the requirements and conditions of the permit,~~  
1147 ~~as determined by department rule. The determination shall be~~  
1148 ~~limited solely to the ability of the proposed permittee to~~  
1149 ~~comply with the conditions of the existing permit, and it shall~~  
1150 ~~not concern the adequacy of the permit conditions. If the~~  
1151 ~~department proposes to deny the transfer, it shall provide both~~  
1152 ~~the transferring permittee and the proposed permittee a written~~  
1153 ~~objection to such transfer together with notice of a right to~~  
1154 ~~request a proceeding on such determination under chapter 120.~~

1155 ~~(c) Within 90 days after receiving a properly completed~~  
1156 ~~application for transfer of a permit, the department shall issue~~  
1157 ~~a final determination. The department may toll the time for~~  
1158 ~~making a determination on the transfer by notifying both the~~

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1159 ~~transferring permittee and the proposed permittee that~~  
1160 ~~additional information is required to adequately review the~~  
1161 ~~transfer request. Such notification shall be provided within 30~~  
1162 ~~days after receipt of an application for transfer of the permit,~~  
1163 ~~completed pursuant to paragraph (a). If the department fails to~~  
1164 ~~take action to approve or deny the transfer within 90 days after~~  
1165 ~~receipt of the completed application or within 90 days after~~  
1166 ~~receipt of the last item of timely requested additional~~  
1167 ~~information, the transfer shall be deemed approved.~~

1168 ~~(d) The transferring permittee is encouraged to apply for~~  
1169 ~~a permit transfer well in advance of the sale or legal transfer~~  
1170 ~~of a permitted facility. However, the transfer of the permit~~  
1171 ~~shall not be effective prior to the sale or legal transfer of~~  
1172 ~~the facility.~~

1173 ~~(e) Until the transfer of the permit is approved by the~~  
1174 ~~department, the transferring permittee and any other person~~  
1175 ~~constructing, operating, or maintaining the permitted facility~~  
1176 ~~shall be liable for compliance with the terms of the permit.~~  
1177 ~~Nothing in this section shall relieve the transferring permittee~~  
1178 ~~of liability for corrective actions that may be required as a~~  
1179 ~~result of any violations occurring prior to the legal transfer~~  
1180 ~~of the permit.~~

1181 ~~(11) The department shall review all permit applications~~  
1182 ~~for any designated Class I solid waste disposal facility. As~~  
1183 ~~used in this subsection, the term "designated Class I solid~~  
1184 ~~waste disposal facility" means any facility that is, as of May~~  
1185 ~~12, 1993, a solid waste disposal facility classified as an~~  
1186 ~~active Class I landfill by the department, that is located in~~  
1187 ~~whole or in part within 1,000 feet of the boundary of any~~

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1188 ~~municipality, but that is not located within any county with an~~  
1189 ~~approved charter or consolidated municipal government, is not~~  
1190 ~~located within any municipality, and is not operated by a~~  
1191 ~~municipality. The department shall not permit vertical expansion~~  
1192 ~~or horizontal expansion of any designated Class I solid waste~~  
1193 ~~disposal facility unless the application for such permit was~~  
1194 ~~filed before January 1, 1993, and no solid waste management~~  
1195 ~~facility may be operated which is a vertical expansion or~~  
1196 ~~horizontal expansion of a designated Class I solid waste~~  
1197 ~~disposal facility. As used in this subsection, the term~~  
1198 ~~"vertical expansion" means any activity that will result in an~~  
1199 ~~increase in the height of a designated Class I solid waste~~  
1200 ~~disposal facility above 100 feet National Geodetic Vertical~~  
1201 ~~Datum, except solely for closure, and the term "horizontal~~  
1202 ~~expansion" means any activity that will result in an increase in~~  
1203 ~~the ground area covered by a designated Class I solid waste~~  
1204 ~~disposal facility, or if within 1 mile of a designated Class I~~  
1205 ~~solid waste disposal facility, any new or expanded operation of~~  
1206 ~~any solid waste disposal facility or area, or of incineration of~~  
1207 ~~solid waste, or of storage of solid waste for more than 1 year,~~  
1208 ~~or of composting of solid waste other than yard trash.~~

1209 (9) ~~(12)~~ The department shall establish a separate category  
1210 for solid waste management facilities which accept only  
1211 construction and demolition debris for disposal or recycling.  
1212 The department shall establish a reasonable schedule for  
1213 existing facilities to comply with this section to avoid undue  
1214 hardship to such facilities. However, a permitted solid waste  
1215 disposal unit that ~~which~~ receives a significant amount of waste  
1216 prior to the compliance deadline established in this schedule

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1217 shall not be required to be retrofitted with liners or leachate  
1218 control systems. ~~Facilities accepting materials defined in s.~~  
1219 ~~403.703(17)(b) must implement a groundwater monitoring system~~  
1220 ~~adequate to detect contaminants that may reasonably be expected~~  
1221 ~~to result from such disposal prior to the acceptance of those~~  
1222 ~~materials.~~

1223 (a) The department shall establish reasonable  
1224 construction, operation, monitoring, recordkeeping, financial  
1225 assurance, and closure requirements for such facilities. The  
1226 department shall take into account the nature of the waste  
1227 accepted at various facilities when establishing these  
1228 requirements, and may impose less stringent requirements,  
1229 including a system of general permits or registration  
1230 requirements, for facilities that accept only a segregated waste  
1231 stream which is expected to pose a minimal risk to the  
1232 environment and public health, such as clean debris. The  
1233 Legislature recognizes that incidental amounts of other types of  
1234 solid waste are commonly generated at construction or demolition  
1235 projects. In any enforcement action taken pursuant to this  
1236 section, the department shall consider the difficulty of  
1237 removing these incidental amounts from the waste stream.

1238 (b) The department shall not require liners and leachate  
1239 collection systems at individual facilities unless it  
1240 demonstrates, based upon the types of waste received, the  
1241 methods for controlling types of waste disposed of, the  
1242 proximity of groundwater and surface water, and the results of  
1243 the hydrogeological and geotechnical investigations, that the  
1244 facility is reasonably expected to result in violations of  
1245 groundwater standards and criteria otherwise.

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1246 (c) The owner or operator shall provide financial  
1247 assurance for closing of the facility in accordance with the  
1248 requirements of s. 403.7125. The financial assurance shall cover  
1249 the cost of closing the facility and 5 years of long-term care  
1250 after closing, unless the department determines, based upon  
1251 hydrogeologic conditions, the types of wastes received, or the  
1252 groundwater monitoring results, that a different long-term care  
1253 period is appropriate. However, unless the owner or operator of  
1254 the facility is a local government, the escrow account described  
1255 in s. 403.7125(2) ~~s. 403.7125(3)~~ may not be used as a financial  
1256 assurance mechanism.

1257 (d) The department shall establish training requirements  
1258 for operators of facilities, and shall work with the State  
1259 University System or other providers to assure that adequate  
1260 training courses are available. The department shall also  
1261 assist the Florida Home Builders Association in establishing a  
1262 component of its continuing education program to address proper  
1263 handling of construction and demolition debris, including best  
1264 management practices for reducing contamination of the  
1265 construction and demolition debris waste stream.

1266 (e) The issuance of a permit under this subsection does  
1267 not obviate the need to comply with all applicable zoning and  
1268 land use regulations.

1269 (f) A permit is not required under this section for the  
1270 disposal of construction and demolition debris on the property  
1271 where it is generated, but such property must be covered,  
1272 graded, and vegetated as necessary when disposal is complete.

1273 (g) It is the policy of the Legislature to encourage  
1274 facilities to recycle. The department shall establish criteria  
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1275 and guidelines that encourage recycling where practical and  
1276 provide for the use of recycled materials in a manner that  
1277 protects the public health and the environment. Facilities are  
1278 authorized to recycle, provided such activities do not conflict  
1279 with such criteria and guidelines.

1280 (h) The department shall ensure that the requirements of  
1281 this section are applied and interpreted consistently throughout  
1282 the state. In accordance with s. 20.255, the Division of Waste  
1283 Management shall direct the district offices and bureaus on  
1284 matters relating to the interpretation and applicability of this  
1285 section.

1286 (i) The department shall provide notice of receipt of a  
1287 permit application for the initial construction of a  
1288 construction and demolition debris disposal facility to the  
1289 local governments having jurisdiction where the facility is to  
1290 be located.

1291 (j) The Legislature recognizes that recycling, waste  
1292 reduction, and resource recovery are important aspects of an  
1293 integrated solid waste management program and as such are  
1294 necessary to protect the public health and the environment. If  
1295 necessary to promote such an integrated program, the county may  
1296 determine, after providing notice and an opportunity for a  
1297 hearing prior to April 30, 2007 ~~December 31, 1996~~, that some or  
1298 all of the wood material described in s. 403.703(6)(b) ~~s.~~  
1299 ~~403.703(17)(b)~~ shall be excluded from the definition of  
1300 "construction and demolition debris" in s. 403.703(6) ~~s.~~  
1301 ~~403.703(17)~~ within the jurisdiction of such county. The county  
1302 may make such a determination only if it finds that, prior to  
1303 June 1, 2006 ~~1996~~, the county has established an adequate method

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1304 for the use or recycling of such wood material at an existing or  
1305 proposed solid waste management facility that is permitted or  
1306 authorized by the department on June 1, 2006 ~~1996~~. The county  
1307 shall not be required to hold a hearing if the county represents  
1308 that it previously has held a hearing for such purpose, nor  
1309 shall the county be required to hold a hearing if the county  
1310 represents that it previously has held a public meeting or  
1311 hearing that authorized such method for the use or recycling of  
1312 trash or other nonputrescible waste materials and if the county  
1313 further represents that such materials include those materials  
1314 described in s. 403.703(6)(b) ~~s. 403.703(17)(b)~~. The county  
1315 shall provide written notice of its determination to the  
1316 department by no later than April 30, 2007 ~~December 31, 1996~~;  
1317 thereafter, the ~~wood~~ materials described in s. 403.703(6) ~~s.~~  
1318 ~~403.703(17)(b)~~ shall be excluded from the definition of  
1319 "construction and demolition debris" in s. 403.703(6) ~~s.~~  
1320 ~~403.703(17)~~ within the jurisdiction of such county. The county  
1321 may withdraw or revoke its determination at any time by  
1322 providing written notice to the department.

