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1 A bill to be entitled  
2 An act relating to environmental protection; amending s.  
3 403.413, F.S.; clarifying who is liable for dumping under  
4 the Florida Litter Law; amending s. 403.4131, F.S.;  
5 deleting the provisions relating to Keep Florida  
6 Beautiful, Inc.; providing that certain counties are  
7 encouraged to develop a regional approach to coordinating  
8 litter control and prevention programs; deleting certain  
9 requirements for a litter survey; placing the Wildflower  
10 Advisory Council under the control of the Department of  
11 Agriculture and Consumer Services; revising the duties of  
12 the council; amending s. 403.41315, F.S.; conforming  
13 provisions to changes made to the Keep Florida Beautiful,  
14 Inc., program; amending s. 403.4133, F.S.; placing the  
15 Adopt-a-Shore Program within the Department of  
16 Environmental Protection; amending s. 320.08058, F.S.;  
17 requiring that the proceeds of the fees paid for  
18 Wildflower license plates be distributed to the Department  
19 of Agriculture and Consumer Services; specifying uses of  
20 the proceeds; transferring the balance of such proceeds  
21 from Keep Florida Beautiful, Inc., to the Department of  
22 Agriculture and Consumer Services; amending s. 403.703,  
23 F.S.; reordering definitions in alphabetical order;  
24 clarifying certain definitions and deleting definitions  
25 that are not used; amending ss. 316.003, 377.709, and  
26 487.048, F.S.; conforming cross-references; amending s.  
27 403.704, F.S.; deleting certain obsolete provisions  
28 relating to the state solid waste management program;

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 | amending s. 403.7043, F.S.; deleting certain obsolete and  
30 | conflicting provisions relating to compost standards;  
31 | amending s. 403.7045, F.S.; providing that industrial  
32 | byproducts are not regulated under certain circumstances;  
33 | conforming a cross-reference; clarifying certain  
34 | provisions governing dredged material; amending s.  
35 | 403.707, F.S.; clarifying the Department of Environmental  
36 | Preservation's permit authority; deleting certain obsolete  
37 | provisions; creating s. 403.7071, F.S.; providing for the  
38 | management and disposal of storm-generated debris;  
39 | amending s. 403.708, F.S.; deleting obsolete provisions  
40 | and clarifying certain provisions governing landfills;  
41 | amending s. 403.709, F.S.; revising the provisions  
42 | relating to the distribution of the waste tire fees;  
43 | amending s. 403.7095, F.S., relating to the solid waste  
44 | management grant program; conforming a cross-reference;  
45 | amending s. 403.7125, F.S.; deleting certain definitions  
46 | that appear elsewhere in law and clarifying certain  
47 | financial-disclosure provisions with respect to the  
48 | closure of a landfill; amending s. 403.716, F.S.; deleting  
49 | certain provisions relating to the training of certain  
50 | facility operators; amending s. 403.717, F.S.; clarifying  
51 | the provisions relating to waste tires and the processing  
52 | of waste tires; transferring, renumbering, and amending s.  
53 | 403.7221, F.S.; increasing the duration of certain  
54 | research, development, and demonstration permits; amending  
55 | s. 403.201, F.S.; conforming a cross-reference; amending  
56 | s. 403.722, F.S.; clarifying provisions relating to who is

57 required to obtain certain hazardous waste permits;  
 58 amending s. 403.7226, F.S.; deleting a provision requiring  
 59 a report that is duplicative of other reports; amending s.  
 60 403.724, F.S.; clarifying certain financial-responsibility  
 61 provisions; amending s. 403.7255, F.S.; providing  
 62 additional requirements regarding the public notification  
 63 of certain contaminated sites; amending s. 403.726, F.S.;  
 64 authorizing the Department of Environmental Protection to  
 65 issue an order to abate certain hazards; amending s.  
 66 403.7265, F.S.; requiring a local government to provide  
 67 matching funds for certain grants; providing that matching  
 68 funds are not required under certain conditions; repealing  
 69 s. 403.7075, F.S., relating to the submission of certain  
 70 plans for solid waste management facilities; repealing s.  
 71 403.756, F.S., relating to an annual used-oil report;  
 72 repealing ss. 403.78, 403.781, 403.782, 403.783, 403.784,  
 73 403.7841, 403.7842, 403.785, 403.786, 403.787, 403.7871,  
 74 403.7872, 403.7873, 403.788, 403.7881, 403.789, 403.7891,  
 75 403.7892, 403.7893, and 403.7895, F.S., relating to the  
 76 Statewide Multipurpose Hazardous Waste Facility Siting  
 77 Act; providing an effective date.

78  
 79 Be It Enacted by the Legislature of the State of Florida:

80  
 81 Section 1. Subsection (4) of section 403.413, Florida  
 82 Statutes, is amended to read:  
 83 403.413 Florida Litter Law.--  
 84 (4) DUMPING LITTER PROHIBITED.--Unless otherwise

85 authorized by law or permit, it is unlawful for any person to  
 86 dump litter in any manner or amount:

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

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

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

104 Section 2. Section 403.4131, Florida Statutes, is amended  
 105 to read:

106 403.4131 Litter control; Wildflower Advisory Council "~~Keep~~  
 107 ~~Florida Beautiful, Incorporated~~"; ~~placement of signs.~~--

108 ~~(1) It is the intent of the Legislature that a coordinated~~  
 109 ~~effort of interested businesses, environmental and civic~~  
 110 ~~organizations, and state and local agencies of government be~~  
 111 ~~developed to plan for and assist in implementing solutions to~~  
 112 ~~the litter and solid waste problems in this state and that the~~

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113 ~~state provide financial assistance for the establishment of a~~  
114 ~~nonprofit organization with the name of "Keep Florida Beautiful,~~  
115 ~~Incorporated," which shall be registered, incorporated, and~~  
116 ~~operated in compliance with chapter 617. This nonprofit~~  
117 ~~organization shall coordinate the statewide campaign and operate~~  
118 ~~as the grassroots arm of the state's effort and shall serve as~~  
119 ~~an umbrella organization for volunteer based community programs.~~  
120 ~~The organization shall be dedicated to helping Florida and its~~  
121 ~~local communities solve solid waste problems, to developing and~~  
122 ~~implementing a sustained litter prevention campaign, and to act~~  
123 ~~as a working public private partnership in helping to implement~~  
124 ~~the state's Solid Waste Management Act. As part of this effort,~~  
125 ~~Keep Florida Beautiful, Incorporated, in cooperation with the~~  
126 ~~Environmental Education Foundation, shall strive to educate~~  
127 ~~citizens, visitors, and businesses about the important~~  
128 ~~relationship between the state's environment and economy. Keep~~  
129 ~~Florida Beautiful, Incorporated, is encouraged to explore and~~  
130 ~~identify economic incentives to improve environmental~~  
131 ~~initiatives in the area of solid waste management. The~~  
132 ~~membership of the board of directors of this nonprofit~~  
133 ~~organization may include representatives of the following~~  
134 ~~organizations: the Florida League of Cities, the Florida~~  
135 ~~Association of Counties, the Governor's Office, the Florida~~  
136 ~~Chapter of the National Solid Waste Management Association, the~~  
137 ~~Florida Recyclers Association, the Center for Marine~~  
138 ~~Conservation, Chapter of the Sierra Club, the Associated~~  
139 ~~Industries of Florida, the Florida Soft Drink Association, the~~  
140 ~~Florida Petroleum Council, the Retail Grocers Association of~~

141 ~~Florida, the Florida Retail Federation, the Pulp and Paper~~  
142 ~~Association, the Florida Automobile Dealers Association, the~~  
143 ~~Beer Industries of Florida, the Florida Beer Wholesalers~~  
144 ~~Association, and the Distilled Spirits Wholesalers.~~

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

150 ~~(a) Coordinating with the Center for Marine Conservation~~  
151 ~~and the Center for Solid and Hazardous Waste Management to~~  
152 ~~identify components of the marine debris and litter stream and~~  
153 ~~groups that habitually litter.~~

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

157 ~~(c) Fostering public awareness and striving to build an~~  
158 ~~environmental ethic in this state through the development of~~  
159 ~~educational programs that result in an understanding and in~~  
160 ~~action on the part of individuals and organizations about the~~  
161 ~~role they must play in preventing litter and protecting~~  
162 ~~Florida's environment.~~

163 ~~(d) Developing educational programs and materials that~~  
164 ~~promote the proper management of solid waste, including the~~  
165 ~~proper disposal of litter.~~

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

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169        (1)~~(3)~~ The Department of Transportation shall establish an  
170 "adopt-a-highway" program to allow local organizations to be  
171 identified with specific highway cleanup and highway  
172 beautification projects authorized under s. 339.2405 ~~and shall~~  
173 ~~coordinate such efforts with Keep Florida Beautiful, Inc.~~ The  
174 department shall report to the Governor and the Legislature on  
175 the progress achieved and the savings incurred by the "adopt-a-  
176 highway" program. The department shall also monitor and report  
177 on compliance with provisions of the adopt-a-highway program to  
178 ensure that organizations that participate in the program comply  
179 with the goals identified by the department.

180        (2)~~(4)~~ The Department of Transportation shall place signs  
181 discouraging litter at all off-ramps of the interstate highway  
182 system in the state. ~~The department shall place other highway~~  
183 ~~signs as necessary to discourage littering through use of the~~  
184 ~~antilitter program developed by Keep Florida Beautiful,~~  
185 ~~Incorporated.~~

186        (3)~~(5)~~ Each county is encouraged to initiate a litter  
187 control and prevention program or to expand upon its existing  
188 program. The department shall establish a system of grants for  
189 municipalities and counties to implement litter control and  
190 prevention programs. In addition to the activities described in  
191 subsection (1), such grants shall at a minimum be used for  
192 litter cleanup, grassroots educational programs involving litter  
193 removal and prevention, and the placement of litter and  
194 recycling receptacles. Counties are encouraged to form working  
195 public private partnerships as authorized under this section to  
196 implement litter control and prevention programs at the

197 community level. The grants authorized pursuant to this section  
 198 shall be incorporated as part of the recycling and education  
 199 grants. Counties that have a population under 100,000 ~~75,000~~ are  
 200 encouraged to develop a regional approach to administering and  
 201 coordinating their litter control and prevention programs.

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

206 ~~(7) In order to establish continuity for the statewide  
 207 program, those local governments and community programs  
 208 receiving grants for litter prevention and control must use the  
 209 official State of Florida litter control or campaign symbol  
 210 adopted by Keep Florida Beautiful, Incorporated, for use on  
 211 various receptacles and program material.~~

212 ~~(8) The Legislature establishes a litter reduction goal of  
 213 50 percent reduction from the period January 1, 1994, to January  
 214 1, 1997. The method of determination used to measure the  
 215 reduction in litter is the survey conducted by the Center for  
 216 Solid and Hazardous Waste Management. The center shall consider  
 217 existing litter survey methodologies.~~

218 ~~(9) The Department of Environmental Protection shall  
 219 contract with the Center for Solid and Hazardous Waste  
 220 Management for an ongoing annual litter survey, the first of  
 221 which is to be conducted by January 1, 1994. The center shall  
 222 appoint a broad based work group not to exceed seven members to  
 223 assist in the development and implementation of the survey.  
 224 Representatives from the university system, business,~~



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225 ~~government, and the environmental community shall be considered~~  
 226 ~~by the center to serve on the work group. Final authority on~~  
 227 ~~implementing and conducting the survey rests with the center.~~  
 228 ~~The first survey is to be designed to serve as a baseline by~~  
 229 ~~measuring the amount of current litter and marine debris, and is~~  
 230 ~~to include a methodology for measuring the reduction in the~~  
 231 ~~amount of litter and marine debris to determine the progress~~  
 232 ~~toward the litter reduction goal established in subsection (8).~~  
 233 ~~Annually thereafter, additional surveys are to be conducted and~~  
 234 ~~must also include a methodology for measuring the reduction in~~  
 235 ~~the amount of litter and for determining progress toward the~~  
 236 ~~litter reduction goal established in subsection (8).~~

237 (4)-(10)(a) There is created within the Department of  
 238 Agriculture and Consumer Services ~~within Keep Florida Beautiful,~~  
 239 ~~Inc.~~, the Wildflower Advisory Council, consisting of a maximum  
 240 of ten nine members ~~to direct and oversee the expenditure of the~~  
 241 ~~Wildflower Account~~. The Wildflower Advisory Council shall  
 242 include a representative from the University of Florida  
 243 Institute of Food and Agricultural Sciences, the Florida  
 244 Department of Transportation, the Department of Agriculture and  
 245 Consumer Services, ~~and~~ the Florida Department of Environmental  
 246 Protection, the Florida League of Cities, and the Florida  
 247 Association of Counties. Other members of the committee may  
 248 include representatives from the Florida Federation of Garden  
 249 Clubs, Inc., Think Beauty Foundation, the Florida Chapter of the  
 250 American Society of Landscape Architects, Inc., and a  
 251 representative of the Master Gardener's Program.