1323 (k) Brazilian pepper and other invasive exotic plant  
1324 species as designated by the department resulting from  
1325 eradication projects may be processed at permitted construction  
1326 and demolition debris recycling facilities or disposed of at  
1327 permitted construction and demolition debris disposal facilities  
1328 or Class III facilities. The department may adopt rules to  
1329 implement this paragraph.

1330 ~~(10)-(13)~~ If the department and a local government  
1331 independently require financial assurance for the closure of a  
1332 privately owned solid waste management facility, the department  
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1333 and that local government shall enter into an interagency  
1334 agreement that will allow the owner or operator to provide a  
1335 single financial mechanism to cover the costs of closure and any  
1336 required long-term care. The financial mechanism may provide for  
1337 the department and local government to be cobeneficiaries or  
1338 copayees, but shall not impose duplicative financial  
1339 requirements on the owner or operator. These closure costs must  
1340 include at least the minimum required by department rules and  
1341 must also include any additional costs required by local  
1342 ordinance or regulation.

1343 (11)~~(14)~~ Before or on the same day of filing with the  
1344 department of an application for a permit to construct or  
1345 substantially modify a solid waste management facility, the  
1346 applicant shall notify the local government having jurisdiction  
1347 over the facility of the filing of the application. The  
1348 applicant also shall publish notice of the filing of the  
1349 application in a newspaper of general circulation in the area  
1350 where the facility will be located. Notice shall be given and  
1351 published in accordance with applicable department rules. The  
1352 department shall not issue the requested permit until the  
1353 applicant has provided the department with proof that the  
1354 notices required by this subsection have been given. Issuance of  
1355 a permit does not relieve an applicant from compliance with  
1356 local zoning or land use ordinances, or with any other law,  
1357 rules, or ordinances.

1358 (12)~~(15)~~ Construction and demolition debris must be  
1359 separated from the solid waste stream and segregated in separate  
1360 locations at a solid waste disposal facility or other permitted  
1361 site.

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1362 (13)~~(16)~~ No facility, solely by virtue of the fact that it  
1363 uses processed yard trash or clean wood or paper waste as a fuel  
1364 source, shall be considered to be a solid waste disposal  
1365 facility.

1366 (14) (a) A permit to operate a solid waste management  
1367 facility may not be transferred by the permittee to any other  
1368 entity without the consent of the department. If the permitted  
1369 facility is sold or transferred, or if control of the facility  
1370 is transferred, the permittee must submit to the department an  
1371 application for transfer of permit no later than 30 days after  
1372 the transfer of ownership or control. The department shall  
1373 approve the transfer of a permit unless it determines that the  
1374 proposed new permittee cannot provide reasonable assurance that  
1375 the conditions of the permit will be met. A permit may not be  
1376 transferred until proof of financial assurance is provided by  
1377 the proposed new permittee. Until the transfer is approved by  
1378 the department, the existing permittee is liable for compliance  
1379 with the terms of the permit, including the financial-assurance  
1380 requirements.

1381 (b) When the transfer of the permit to the new operator or  
1382 owner has been approved, the department shall return any means  
1383 of proof of financial assurance held by the permittee to the  
1384 original permittee, and he or she shall be released from his  
1385 permit obligations.

1386 (c) The application for transfer of permit must clearly  
1387 state in bold letters that the permit cannot be transferred  
1388 without proof of financial assurance. Until the permit is  
1389 transferred, the new owner or operator may not operate the  
1390 facility without the express consent of the permittee.

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1391 (d) The department may adopt rules to administer the  
1392 provisions of this subsection, including procedural rules and  
1393 the permit-transfer form.

1394 Section 16. Section 403.7071, Florida Statutes, is created  
1395 to read:

1396 403.7071 Management of storm-generated debris.--Solid  
1397 waste generated as a result of a storm event that is the subject  
1398 of an emergency order issued by the department may be managed as  
1399 follows:

1400 (1) To the greatest extent practicable, recycling and  
1401 reuse of storm-generated vegetative debris is encouraged. Such  
1402 recycling and reuse must be conducted in accordance with  
1403 applicable department rules and may include, but is not limited  
1404 to, chipping and grinding of the vegetative debris to be  
1405 beneficially used as a ground cover or as a soil amendment,  
1406 composting of the vegetative debris, and burning of such chipped  
1407 vegetative debris as fuel for any applicable commercial or  
1408 industrial application.

1409 (2) The Department of Environmental Protection may issue  
1410 field authorizations for staging areas in those counties  
1411 affected by a storm event. Such staging areas may be used for  
1412 the temporary storage and management of storm-generated debris,  
1413 including the chipping, grinding, or burning of vegetative  
1414 debris. Field authorizations may include specific conditions  
1415 for the operation and closure of the staging area and shall  
1416 include a required closure date. To the greatest extent  
1417 possible, staging areas may not be located in wetlands or other  
1418 surface waters. The area that is used or affected by a staging

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1419 area must be fully restored upon cessation of the use of the  
1420 area.

1421 (3) Storm-generated vegetative debris managed at a staging  
1422 area may be disposed of in a permitted lined or unlined  
1423 landfill, a permitted land clearing debris facility, a permitted  
1424 or certified waste-to-energy facility, or a permitted  
1425 construction and demolition debris disposal facility. Vegetative  
1426 debris may also be managed at a permitted waste processing  
1427 facility or a registered yard trash processing facility.

1428 (4) Construction and demolition debris that is mixed with  
1429 other storm-generated debris need not be segregated from other  
1430 solid waste prior to disposal in a lined landfill. Construction  
1431 and demolition debris that is source-separated or is separated  
1432 from other hurricane-generated debris at an authorized staging  
1433 area, or at another area permitted or specifically authorized by  
1434 the department, may be managed at a permitted construction and  
1435 demolition debris disposal facility, a Class III landfill, or a  
1436 recycling facility upon approval by the department of the  
1437 methods and operational practices used to inspect the waste  
1438 during segregation.

1439 (5) Unsalvageable refrigerators and freezers containing  
1440 solid waste, such as rotting food, which may create a sanitary  
1441 nuisance may be disposed of in a permitted lined landfill;  
1442 however, chlorofluorocarbons and capacitors must be removed and  
1443 recycled to the greatest extent practicable.

1444 (6) Local governments or their agents may conduct the  
1445 burning of storm-generated yard trash and other vegetative  
1446 debris in air-curtain incinerators without prior notice to the  
1447 department. Demolition debris may also be burned in air-curtain

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1448 incinerators if the material is limited to untreated wood.  
1449 Within 10 days after commencing such burning, the local  
1450 government shall notify the department in writing describing the  
1451 general nature of the materials burned; the location and method  
1452 of burning; and the name, address, and telephone number of the  
1453 representative of the local government to contact concerning the  
1454 work. The operator of the air-curtain incinerator is subject to  
1455 any requirement to obtain an open-burning authorization from the  
1456 Division of Forestry or any other agency empowered to grant such  
1457 authorization.

1458 (7) Any person conducting open burning of vegetative  
1459 debris piles is subject to the requirements for obtaining  
1460 authorizations from the Divisions of Forestry.

1461 Section 17. Section 403.708, Florida Statutes, is amended  
1462 to read:

1463 403.708 Prohibition; penalty.--

1464 (1) No person shall:

1465 (a) Place or deposit any solid waste in or on the land or  
1466 waters located within the state except in a manner approved by  
1467 the department and consistent with applicable approved programs  
1468 of counties or municipalities. However, nothing in this act  
1469 shall be construed to prohibit the disposal of solid waste  
1470 without a permit as provided in s. 403.707(2).

1471 (b) Burn solid waste except in a manner prescribed by the  
1472 department and consistent with applicable approved programs of  
1473 counties or municipalities.

1474 (c) Construct, alter, modify, or operate a solid waste  
1475 management facility or site without first having obtained from  
1476 the department any permit required by s. 403.707.

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1477 (2) No beverage shall be sold or offered for sale within  
1478 the state in a beverage container designed and constructed so  
1479 that the container is opened by detaching a metal ring or tab.

1480 (3) For purposes of subsections (2), (9), and (10):

1481 ~~(a) "Degradable," with respect to any material, means that~~  
1482 ~~such material, after being discarded, is capable of decomposing~~  
1483 ~~to components other than heavy metals or other toxic substances,~~  
1484 ~~after exposure to bacteria, light, or outdoor elements.~~

1485 (a) ~~(b)~~ "Beverage" means soda water, carbonated natural or  
1486 mineral water, or other nonalcoholic carbonated drinks; soft  
1487 drinks, whether or not carbonated; beer, ale, or other malt  
1488 drink of whatever alcoholic content; or a mixed wine drink or a  
1489 mixed spirit drink.

1490 (b) ~~(e)~~ "Beverage container" means an airtight container  
1491 which at the time of sale contains 1 gallon or less of a  
1492 beverage, or the metric equivalent of 1 gallon or less, and  
1493 which is composed of metal, plastic, or glass or a combination  
1494 thereof.

1495 (4) The Division of Alcoholic Beverages and Tobacco of the  
1496 Department of Business and Professional Regulation may impose a  
1497 fine of not more than \$100 on any person currently licensed  
1498 pursuant to s. 561.14 for each violation of the provisions of  
1499 subsection (2). If the violation is of a continuing nature, each  
1500 day during which such violation occurs shall constitute a  
1501 separate and distinct offense and shall be subject to a separate  
1502 fine.

1503 (5) The Department of Agriculture and Consumer Services  
1504 may impose a fine of not more than \$100 on any person not  
1505 currently licensed pursuant to s. 561.14 for each violation of  
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1506 the provisions of subsection (2). If the violation is of a  
1507 continuing nature, each day during which such violation occurs  
1508 shall constitute a separate and distinct offense and shall be  
1509 subject to a separate fine.

1510 (6) Fifty percent of each fine collected pursuant to  
1511 subsections (4) and (5) shall be deposited into the Solid Waste  
1512 Management Trust Fund. The balance of fines collected pursuant  
1513 to subsection (4) shall be deposited into the Alcoholic Beverage  
1514 and Tobacco Trust Fund for the use of the division for  
1515 inspection and enforcement of the provisions of this section.  
1516 The balance of fines collected pursuant to subsection (5) shall  
1517 be deposited into the General Inspection Trust Fund for the use  
1518 of the Department of Agriculture and Consumer Services for  
1519 inspection and enforcement of the provisions of this section.

1520 (7) The Division of Alcoholic Beverages and Tobacco and  
1521 the Department of Agriculture and Consumer Services shall  
1522 coordinate their responsibilities under the provisions of this  
1523 section to ensure that inspections and enforcement are  
1524 accomplished in an efficient, cost-effective manner.

1525 (8) A person may not distribute, sell, or expose for sale  
1526 in this state any plastic bottle or rigid container intended for  
1527 single use unless such container has a molded label indicating  
1528 the plastic resin used to produce the plastic container. The  
1529 label must appear on or near the bottom of the plastic container  
1530 product and be clearly visible. This label must consist of a  
1531 number placed inside a triangle and letters placed below the  
1532 triangle. The triangle must be equilateral and must be formed by  
1533 three arrows, and, in the middle of each arrow, there must be a  
1534 rounded bend that forms one apex of the triangle. The pointer,  
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1535 or arrowhead, of each arrow must be at the midpoint of a side of  
1536 the triangle, and a short gap must separate each pointer from  
1537 the base of the adjacent arrow. The three curved arrows that  
1538 form the triangle must depict a clockwise path around the code  
1539 number. Plastic bottles of less than 16 ounces, rigid plastic  
1540 containers of less than 8 ounces, and plastic casings on lead-  
1541 acid storage batteries are not required to be labeled under this  
1542 section. The numbers and letters must be as follows:

1543 (a) For polyethylene terephthalate, the letters "PETE" and  
1544 the number 1.

1545 (b) For high-density polyethylene, the letters "HDPE" and  
1546 the number 2.

1547 (c) For vinyl, the letter "V" and the number 3.

1548 (d) For low-density polyethylene, the letters "LDPE" and  
1549 the number 4.

1550 (e) For polypropylene, the letters "PP" and the number 5.

1551 (f) For polystyrene, the letters "PS" and the number 6.

1552 (g) For any other, the letters "OTHER" and the number 7.

1553 (9) No person shall distribute, sell, or expose for sale  
1554 in this state any product packaged in a container or packing  
1555 material manufactured with fully halogenated chlorofluorocarbons  
1556 (CFC). Producers of containers or packing material manufactured  
1557 with chlorofluorocarbons (CFC) are urged to introduce  
1558 alternative packaging materials which are environmentally  
1559 compatible.

1560 (10) The packaging of products manufactured or sold in the  
1561 state may not be controlled by governmental rule, regulation, or  
1562 ordinance adopted after March 1, 1974, other than as expressly  
1563 provided in this act.

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1564 (11) Violations of this part or rules, regulations,  
1565 permits, or orders issued thereunder by the department and  
1566 violations of approved local programs of counties or  
1567 municipalities or rules, regulations, or orders issued  
1568 thereunder shall be punishable by a civil penalty as provided in  
1569 s. 403.141.

1570 (12) The department or any county or municipality may also  
1571 seek to enjoin the violation of, or enforce compliance with,  
1572 this part or any program adopted hereunder as provided in s.  
1573 403.131.

1574 (13) ~~In accordance with the following schedule,~~ No person  
1575 who knows or who should know of the nature of the following  
1576 types of such solid waste shall dispose of such solid waste in  
1577 landfills:

1578 (a) Lead-acid batteries, ~~after January 1, 1989.~~ Lead-acid  
1579 batteries also may ~~shall~~ not be disposed of in any waste-to-  
1580 energy facility ~~after January 1, 1989.~~ To encourage proper  
1581 collection and recycling, all persons who sell lead-acid  
1582 batteries at retail shall accept used lead-acid batteries as  
1583 trade-ins for new lead-acid batteries.

1584 (b) Used oil, ~~after October 1, 1988.~~

1585 (c) Yard trash, ~~after January 1, 1992, except in lined~~  
1586 ~~unlined~~ landfills classified by department rule as Class I  
1587 landfills. Yard trash that is source separated from solid waste  
1588 may be accepted at a solid waste disposal area where the area  
1589 provides and maintains separate yard trash composting  
1590 facilities. The department recognizes that incidental amounts  
1591 of yard trash may be disposed of in Class I lined landfills. In  
1592 any enforcement action taken pursuant to this paragraph, the

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1593 department shall consider the difficulty of removing incidental  
1594 amounts of yard trash from a mixed solid waste stream.

1595 (d) White goods, ~~after January 1, 1990.~~

1596  
1597 ~~Prior to the effective dates specified in paragraphs (a) (d),~~  
1598 ~~the department shall identify and assist in developing~~  
1599 ~~alternative disposal, processing, or recycling options for the~~  
1600 ~~solid wastes identified in paragraphs (a) (d).~~

1601 Section 18. Section 403.709, Florida Statutes, is amended  
1602 to read:

1603 403.709 Solid Waste Management Trust Fund; use of waste  
1604 tire fees.--There is created the Solid Waste Management Trust  
1605 Fund, to be administered by the department.

1606 (1) ~~From~~ The annual revenues deposited in the trust fund,  
1607 unless otherwise specified in the General Appropriations Act,  
1608 shall be used as follows:

1609 ~~(a)(1)~~ Up to 40 percent shall be used for Funding solid  
1610 waste activities of the department and other state agencies,  
1611 such as providing technical assistance to local governments and  
1612 the private sector, performing solid waste regulatory and  
1613 enforcement functions, preparing solid waste documents, and  
1614 implementing solid waste education programs.

1615 ~~(b)(2)~~ Up to 4.5 percent shall be used for Funding  
1616 research and training programs relating to solid waste  
1617 management through the Center for Solid and Hazardous Waste  
1618 Management and other organizations which can reasonably  
1619 demonstrate the capability to carry out such projects.

1620 ~~(c)(3)~~ Up to 11 percent shall be used for Funding to  
1621 supplement any other funds provided to the Department of  
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1622 Agriculture and Consumer Services for mosquito control. This  
1623 distribution shall be annually transferred to the General  
1624 Inspection Trust Fund in the Department of Agriculture and  
1625 Consumer Services to be used for mosquito control, especially  
1626 control of West Nile Virus.

1627 ~~(d)(4) Up to 4.5 percent shall be used for~~ Funding to the  
1628 Department of Transportation for litter prevention and control  
1629 programs ~~coordinated by Keep Florida Beautiful, Inc.~~

1630 ~~(e)(5) A minimum of 40 percent shall be used for~~ Funding a  
1631 competitive and innovative grant program pursuant to s. 403.7095  
1632 for activities relating to recycling and reducing the volume of  
1633 municipal solid waste, including waste tires requiring final  
1634 disposal.

1635 ~~(2)(6)~~ The department shall recover to the use of the fund  
1636 from the site owner or the person responsible for the  
1637 accumulation of tires at the site, jointly and severally, all  
1638 sums expended from the fund pursuant to this section to manage  
1639 tires at an illegal waste tire site, except that the department  
1640 may decline to pursue such recovery if it finds the amount  
1641 involved too small or the likelihood of recovery too uncertain.  
1642 If a court determines that the owner is unable or unwilling to  
1643 comply with the rules adopted pursuant to this section or s.  
1644 403.717, the court may authorize the department to take  
1645 possession and control of the waste tire site in order to  
1646 protect the health, safety, and welfare of the community and the  
1647 environment.

1648 ~~(3)(7)~~ The department may impose a lien on the real  
1649 property on which the waste tire site is located and the waste  
1650 tires equal to the estimated cost to bring the tire site into  
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1651 compliance, including attorney's fees and court costs. Any owner  
1652 whose property has such a lien imposed may release her or his  
1653 property from any lien claimed under this subsection by filing  
1654 with the clerk of the circuit court a cash or surety bond,  
1655 payable to the department in the amount of the estimated cost of  
1656 bringing the tire site into compliance with department rules,  
1657 including attorney's fees and court costs, or the value of the  
1658 property after the abatement action is complete, whichever is  
1659 less. No lien provided by this subsection shall continue for a  
1660 longer period than 4 years after the completion of the abatement  
1661 action unless within that time an action to enforce the lien is  
1662 commenced in a court of competent jurisdiction. The department  
1663 may take action to enforce the lien in the same manner used for  
1664 construction liens under part I of chapter 713.

1665 ~~(4)(8)~~ This section does not limit the use of other  
1666 remedies available to the department.

1667 Section 19. Subsection (5) of section 403.7095, Florida  
1668 Statutes, is amended to read:

1669 403.7095 Solid waste management grant program.--

1670 (5) From the funds made available pursuant to s.  
1671 403.709(1)(e) ~~s. 403.709(5)~~ for the grant program created by  
1672 this section, the following distributions shall be made:

1673 (a) Up to 15 percent for the program described in  
1674 subsection (1);

1675 (b) Up to 35 percent for the program described in  
1676 subsection (3); and

1677 (c) Up to 50 percent for the program described in  
1678 subsection (4).

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1679 Section 20. Section 403.7125, Florida Statutes, is amended  
1680 to read:

1681 403.7125 Financial assurance for closure ~~Landfill~~  
1682 ~~management escrow account.--~~

1683 ~~(1) As used in this section:~~

1684 ~~(a) "Landfill" means any solid waste land disposal area~~  
1685 ~~for which a permit, other than a general permit, is required by~~  
1686 ~~s. 403.707 that receives solid waste for disposal in or upon~~  
1687 ~~land other than a land-spreading site, injection well, or a~~  
1688 ~~surface impoundment.~~

1689 ~~(b) "Closure" means the ceasing operation of a landfill~~  
1690 ~~and securing such landfill so that it does not pose a~~  
1691 ~~significant threat to public health or the environment and~~  
1692 ~~includes long-term monitoring and maintenance of a landfill.~~

1693 ~~(c) "Owner or operator" means, in addition to the usual~~  
1694 ~~meanings of the term, any owner of record of any interest in~~  
1695 ~~land whereon a landfill is or has been located and any person or~~  
1696 ~~corporation which owns a majority interest in any other~~  
1697 ~~corporation which is the owner or operator of a landfill.~~

1698 (1)(2) Every owner or operator of a landfill is jointly  
1699 and severally liable for the improper operation and closure of  
1700 the landfill, as provided by law. As used in this section, the  
1701 term "owner or operator" means any owner of record of any  
1702 interest in land wherein a landfill is or has been located and  
1703 any person or corporation that owns a majority interest in any  
1704 other corporation that is the owner or operator of a landfill.