252 (b) The Wildflower Advisory Council shall advise the

253 Department of Agriculture and Consumer Services and develop  
 254 procedures of operation, research contracts, educational and  
 255 marketing programs, and wildflower planting grants for Florida  
 256 native wildflowers, plants, and grasses. The council shall also  
 257 make recommendations to the department concerning the final  
 258 ~~determination of~~ what constitutes acceptable species of  
 259 wildflowers and other plantings supported by these programs.

260 Section 3. Section 403.41315, Florida Statutes, is amended  
 261 to read:

262 403.41315 Comprehensive illegal dumping, litter, and  
 263 marine debris control and prevention.--

264 (1) The Legislature finds that a comprehensive illegal  
 265 dumping, litter, and marine debris control and prevention  
 266 program is necessary to protect the beauty and the environment  
 267 of Florida. The Legislature also recognizes that a comprehensive  
 268 illegal dumping, litter, and marine debris control and  
 269 prevention program will have a positive effect on the state's  
 270 economy. The Legislature finds that the state's rapid population  
 271 growth, the ever-increasing mobility of its population, and the  
 272 large number of tourists contribute to the need for a  
 273 comprehensive illegal dumping, litter, and marine debris control  
 274 and prevention program. The Legislature further finds that the  
 275 program must be coordinated and capable of having statewide  
 276 identity and grassroots community support.

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

280 (a) A local ~~statewide~~ public awareness and educational

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281 ~~campaign, coordinated by Keep Florida Beautiful, Incorporated,~~  
282 to educate individuals, government, businesses, and other  
283 organizations concerning the role they must assume in preventing  
284 and controlling litter.

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

286 (c) Enforcement officers whose responsibilities include  
287 grassroots education along with enforcing litter and illegal  
288 dumping violations.

289 (d) Local illegal dumping, litter, and marine debris  
290 control and prevention programs operated at the county level  
291 with emphasis placed on grassroots educational programs designed  
292 to prevent and remove litter and marine debris.

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

295 (f) The highway beautification program authorized under s.  
296 339.2405.

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

300 (h) The prohibition of balloon releases as authorized  
301 under s. 372.995.

302 (i) The placement of approved identifiable litter and  
303 recycling receptacles.

304 (j) Other educational programs that are implemented at the  
305 grassroots level ~~coordinated through Keep Florida Beautiful,~~  
306 ~~Inc.,~~ involving volunteers and community programs that clean up  
307 and prevent litter, including Youth Conservation Corps  
308 activities.

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

311 403.4133 Adopt-a-Shore Program.--

312 (1) The Legislature finds that litter and illegal dumping  
 313 present a threat to the state's wildlife, environment, and  
 314 shorelines. The Legislature further finds that public awareness  
 315 and education will assist in preventing litter from being  
 316 illegally deposited along the state's shorelines.

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

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

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

329 320.08058 Specialty license plates.--

330 (28) FLORIDA WILDFLOWER LICENSE PLATES.--

331 (a) The department shall develop a Florida Wildflower  
 332 license plate as provided in this section. The word "Florida"  
 333 must appear at the top of the plate, and the words "State  
 334 Wildflower" and "coreopsis" must appear at the bottom of the  
 335 plate.

336 (b) The annual use fees shall be distributed to the

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337 Department of Agriculture and Consumer Services, to be used for  
338 the purposes set forth in ~~Wildflower Account established by Keep~~  
339 ~~Florida Beautiful, Inc., created by s. 403.4131.~~ The proceeds  
340 must be used to establish native Florida wildflower research  
341 programs, wildflower educational programs, and wildflower grant  
342 programs to municipal, county, and community-based groups in  
343 this state. A maximum of 10 percent of the proceeds from the  
344 sale of such plates may be used for administrative costs.

345 Section 6. All unexpended proceeds of fees paid for  
346 Wildflower license plates which are held by Keep Florida  
347 Beautiful, Inc., must be transferred to the Department of  
348 Agriculture and Consumer Services promptly after the effective  
349 date of this act.

350 Section 7. Section 403.703, Florida Statutes, is amended  
351 to read:

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

354 403.703 Definitions.--As used in this part, the term:

355 (1) "Ash residue" has the same meaning as in the  
356 department rule governing solid waste combustors which defines  
357 the term.

358 (2) "Biological waste" means solid waste that causes or  
359 has the capability of causing disease or infection and includes,  
360 but is not limited to, biomedical waste, diseased or dead  
361 animals, and other wastes capable of transmitting pathogens to  
362 humans or animals. The term does not include human remains that  
363 are disposed of by persons licensed under chapter 497.

364 (3) "Biomedical waste" means any solid waste or liquid

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365 waste that may present a threat of infection to humans. The term  
366 includes, but is not limited to, nonliquid human tissue and body  
367 parts; laboratory and veterinary waste that contains human-  
368 disease-causing agents; discarded disposable sharps; human blood  
369 and human blood products and body fluids; and other materials  
370 that in the opinion of the Department of Health represent a  
371 significant risk of infection to persons outside the generating  
372 facility. The term does not include human remains that are  
373 disposed of by persons licensed under chapter 497.

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

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

386 (6) "Construction and demolition debris" means discarded  
387 materials generally considered to be not water-soluble and  
388 nonhazardous in nature, including, but not limited to, steel,  
389 glass, brick, concrete, asphalt roofing material, pipe, gypsum  
390 wallboard, and lumber, from the construction or destruction of a  
391 structure as part of a construction or demolition project or  
392 from the renovation of a structure, and includes rocks, soils,

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393 tree remains, trees, and other vegetative matter that normally  
394 results from land clearing or land-development operations for a  
395 construction project, including such debris from construction of  
396 structures at a site remote from the construction or demolition  
397 project site. Mixing of construction and demolition debris with  
398 other types of solid waste will cause the resulting mixture to  
399 be classified as other than construction and demolition debris.  
400 The term also includes:

401 (a) Clean cardboard, paper, plastic, wood, and metal  
402 scraps from a construction project.

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

406 (c) Scrap from manufacturing facilities which is the type  
407 of material generally used in construction projects and which  
408 would meet the definition of construction and demolition debris  
409 if it were generated as part of a construction or demolition  
410 project. This includes debris from the construction of  
411 manufactured homes and scrap shingles, wallboard, siding  
412 concrete, and similar materials from industrial or commercial  
413 facilities.

414 (d) De minimis amounts of other nonhazardous wastes that  
415 are generated at construction or destruction projects, provided  
416 such amounts are consistent with best management practices of  
417 the industry.

418 (7) "County," or any like term, means a political  
419 subdivision of the state established pursuant to s. 1, Art. VIII  
420 of the State Constitution and, when s. 403.706(19) applies,

421 means a special district or other entity.

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

424 (9) "Disposal" means the discharge, deposit, injection,  
 425 dumping, spilling, leaking, or placing of any solid waste or  
 426 hazardous waste into or upon any land or water so that such  
 427 solid waste or hazardous waste or any constituent thereof may  
 428 enter other lands or be emitted into the air or discharged into  
 429 any waters, including groundwaters, or otherwise enter the  
 430 environment.

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

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

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

440 (13) "Hazardous waste" means solid waste, or a combination  
 441 of solid wastes, which, because of its quantity, concentration,  
 442 or physical, chemical, or infectious characteristics, may cause,  
 443 or significantly contribute to, an increase in mortality or an  
 444 increase in serious irreversible or incapacitating reversible  
 445 illness or may pose a substantial present or potential hazard to  
 446 human health or the environment when improperly transported,  
 447 disposed of, stored, treated, or otherwise managed. The term  
 448 does not include human remains that are disposed of by persons



449 licensed under chapter 497.

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

453 (15) "Hazardous waste management" means the systematic  
454 control of the collection, source separation, storage,  
455 transportation, processing, treatment, recovery, recycling, and  
456 disposal of hazardous wastes.

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

463 (17) "Landfill" means any solid waste land disposal area  
464 for which a permit, other than a general permit, is required by  
465 s. 403.707 and which receives solid waste for disposal in or  
466 upon land. The term does not include a landspreading site, an  
467 injection well, a surface impoundment, or a facility for the  
468 disposal of construction and demolition debris.

469 (18) "Manifest" means the recordkeeping system used for  
470 identifying the concentration, quantity, composition, origin,  
471 routing, and destination of hazardous waste during its  
472 transportation from the point of generation to the point of  
473 disposal, storage, or treatment.

474 (19) "Materials recovery facility" means a solid waste  
475 management facility that provides for the extraction from solid  
476 waste of recyclable materials, materials suitable for use as a

477 fuel or soil amendment, or any combination of such materials.

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

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

486 (22) "Person" means any and all persons, natural or  
 487 artificial, including any individual, firm, or association; any  
 488 municipal or private corporation organized or existing under the  
 489 laws of this state or any other state; any county of this state;  
 490 and any governmental agency of this state or the Federal  
 491 Government.

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

497 (24) "Recovered materials" means metal, paper, glass,  
 498 plastic, textile, or rubber materials that have known recycling  
 499 potential, can be feasibly recycled, and have been diverted and  
 500 source separated or have been removed from the solid waste  
 501 stream for sale, use, or reuse as raw materials, whether or not  
 502 the materials require subsequent processing or separation from  
 503 each other, but the term does not include materials destined for  
 504 any use that constitutes disposal. Recovered materials as

505 described in this subsection are not solid waste.

506 (25) "Recovered materials processing facility" means a  
507 facility engaged solely in the storage, processing, resale, or  
508 reuse of recovered materials. Such a facility is not a solid  
509 waste management facility if it meets the conditions of s.  
510 403.7045(1)(e).

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

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

518 (28) "Resource recovery" means the process of recovering  
519 materials or energy from solid waste, excluding those materials  
520 or solid waste under the control of the Nuclear Regulatory  
521 Commission.

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

525 (30) "Sludge" includes the accumulated solids, residues,  
526 and precipitates generated as a result of waste treatment or  
527 processing, including wastewater treatment, water-supply  
528 treatment, or operation of an air pollution control facility,  
529 and mixed liquids and solids pumped from septic tanks, grease  
530 traps, privies, or similar waste disposal appurtenances.

531 (31) "Solid waste" means sludge unregulated under the  
532 federal Clean Water Act or Clean Air Act, sludge from a waste

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533 treatment works, water supply treatment plant, or air pollution  
534 control facility, or garbage, rubbish, refuse, special waste, or  
535 other discarded material, including solid, liquid, semisolid, or  
536 contained gaseous material resulting from domestic, industrial,  
537 commercial, mining, agricultural, or governmental operations.  
538 Recovered materials as defined in subsection (24) are not solid  
539 waste.

540 (32) "Solid waste disposal facility" means any solid waste  
541 management facility that is the final resting place for solid  
542 waste, including landfills and incineration facilities that  
543 produce ash from the process of incinerating municipal solid  
544 waste.

545 (33) "Solid waste management" means the process by which  
546 solid waste is collected, transported, stored, separated,  
547 processed, or disposed of in any other way according to an  
548 orderly, purposeful, and planned program, which includes  
549 closure.

550 (34) "Solid waste management facility" means any solid  
551 waste disposal area, volume-reduction plant, transfer station,  
552 materials recovery facility, or other facility, the purpose of  
553 which is resource recovery or the disposal, recycling,  
554 processing, or storage of solid waste. The term does not include  
555 recovered materials processing facilities that meet the  
556 requirements of s. 403.7046, except the portion of such  
557 facilities, if any, which is used for the management of solid  
558 waste.

559 (35) "Source separated" means that the recovered materials  
560 are separated from solid waste at the location where the

561 recovered materials and solid waste are generated. The term does  
562 not require that various types of recovered materials be  
563 separated from each other, and recognizes de minimis solid  
564 waste, in accordance with industry standards and practices, may  
565 be included in the recovered materials. Materials are not  
566 considered source-separated when two or more types of recovered  
567 materials are deposited in combination with each other in a  
568 commercial collection container located where the materials are  
569 generated and when such materials contain more than 10 percent  
570 solid waste by volume or weight. For purposes of this  
571 subsection, the term "various types of recovered materials"  
572 means metals, paper, glass, plastic, textiles, and rubber.

573 (36) "Special wastes" means solid wastes that can require  
574 special handling and management, including, but not limited to,  
575 white goods, waste tires, used oil, lead-acid batteries,  
576 construction and demolition debris, ash residue, yard trash, and  
577 biological wastes.