1705 (2)(3) The owner or operator of a landfill owned or  
1706 operated by a local or state government or the Federal  
1707 Government shall establish a fee, or a surcharge on existing  
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1708 fees or other appropriate revenue-producing mechanism, to ensure  
1709 the availability of financial resources for the proper closure  
1710 of the landfill. However, the disposal of solid waste by persons  
1711 on their own property, as described in s. 403.707(2), is exempt  
1712 from the provisions of this section.

1713 (a) The revenue-producing mechanism must produce revenue  
1714 at a rate sufficient to generate funds to meet state and federal  
1715 landfill closure requirements.

1716 (b) The revenue shall be deposited in an interest-bearing  
1717 escrow account to be held and administered by the owner or  
1718 operator. The owner or operator shall file with the department  
1719 an annual audit of the account. The audit shall be conducted by  
1720 an independent certified public accountant. Failure to collect  
1721 or report such revenue, except as allowed in subsection (3) ~~(4)~~,  
1722 is a noncriminal violation punishable by a fine of not more than  
1723 \$5,000 for each offense. The owner or operator may make  
1724 expenditures from the account and its accumulated interest only  
1725 for the purpose of landfill closure and, if such expenditures do  
1726 not deplete the fund to the detriment of eventual closure, for  
1727 planning and construction of resource recovery or landfill  
1728 facilities. Any moneys remaining in the account after paying  
1729 for proper and complete closure, as determined by the  
1730 department, shall, if the owner or operator does not operate a  
1731 landfill, be deposited by the owner or operator into the general  
1732 fund or the appropriate solid waste fund of the local government  
1733 of jurisdiction.

1734 (c) The revenue generated under this subsection and any  
1735 accumulated interest thereon may be applied to the payment of,  
1736 or pledged as security for, the payment of revenue bonds issued  
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1737 in whole or in part for the purpose of complying with state and  
1738 federal landfill closure requirements. Such application or  
1739 pledge may be made directly in the proceedings authorizing such  
1740 bonds or in an agreement with an insurer of bonds to assure such  
1741 insurer of additional security therefor.

1742 (d) The provisions of s. 212.055 which ~~that~~ relate to  
1743 raising of revenues for landfill closure or long-term  
1744 maintenance do not relieve a landfill owner or operator from the  
1745 obligations of this section.

1746 (e) The owner or operator of any landfill that had  
1747 established an escrow account in accordance with this section  
1748 and the conditions of its permit prior to January 1, 2006, may  
1749 continue to use that escrow account to provide financial  
1750 assurance for closure of that landfill, even if that landfill is  
1751 not owned or operated by a local or state government or the  
1752 Federal Government.

1753 (3)(4) An owner or operator of a landfill owned or  
1754 operated by a local or state government or by the Federal  
1755 Government may provide financial assurance to establish proof of  
1756 financial responsibility with the department in lieu of the  
1757 requirements of subsection (2) (3). An owner or operator of any  
1758 other landfill, or any other solid waste management facility  
1759 designated by department rule, shall provide financial assurance  
1760 to the department for the closure of the facility. Such  
1761 financial assurance proof may include surety bonds, certificates  
1762 of deposit, securities, letters of credit, or other documents  
1763 showing that the owner or operator has sufficient financial  
1764 resources to cover, at a minimum, the costs of complying with

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1765 applicable ~~landfill~~ closure requirements. The owner or operator  
1766 shall estimate such costs to the satisfaction of the department.

1767 (4)~~(5)~~ This section does not repeal, limit, or abrogate  
1768 any other law authorizing local governments to fix, levy, or  
1769 charge rates, fees, or charges for the purpose of complying with  
1770 state and federal landfill closure requirements.

1771 (5)~~(6)~~ The department shall adopt rules to implement this  
1772 section.

1773 Section 21. Section 403.716, Florida Statutes, is amended  
1774 to read:

1775 403.716 Training of operators of solid waste management  
1776 and other facilities.--

1777 (1) The department shall establish qualifications for, and  
1778 encourage the development of training programs for, operators of  
1779 landfills, coordinators of local recycling programs, ~~operators~~  
1780 ~~of waste-to-energy facilities, biomedical waste incinerators,~~  
1781 ~~and mobile soil thermal treatment units or facilities,~~ and  
1782 operators of other solid waste management facilities.

1783 (2) The department shall work with accredited community  
1784 colleges, career centers, state universities, and private  
1785 institutions in developing educational materials, courses of  
1786 study, and other such information to be made available for  
1787 persons seeking to be trained as operators of solid waste  
1788 management facilities.

1789 (3) A person may not perform the duties of an operator of  
1790 a landfill, ~~or perform the duties of an operator of a waste-to-~~  
1791 ~~energy facility, biomedical waste incinerator, or mobile soil~~  
1792 ~~thermal treatment unit or facility,~~ unless she or he has  
1793 completed an operator training course approved by the department

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1794 or she or he has qualified as an interim operator in compliance  
1795 with requirements established by the department by rule. An  
1796 owner of a landfill, ~~waste-to-energy facility, biomedical waste~~  
1797 ~~incinerator, or mobile soil thermal treatment unit or facility~~  
1798 may not employ any person to perform the duties of an operator  
1799 unless such person has completed an approved landfill, ~~waste-to-~~  
1800 ~~energy facility, biomedical waste incinerator, or mobile soil~~  
1801 ~~thermal treatment unit or facility~~ operator training course, as  
1802 appropriate, or has qualified as an interim operator in  
1803 compliance with requirements established by the department by  
1804 rule. The department may establish by rule operator training  
1805 requirements for other solid waste management facilities and  
1806 facility operators.

1807 (4) The department has authority to adopt minimum  
1808 standards and other rules pursuant to ss. 120.536(1) and 120.54  
1809 to implement the provisions of this section. The department  
1810 shall ensure the safe, healthy, and lawful operation of solid  
1811 waste management facilities in this state. The department may  
1812 establish by rule various classifications for operators to cover  
1813 the need for differing levels of training required to operate  
1814 various types of solid waste management facilities due to  
1815 different operating requirements at such facilities.

1816 (5) For purposes of this section, the term "operator"  
1817 means any person, including the owner, who is principally  
1818 engaged in, and is in charge of, the actual operation,  
1819 supervision, and maintenance of a solid waste management  
1820 facility and includes the person in charge of a shift or period  
1821 of operation during any part of the day.

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1822 Section 22. Section 403.717, Florida Statutes, is amended  
1823 to read:

1824 403.717 Waste tire and lead-acid battery requirements.--

1825 (1) For purposes of this section and ss. 403.718 and  
1826 403.7185:

1827 (a) "Department" means the Department of Environmental  
1828 Protection.

1829 (b) "Motor vehicle" means an automobile, motorcycle,  
1830 truck, trailer, semitrailer, truck tractor and semitrailer  
1831 combination, or any other vehicle operated in this state, used  
1832 to transport persons or property and propelled by power other  
1833 than muscular power, but the term does not include traction  
1834 engines, road rollers, such vehicles as run only upon a track,  
1835 bicycles, mopeds, or farm tractors and trailers.

1836 (c) "Tire" means a continuous solid or pneumatic rubber  
1837 covering encircling the wheel of a motor vehicle.

1838 (d) "Waste tire" means a tire that has been removed from a  
1839 motor vehicle and has not been retreaded or regrooved. "Waste  
1840 tire" includes, but is not limited to, used tires and processed  
1841 tires. The term does not include solid rubber tires and tires  
1842 that are inseparable from the rim.

1843 (e) "Waste tire collection center" means a site where  
1844 waste tires are collected from the public prior to being offered  
1845 for recycling and where fewer than 1,500 tires are kept on the  
1846 site on any given day.

1847 (f) "Waste tire processing facility" means a site where  
1848 equipment is used to treat waste tires mechanically, chemically,  
1849 or thermally so that the resulting material is a marketable  
1850 product or is suitable for proper disposal ~~recapture reusable~~

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1851 ~~byproducts from waste tires or to cut, burn, or otherwise alter~~  
1852 ~~waste tires so that they are no longer whole.~~ The term includes  
1853 mobile waste tire processing equipment.

1854 (g) "Waste tire site" means a site at which 1,500 or more  
1855 waste tires are accumulated.

1856 (h) "Lead-acid battery" means a ~~these~~ lead-acid battery  
1857 ~~batteries~~ designed for use in motor vehicles, vessels, and  
1858 aircraft, and includes such batteries when sold new as a  
1859 component part of a motor vehicle, vessel, or aircraft, but not  
1860 when sold to recycle components.

1861 (i) "Indoor" means within a structure that ~~which~~ excludes  
1862 rain and public access and would control air flows in the event  
1863 of a fire.

1864 (j) "Processed tire" means a tire that has been treated  
1865 mechanically, chemically, or thermally so that the resulting  
1866 material is a marketable product or is suitable for proper  
1867 disposal.

1868 (k) "Used tire" means a waste tire which has a minimum  
1869 tread depth of 3/32 inch or greater and is suitable for use on a  
1870 motor vehicle.

1871 (2) The owner or operator of any waste tire site shall  
1872 provide the department with information concerning the site's  
1873 location, size, and the approximate number of waste tires that  
1874 are accumulated at the site and shall initiate steps to comply  
1875 with subsection (3).

1876 (3) (a) A person may not maintain a waste tire site unless  
1877 such site is:

1878 1. An integral part of the person's permitted waste tire  
1879 processing facility; or

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1880           2. Used for the storage of waste tires prior to processing  
1881 and is located at a permitted solid waste management facility.

1882           (b) It is unlawful for any person to dispose of waste  
1883 tires or processed tires in the state except at a permitted  
1884 solid waste management facility. Collection or storage of waste  
1885 tires at a permitted waste tire processing facility or waste  
1886 tire collection center prior to processing or use does not  
1887 constitute disposal, provided that the collection and storage  
1888 complies with rules established by the department.

1889           (c) Whole waste tires may not be deposited in a landfill  
1890 as a method of ultimate disposal.

1891           (d) A person may not contract with a waste tire collector  
1892 for the transportation, disposal, or processing of waste tires  
1893 unless the collector is registered with the department or exempt  
1894 from requirements provided under this section. Any person who  
1895 contracts with a waste tire collector for the transportation of  
1896 more than 25 waste tires per month from a single business  
1897 location must maintain records for that location and make them  
1898 available for review by the department or by law enforcement  
1899 officers, which records must contain the date when the tires  
1900 were transported, the quantity of tires, the registration number  
1901 of the collector, and the name of the driver.

1902           (4) The department shall adopt rules to carry out the  
1903 provisions of this section and s. 403.718. Such rules shall:

1904           (a) Provide for the administration or revocation of waste  
1905 tire processing facility permits, including mobile processor  
1906 permits;

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1907 (b) Provide for the administration or revocation of waste  
1908 tire collector registrations, the fees for which may not exceed  
1909 \$50 per vehicle registered annually;

1910 (c) Provide for the administration or revocation of waste  
1911 tire collection center permits, the fee for which may not exceed  
1912 \$250 annually;

1913 (d) Set standards, including financial assurance  
1914 standards, for waste tire processing facilities and associated  
1915 waste tire sites, waste tire collection centers, waste tire  
1916 collectors, and for the storage of waste tires and processed  
1917 tires, including storage indoors;

1918 (e) The department may by rule exempt not-for-hire waste  
1919 tire collectors and processing facilities from financial  
1920 assurance requirements;

1921 (f) Authorize the final disposal of waste tires at a  
1922 permitted solid waste disposal facility provided the tires have  
1923 been cut into sufficiently small parts to assure their proper  
1924 disposal; and

1925 (g) Allow waste tire material which has been cut into  
1926 sufficiently small parts to be used as daily cover material for  
1927 a landfill.

1928 ~~(5) A permit is not required for tire storage at:~~

1929 ~~(a) A tire retreading business where fewer than 1,500~~  
1930 ~~waste tires are kept on the business premises;~~

1931 ~~(b) A business that, in the ordinary course of business,~~  
1932 ~~removes tires from motor vehicles if fewer than 1,500 of these~~  
1933 ~~tires are kept on the business premises; or~~

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1934 ~~(c) A retail tire selling business which is serving as a~~  
1935 ~~waste tire collection center if fewer than 1,500 waste tires are~~  
1936 ~~kept on the business premises.~~

1937 (5)(6)(a) The department shall encourage the voluntary  
1938 establishment of waste tire collection centers at retail tire-  
1939 selling businesses, waste tire processing facilities, and solid  
1940 waste disposal facilities, to be open to the public for the  
1941 deposit of waste tires.

1942 (b) The department is authorized to establish an  
1943 incentives program for individuals to encourage them to return  
1944 their waste tires to a waste tire collection center. The  
1945 incentives used by the department may involve the use of  
1946 discount or prize coupons, prize drawings, promotional  
1947 giveaways, or other activities the department determines will  
1948 promote collection, reuse, volume reduction, and proper disposal  
1949 of waste tires.

1950 (c) The department may contract with a promotion company  
1951 to administer the incentives program.

1952 Section 23. Section 403.7221, Florida Statutes, is  
1953 transferred, renumbered as section 403.70715, Florida Statutes,  
1954 and is amended to read:

1955 403.70715 ~~403.7221~~ Research, development, and  
1956 demonstration permits.--

1957 (1) The department may issue a research, development, and  
1958 demonstration permit to the owner or operator of any solid waste  
1959 management facility, including any hazardous waste management  
1960 facility, who proposes to utilize an innovative and experimental  
1961 solid waste treatment technology or process for which permit  
1962 standards have not been promulgated. Permits shall:

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1963 (a) Provide for construction and operation of the facility  
1964 for not longer than 3 years ~~1 year~~, renewable no more than 3  
1965 times.

1966 (b) Provide for the receipt and treatment by the facility  
1967 of only those types and quantities of solid waste which the  
1968 department deems necessary for purposes of determining the  
1969 performance capabilities of the technology or process and the  
1970 effects of such technology or process on human health and the  
1971 environment.

1972 (c) Include requirements the department deems necessary  
1973 which may include monitoring, operation, testing, financial  
1974 responsibility, closure, and remedial action.

1975 (2) The department may apply the criteria set forth in  
1976 this section in establishing the conditions of each permit  
1977 without separate establishment of rules implementing such  
1978 criteria.

1979 (3) For the purpose of expediting review and issuance of  
1980 permits under this section, the department may, consistent with  
1981 the protection of human health and the environment, modify or  
1982 waive permit application and permit issuance requirements,  
1983 except that there shall be no modification or waiver of  
1984 regulations regarding financial responsibility or of procedures  
1985 established regarding public participation.

1986 (4) The department may order an immediate termination of  
1987 all operations at the facility at any time upon a determination  
1988 that termination is necessary to protect human health and the  
1989 environment.

1990 Section 24. Subsection (2) of section 403.201, Florida  
1991 Statutes, is amended to read:

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1992 403.201 Variances.--

1993 (2) No variance shall be granted from any provision or  
1994 requirement concerning discharges of waste into waters of the  
1995 state or hazardous waste management which would result in the  
1996 provision or requirement being less stringent than a comparable  
1997 federal provision or requirement, except as provided in s.  
1998 403.70715 ~~s. 403.7221~~.

1999 Section 25. Section 403.722, Florida Statutes, is amended  
2000 to read:

2001 403.722 Permits; hazardous waste disposal, storage, and  
2002 treatment facilities.--

2003 (1) Each person who intends to or is required to  
2004 construct, modify, operate, or close a hazardous waste disposal,  
2005 storage, or treatment facility shall obtain a construction  
2006 permit, operation permit, postclosure permit, clean closure plan  
2007 approval, or corrective action permit from the department prior  
2008 to constructing, modifying, operating, or closing the facility.  
2009 By rule, the department may provide for the issuance of a single  
2010 permit instead of any two or more hazardous waste facility  
2011 permits.

2012 (2) Any owner or operator of a hazardous waste facility in  
2013 operation on the effective date of the department rule listing  
2014 and identifying hazardous wastes shall file an application for a  
2015 temporary operation permit within 6 months after the effective  
2016 date of such rule. The department, upon receipt of a properly  
2017 completed application, shall identify any department rules which  
2018 are being violated by the facility and shall establish a  
2019 compliance schedule. However, if the department determines that  
2020 an imminent hazard exists, the department may take any necessary  
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2021 action pursuant to s. 403.726 to abate the hazard. The  
2022 department shall issue a temporary operation permit to such  
2023 facility within the time constraints of s. 120.60 upon  
2024 submission of a properly completed application which is in  
2025 conformance with this subsection. Temporary operation permits  
2026 for such facilities shall be issued for up to 3 years only.  
2027 Upon termination of the temporary operation permit and upon  
2028 proper application by the facility owner or operator, the  
2029 department shall issue an operation permit for such existing  
2030 facilities if the applicant has corrected all of the  
2031 deficiencies identified in the temporary operation permit and is  
2032 in compliance with all other rules adopted pursuant to this act.

2033 (3) ~~Permit~~ Applicants shall provide any information that  
2034 ~~which~~ will enable the department to determine that the proposed  
2035 construction, modification, operation, ~~or~~ closure, or corrective  
2036 action will comply with this act and any applicable rules. In no  
2037 instance shall any person construct, modify, operate, or close a  
2038 facility or perform corrective actions at a facility in  
2039 contravention of the standards, requirements, or criteria for a  
2040 hazardous waste facility. Authorizations ~~Permits~~ issued under  
2041 this section may include any permit conditions necessary to  
2042 achieve compliance with applicable hazardous waste rules and  
2043 necessary to protect human health and the environment.

2044 (4) The department may require, in an ~~a permit~~  
2045 application, submission of information concerning matters  
2046 specified in s. 403.721(6) as well as information respecting:

2047 (a) Estimates of the composition, quantity, and  
2048 concentration of any hazardous waste identified or listed under  
2049 this act or combinations of any such waste and any other solid  
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2050 waste, proposed to be disposed of, treated, transported, or  
2051 stored and the time, frequency, or rate at which such waste is  
2052 proposed to be disposed of, treated, transported, or stored; and

2053 (b) The site to which such hazardous waste or the products  
2054 of treatment of such hazardous waste will be transported and at  
2055 which it will be disposed of, treated, or stored.

2056 (5) An authorization ~~A permit~~ issued pursuant to this  
2057 section is not a vested right. The department may revoke or  
2058 modify any such authorization ~~permit~~.

2059 (a) Authorizations ~~Permits~~ may be revoked for failure of  
2060 the holder to comply with the provisions of this act, the terms  
2061 of the authorization ~~permit~~, the standards, requirements, or  
2062 criteria adopted pursuant to this act, or an order of the  
2063 department; for refusal by the holder to allow lawful  
2064 inspection; for submission by the holder of false or inaccurate  
2065 information in the permit application; or if necessary to  
2066 protect the public health or the environment.

2067 (b) Authorizations ~~Permits~~ may be modified, upon request  
2068 of the holder ~~permittee~~, if such modification is not in  
2069 violation of this act or department rules or if the department  
2070 finds the modification necessary to enable the facility to  
2071 remain in compliance with this act and department rules.

2072 (c) An owner or operator of a hazardous waste facility in  
2073 existence on the effective date of a department rule changing an  
2074 exemption or listing and identifying the hazardous wastes that  
2075 ~~which~~ require that facility to be permitted who notifies the  
2076 department pursuant to s. 403.72, and who has applied for a  
2077 permit pursuant to subsection (2), may continue to operate until  
2078 be issued a temporary operation permit. If such owner or

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2079 operator intends to or is required to discontinue operation, the  
2080 temporary operation permit must include final closure  
2081 conditions.

2082 (6) A hazardous waste facility permit issued pursuant to  
2083 this section shall satisfy the permit requirements of s.  
2084 403.707(1). The permit exemptions provided in s. 403.707(2)  
2085 shall not apply to hazardous waste.

2086 (7) The department may establish ~~permit~~ application  
2087 procedures for hazardous waste facilities, which procedures may  
2088 vary based on differences in amounts, types, and concentrations  
2089 of hazardous waste and on differences in the size and location  
2090 of facilities and which procedures may take into account  
2091 permitting procedures of other laws not in conflict with this  
2092 act.