578 (37) "Storage" means the containment or holding of a  
579 hazardous waste, either on a temporary basis or for a period of  
580 years, in such a manner as not to constitute disposal of such  
581 hazardous waste.

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

585 (39) "Transport" means the movement of hazardous waste  
586 from the point of generation or point of entry into the state to  
587 any offsite intermediate points and to the point of offsite  
588 ultimate disposal, storage, treatment, or exit from the state.

589           (40) "Treatment," when used in connection with hazardous  
 590 waste, means any method, technique, or process, including  
 591 neutralization, which is designed to change the physical,  
 592 chemical, or biological character or composition of any  
 593 hazardous waste so as to neutralize it or render it  
 594 nonhazardous, safe for transport, amenable to recovery, amenable  
 595 to storage or disposal, or reduced in volume or concentration.  
 596 The term includes any activity or processing that is designed to  
 597 change the physical form or chemical composition of hazardous  
 598 waste so as to render it nonhazardous.

599           (41) "Volume reduction plant" includes incinerators,  
 600 pulverizers, compactors, shredding and baling plants, composting  
 601 plants, and other plants that accept and process solid waste for  
 602 recycling or disposal.

603           (42) "White goods" includes inoperative and discarded  
 604 refrigerators, ranges, water heaters, freezers, and other  
 605 similar domestic and commercial large appliances.

606           (43) "Yard trash" means vegetative matter resulting from  
 607 landscaping maintenance and land clearing operations and  
 608 includes associated rocks and soils.

609           Section 8. Subsection (69) of section 316.003, Florida  
 610 Statutes, is amended to read:

611           316.003 Definitions.--The following words and phrases,  
 612 when used in this chapter, shall have the meanings respectively  
 613 ascribed to them in this section, except where the context  
 614 otherwise requires:

615           (69) HAZARDOUS MATERIAL.--Any substance or material which  
 616 has been determined by the secretary of the United States

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617 Department of Transportation to be capable of imposing an  
 618 unreasonable risk to health, safety, and property. This term  
 619 includes hazardous waste as defined in s. 403.703(13) ~~s.~~  
 620 ~~403.703(21)~~.

621 Section 9. Paragraph (f) of subsection (2) of section  
 622 377.709, Florida Statutes, is amended to read:

623 377.709 Funding by electric utilities of local  
 624 governmental solid waste facilities that generate electricity.--

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

626 (f) "Solid waste facility" means a facility owned or  
 627 operated by, or on behalf of, a local government for the purpose  
 628 of disposing of solid waste, as that term is defined in s.  
 629 403.703(31) ~~s. 403.703(13)~~, by any process that produces heat  
 630 and incorporates, as a part of the facility, the means of  
 631 converting heat to electrical energy in amounts greater than  
 632 actually required for the operation of the facility.

633 Section 10. Subsection (1) of section 487.048, Florida  
 634 Statutes, is amended to read:

635 487.048 Dealer's license; records.--

636 (1) Each person holding or offering for sale, selling, or  
 637 distributing restricted-use pesticides shall obtain a dealer's  
 638 license from the department. Application for the license shall  
 639 be made on a form prescribed by the department. The license must  
 640 be obtained before entering into business or transferring  
 641 ownership of a business. The department may require examination  
 642 or other proof of competency of individuals to whom licenses are  
 643 issued or of individuals employed by persons to whom licenses  
 644 are issued. Demonstration of continued competency may be

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645 required for license renewal, as set by rule. The license shall  
 646 be renewed annually as provided by rule. An annual license fee  
 647 not exceeding \$250 shall be established by rule. However, a user  
 648 of a restricted-use pesticide may distribute unopened containers  
 649 of a properly labeled pesticide to another user who is legally  
 650 entitled to use that restricted-use pesticide without obtaining  
 651 a pesticide dealer's license. The exclusive purpose of  
 652 distribution of the restricted-use pesticide is to keep it from  
 653 becoming a hazardous waste as defined in s. 403.703(13) ~~s.~~  
 654 ~~403.703(21)~~.

655 Section 11. Section 403.704, Florida Statutes, is amended  
 656 to read:

657 403.704 Powers and duties of the department.--The  
 658 department shall have responsibility for the implementation and  
 659 enforcement of the provisions of this act. In addition to other  
 660 powers and duties, the department shall:

661 (1) Develop and implement, in consultation with local  
 662 governments, a state solid waste management program, as defined  
 663 in s. 403.705, ~~and update the program at least every 3 years. In~~  
 664 ~~developing rules to implement the state solid waste management~~  
 665 ~~program, the department shall hold public hearings around the~~  
 666 ~~state and shall give notice of such public hearings to all local~~  
 667 ~~governments and regional planning agencies.~~

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

672 (3) Promote the planning and application of recycling and



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673 resource recovery systems which preserve and enhance the quality  
674 of the air, water, and other natural resources of the state and  
675 assist in and encourage, where appropriate, the development of  
676 regional solid waste management facilities.

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

680 (5) Use private industry or the State University System  
681 through contractual arrangements for implementation of some or  
682 all of the requirements of the state solid waste management  
683 program and for such other activities as may be considered  
684 necessary, desirable, or convenient.

685 (6) Encourage recycling and resource recovery as a source  
686 of energy and materials.

687 (7) Assist in and encourage, as much as possible, the  
688 development within the state of industries and commercial  
689 enterprises which are based upon resource recovery, recycling,  
690 and reuse of solid waste.

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

695 ~~(9) Acquire, at its discretion, personal or real property~~  
696 ~~or any interest therein by gift, lease, or purchase for the~~  
697 ~~purpose of providing sites for solid waste management~~  
698 ~~facilities.~~

699 ~~(10) Acquire, construct, reconstruct, improve, maintain,~~  
700 ~~equip, furnish, and operate, at its discretion, such solid waste~~

701 ~~management facilities as are called for by the state solid waste~~  
 702 ~~management program.~~

703 ~~(11) Receive funds or revenues from the sale of products,~~  
 704 ~~materials, fuels, or energy in any form derived from processing~~  
 705 ~~of solid waste by state-owned or state-operated facilities,~~  
 706 ~~which funds or revenues shall be deposited into the Solid Waste~~  
 707 ~~Management Trust Fund.~~

708 (8)~~(12)~~ Determine by rule the facilities, equipment,  
 709 personnel, and number of monitoring wells to be provided at each  
 710 Class I solid waste disposal area.

711 ~~(13) Encourage, but not require, as part of a Class II~~  
 712 ~~solid waste disposal area, a potable water supply; an employee~~  
 713 ~~shelter; handwashing and toilet facilities; equipment washout~~  
 714 ~~facilities; electric service for operations and repairs;~~  
 715 ~~equipment shelter for maintenance and storage of parts,~~  
 716 ~~equipment, and tools; scales for weighing solid waste received~~  
 717 ~~at the disposal area; a trained equipment operator in full time~~  
 718 ~~attendance during operating hours; and communication facilities~~  
 719 ~~for use in emergencies. The department may require an attendant~~  
 720 ~~at a Class II solid waste disposal area during the hours of~~  
 721 ~~operation if the department affirmatively demonstrates that such~~  
 722 ~~a requirement is necessary to prevent unlawful fires,~~  
 723 ~~unauthorized dumping, or littering of nearby property.~~

724 ~~(14) Require a Class II solid waste disposal area to have~~  
 725 ~~at least one monitoring well which shall be placed adjacent to~~  
 726 ~~the site in the direction of groundwater flow unless otherwise~~  
 727 ~~exempted by the department. The department may require~~  
 728 ~~additional monitoring wells not farther than 1 mile from the~~

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729 ~~site if it is affirmatively demonstrated by the department that~~  
730 ~~a significant change in the initial quality of the water has~~  
731 ~~occurred in the downstream monitoring well which adversely~~  
732 ~~affects the beneficial uses of the water. These wells may be~~  
733 ~~public or private water supply wells if they are suitable for~~  
734 ~~use in determining background water quality levels.~~

735 (9) ~~(15)~~ Adopt rules pursuant to ss. 120.536(1) and 120.54  
736 to implement and enforce the provisions of this act, including  
737 requirements for the classification, construction, operation,  
738 maintenance, and closure of solid waste management facilities  
739 and requirements for, and conditions on, solid waste disposal in  
740 this state, whether such solid waste is generated within this  
741 state or outside this state as long as such requirements and  
742 conditions are not based on the out-of-state origin of the waste  
743 and are consistent with applicable provisions of law. When  
744 classifying solid waste management facilities, the department  
745 shall consider the hydrogeology of the site for the facility,  
746 the types of wastes to be handled by the facility, and methods  
747 used to control the types of waste to be handled by the facility  
748 and shall seek to minimize the adverse effects of solid waste  
749 management on the environment. Whenever the department adopts  
750 any rule stricter or more stringent than one which has been set  
751 by the United States Environmental Protection Agency, the  
752 procedures set forth in s. 403.804(2) shall be followed. The  
753 department shall not, however, adopt hazardous waste rules for  
754 solid waste for which special studies were required prior to  
755 October 1, 1988, under s. 8002 of the Resource Conservation and  
756 Recovery Act, 42 U.S.C. s. 6982, as amended, until the studies

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757 are completed by the United States Environmental Protection  
758 Agency and the information is available to the department for  
759 consideration in adopting its own rule.

760 (10)~~(16)~~ Issue or modify permits on such conditions as are  
761 necessary to effect the intent and purposes of this act, and may  
762 deny or revoke permits.

763 ~~(17) Conduct research, using the State University System,  
764 solid waste professionals from local governments, private  
765 enterprise, and other organizations, on alternative,  
766 economically feasible, cost-effective, and environmentally safe  
767 solid waste management and landfill closure methods which  
768 protect the health, safety, and welfare of the public and the  
769 environment and which may assist in developing markets and  
770 provide economic benefits to local governments, the state, and  
771 its citizens, and solicit public participation during the  
772 research process. The department shall incorporate such cost-  
773 effective landfill closure methods in the appropriate department  
774 rule as alternative closure requirements.~~

775 (11)~~(18)~~ Develop and implement or contract for services to  
776 develop information on recovered materials markets and  
777 strategies for market development and expansion for use of these  
778 materials. Additionally, the department shall maintain a  
779 directory of recycling businesses operating in the state and  
780 shall serve as a coordinator to match recovered materials with  
781 markets. Such directory shall be made available to the public  
782 and to local governments to assist with their solid waste  
783 management activities.

784 ~~(19) Authorize variances from solid waste closure rules~~

785 ~~adopted pursuant to this part, provided such variances are~~  
 786 ~~applied for and approved in accordance with s. 403.201 and will~~  
 787 ~~not result in significant threats to human health or the~~  
 788 ~~environment.~~

789 (12)~~(20)~~ Establish accounts and deposit to the Solid Waste  
 790 Management Trust Fund and control and administer moneys it may  
 791 withdraw from the fund.

792 (13)~~(21)~~ Manage a program of grants, using funds from the  
 793 Solid Waste Management Trust Fund and funds provided by the  
 794 Legislature for solid waste management, for programs for  
 795 recycling, composting, litter control, and special waste  
 796 management and for programs which provide for the safe and  
 797 proper management of solid waste.

798 (14)~~(22)~~ Budget and receive appropriated funds and accept,  
 799 receive, and administer grants or other funds or gifts from  
 800 public or private agencies, including the state and the Federal  
 801 Government, for the purpose of carrying out the provisions of  
 802 this act.

803 (15)~~(23)~~ Delegate its powers, enter into contracts, or  
 804 take such other actions as may be necessary to implement this  
 805 act.

806 (16)~~(24)~~ Receive and administer funds appropriated for  
 807 county hazardous waste management assessments.

808 (17)~~(25)~~ Provide technical assistance to local governments  
 809 and regional agencies to ensure consistency between county  
 810 hazardous waste management assessments; coordinate the  
 811 development of such assessments with the assistance of the  
 812 appropriate regional planning councils; and review and make

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813 recommendations to the Legislature relative to the sufficiency  
814 of the assessments to meet state hazardous waste management  
815 needs.

816 ~~(18)~~(26) Increase public education and public awareness of  
817 solid and hazardous waste issues by developing and promoting  
818 statewide programs of litter control, recycling, volume  
819 reduction, and proper methods of solid waste and hazardous waste  
820 management.

821 ~~(19)~~(27) Assist the hazardous waste storage, treatment, or  
822 disposal industry by providing to the industry any data produced  
823 on the types and quantities of hazardous waste generated.