2093 (8) For authorizations ~~permits~~ required by this section,  
2094 the department may require that a fee be paid and may establish,  
2095 by rule, a fee schedule based on the degree of hazard and the  
2096 amount and type of hazardous waste disposed of, stored, or  
2097 treated at the facility.

2098 (9) It shall not be a requirement for the issuance of ~~such~~  
2099 a hazardous waste authorization ~~permit~~ that the facility  
2100 complies with an adopted local government comprehensive plan,  
2101 local land use ordinances, zoning ordinances or regulations, or  
2102 other local ordinances. However, such an authorization ~~a permit~~  
2103 issued by the department shall not override adopted local  
2104 government comprehensive plans, local land use ordinances,  
2105 zoning ordinances or regulations, or other local ordinances.

2106 (10) Notwithstanding ss. 120.60(1) and 403.815:

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2107 (a) The time specified by law for permit review shall be  
2108 tolled by the request of the department for publication of  
2109 notice of proposed agency action to issue a permit for a  
2110 hazardous waste treatment, storage, or disposal facility and  
2111 shall resume 45 days after receipt by the department of proof of  
2112 publication. If, within 45 days after publication of the notice  
2113 of the proposed agency action, the department receives written  
2114 notice of opposition to the intention of the agency to issue  
2115 such permit and receives a request for a hearing, the department  
2116 shall provide for a hearing pursuant to ss. 120.569 and 120.57,  
2117 if requested by a substantially affected party, or an informal  
2118 public meeting, if requested by any other person. The failure  
2119 to request a hearing within 45 days after publication of the  
2120 notice of the proposed agency action constitutes a waiver of the  
2121 right to a hearing under ss. 120.569 and 120.57. The permit  
2122 review time period shall continue to be tolled until the  
2123 completion of such hearing or meeting and shall resume within 15  
2124 days after conclusion of a public hearing held on the  
2125 application or within 45 days after the recommended order is  
2126 submitted to the agency and the parties, whichever is later.

2127 (b) Within 60 days after receipt of an application for a  
2128 hazardous waste facility permit, the department shall examine  
2129 the application, notify the applicant of any apparent errors or  
2130 omissions, and request any additional information the department  
2131 is permitted by law to require. The failure to correct an error  
2132 or omission or to supply additional information shall not be  
2133 grounds for denial of the permit unless the department timely  
2134 notified the applicant within the 60-day period, except that  
2135 this paragraph does not prevent the department from denying an

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2136 application if the department does not possess sufficient  
2137 information to ensure that the facility is in compliance with  
2138 applicable statutes and rules.

2139 (c) The department shall approve or deny each hazardous  
2140 waste facility permit within 135 days after receipt of the  
2141 original application or after receipt of the requested  
2142 additional information or correction of errors or omissions.  
2143 However, the failure of the department to approve or deny within  
2144 the 135-day time period does not result in the automatic  
2145 approval or denial of the permit and does not prevent the  
2146 inclusion of specific permit conditions which are necessary to  
2147 ensure compliance with applicable statutes and rules. If the  
2148 department fails to approve or deny the permit within the 135-  
2149 day period, the applicant may petition for a writ of mandamus to  
2150 compel the department to act consistently with applicable  
2151 regulatory requirements.

2152 (11) Hazardous waste facility operation permits shall be  
2153 issued for no more than 5 years.

2154 (12) On the same day of filing with the department of an  
2155 application for a permit for the construction modification, or  
2156 operation of a hazardous waste facility, the applicant shall  
2157 notify each city and county within 1 mile of the facility of the  
2158 filing of the application and shall publish notice of the filing  
2159 of the application. The applicant shall publish a second notice  
2160 of the filing within 14 days after the date of filing. Each  
2161 notice shall be published in a newspaper of general circulation  
2162 in the county in which the facility is located or is proposed to  
2163 be located. Notwithstanding the provisions of chapter 50, for  
2164 purposes of this section, a "newspaper of general circulation"  
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2165 shall be the newspaper within the county in which the  
2166 installation or facility is proposed which has the largest daily  
2167 circulation in that county and has its principal office in that  
2168 county. If the newspaper with the largest daily circulation has  
2169 its principal office outside the county, the notice shall appear  
2170 in both the newspaper with the largest daily circulation in that  
2171 county, and a newspaper authorized to publish legal notices in  
2172 that county. The notice shall contain:

2173 (a) The name of the applicant and a brief description of  
2174 the project and its location.

2175 (b) The location of the application file and when it is  
2176 available for public inspection.

2177  
2178 The notice shall be prepared by the applicant and shall comply  
2179 with the following format:

2180  
2181 Notice of Application

2182 The Department of Environmental Protection announces receipt of  
2183 an application for a permit from (name of applicant) to  
2184 (brief description of project) . This proposed project will be  
2185 located at (location) in (county) (city) .

2186  
2187 This application is being processed and is available for public  
2188 inspection during normal business hours, 8:00 a.m. to 5:00 p.m.,  
2189 Monday through Friday, except legal holidays, at (name and  
2190 address of office) .

2191  
2192 (13) A permit for the construction, modification, or  
2193 operation of a hazardous waste facility which initially was  
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2194 issued under authority of this section, may not be transferred  
2195 by the permittee to any other entity, except in conformity with  
2196 the requirements of this subsection.

2197 (a) At least 30 days prior to the sale or legal transfer  
2198 of a permitted facility, the permittee shall file with the  
2199 department an application for transfer of the permits on such  
2200 form as the department shall establish by rule. The form must  
2201 be completed with the notarized signatures of both the  
2202 transferring permittee and the proposed permittee.

2203 (b) The department shall approve the transfer of a permit  
2204 unless it determines that the proposed permittee has not  
2205 provided reasonable assurances that the proposed permittee has  
2206 the administrative, technical, and financial capability to  
2207 properly satisfy the requirements and conditions of the permit,  
2208 as determined by department rule. The determination shall be  
2209 limited solely to the ability of the proposed permittee to  
2210 comply with the conditions of the existing permit, and it shall  
2211 not concern the adequacy of the permit conditions. If the  
2212 department proposes to deny the transfer, it shall provide both  
2213 the transferring permittee and the proposed permittee a written  
2214 objection to such transfer together with notice of a right to  
2215 request a proceeding on such determination under chapter 120.

2216 (c) Within 90 days after receiving a properly completed  
2217 application for transfer of permit, the department shall issue a  
2218 final determination. The department may toll the time for making  
2219 a determination on the transfer by notifying both the  
2220 transferring permittee and the proposed permittee that  
2221 additional information is required to adequately review the  
2222 transfer request. Such notification shall be served within 30

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2223 days after receipt of an application for transfer of permit,  
2224 completed pursuant to paragraph (a). However, the failure of the  
2225 department to approve or deny within the 90-day time period does  
2226 not result in the automatic approval or denial of the transfer.  
2227 If the department fails to approve or deny the transfer within  
2228 the 90-day period, the applicant may petition for a writ of  
2229 mandamus to compel the department to act consistently with  
2230 applicable regulatory requirements.

2231 (d) The transferring permittee is encouraged to apply for  
2232 a permit transfer well in advance of the sale or legal transfer  
2233 of a permitted facility. However, the transfer or the permit  
2234 shall not be effective prior to the sale or legal transfer of  
2235 the facility.

2236 (e) Until the transfer of the permit is approved by the  
2237 department, the transferring permittee and any other person  
2238 constructing, operating, or maintaining the permitted facility  
2239 shall be liable for compliance with the terms of the permit.  
2240 Nothing in this section shall relieve the transferring permittee  
2241 of liability for corrective actions that may be required as a  
2242 result of any violations occurring prior to the legal transfer  
2243 of the permit.

2244 Section 26. Subsection (2) of section 403.7226, Florida  
2245 Statutes, is amended to read:

2246 403.7226 Technical assistance by the department.--The  
2247 department shall:

2248 (2) Identify short-term needs and long-term needs for  
2249 hazardous waste management for the state on the basis of the  
2250 information gathered through the local hazardous waste  
2251 management assessments and other information from state and  
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2252 federal regulatory agencies and sources. The state needs  
2253 assessment must be ongoing and must be updated when new data  
2254 concerning waste generation and waste management technologies  
2255 become available. ~~The department shall annually send a copy of~~  
2256 ~~this assessment to the Governor and to the Legislature.~~

2257 Section 27. Subsection (3) of section 403.724, Florida  
2258 Statutes, is amended to read:

2259 403.724 Financial responsibility.--

2260 (3) The amount of financial responsibility required shall  
2261 be approved by the department upon each issuance, renewal, or  
2262 modification of a hazardous waste facility authorization permit.  
2263 Such factors as inflation rates and changes in operation may be  
2264 considered when approving financial responsibility for the  
2265 duration of the authorization permit. The Office of Insurance  
2266 Regulation of the Department of Financial Services Commission  
2267 shall be available to assist the department in making this  
2268 determination. In approving or modifying the amount of financial  
2269 responsibility, the department shall consider:

2270 (a) The amount and type of hazardous waste involved;

2271 (b) The probable damage to human health and the  
2272 environment;

2273 (c) The danger and probable damage to private and public  
2274 property near the facility;

2275 (d) The probable time that the hazardous waste and  
2276 facility involved will endanger the public health, safety, and  
2277 welfare or the environment; and

2278 (e) The probable costs of properly closing the facility  
2279 and performing corrective action.

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2280 Section 28. Section 403.7255, Florida Statutes, is amended  
2281 to read:

2282 403.7255 Placement of signs ~~Department to adopt rules.~~---

2283 (1) ~~The department shall adopt rules which establish~~  
2284 ~~requirements and procedures for the placement of Signs must be~~  
2285 placed by the owner or operator at sites which may have been  
2286 ~~contaminated by hazardous wastes. Sites shall include any site~~  
2287 ~~in the state which that is listed or proposed for listing on the~~  
2288 ~~Superfund Site List of the United States Environmental~~  
2289 ~~Protection Agency or any site identified by the department as a~~  
2290 ~~suspected or confirmed contaminated site~~ contaminated by  
2291 hazardous waste where there is ~~may be~~ a risk of exposure to the  
2292 public. The requirements of this section shall not apply to  
2293 sites reported under ss. 376.3071 and 376.3072. The department  
2294 shall establish requirements and procedures for the placement of  
2295 signs, and may do so in rules, permits, orders, or other  
2296 authorizations. The authorization ~~rules~~ shall establish the  
2297 appropriate size for such signs, which size shall be no smaller  
2298 than 2 feet by 2 feet, and shall provide in clearly legible  
2299 print appropriate warning language for the waste or other  
2300 materials at the site and a telephone number which may be called  
2301 for further information.

2302 (2) Violations of this act are punishable as provided in  
2303 s. 403.161(4).

2304 (3) The provisions of this act are independent of and  
2305 cumulative to any other requirements and remedies in this  
2306 chapter or chapter 376, or any rules promulgated thereunder.

2307 Section 29. Subsection (5) of section 403.726, Florida  
2308 Statutes, is amended to read:

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2309 403.726 Abatement of imminent hazard caused by hazardous  
2310 substance.--

2311 (5) The department may issue a permit or order requiring  
2312 prompt abatement of an imminent hazard.

2313 Section 30. Section 403.7265, Florida Statutes, is amended  
2314 to read:

2315 403.7265 Local hazardous waste collection program.--

2316 (1) The Legislature recognizes the need for local  
2317 governments to establish local hazardous waste management  
2318 programs and local collection centers throughout the state.  
2319 Local hazardous waste management programs are to educate and  
2320 assist small businesses and households in properly managing the  
2321 hazardous waste they generate. Local collection centers are to  
2322 serve a purpose similar to the collection locations used in the  
2323 amnesty days program described in s. 403.7264. Such collection  
2324 centers are to be operated to provide a service to homeowners,  
2325 farmers, and conditionally exempt small quantity generators to  
2326 encourage proper hazardous waste management. Local collection  
2327 centers will allow local governments the opportunity to provide  
2328 a location for collection and temporary storage of small  
2329 quantities of hazardous waste. A private hazardous waste  
2330 management company should be responsible for collecting the  
2331 waste within 90 days for transfer to a permitted recycling,  
2332 disposal, or treatment facility. In time, local collection  
2333 centers are to become privately operated businesses in order to  
2334 reduce the burden of hazardous waste collection on local  
2335 government.

2336 ~~(2) The department shall develop a statewide local~~  
2337 ~~hazardous waste management plan which will ensure comprehensive~~  
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2338 ~~collection and proper management of hazardous waste from small~~  
2339 ~~quantity generators and household hazardous waste in Florida.~~  
2340 ~~The plan shall address, at a minimum, a network of local~~  
2341 ~~collection centers, transfer stations, and expanded hazardous~~  
2342 ~~waste collection route services. The plan shall assess the need~~  
2343 ~~for additional compliance verification inspections, enforcement,~~  
2344 ~~and penalties. The plan shall include a strategy, timetable,~~  
2345 ~~and budget for implementation.~~

2346 ~~(2)(3)~~ For the purposes of this section, the phrase:

2347 (a) "Collection center" means a secured site approved by  
2348 the department to be used as a base for a hazardous waste  
2349 collection facility.

2350 (b) "Regional collection center" means a facility  
2351 permitted by the department for the storage of hazardous wastes.

2352 ~~(3)(4)~~ The department shall establish a grant program for  
2353 local governments which desire to provide a local or regional  
2354 hazardous waste collection center. Grants shall be authorized  
2355 to cover collection center costs associated with capital outlay  
2356 for preparing a facility or site to safely serve as a collection  
2357 center and to cover costs of administration, public awareness,  
2358 and local amnesty days programs. The total cost for  
2359 administration and public awareness shall not exceed 10 percent  
2360 of the grant award. Grants shall be available on a competitive  
2361 basis to local governments which:

2362 (a) Comply with the provisions of ss. 403.7225 and  
2363 403.7264;

2364 (b) Design a collection center which is approved by the  
2365 department; and

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2366 (c) Provide up to 33 percent of the capital outlay money  
2367 needed for the facility as matching money.

2368 ~~(4)~~(5) The maximum amount of a grant for any local  
2369 government participating in the development of a collection  
2370 center shall be \$100,000. If a regional collection facility is  
2371 designed, each participating county shall be eligible for up to  
2372 \$100,000. The department is authorized to use up to 1 percent of  
2373 the funds appropriated for the local hazardous waste collection  
2374 center grant program for administrative costs and public  
2375 education relating to proper hazardous waste management.

2376 ~~(5)~~(6) The department shall establish a cooperative  
2377 collection center arrangement grant program enabling a local  
2378 hazardous waste collection center grantee to receive a financial  
2379 incentive for hosting an amnesty days program in a neighboring  
2380 county that is currently unable to establish a permanent  
2381 collection center, but desires a local hazardous waste  
2382 collection. The grant may reimburse up to 75 percent of the  
2383 neighboring county's amnesty days. Grants shall be available,  
2384 on a competitive basis, to local governments which:

2385 (a) Have established operational hazardous waste  
2386 collection centers and are willing to assume a host role,  
2387 similar to that of the state in the amnesty days program  
2388 described in s. 403.7264, in organizing a local hazardous waste  
2389 collection in the neighboring county.

2390 (b) Enter into, and jointly submit, an interlocal  
2391 agreement outlining department-established duties for both the  
2392 host local government and neighboring county.

2393 ~~(6)~~(7) The maximum amount for the cooperative collection  
2394 center arrangement grant is \$35,000, with a maximum amnesty days  
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2395 reimbursement of \$25,000, and a limit of \$10,000 for the host  
2396 local government. The host local government may receive up to  
2397 \$10,000 per cooperative collection center arrangement in  
2398 addition to its maximum local hazardous waste collection center  
2399 grant.

2400 ~~(7)-(8)~~ The department has the authority to establish an  
2401 additional local project grant program enabling a local  
2402 hazardous waste collection center grantee to receive funding for  
2403 unique projects that improve the collection and lower the  
2404 incidence of improper management of conditionally exempt or  
2405 household hazardous waste. Eligible local governments may  
2406 receive up to \$50,000 in grant funds for these unique and  
2407 innovative projects, provided they match 25 percent of the grant  
2408 amount. If the department finds that the project has statewide  
2409 applicability and immediate benefits to other local hazardous  
2410 waste collection programs in the state, matching funds are not  
2411 required. This grant will not count toward the \$100,000 maximum  
2412 grant amount for development of a collection center.

2413 ~~(8)-(9)~~ The department has the authority to use grant funds  
2414 authorized under this section to assist local governments in  
2415 carrying out the responsibilities and programs specified in ss.  
2416 403.7225, 403.7226, 403.7234, 403.7236, and 403.7238.

2417 Section 31. Section 403.885, Florida Statutes, is amended  
2418 to read:

2419 403.885 Water Projects ~~Stormwater management; wastewater~~  
2420 ~~management; and Water Restoration Grant Program.--~~

2421 (1) The Department of Environmental Protection shall  
2422 administer a grant program to use funds transferred pursuant to  
2423 s. 212.20 to the Ecosystem Management and Restoration Trust Fund  
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2424 or other moneys as appropriated by the Legislature for  
2425 stormwater management, wastewater management, ~~and~~ water  
2426 restoration, and other water projects as specifically  
2427 appropriated by the Legislature ~~project grants~~. Eligible  
2428 recipients of such grants include counties, municipalities,  
2429 water management districts, and special districts that have  
2430 legal responsibilities for water quality improvement, water  
2431 management, storm water management, wastewater management, and  
2432 lake and river water restoration projects. ~~Drinking water~~  
2433 ~~projects are not eligible for funding pursuant to this section.~~

2434 (2) The grant program shall provide for the evaluation of  
2435 annual grant proposals. The department shall evaluate such  
2436 proposals to determine if they:

2437 (a) Protect public health and the environment.

2438 (b) Implement plans developed pursuant to the Surface  
2439 Water Improvement and Management Act created in part IV of  
2440 chapter 373, other water restoration plans required by law,  
2441 management plans prepared pursuant to s. 403.067, or other plans  
2442 adopted by local government for water quality improvement and  
2443 water restoration.

2444 ~~(3) In addition to meeting the criteria in subsection (2),~~  
2445 ~~annual grant proposals must also meet the following~~  
2446 ~~requirements:~~

2447 ~~(a) An application for a stormwater management project may~~  
2448 ~~be funded only if the application is approved by the water~~  
2449 ~~management district with jurisdiction in the project area.~~  
2450 ~~District approval must be based on a determination that the~~  
2451 ~~project provides a benefit to a priority water body.~~

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2452 ~~(b) Except as provided in paragraph (c), an application~~  
2453 ~~for a wastewater management project may be funded only if:~~

2454 ~~1. The project has been funded previously through a line~~  
2455 ~~item in the General Appropriations Act; and~~

2456 ~~2. The project is under construction.~~

2457 ~~(c) An application for a wastewater management project~~  
2458 ~~that would qualify as a water pollution control project and~~  
2459 ~~activity in s. 403.1838 may be funded only if the project~~  
2460 ~~sponsor has submitted an application to the department for~~  
2461 ~~funding pursuant to that section.~~

2462 ~~(4) All project applicants must provide local matching~~  
2463 ~~funds as follows:~~

2464 ~~(a) An applicant for state funding of a stormwater~~  
2465 ~~management project shall provide local matching funds equal to~~  
2466 ~~at least 50 percent of the total cost of the project; and~~

2467 ~~(b) An applicant for state funding of a wastewater~~  
2468 ~~management project shall provide matching funds equal to at~~  
2469 ~~least 25 percent of the total cost of the project.~~

2470  
2471 ~~The requirement for matching funds may be waived if the~~  
2472 ~~applicant is a financially disadvantaged small local government~~  
2473 ~~as defined in subsection (5).~~

2474 ~~(5) Each fiscal year, at least 20 percent of the funds~~  
2475 ~~available pursuant to this section shall be used for projects to~~  
2476 ~~assist financially disadvantaged small local governments. For~~  
2477 ~~purposes of this section, the term "financially disadvantaged~~  
2478 ~~small local government" means a municipality having a population~~  
2479 ~~of 7,500 or less, a county having a population of 35,000 or~~  
2480 ~~less, according to the latest decennial census and a per capita~~  
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2481 ~~annual income less than the state per capita annual income as~~  
2482 ~~determined by the United States Department of Commerce, or a~~  
2483 ~~county in an area designated by the Governor as a rural area of~~  
2484 ~~critical economic concern pursuant to s. 288.0656. Grants made~~  
2485 ~~to these eligible local governments shall not require matching~~  
2486 ~~local funds.~~

2487 ~~(6) Each year, stormwater management and wastewater~~  
2488 ~~management projects submitted for funding through the~~  
2489 ~~legislative process shall be submitted to the department by the~~  
2490 ~~appropriate fiscal committees of the House of Representatives~~  
2491 ~~and the Senate. The department shall review the projects and~~  
2492 ~~must provide each fiscal committee with a list of projects that~~  
2493 ~~appear to meet the eligibility requirements under this grant~~  
2494 ~~program.~~

2495 Section 32. Paragraph (e) of subsection (3) of section  
2496 373.1961, Florida Statutes, is amended to read:

2497 373.1961 Water production; general powers and duties;  
2498 identification of needs; funding criteria; economic incentives;  
2499 reuse funding.--

2500 (3) FUNDING.--

2501 (e) Applicants for projects that may receive funding  
2502 assistance pursuant to the Water Protection and Sustainability  
2503 Program shall, at a minimum, be required to pay 60 percent of  
2504 the project's construction costs. The water management districts  
2505 may, at their discretion, totally or partially waive this  
2506 requirement for projects sponsored by financially disadvantaged  
2507 small local governments ~~as defined in s. 403.885(4)~~. The water  
2508 management districts or basin boards may, at their discretion,

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2509 use ad valorem or federal revenues to assist a project applicant  
2510 in meeting the requirements of this paragraph.