824 ~~(20)~~(28) Institute a hazardous waste emergency response  
825 program which would include emergency telecommunication  
826 capabilities and coordination with appropriate agencies.

827 ~~(21)~~(29) Promulgate rules necessary to accept delegation  
828 of the hazardous waste management program from the Environmental  
829 Protection Agency under the Hazardous and Solid Waste Amendments  
830 of 1984, Pub. L. No. 98-616.

831 ~~(22)~~(30) Adopt rules, if necessary, to address the  
832 incineration and disposal of biomedical waste and the management  
833 of biological waste within the state, whether such waste is  
834 generated within this state or outside this state, as long as  
835 such requirements and conditions are not based on the out-of-  
836 state origin of the waste and are consistent with applicable  
837 provisions of law.

838 Section 12. Section 403.7043, Florida Statutes, is amended  
839 to read:

840 403.7043 Compost standards and applications.--

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

845 (2) The department shall ~~Within 6 months after October 1,~~  
846 ~~1988, the department shall initiate rulemaking to establish and~~ and  
847 maintain rules addressing standards for the production of  
848 compost ~~and shall complete and promulgate those rules within 12~~  
849 ~~months after initiating the process of rulemaking, including~~  
850 rules establishing:

851 (a) Requirements necessary to produce hygienically safe  
852 compost products for varying applications.

853 (b) A classification scheme for compost based on+ the  
854 types of waste composted, ~~including at least one type containing~~  
855 ~~only yard trash;~~ the maturity of the compost, ~~including at least~~  
856 ~~three degrees of decomposition for fresh, semimature, and~~  
857 ~~mature;~~ and the levels of organic and inorganic constituents in  
858 the compost. This scheme shall address:

- 859 1. Methods for measurement of the compost maturity.
- 860 2. Particle sizes.
- 861 3. Moisture content.
- 862 4. Average levels of organic and inorganic constituents,  
863 including heavy metals, for such classes of compost as the  
864 department establishes, and the analytical methods to determine  
865 those levels.

866 ~~(3) Within 6 months after October 1, 1988, the department~~  
867 ~~shall initiate rulemaking to prescribe the allowable uses and~~  
868 ~~application rates of compost and shall complete and promulgate~~

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869 ~~those rules within 12 months after initiating the process of~~  
870 ~~rulemaking, based on the following criteria:~~

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

874 ~~(b) The allowable uses of compost based on maturity and~~  
875 ~~type of compost.~~

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

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

885 Section 13. Subsections (1), (2), and (3) of section  
886 403.7045, Florida Statutes, are amended to read:

887 403.7045 Application of act and integration with other  
888 acts.--

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

891 (a) Byproduct material, source material, and special  
892 nuclear material, the generation, transportation, disposal,  
893 storage, or treatment of which is regulated under chapter 404 or  
894 under the federal Atomic Energy Act of 1954, ch. 1073, 68 Stat.  
895 923, as amended;

896 (b) Suspended solids and dissolved materials in domestic



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897 sewage effluent or irrigation return flows or other discharges  
898 which are point sources subject to permits pursuant to  
899 provisions of this chapter or pursuant to s. 402 of the Clean  
900 Water Act, Pub. L. No. 95-217;

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

904 (d) Drilling fluids, produced waters, and other wastes  
905 associated with the exploration for, or development and  
906 production of, crude oil or natural gas which are regulated  
907 under chapter 377; or

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

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

913 2. The recovered materials handled by the facility or the  
914 products or byproducts of operations that process recovered  
915 materials are not discharged, deposited, injected, dumped,  
916 spilled, leaked, or placed into or upon any land or water by the  
917 owner or operator of such facility so that such recovered  
918 materials, products or byproducts, or any constituent thereof  
919 may enter other lands or be emitted into the air or discharged  
920 into any waters, including groundwaters, or otherwise enter the  
921 environment such that a threat of contamination in excess of  
922 applicable department standards and criteria is caused.

923 3. The recovered materials handled by the facility are not  
924 hazardous wastes as defined under s. 403.703, and rules

925 promulgated pursuant thereto.

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

927 (f) Industrial byproducts, if:

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

930 2. The industrial byproducts are not discharged,  
 931 deposited, injected, dumped, spilled, leaked, or placed upon any  
 932 land or water so that such industrial byproducts, or any  
 933 constituent thereof, may enter other lands or be emitted into  
 934 the air or discharged into any waters, including groundwaters,  
 935 or otherwise enter the environment such that a threat of  
 936 contamination in excess of applicable department standards and  
 937 criteria or a significant threat to public health is caused.

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

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

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

946 (b) Agricultural and silvicultural byproduct material and  
 947 agricultural and silvicultural process waste from normal farming  
 948 or processing.

949 (c) Discarded material generated by the mining and  
 950 beneficiation and chemical or thermal processing of phosphate  
 951 rock, and precipitates resulting from neutralization of  
 952 phosphate chemical plant process and nonprocess waters.

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

955 (a) Dredged material that is generated as part of a  
 956 project permitted under part IV of chapter 373 or chapter 161,  
 957 or that is authorized to be removed from sovereign submerged  
 958 lands under chapter 253, ~~Dredge spoil or fill material~~ shall be  
 959 managed in accordance with the conditions of that permit or  
 960 authorization unless the dredged material is regulated as  
 961 hazardous waste pursuant to this part ~~disposed of pursuant to a~~  
 962 dredge and fill permit, but whenever hazardous components are  
 963 disposed of within the dredge or fill material, the dredge and  
 964 fill permits shall specify the specific hazardous wastes  
 965 contained and the concentration of each such waste. If the  
 966 dredged material contains hazardous substances, the department  
 967 may further ~~then~~ limit or restrict the sale or use of the  
 968 dredged ~~dredge and fill~~ material and may specify such other  
 969 conditions relative to this material as are reasonably necessary  
 970 to protect the public from the potential hazards.

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

977 (c) Solid waste or hazardous waste facilities that ~~which~~  
 978 are operated as a part of the normal operation of a power  
 979 generating facility and which are licensed by certification  
 980 pursuant to the Florida Electrical Power Plant Siting Act, ss.

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981 403.501-403.518, shall undergo such certification subject to the  
 982 substantive provisions of this act.

983 (d) Biomedical waste and biological waste shall be  
 984 disposed of only as authorized by the department. However, any  
 985 person who unknowingly disposes into a sanitary landfill or  
 986 waste-to-energy facility any such waste that ~~which~~ has not been  
 987 properly segregated or separated from other solid wastes by the  
 988 generating facility is not guilty of a violation under this act.  
 989 ~~Nothing in This paragraph does not shall be construed to~~  
 990 prohibit the department from seeking injunctive relief pursuant  
 991 to s. 403.131 to prohibit the unauthorized disposal of  
 992 biomedical waste or biological waste.

993 Section 14. Section 403.707, Florida Statutes, is amended  
 994 to read:

995 403.707 Permits.--

996 (1) A ~~No~~ solid waste management facility may not be  
 997 operated, maintained, constructed, expanded, modified, or closed  
 998 without an appropriate and currently valid permit issued by the  
 999 department. The department may, by rule, exempt specified types  
 1000 of facilities from the requirement for a permit if it determines  
 1001 that construction for operation of the facility is not expected  
 1002 to create any significant threat to the environment or public  
 1003 health. For purposes of this part, and only when specified by  
 1004 department rule, a permit may include registrations as well as  
 1005 other forms of licenses as defined in s. 120.52. Solid waste  
 1006 construction permits issued under this section may include any  
 1007 permit conditions necessary to achieve compliance with the  
 1008 recycling requirements of this act. The department shall pursue

1009 reasonable timeframes for closure and construction requirements,  
 1010 considering pending federal requirements and implementation  
 1011 costs to the permittee. The department shall adopt a rule  
 1012 establishing performance standards for construction and closure  
 1013 of solid waste management facilities. The standards shall allow  
 1014 flexibility in design and consideration for site-specific  
 1015 characteristics.

1016 (2) Except as provided in s. 403.722(6), no permit under  
 1017 this section is required for the following, provided that the  
 1018 activity shall not create a public nuisance or any condition  
 1019 adversely affecting the environment or public health and shall  
 1020 not violate other state or local laws, ordinances, rules,  
 1021 regulations, or orders:

1022 (a) Disposal by persons of solid waste resulting from  
 1023 their own activities on their own property, provided such waste  
 1024 is either ordinary household waste from their residential  
 1025 property or is rocks, soils, trees, tree remains, and other  
 1026 vegetative matter that ~~which~~ normally result from land  
 1027 development operations. Disposal of materials that ~~which~~ could  
 1028 create a public nuisance or adversely affect the environment or  
 1029 public health, such as: white goods; automotive materials, such  
 1030 as batteries and tires; petroleum products; pesticides;  
 1031 solvents; or hazardous substances, is not covered under this  
 1032 exemption.

1033 (b) Storage in containers by persons of solid waste  
 1034 resulting from their own activities on their property, leased or  
 1035 rented property, or property subject to a homeowners or  
 1036 maintenance association for which the person contributes

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1037 association assessments, if the solid waste in such containers  
 1038 is collected at least once a week.

1039 (c) Disposal by persons of solid waste resulting from  
 1040 their own activities on their property, provided the  
 1041 environmental effects of such disposal on groundwater and  
 1042 surface waters are:

1043 1. Addressed or authorized by a site certification order  
 1044 issued under part II or a permit issued by the department  
 1045 pursuant to this chapter or rules adopted pursuant thereto; or

1046 2. Addressed or authorized by, or exempted from the  
 1047 requirement to obtain, a groundwater monitoring plan approved by  
 1048 the department.

1049 (d) Disposal by persons of solid waste resulting from  
 1050 their own activities on their own property, provided that such  
 1051 disposal occurred prior to October 1, 1988.

1052 (e) Disposal of solid waste resulting from normal farming  
 1053 operations as defined by department rule. Polyethylene  
 1054 agricultural plastic, damaged, nonsalvageable, untreated wood  
 1055 pallets, and packing material that cannot be feasibly recycled,  
 1056 which are used in connection with agricultural operations  
 1057 related to the growing, harvesting, or maintenance of crops, may  
 1058 be disposed of by open burning, provided that no public nuisance  
 1059 or any condition adversely affecting the environment or the  
 1060 public health is created thereby and that state or federal  
 1061 ambient air quality standards are not violated.

1062 (f) The use of clean debris as fill material in any area.  
 1063 However, this paragraph does not exempt any person from  
 1064 obtaining any other required permits, nor does it affect a

1065 person's responsibility to dispose of clean debris appropriately  
 1066 if it is not to be used as fill material.

1067 (g) Compost operations that produce less than 50 cubic  
 1068 yards of compost per year when the compost produced is used on  
 1069 the property where the compost operation is located.

1070 (3) All applicable provisions of ss. 403.087 and 403.088,  
 1071 relating to permits, apply to the control of solid waste  
 1072 management facilities.

1073 (4) When application for a construction permit for a Class  
 1074 I ~~or Class II~~ solid waste disposal area is made, it is the duty  
 1075 of the department to provide a copy of the application, within 7  
 1076 days after filing, to the water management district having  
 1077 jurisdiction where the area is to be located. The water  
 1078 management district may prepare an advisory report as to the  
 1079 impact on water resources. This report shall contain the  
 1080 district's recommendations as to the disposition of the  
 1081 application and shall be submitted to the department no later  
 1082 than 30 days prior to the deadline for final agency action by  
 1083 the department. However, the failure of the department or the  
 1084 water management district to comply with the provisions of this  
 1085 subsection shall not be the basis for the denial, revocation, or  
 1086 remand of any permit or order issued by the department.

1087 (5) The department may not issue a construction permit  
 1088 pursuant to this part for a new solid waste landfill within  
 1089 3,000 feet of Class I surface waters.

1090 (6) The department may issue a construction permit  
 1091 pursuant to this part only to a solid waste management facility  
 1092 that provides the conditions necessary to control the safe

1093 movement of wastes or waste constituents into surface or ground  
 1094 waters or the atmosphere and that will be operated, maintained,  
 1095 and closed by qualified and properly trained personnel. Such  
 1096 facility must if necessary:

1097 (a) Use natural or artificial barriers which are capable  
 1098 of controlling lateral or vertical movement of wastes or waste  
 1099 constituents into surface or ground waters.

1100 (b) Have a foundation or base that is capable of providing  
 1101 support for structures and waste deposits and capable of  
 1102 preventing foundation or base failure due to settlement,  
 1103 compression, or uplift.

1104 (c) Provide for the most economically feasible, cost-  
 1105 effective, and environmentally safe control of leachate, gas,  
 1106 stormwater, and disease vectors and prevent the endangerment of  
 1107 public health and the environment.

1108  
 1109 Open fires, air-curtain incinerators, or trench burning may not  
 1110 be used as a means of disposal at a solid waste management  
 1111 facility, unless permitted by the department under s. 403.087.

1112 (7) Prior to application for a construction permit, an  
 1113 applicant shall designate to the department temporary backup  
 1114 disposal areas or processes for the resource recovery facility.  
 1115 Failure to designate temporary backup disposal areas or  
 1116 processes shall result in a denial of the construction permit.

1117 (8) The department may refuse to issue a permit to an  
 1118 applicant who by past conduct in this state has repeatedly  
 1119 violated pertinent statutes, rules, or orders or permit terms or  
 1120 conditions relating to any solid waste management facility and



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1121 who is deemed to be irresponsible as defined by department rule.  
1122 For the purposes of this subsection, an applicant includes the  
1123 owner or operator of the facility, or if the owner or operator  
1124 is a business entity, a parent of a subsidiary corporation, a  
1125 partner, a corporate officer or director, or a stockholder  
1126 holding more than 50 percent of the stock of the corporation.

1127 ~~(9) Before or on the same day of filing with the~~  
1128 ~~department of an application for any construction permit for the~~  
1129 ~~incineration of biomedical waste which the department may~~  
1130 ~~require by rule, the applicant shall notify each city and county~~  
1131 ~~within 1 mile of the facility of the filing of the application~~  
1132 ~~and shall publish notice of the filing of the application. The~~  
1133 ~~applicant shall publish a second notice of the filing within 14~~  
1134 ~~days after the date of filing. Each notice shall be published in~~  
1135 ~~a newspaper of general circulation in the county in which the~~  
1136 ~~facility is located or is proposed to be located.~~

1137 ~~Notwithstanding the provisions of chapter 50, for purposes of~~  
1138 ~~this section, a "newspaper of general circulation" shall be the~~  
1139 ~~newspaper within the county in which the installation or~~  
1140 ~~facility is proposed which has the largest daily circulation in~~  
1141 ~~that county and has its principal office in that county. If the~~  
1142 ~~newspaper with the largest daily circulation has its principal~~  
1143 ~~office outside the county, the notice shall appear in both the~~  
1144 ~~newspaper with the largest daily circulation in that county, and~~  
1145 ~~a newspaper authorized to publish legal notices in that county.~~  
1146 ~~The notice shall contain:~~

1147 ~~(a) The name of the applicant and a brief description of~~  
1148 ~~the facility and its location.~~

1149 ~~(b) The location of the application file and when it is~~  
 1150 ~~available for public inspection.~~

1151  
 1152 ~~The notice shall be prepared by the applicant and shall comply~~  
 1153 ~~with the following format:~~

1154  
 1155 Notice of Application  
 1156

1157 ~~The Department of Environmental Protection announces receipt of~~  
 1158 ~~an application for a permit from (name of applicant) to (brief~~  
 1159 ~~description of project). This proposed project will be located~~  
 1160 ~~at (location) in (county) (city).~~

1161  
 1162 ~~This application is being processed and is available for public~~  
 1163 ~~inspection during normal business hours, 8:00 a.m. to 5:00 p.m.,~~  
 1164 ~~Monday through Friday, except legal holidays, at (name and~~  
 1165 ~~address of office).~~

1166  
 1167 ~~(10) A permit, which the department may require by rule,~~  
 1168 ~~for the incineration of biomedical waste, may not be transferred~~  
 1169 ~~by the permittee to any other entity, except in conformity with~~  
 1170 ~~the requirements of this subsection.~~

1171 ~~(a) Within 30 days after the sale or legal transfer of a~~  
 1172 ~~permitted facility, the permittee shall file with the department~~  
 1173 ~~an application for transfer of the permits on such form as the~~  
 1174 ~~department shall establish by rule. The form must be completed~~  
 1175 ~~with the notarized signatures of both the transferring permittee~~  
 1176 ~~and the proposed permittee.~~

1177       ~~(b) The department shall approve the transfer of a permit~~  
1178 ~~unless it determines that the proposed permittee has not~~  
1179 ~~provided reasonable assurances that the proposed permittee has~~  
1180 ~~the administrative, technical, and financial capability to~~  
1181 ~~properly satisfy the requirements and conditions of the permit,~~  
1182 ~~as determined by department rule. The determination shall be~~  
1183 ~~limited solely to the ability of the proposed permittee to~~  
1184 ~~comply with the conditions of the existing permit, and it shall~~  
1185 ~~not concern the adequacy of the permit conditions. If the~~  
1186 ~~department proposes to deny the transfer, it shall provide both~~  
1187 ~~the transferring permittee and the proposed permittee a written~~  
1188 ~~objection to such transfer together with notice of a right to~~  
1189 ~~request a proceeding on such determination under chapter 120.~~

1190       ~~(c) Within 90 days after receiving a properly completed~~  
1191 ~~application for transfer of a permit, the department shall issue~~  
1192 ~~a final determination. The department may toll the time for~~  
1193 ~~making a determination on the transfer by notifying both the~~  
1194 ~~transferring permittee and the proposed permittee that~~  
1195 ~~additional information is required to adequately review the~~  
1196 ~~transfer request. Such notification shall be provided within 30~~  
1197 ~~days after receipt of an application for transfer of the permit,~~  
1198 ~~completed pursuant to paragraph (a). If the department fails to~~  
1199 ~~take action to approve or deny the transfer within 90 days after~~  
1200 ~~receipt of the completed application or within 90 days after~~  
1201 ~~receipt of the last item of timely requested additional~~  
1202 ~~information, the transfer shall be deemed approved.~~

1203       ~~(d) The transferring permittee is encouraged to apply for~~  
1204 ~~a permit transfer well in advance of the sale or legal transfer~~

1205 ~~of a permitted facility. However, the transfer of the permit~~  
 1206 ~~shall not be effective prior to the sale or legal transfer of~~  
 1207 ~~the facility.~~

1208 ~~(c) Until the transfer of the permit is approved by the~~  
 1209 ~~department, the transferring permittee and any other person~~  
 1210 ~~constructing, operating, or maintaining the permitted facility~~  
 1211 ~~shall be liable for compliance with the terms of the permit.~~  
 1212 ~~Nothing in this section shall relieve the transferring permittee~~  
 1213 ~~of liability for corrective actions that may be required as a~~  
 1214 ~~result of any violations occurring prior to the legal transfer~~  
 1215 ~~of the permit.~~

1216 ~~(11) The department shall review all permit applications~~  
 1217 ~~for any designated Class I solid waste disposal facility. As~~  
 1218 ~~used in this subsection, the term "designated Class I solid~~  
 1219 ~~waste disposal facility" means any facility that is, as of May~~  
 1220 ~~12, 1993, a solid waste disposal facility classified as an~~  
 1221 ~~active Class I landfill by the department, that is located in~~  
 1222 ~~whole or in part within 1,000 feet of the boundary of any~~  
 1223 ~~municipality, but that is not located within any county with an~~  
 1224 ~~approved charter or consolidated municipal government, is not~~  
 1225 ~~located within any municipality, and is not operated by a~~  
 1226 ~~municipality. The department shall not permit vertical expansion~~  
 1227 ~~or horizontal expansion of any designated Class I solid waste~~  
 1228 ~~disposal facility unless the application for such permit was~~  
 1229 ~~filed before January 1, 1993, and no solid waste management~~  
 1230 ~~facility may be operated which is a vertical expansion or~~  
 1231 ~~horizontal expansion of a designated Class I solid waste~~  
 1232 ~~disposal facility. As used in this subsection, the term~~

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1233 ~~"vertical expansion" means any activity that will result in an~~  
 1234 ~~increase in the height of a designated Class I solid waste~~  
 1235 ~~disposal facility above 100 feet National Geodetic Vertical~~  
 1236 ~~Datum, except solely for closure, and the term "horizontal~~  
 1237 ~~expansion" means any activity that will result in an increase in~~  
 1238 ~~the ground area covered by a designated Class I solid waste~~  
 1239 ~~disposal facility, or if within 1 mile of a designated Class I~~  
 1240 ~~solid waste disposal facility, any new or expanded operation of~~  
 1241 ~~any solid waste disposal facility or area, or of incineration of~~  
 1242 ~~solid waste, or of storage of solid waste for more than 1 year,~~  
 1243 ~~or of composting of solid waste other than yard trash.~~

1244 (9)~~(12)~~ The department shall establish a separate category  
 1245 for solid waste management facilities which accept only  
 1246 construction and demolition debris for disposal or recycling.  
 1247 The department shall establish a reasonable schedule for  
 1248 existing facilities to comply with this section to avoid undue  
 1249 hardship to such facilities. However, a permitted solid waste  
 1250 disposal unit that ~~which~~ receives a significant amount of waste  
 1251 prior to the compliance deadline established in this schedule  
 1252 shall not be required to be retrofitted with liners or leachate  
 1253 control systems. Facilities accepting materials defined in s.  
 1254 403.703(6)(b) ~~s. 403.703(17)(b)~~ must implement a groundwater  
 1255 monitoring system adequate to detect contaminants that may  
 1256 reasonably be expected to result from such disposal prior to the  
 1257 acceptance of those materials.

1258 (a) The department shall establish reasonable  
 1259 construction, operation, monitoring, recordkeeping, financial  
 1260 assurance, and closure requirements for such facilities. The

1261 department shall take into account the nature of the waste  
 1262 accepted at various facilities when establishing these  
 1263 requirements, and may impose less stringent requirements,  
 1264 including a system of general permits or registration  
 1265 requirements, for facilities that accept only a segregated waste  
 1266 stream which is expected to pose a minimal risk to the  
 1267 environment and public health, such as clean debris. The  
 1268 Legislature recognizes that incidental amounts of other types of  
 1269 solid waste are commonly generated at construction or demolition  
 1270 projects. In any enforcement action taken pursuant to this  
 1271 section, the department shall consider the difficulty of  
 1272 removing these incidental amounts from the waste stream.

1273 (b) The department shall not require liners and leachate  
 1274 collection systems at individual facilities unless it  
 1275 demonstrates, based upon the types of waste received, the  
 1276 methods for controlling types of waste disposed of, the  
 1277 proximity of groundwater and surface water, and the results of  
 1278 the hydrogeological and geotechnical investigations, that the  
 1279 facility is reasonably expected to result in violations of  
 1280 groundwater standards and criteria otherwise.

1281 (c) The owner or operator shall provide financial  
 1282 assurance for closing of the facility in accordance with the  
 1283 requirements of s. 403.7125. The financial assurance shall cover  
 1284 the cost of closing the facility and 5 years of long-term care  
 1285 after closing, unless the department determines, based upon  
 1286 hydrogeologic conditions, the types of wastes received, or the  
 1287 groundwater monitoring results, that a different long-term care  
 1288 period is appropriate. However, unless the owner or operator of

1289 the facility is a local government, the escrow account described  
 1290 in s. 403.7125(2) ~~s. 403.7125(3)~~ may not be used as a financial  
 1291 assurance mechanism.

1292 (d) The department shall establish training requirements  
 1293 for operators of facilities, and shall work with the State  
 1294 University System or other providers to assure that adequate  
 1295 training courses are available. The department shall also assist  
 1296 the Florida Home Builders Association in establishing a  
 1297 component of its continuing education program to address proper  
 1298 handling of construction and demolition debris, including best  
 1299 management practices for reducing contamination of the  
 1300 construction and demolition debris waste stream.

1301 (e) The issuance of a permit under this subsection does  
 1302 not obviate the need to comply with all applicable zoning and  
 1303 land use regulations.

1304 (f) A permit is not required under this section for the  
 1305 disposal of construction and demolition debris on the property  
 1306 where it is generated, but such property must be covered,  
 1307 graded, and vegetated as necessary when disposal is complete.

1308 (g) It is the policy of the Legislature to encourage  
 1309 facilities to recycle. The department shall establish criteria  
 1310 and guidelines that encourage recycling where practical and  
 1311 provide for the use of recycled materials in a manner that  
 1312 protects the public health and the environment. Facilities are  
 1313 authorized to recycle, provided such activities do not conflict  
 1314 with such criteria and guidelines.

1315 (h) The department shall ensure that the requirements of  
 1316 this section are applied and interpreted consistently throughout

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1317 the state. In accordance with s. 20.255, the Division of Waste  
1318 Management shall direct the district offices and bureaus on  
1319 matters relating to the interpretation and applicability of this  
1320 section.

1321 (i) The department shall provide notice of receipt of a  
1322 permit application for the initial construction of a  
1323 construction and demolition debris disposal facility to the  
1324 local governments having jurisdiction where the facility is to  
1325 be located.