2511 Section 33. Sections 403.7075, 403.756, 403.78, 403.781,  
2512 403.782, 403.783, 403.784, 403.7841, 403.7842, 403.785, 403.786,  
2513 403.787, 403.7871, 403.7872, 403.7873, 403.788, 403.7881,  
2514 403.789, 403.7891, 403.7892, 403.7893, and 403.7895, Florida  
2515 Statutes, are repealed.

2516 Section 34. (1)(a) The Department of Environmental  
2517 Protection shall conduct a study to determine the various  
2518 sources of nitrogen input into the Wekiva River and associated  
2519 springs contributing water to the river. The Department of  
2520 Environmental Protection shall prepare a report recommending  
2521 actions to be taken by the Department of Environmental  
2522 Protection and the St. Johns Water Management District that will  
2523 provide the best use of economic resources to reduce nitrogen  
2524 input into the river and associated springs.

2525 (b) The Department of Health shall contract with an  
2526 independent entity for a study to determine the sources of  
2527 nitrogen input from onsite sewage treatment and disposal systems  
2528 into the Wekiva River and associated springs. The study shall  
2529 measure the concentration of nitrates in the soil 10 feet and 20  
2530 feet below the drainfield of the onsite sewage treatment and  
2531 disposal systems. The contract shall require the entity to  
2532 submit a report to the Department of Health describing the  
2533 locations of such sources and the nitrate amounts contributed by  
2534 such sources and containing recommendations to reduce or  
2535 eliminate nitrogen input from such sources. Rulemaking required  
2536 by s. 369.318(2), Florida Statutes, shall be suspended until the  
2537 completion of this study.

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2538 (c) The Department of Environmental Protection and the  
2539 Department of Health shall submit copies of the reports to the  
2540 President of the Senate and the Speaker of the House of  
2541 Representatives before the 2007 Regular Session of the  
2542 Legislature.

2543 (2) The Department of Health shall develop rules for a  
2544 model proposal for the operation and maintenance of onsite  
2545 sewage treatment and disposal systems within the Wekiva Study  
2546 Area or the Wekiva River Protection Area. At a minimum, the  
2547 rules shall require each property owner in the Wekiva Study Area  
2548 or the Wekiva River Protection Area that has an onsite sewage  
2549 treatment and disposal system to pump out the system at least  
2550 once every 5 years.

2551 (3) The sum of \$250,000 is appropriated from the General  
2552 Revenue Fund to the Department of Environmental Protection for  
2553 the 2006-2007 fiscal year to be used by the department to  
2554 conduct the study required under paragraph (1) (a).

2555 (4) The sum of \$250,000 is appropriated from the General  
2556 Revenue Fund to the Department of Health for the 2006-2007  
2557 fiscal year to be used by the department to contract for the  
2558 independent study required under paragraph (1) (b).

2559 Section 35. This act shall take effect July 1, 2006.

2560  
2561  
2562 ===== T I T L E A M E N D M E N T =====

2563 Remove the entire title and insert:

2564 A bill to be entitled

2565 An act relating to environmental protection; amending s.

2566 403.413, F.S.; clarifying who is liable for dumping under

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2567 | the Florida Litter Law; amending s. 403.4131, F.S.;

2568 | deleting the provisions relating to Keep Florida

2569 | Beautiful, Inc.; providing that certain counties are

2570 | encouraged to develop a regional approach to coordinating

2571 | litter control and prevention programs; deleting certain

2572 | requirements for a litter survey; placing the Wildflower

2573 | Advisory Council under the control of the Department of

2574 | Agriculture and Consumer Services; revising the duties of

2575 | the council; amending s. 403.41315, F.S.; conforming

2576 | provisions to changes made to the Keep Florida Beautiful,

2577 | Inc., program; amending s. 403.4133, F.S.; placing the

2578 | Adopt-a-Shore Program within the Department of

2579 | Environmental Protection; amending s. 320.08058, F.S.;

2580 | requiring that the proceeds of the fees paid for

2581 | Wildflower license plates be distributed to the Department

2582 | of Agriculture and Consumer Services; specifying uses of

2583 | the proceeds; transferring the balance of such proceeds

2584 | from Keep Florida Beautiful, Inc., to the Department of

2585 | Agriculture and Consumer Services; amending s. 403.703,

2586 | F.S.; reordering definitions in alphabetical order;

2587 | clarifying certain definitions and deleting definitions

2588 | that are not used; amending ss. 316.003, 377.709, and

2589 | 487.048, F.S.; conforming cross-references; amending s.

2590 | 403.704, F.S.; deleting certain obsolete provisions

2591 | relating to the state solid waste management program;

2592 | amending s. 403.7043, F.S.; deleting certain obsolete and

2593 | conflicting provisions relating to compost standards;

2594 | amending s. 403.7045, F.S.; providing that industrial

2595 | byproducts are not regulated under certain circumstances;

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2596 conforming a cross-reference; clarifying certain  
2597 provisions governing dredged material; amending s.  
2598 403.7061, F.S.; revising rulemaking authority; amending s.  
2599 403.70611, F.S.; exempting certain Class I landfills from  
2600 certain permit and regulation requirements; amending s.  
2601 403.707, F.S.; clarifying the Department of Environmental  
2602 Preservation's permit authority; deleting certain obsolete  
2603 provisions; creating s. 403.7071, F.S.; providing for the  
2604 management and disposal of storm-generated debris;  
2605 amending s. 403.708, F.S.; deleting obsolete provisions  
2606 and clarifying certain provisions governing landfills;  
2607 amending s. 403.709, F.S.; revising the provisions  
2608 relating to the distribution of the waste tire fees;  
2609 amending s. 403.7095, F.S., relating to the solid waste  
2610 management grant program; conforming a cross-reference;  
2611 amending s. 403.7125, F.S.; deleting certain definitions  
2612 that appear elsewhere in law and clarifying certain  
2613 financial-disclosure provisions with respect to the  
2614 closure of a landfill; amending s. 403.716, F.S.; deleting  
2615 certain provisions relating to the training of certain  
2616 facility operators; amending s. 403.717, F.S.; clarifying  
2617 the provisions relating to waste tires and the processing  
2618 of waste tires; transferring, renumbering, and amending s.  
2619 403.7221, F.S.; increasing the duration of certain  
2620 research, development, and demonstration permits; amending  
2621 s. 403.201, F.S.; conforming a cross-reference; amending  
2622 s. 403.722, F.S.; clarifying provisions relating to who is  
2623 required to obtain certain hazardous waste permits;  
2624 amending s. 403.7226, F.S.; deleting a provision requiring

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2625 a report that is duplicative of other reports; amending s.  
2626 403.724, F.S.; clarifying certain financial-responsibility  
2627 provisions; amending s. 403.7255, F.S.; providing  
2628 additional requirements regarding the public notification  
2629 of certain contaminated sites; amending s. 403.726, F.S.;  
2630 authorizing the Department of Environmental Protection to  
2631 issue an order to abate certain hazards; amending s.  
2632 403.7265, F.S.; requiring a local government to provide  
2633 matching funds for certain grants; providing that matching  
2634 funds are not required under certain conditions; amending  
2635 s. 403.885, F.S.; revising grant program eligibility  
2636 requirements for certain water management and restoration  
2637 projects; eliminating requirements for certain funding and  
2638 legislative review of such projects; amending s. 373.1961,  
2639 F.S.; conforming a cross-reference; repealing s. 403.7075,  
2640 F.S., relating to the submission of certain plans for  
2641 solid waste management facilities; repealing s. 403.756,  
2642 F.S., relating to an annual used-oil report; repealing ss.  
2643 403.78, 403.781, 403.782, 403.783, 403.784, 403.7841,  
2644 403.7842, 403.785, 403.786, 403.787, 403.7871, 403.7872,  
2645 403.7873, 403.788, 403.7881, 403.789, 403.7891, 403.7892,  
2646 403.7893, and 403.7895, F.S., relating to the Statewide  
2647 Multipurpose Hazardous Waste Facility Siting Act;  
2648 requiring the Department of Environmental Protection to  
2649 conduct a study of the sources of nitrogen input into the  
2650 Wekiva River and associated springs; requiring the  
2651 Department of Health to contract for an independent study  
2652 of the sources of nitrogen input from onsite sewage  
2653 treatment and disposal systems into the Wekiva River and

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2654 associated springs; requiring reports on such studies;  
2655 providing report requirements; suspending certain  
2656 department rulemaking until study completion; requiring  
2657 the Department of Environmental Protection and the  
2658 Department of Health to submit copies of the reports to  
2659 the Legislature by a certain date; requiring the  
2660 Department of Health to develop rules for a model proposal  
2661 for the operation and maintenance of onsite sewage  
2662 treatment and disposal systems in certain areas;  
2663 specifying a rule criterion; providing appropriations;  
2664 providing an effective date.