1326 (j) The Legislature recognizes that recycling, waste  
1327 reduction, and resource recovery are important aspects of an  
1328 integrated solid waste management program and as such are  
1329 necessary to protect the public health and the environment. If  
1330 necessary to promote such an integrated program, the county may  
1331 determine, after providing notice and an opportunity for a  
1332 hearing prior to December 31, 2006 ~~1996~~, that some or all of the  
1333 wood material described in s. 403.703(6)(b) ~~s. 403.703(17)(b)~~  
1334 shall be excluded from the definition of "construction and  
1335 demolition debris" in s. 403.703(6) ~~s. 403.703(17)~~ within the  
1336 jurisdiction of such county. The county may make such a  
1337 determination only if it finds that, prior to June 1, 2006 ~~1996~~,  
1338 the county has established an adequate method for the use or  
1339 recycling of such wood material at an existing or proposed solid  
1340 waste management facility that is permitted or authorized by the  
1341 department on June 1, 2006 ~~1996~~. The county shall not be  
1342 required to hold a hearing if the county represents that it  
1343 previously has held a hearing for such purpose, nor shall the  
1344 county be required to hold a hearing if the county represents



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1345 that it previously has held a public meeting or hearing that  
 1346 authorized such method for the use or recycling of trash or  
 1347 other nonputrescible waste materials and if the county further  
 1348 represents that such materials include those materials described  
 1349 in s. 403.703(6)(b) ~~s. 403.703(17)(b)~~. The county shall provide  
 1350 written notice of its determination to the department by no  
 1351 later than December 31, 2006 ~~1996~~; thereafter, the wood  
 1352 materials described in s. 403.703(6)(b) ~~s. 403.703(17)(b)~~ shall  
 1353 be excluded from the definition of "construction and demolition  
 1354 debris" in s. 403.703(6) ~~s. 403.703(17)~~ within the jurisdiction  
 1355 of such county. The county may withdraw or revoke its  
 1356 determination at any time by providing written notice to the  
 1357 department.

1358 (k) Brazilian pepper and other invasive exotic plant  
 1359 species as designated by the department resulting from  
 1360 eradication projects may be processed at permitted construction  
 1361 and demolition debris recycling facilities or disposed of at  
 1362 permitted construction and demolition debris disposal facilities  
 1363 or Class III facilities. The department may adopt rules to  
 1364 implement this paragraph.

1365 (10) ~~(13)~~ If the department and a local government  
 1366 independently require financial assurance for the closure of a  
 1367 privately owned solid waste management facility, the department  
 1368 and that local government shall enter into an interagency  
 1369 agreement that will allow the owner or operator to provide a  
 1370 single financial mechanism to cover the costs of closure ~~and any~~  
 1371 ~~required long term care~~. The financial mechanism may provide for  
 1372 the department and local government to be cobeneficiaries or

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1373 copayees, but shall not impose duplicative financial  
1374 requirements on the owner or operator. These closure costs must  
1375 include at least the minimum required by department rules and  
1376 must also include any additional costs required by local  
1377 ordinance or regulation.

1378 (11)~~(14)~~ Before or on the same day of filing with the  
1379 department of an application for a permit to construct or  
1380 substantially modify a solid waste management facility, the  
1381 applicant shall notify the local government having jurisdiction  
1382 over the facility of the filing of the application. The  
1383 applicant also shall publish notice of the filing of the  
1384 application in a newspaper of general circulation in the area  
1385 where the facility will be located. Notice shall be given and  
1386 published in accordance with applicable department rules. The  
1387 department shall not issue the requested permit until the  
1388 applicant has provided the department with proof that the  
1389 notices required by this subsection have been given. Issuance of  
1390 a permit does not relieve an applicant from compliance with  
1391 local zoning or land use ordinances, or with any other law,  
1392 rules, or ordinances.

1393 (12)~~(15)~~ Construction and demolition debris must be  
1394 separated from the solid waste stream and segregated in separate  
1395 locations at a solid waste disposal facility or other permitted  
1396 site.

1397 (13)~~(16)~~ No facility, solely by virtue of the fact that it  
1398 uses processed yard trash or clean wood or paper waste as a fuel  
1399 source, shall be considered to be a solid waste disposal  
1400 facility.

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1401 Section 15. Section 403.7071, Florida Statutes, is created  
 1402 to read:

1403 403.7071 Management of storm-generated debris.--Solid  
 1404 waste generated as a result of a storm event that is the subject  
 1405 of an emergency order issued by the department may be managed as  
 1406 follows:

1407 (1) The Department of Environmental Protection may issue  
 1408 field authorizations for staging areas in those counties  
 1409 affected by a storm event. Such staging areas may be used for  
 1410 the temporary storage and management of storm-generated debris,  
 1411 including the chipping, grinding, or burning of vegetative  
 1412 debris. Field authorizations may be requested by providing a  
 1413 notice to the local office of the department containing a  
 1414 description of the design and operation of the staging area; the  
 1415 location of the staging area; and the name, address, and  
 1416 telephone number of the site manager. Field authorizations also  
 1417 may be issued by the department staff without prior notice.  
 1418 Written records of all field authorizations shall be created and  
 1419 maintained by department staff. Field authorizations may include  
 1420 specific conditions for the operation and closure of the staging  
 1421 area and shall include a required closure date. A local  
 1422 government shall avoid locating a staging area in wetlands and  
 1423 other surface waters to the greatest extent possible, and the  
 1424 area that is used or affected by a staging area must be fully  
 1425 restored upon cessation of use of the area.

1426 (2) Storm-generated vegetative debris managed at a staging  
 1427 area may be disposed of in a permitted lined or unlined  
 1428 landfill, a permitted land clearing debris facility, or a

1429 permitted construction and demolition debris disposal facility.  
 1430 Vegetative debris may also be managed at a permitted waste  
 1431 processing facility or a registered yard trash processing  
 1432 facility.

1433 (3) Construction and demolition debris that is mixed with  
 1434 other storm-generated debris need not be segregated from other  
 1435 solid waste prior to disposal in a lined landfill. Construction  
 1436 and demolition debris that is source-separated or is separated  
 1437 from other hurricane-generated debris at an authorized staging  
 1438 area, or at another area specifically authorized by the  
 1439 department, may be managed at a permitted construction and  
 1440 demolition debris disposal or recycling facility upon approval  
 1441 by the department of the methods and operational practices used  
 1442 to inspect the waste during segregation.

1443 (4) Unsalvageable refrigerators and freezers containing  
 1444 solid waste, such as rotting food, which may create a sanitary  
 1445 nuisance may be disposed of in a permitted lined landfill;  
 1446 however, chlorofluorocarbons and capacitors must be removed and  
 1447 recycled to the greatest extent practicable using techniques and  
 1448 personnel meeting relevant federal requirements.

1449 (5) Local governments may conduct the burning of storm-  
 1450 generated yard trash and other vegetative debris in air-curtain  
 1451 incinerators without prior notice to the department. Demolition  
 1452 debris may also be burned in air-curtain incinerators if the  
 1453 material is limited to untreated wood. Within 10 days after  
 1454 commencing such burning, the local government shall notify the  
 1455 department in writing describing the general nature of the  
 1456 materials burned; the location and method of burning; and the

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1457 name, address, and telephone number of the representative of the  
 1458 local government to contact concerning the work. The operator of  
 1459 the air-curtain incinerator is subject to any requirement to  
 1460 obtain an open-burning authorization from the Division of  
 1461 Forestry or any other agency empowered to grant such  
 1462 authorization.

1463 Section 16. Section 403.708, Florida Statutes, is amended  
 1464 to read:

1465 403.708 Prohibition; penalty.--

1466 (1) No person shall:

1467 (a) Place or deposit any solid waste in or on the land or  
 1468 waters located within the state except in a manner approved by  
 1469 the department and consistent with applicable approved programs  
 1470 of counties or municipalities. However, nothing in this act  
 1471 shall be construed to prohibit the disposal of solid waste  
 1472 without a permit as provided in s. 403.707(2).

1473 (b) Burn solid waste except in a manner prescribed by the  
 1474 department and consistent with applicable approved programs of  
 1475 counties or municipalities.

1476 (c) Construct, alter, modify, or operate a solid waste  
 1477 management facility or site without first having obtained from  
 1478 the department any permit required by s. 403.707.

1479 (2) No beverage shall be sold or offered for sale within  
 1480 the state in a beverage container designed and constructed so  
 1481 that the container is opened by detaching a metal ring or tab.

1482 (3) For purposes of subsections (2), (9), and (10):

1483 ~~(a) "Degradable," with respect to any material, means that~~  
 1484 ~~such material, after being discarded, is capable of decomposing~~

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1485 ~~to components other than heavy metals or other toxic substances,~~  
 1486 ~~after exposure to bacteria, light, or outdoor elements.~~

1487 (a)~~(b)~~ "Beverage" means soda water, carbonated natural or  
 1488 mineral water, or other nonalcoholic carbonated drinks; soft  
 1489 drinks, whether or not carbonated; beer, ale, or other malt  
 1490 drink of whatever alcoholic content; or a mixed wine drink or a  
 1491 mixed spirit drink.

1492 (b)~~(e)~~ "Beverage container" means an airtight container  
 1493 which at the time of sale contains 1 gallon or less of a  
 1494 beverage, or the metric equivalent of 1 gallon or less, and  
 1495 which is composed of metal, plastic, or glass or a combination  
 1496 thereof.

1497 (4) The Division of Alcoholic Beverages and Tobacco of the  
 1498 Department of Business and Professional Regulation may impose a  
 1499 fine of not more than \$100 on any person currently licensed  
 1500 pursuant to s. 561.14 for each violation of the provisions of  
 1501 subsection (2). If the violation is of a continuing nature, each  
 1502 day during which such violation occurs shall constitute a  
 1503 separate and distinct offense and shall be subject to a separate  
 1504 fine.

1505 (5) The Department of Agriculture and Consumer Services  
 1506 may impose a fine of not more than \$100 on any person not  
 1507 currently licensed pursuant to s. 561.14 for each violation of  
 1508 the provisions of subsection (2). If the violation is of a  
 1509 continuing nature, each day during which such violation occurs  
 1510 shall constitute a separate and distinct offense and shall be  
 1511 subject to a separate fine.

1512 (6) Fifty percent of each fine collected pursuant to

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1513 subsections (4) and (5) shall be deposited into the Solid Waste  
1514 Management Trust Fund. The balance of fines collected pursuant  
1515 to subsection (4) shall be deposited into the Alcoholic Beverage  
1516 and Tobacco Trust Fund for the use of the division for  
1517 inspection and enforcement of the provisions of this section.

1518 The balance of fines collected pursuant to subsection (5) shall  
1519 be deposited into the General Inspection Trust Fund for the use  
1520 of the Department of Agriculture and Consumer Services for  
1521 inspection and enforcement of the provisions of this section.

1522 (7) The Division of Alcoholic Beverages and Tobacco and  
1523 the Department of Agriculture and Consumer Services shall  
1524 coordinate their responsibilities under the provisions of this  
1525 section to ensure that inspections and enforcement are  
1526 accomplished in an efficient, cost-effective manner.

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

1541 number. Plastic bottles of less than 16 ounces, rigid plastic  
 1542 containers of less than 8 ounces, and plastic casings on lead-  
 1543 acid storage batteries are not required to be labeled under this  
 1544 section. The numbers and letters must be as follows:

1545 (a) For polyethylene terephthalate, the letters "PETE" and  
 1546 the number 1.

1547 (b) For high-density polyethylene, the letters "HDPE" and  
 1548 the number 2.

1549 (c) For vinyl, the letter "V" and the number 3.

1550 (d) For low-density polyethylene, the letters "LDPE" and  
 1551 the number 4.

1552 (e) For polypropylene, the letters "PP" and the number 5.

1553 (f) For polystyrene, the letters "PS" and the number 6.

1554 (g) For any other, the letters "OTHER" and the number 7.

1555 (9) No person shall distribute, sell, or expose for sale  
 1556 in this state any product packaged in a container or packing  
 1557 material manufactured with fully halogenated chlorofluorocarbons  
 1558 (CFC). Producers of containers or packing material manufactured  
 1559 with chlorofluorocarbons (CFC) are urged to introduce  
 1560 alternative packaging materials which are environmentally  
 1561 compatible.

1562 (10) The packaging of products manufactured or sold in the  
 1563 state may not be controlled by governmental rule, regulation, or  
 1564 ordinance adopted after March 1, 1974, other than as expressly  
 1565 provided in this act.

1566 (11) Violations of this part or rules, regulations,  
 1567 permits, or orders issued thereunder by the department and  
 1568 violations of approved local programs of counties or



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1569 municipalities or rules, regulations, or orders issued  
 1570 thereunder shall be punishable by a civil penalty as provided in  
 1571 s. 403.141.

1572 (12) The department or any county or municipality may also  
 1573 seek to enjoin the violation of, or enforce compliance with,  
 1574 this part or any program adopted hereunder as provided in s.  
 1575 403.131.

1576 (13) In accordance with the following schedule, no person  
 1577 who knows or who should know of the nature of such solid waste  
 1578 shall dispose of such solid waste in landfills:

1579 (a) Lead-acid batteries, ~~after January 1, 1989~~. Lead-acid  
 1580 batteries also may ~~shall~~ not be disposed of in any waste-to-  
 1581 energy facility ~~after January 1, 1989~~. To encourage proper  
 1582 collection and recycling, all persons who sell lead-acid  
 1583 batteries at retail shall accept used lead-acid batteries as  
 1584 trade-ins for new lead-acid batteries.

1585 (b) Used oil, ~~after October 1, 1988~~.

1586 (c) Yard trash, ~~after January 1, 1992~~, except in lined  
 1587 ~~unlined~~ landfills classified by department rule as Class I  
 1588 landfills. Yard trash that is source separated from solid waste  
 1589 may be accepted at a solid waste disposal area where the area  
 1590 provides and maintains separate yard trash composting  
 1591 facilities. The department recognizes that incidental amounts of  
 1592 yard trash may be disposed of in Class I ~~lined~~ landfills. In any  
 1593 enforcement action taken pursuant to this paragraph, the  
 1594 department shall consider the difficulty of removing incidental  
 1595 amounts of yard trash from a mixed solid waste stream.

1596 (d) White goods, ~~after January 1, 1990~~.

1597  
 1598 ~~Prior to the effective dates specified in paragraphs (a) (d),~~  
 1599 ~~the department shall identify and assist in developing~~  
 1600 ~~alternative disposal, processing, or recycling options for the~~  
 1601 ~~solid wastes identified in paragraphs (a) (d).~~

1602 Section 17. Section 403.709, Florida Statutes, is amended  
 1603 to read:

1604 403.709 Solid Waste Management Trust Fund; use of waste  
 1605 tire fees.--There is created the Solid Waste Management Trust  
 1606 Fund, to be administered by the department.

1607 (1) ~~From~~ The annual revenues deposited in the trust fund,  
 1608 unless otherwise specified in the General Appropriations Act,  
 1609 shall be used for the following purposes:

1610 (a) ~~(1)~~ Up to 40 percent shall be used for Funding solid  
 1611 waste activities of the department and other state agencies,  
 1612 such as providing technical assistance to local governments and  
 1613 the private sector, performing solid waste regulatory and  
 1614 enforcement functions, preparing solid waste documents, and  
 1615 implementing solid waste education programs.

1616 (b) ~~(2)~~ Up to 4.5 percent shall be used for Funding  
 1617 research and training programs relating to solid waste  
 1618 management through the Center for Solid and Hazardous Waste  
 1619 Management and other organizations which can reasonably  
 1620 demonstrate the capability to carry out such projects.

1621 (c) ~~(3)~~ Up to 11 percent shall be used for Funding to  
 1622 supplement any other funds provided to the Department of  
 1623 Agriculture and Consumer Services for mosquito control. This  
 1624 distribution shall be annually transferred to the General

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1625 Inspection Trust Fund in the Department of Agriculture and  
1626 Consumer Services to be used for mosquito control, especially  
1627 control of West Nile Virus.

1628 (d) ~~(4)~~ ~~Up to 4.5 percent shall be used for~~ Funding to the  
1629 Department of Transportation for litter prevention and control  
1630 programs ~~coordinated by Keep Florida Beautiful, Inc.~~

1631 (e) ~~(5)~~ ~~A minimum of 40 percent shall be used for~~ Funding a  
1632 competitive and innovative grant program pursuant to s. 403.7095  
1633 for activities relating to recycling and reducing the volume of  
1634 municipal solid waste, including waste tires requiring final  
1635 disposal.

1636 (2) ~~(6)~~ The department shall recover to the use of the fund  
1637 from the site owner or the person responsible for the  
1638 accumulation of tires at the site, jointly and severally, all  
1639 sums expended from the fund pursuant to this section to manage  
1640 tires at an illegal waste tire site, except that the department  
1641 may decline to pursue such recovery if it finds the amount  
1642 involved too small or the likelihood of recovery too uncertain.  
1643 If a court determines that the owner is unable or unwilling to  
1644 comply with the rules adopted pursuant to this section or s.  
1645 403.717, the court may authorize the department to take  
1646 possession and control of the waste tire site in order to  
1647 protect the health, safety, and welfare of the community and the  
1648 environment.

1649 (3) ~~(7)~~ The department may impose a lien on the real  
1650 property on which the waste tire site is located and the waste  
1651 tires equal to the estimated cost to bring the tire site into  
1652 compliance, including attorney's fees and court costs. Any owner

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1653 whose property has such a lien imposed may release her or his  
 1654 property from any lien claimed under this subsection by filing  
 1655 with the clerk of the circuit court a cash or surety bond,  
 1656 payable to the department in the amount of the estimated cost of  
 1657 bringing the tire site into compliance with department rules,  
 1658 including attorney's fees and court costs, or the value of the  
 1659 property after the abatement action is complete, whichever is  
 1660 less. No lien provided by this subsection shall continue for a  
 1661 period longer than 4 years after the completion of the abatement  
 1662 action unless within that time an action to enforce the lien is  
 1663 commenced in a court of competent jurisdiction. The department  
 1664 may take action to enforce the lien in the same manner used for  
 1665 construction liens under part I of chapter 713.

1666 (4)~~(8)~~ This section does not limit the use of other  
 1667 remedies available to the department.

1668 Section 18. Subsection (5) of section 403.7095, Florida  
 1669 Statutes, is amended to read:

1670 403.7095 Solid waste management grant program.--

1671 (5) From the funds made available pursuant to s.  
 1672 403.709(1)(e) ~~s. 403.709(5)~~ for the grant program created by  
 1673 this section, the following distributions shall be made:

1674 (a) Up to 15 percent for the program described in  
 1675 subsection (1);

1676 (b) Up to 35 percent for the program described in  
 1677 subsection (3); and

1678 (c) Up to 50 percent for the program described in  
 1679 subsection (4).

1680 Section 19. Section 403.7125, Florida Statutes, is amended

1681 to read:

1682 403.7125 Financial assurance for closure ~~Landfill~~  
 1683 ~~management escrow account.--~~

1684 ~~(1) As used in this section:~~

1685 ~~(a) "Landfill" means any solid waste land disposal area~~  
 1686 ~~for which a permit, other than a general permit, is required by~~  
 1687 ~~s. 403.707 that receives solid waste for disposal in or upon~~  
 1688 ~~land other than a land-spreading site, injection well, or a~~  
 1689 ~~surface impoundment.~~

1690 ~~(b) "Closure" means the ceasing operation of a landfill~~  
 1691 ~~and securing such landfill so that it does not pose a~~  
 1692 ~~significant threat to public health or the environment and~~  
 1693 ~~includes long-term monitoring and maintenance of a landfill.~~

1694 ~~(c) "Owner or operator" means, in addition to the usual~~  
 1695 ~~meanings of the term, any owner of record of any interest in~~  
 1696 ~~land whereon a landfill is or has been located and any person or~~  
 1697 ~~corporation which owns a majority interest in any other~~  
 1698 ~~corporation which is the owner or operator of a landfill.~~

1699 ~~(1)(2)~~ Every owner or operator of a landfill is jointly  
 1700 and severally liable for the improper operation and closure of  
 1701 the landfill, as provided by law. As used in this section, the  
 1702 term "owner or operator" means any owner of record of any  
 1703 interest in land wherein a landfill is or has been located and  
 1704 any person or corporation that owns a majority interest in any  
 1705 other corporation that is the owner or operator of a landfill.

1706 ~~(2)(3)~~ The owner or operator of a landfill owned or  
 1707 operated by a local or state government or the Federal  
 1708 Government shall establish a fee, or a surcharge on existing

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1709 fees or other appropriate revenue-producing mechanism, to ensure  
 1710 the availability of financial resources for the proper closure  
 1711 of the landfill. However, the disposal of solid waste by persons  
 1712 on their own property, as described in s. 403.707(2), is exempt  
 1713 from the provisions of this section.

1714 (a) The revenue-producing mechanism must produce revenue  
 1715 at a rate sufficient to generate funds to meet state and federal  
 1716 landfill closure requirements.

1717 (b) The revenue shall be deposited in an interest-bearing  
 1718 escrow account to be held and administered by the owner or  
 1719 operator. The owner or operator shall file with the department  
 1720 an annual audit of the account. The audit shall be conducted by  
 1721 an independent certified public accountant. Failure to collect  
 1722 or report such revenue, except as allowed in subsection (3) ~~(4)~~,  
 1723 is a noncriminal violation punishable by a fine of not more than  
 1724 \$5,000 for each offense. The owner or operator may make  
 1725 expenditures from the account and its accumulated interest only  
 1726 for the purpose of landfill closure and, if such expenditures do  
 1727 not deplete the fund to the detriment of eventual closure, for  
 1728 planning and construction of resource recovery or landfill  
 1729 facilities. Any moneys remaining in the account after paying for  
 1730 proper and complete closure, as determined by the department,  
 1731 shall, if the owner or operator does not operate a landfill, be  
 1732 deposited by the owner or operator into the general fund or the  
 1733 appropriate solid waste fund of the local government of  
 1734 jurisdiction.

1735 (c) The revenue generated under this subsection and any  
 1736 accumulated interest thereon may be applied to the payment of,

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1737 or pledged as security for, the payment of revenue bonds issued  
1738 in whole or in part for the purpose of complying with state and  
1739 federal landfill closure requirements. Such application or  
1740 pledge may be made directly in the proceedings authorizing such  
1741 bonds or in an agreement with an insurer of bonds to assure such  
1742 insurer of additional security therefor.

1743 (d) The provisions of s. 212.055 that relate to raising of  
1744 revenues for landfill closure or long-term maintenance do not  
1745 relieve a landfill owner or operator from the obligations of  
1746 this section.

1747 (e) The owner or operator of any landfill that had  
1748 established an escrow account in accordance with this section  
1749 and the conditions of its permit prior to January 1, 2006, may  
1750 continue to use that escrow account to provide financial  
1751 assurance for closure of that landfill, even if that landfill is  
1752 not owned or operated by a local or state government or the  
1753 Federal Government.

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

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1765 resources to cover, at a minimum, the costs of complying with  
 1766 applicable ~~landfill~~ closure requirements. The owner or operator  
 1767 shall estimate such costs to the satisfaction of the department.

1768 (4) ~~(5)~~ This section does not repeal, limit, or abrogate  
 1769 any other law authorizing local governments to fix, levy, or  
 1770 charge rates, fees, or charges for the purpose of complying with  
 1771 state and federal landfill closure requirements.

1772 (5) ~~(6)~~ The department shall adopt rules to implement this  
 1773 section.

1774 Section 20. Section 403.716, Florida Statutes, is amended  
 1775 to read:

1776 403.716 Training of operators of solid waste management  
 1777 and other facilities.--

1778 (1) The department shall establish qualifications for, and  
 1779 encourage the development of training programs for, operators of  
 1780 landfills, coordinators of local recycling programs, ~~operators~~  
 1781 ~~of waste to energy facilities, biomedical waste incinerators,~~  
 1782 ~~and mobile soil thermal treatment units or facilities,~~ and  
 1783 operators of other solid waste management facilities.

1784 (2) The department shall work with accredited community  
 1785 colleges, career centers, state universities, and private  
 1786 institutions in developing educational materials, courses of  
 1787 study, and other such information to be made available for  
 1788 persons seeking to be trained as operators of solid waste  
 1789 management facilities.

1790 (3) A person may not perform the duties of an operator of  
 1791 a landfill, ~~or perform the duties of an operator of a waste to~~  
 1792 ~~energy facility, biomedical waste incinerator, or mobile soil~~



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1793 ~~thermal treatment unit or facility,~~ unless she or he has  
 1794 completed an operator training course approved by the department  
 1795 or she or he has qualified as an interim operator in compliance  
 1796 with requirements established by the department by rule. An  
 1797 owner of a landfill, ~~waste to energy facility, biomedical waste~~  
 1798 ~~incinerator, or mobile soil thermal treatment unit or facility~~  
 1799 may not employ any person to perform the duties of an operator  
 1800 unless such person has completed an approved landfill, ~~waste to~~  
 1801 ~~energy facility, biomedical waste incinerator, or mobile soil~~  
 1802 ~~thermal treatment unit or facility~~ operator training course, as  
 1803 appropriate, or has qualified as an interim operator in  
 1804 compliance with requirements established by the department by  
 1805 rule. The department may establish by rule operator training  
 1806 requirements for other solid waste management facilities and  
 1807 facility operators.

1808 (4) The department has authority to adopt minimum  
 1809 standards and other rules pursuant to ss. 120.536(1) and 120.54  
 1810 to implement the provisions of this section. The department  
 1811 shall ensure the safe, healthy, and lawful operation of solid  
 1812 waste management facilities in this state. The department may  
 1813 establish by rule various classifications for operators to cover  
 1814 the need for differing levels of training required to operate  
 1815 various types of solid waste management facilities due to  
 1816 different operating requirements at such facilities.

1817 (5) For purposes of this section, the term "operator"  
 1818 means any person, including the owner, who is principally  
 1819 engaged in, and is in charge of, the actual operation,  
 1820 supervision, and maintenance of a solid waste management

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1821 facility and includes the person in charge of a shift or period  
 1822 of operation during any part of the day.

1823 Section 21. Section 403.717, Florida Statutes, is amended  
 1824 to read:

1825 403.717 Waste tire and lead-acid battery requirements.--

1826 (1) For purposes of this section and ss. 403.718 and  
 1827 403.7185:

1828 (a) "Department" means the Department of Environmental  
 1829 Protection.

1830 (b) "Motor vehicle" means an automobile, motorcycle,  
 1831 truck, trailer, semitrailer, truck tractor and semitrailer  
 1832 combination, or any other vehicle operated in this state, used  
 1833 to transport persons or property and propelled by power other  
 1834 than muscular power, but the term does not include traction  
 1835 engines, road rollers, such vehicles as run only upon a track,  
 1836 bicycles, mopeds, or farm tractors and trailers.

1837 (c) "Tire" means a continuous solid or pneumatic rubber  
 1838 covering encircling the wheel of a motor vehicle.

1839 (d) "Waste tire" means a tire that has been removed from a  
 1840 motor vehicle and has not been retreaded or regrooved. "Waste  
 1841 tire" includes, but is not limited to, used tires and processed  
 1842 tires. The term does not include solid rubber tires and tires  
 1843 that are inseparable from the rim.

1844 (e) "Waste tire collection center" means a site where  
 1845 waste tires are collected from the public prior to being offered  
 1846 for recycling and where fewer than 1,500 tires are kept on the  
 1847 site on any given day.

1848 (f) "Waste tire processing facility" means a site where

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1849 equipment is used to treat waste tires mechanically, chemically,  
 1850 or thermally so that the resulting material is a marketable  
 1851 product or is suitable for proper disposal ~~recapture reusable~~  
 1852 ~~byproducts from waste tires or to cut, burn, or otherwise alter~~  
 1853 ~~waste tires so that they are no longer whole.~~ The term includes  
 1854 mobile waste tire processing equipment.

1855 (g) "Waste tire site" means a site at which 1,500 or more  
 1856 waste tires are accumulated.

1857 (h) "Lead-acid battery" means a ~~these~~ lead-acid battery  
 1858 ~~batteries~~ designed for use in motor vehicles, vessels, and  
 1859 aircraft, and includes such batteries when sold new as a  
 1860 component part of a motor vehicle, vessel, or aircraft, but not  
 1861 when sold to recycle components.

1862 (i) "Indoor" means within a structure that ~~which~~ excludes  
 1863 rain and public access and would control air flows in the event  
 1864 of a fire.

1865 (j) "Processed tire" means a tire that has been treated  
 1866 mechanically, chemically, or thermally so that the resulting  
 1867 material is a marketable product or is suitable for proper  
 1868 disposal.

1869 (k) "Used tire" means a waste tire which has a minimum  
 1870 tread depth of 3/32 inch or greater and is suitable for use on a  
 1871 motor vehicle.

1872 (2) The owner or operator of any waste tire site shall  
 1873 provide the department with information concerning the site's  
 1874 location, size, and the approximate number of waste tires that  
 1875 are accumulated at the site and shall initiate steps to comply  
 1876 with subsection (3).

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1877 (3) (a) A person may not maintain a waste tire site unless  
 1878 such site is:

1879 1. An integral part of the person's permitted waste tire  
 1880 processing facility; or

1881 2. Used for the storage of waste tires prior to processing  
 1882 and is located at a permitted solid waste management facility.

1883 (b) It is unlawful for any person to dispose of waste  
 1884 tires or processed tires in the state except at a permitted  
 1885 solid waste management facility. Collection or storage of waste  
 1886 tires at a permitted waste tire processing facility or waste  
 1887 tire collection center prior to processing or use does not  
 1888 constitute disposal, provided that the collection and storage  
 1889 complies with rules established by the department.

1890 (c) Whole waste tires may not be deposited in a landfill  
 1891 as a method of ultimate disposal.

1892 (d) A person may not contract with a waste tire collector  
 1893 for the transportation, disposal, or processing of waste tires  
 1894 unless the collector is registered with the department or exempt  
 1895 from requirements provided under this section. Any person who  
 1896 contracts with a waste tire collector for the transportation of  
 1897 more than 25 waste tires per month from a single business  
 1898 location must maintain records for that location and make them  
 1899 available for review by the department or by law enforcement  
 1900 officers, which records must contain the date when the tires  
 1901 were transported, the quantity of tires, the registration number  
 1902 of the collector, and the name of the driver.

1903 (4) The department shall adopt rules to carry out the  
 1904 provisions of this section and s. 403.718. Such rules shall:

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1905 (a) Provide for the administration or revocation of waste  
 1906 tire processing facility permits, including mobile processor  
 1907 permits;

1908 (b) Provide for the administration or revocation of waste  
 1909 tire collector registrations, the fees for which may not exceed  
 1910 \$50 per vehicle registered annually;

1911 (c) Provide for the administration or revocation of waste  
 1912 tire collection center permits, the fee for which may not exceed  
 1913 \$250 annually;

1914 (d) Set standards, including financial assurance  
 1915 standards, for waste tire processing facilities and associated  
 1916 waste tire sites, waste tire collection centers, waste tire  
 1917 collectors, and for the storage of waste tires and processed  
 1918 tires, including storage indoors;

1919 (e) The department may by rule exempt not-for-hire waste  
 1920 tire collectors and processing facilities from financial  
 1921 assurance requirements;

1922 (f) Authorize the final disposal of waste tires at a  
 1923 permitted solid waste disposal facility provided the tires have  
 1924 been cut into sufficiently small parts to assure their proper  
 1925 disposal; and

1926 (g) Allow waste tire material which has been cut into  
 1927 sufficiently small parts to be used as daily cover material for  
 1928 a landfill.

1929 ~~(5) A permit is not required for tire storage at:~~

1930 ~~(a) A tire retreading business where fewer than 1,500~~  
 1931 ~~waste tires are kept on the business premises;~~

1932 ~~(b) A business that, in the ordinary course of business,~~

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1933 ~~removes tires from motor vehicles if fewer than 1,500 of these~~  
 1934 ~~tires are kept on the business premises; or~~

1935 ~~(c) A retail tire-selling business which is serving as a~~  
 1936 ~~waste tire collection center if fewer than 1,500 waste tires are~~  
 1937 ~~kept on the business premises.~~

1938 (5) ~~(6)~~ (a) The department shall encourage the voluntary  
 1939 establishment of waste tire collection centers at retail tire-  
 1940 selling businesses, waste tire processing facilities, and solid  
 1941 waste disposal facilities, to be open to the public for the  
 1942 deposit of waste tires.

1943 (b) The department is authorized to establish an  
 1944 incentives program for individuals to encourage them to return  
 1945 their waste tires to a waste tire collection center. The  
 1946 incentives used by the department may involve the use of  
 1947 discount or prize coupons, prize drawings, promotional  
 1948 giveaways, or other activities the department determines will  
 1949 promote collection, reuse, volume reduction, and proper disposal  
 1950 of waste tires.

1951 (c) The department may contract with a promotion company  
 1952 to administer the incentives program.

1953 Section 22. Section 403.7221, Florida Statutes, is  
 1954 transferred, renumbered as section 403.70715, Florida Statutes,  
 1955 and amended to read:

1956 403.70715 ~~403.7221~~ Research, development, and  
 1957 demonstration permits.--

1958 (1) The department may issue a research, development, and  
 1959 demonstration permit to the owner or operator of any solid waste  
 1960 management facility, including any hazardous waste management

1961 facility, who proposes to utilize an innovative and experimental  
 1962 solid waste treatment technology or process for which permit  
 1963 standards have not been promulgated. Permits shall:

1964 (a) Provide for construction and operation of the facility  
 1965 for not longer than 3 years ~~1 year~~, renewable no more than 3  
 1966 times.

1967 (b) Provide for the receipt and treatment by the facility  
 1968 of only those types and quantities of solid waste which the  
 1969 department deems necessary for purposes of determining the  
 1970 performance capabilities of the technology or process and the  
 1971 effects of such technology or process on human health and the  
 1972 environment.

1973 (c) Include requirements the department deems necessary  
 1974 which may include monitoring, operation, testing, financial  
 1975 responsibility, closure, and remedial action.

1976 (2) The department may apply the criteria set forth in  
 1977 this section in establishing the conditions of each permit  
 1978 without separate establishment of rules implementing such  
 1979 criteria.

1980 (3) For the purpose of expediting review and issuance of  
 1981 permits under this section, the department may, consistent with  
 1982 the protection of human health and the environment, modify or  
 1983 waive permit application and permit issuance requirements,  
 1984 except that there shall be no modification or waiver of  
 1985 regulations regarding financial responsibility or of procedures  
 1986 established regarding public participation.

1987 (4) The department may order an immediate termination of  
 1988 all operations at the facility at any time upon a determination

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1989 that termination is necessary to protect human health and the  
 1990 environment.

1991 Section 23. Subsection (2) of section 403.201, Florida  
 1992 Statutes, is amended to read:

1993 403.201 Variances.--

1994 (2) No variance shall be granted from any provision or  
 1995 requirement concerning discharges of waste into waters of the  
 1996 state or hazardous waste management which would result in the  
 1997 provision or requirement being less stringent than a comparable  
 1998 federal provision or requirement, except as provided in s.  
 1999 403.70715 ~~s. 403.7221~~.

2000 Section 24. Section 403.722, Florida Statutes, is amended  
 2001 to read:

2002 403.722 Permits; hazardous waste disposal, storage, and  
 2003 treatment facilities.--

2004 (1) Each person who intends to or is required to  
 2005 construct, modify, operate, or close a hazardous waste disposal,  
 2006 storage, or treatment facility shall obtain a construction  
 2007 permit, operation permit, postclosure permit, clean closure plan  
 2008 approval, or corrective action permit from the department prior  
 2009 to constructing, modifying, operating, or closing the facility.  
 2010 By rule, the department may provide for the issuance of a single  
 2011 permit instead of any two or more hazardous waste facility  
 2012 permits.

2013 (2) Any owner or operator of a hazardous waste facility in  
 2014 operation on the effective date of the department rule listing  
 2015 and identifying hazardous wastes shall file an application for a  
 2016 temporary operation permit within 6 months after the effective



2017 | date of such rule. The department, upon receipt of a properly  
 2018 | completed application, shall identify any department rules which  
 2019 | are being violated by the facility and shall establish a  
 2020 | compliance schedule. However, if the department determines that  
 2021 | an imminent hazard exists, the department may take any necessary  
 2022 | action pursuant to s. 403.726 to abate the hazard. The  
 2023 | department shall issue a temporary operation permit to such  
 2024 | facility within the time constraints of s. 120.60 upon  
 2025 | submission of a properly completed application which is in  
 2026 | conformance with this subsection. Temporary operation permits  
 2027 | for such facilities shall be issued for up to 3 years only. Upon  
 2028 | termination of the temporary operation permit and upon proper  
 2029 | application by the facility owner or operator, the department  
 2030 | shall issue an operation permit for such existing facilities if  
 2031 | the applicant has corrected all of the deficiencies identified  
 2032 | in the temporary operation permit and is in compliance with all  
 2033 | other rules adopted pursuant to this act.

2034 |       (3) ~~Permit~~ Applicants shall provide any information that  
 2035 | ~~which~~ will enable the department to determine that the proposed  
 2036 | construction, modification, operation, ~~or~~ closure, or corrective  
 2037 | action will comply with this act and any applicable rules. In no  
 2038 | instance shall any person construct, modify, operate, or close a  
 2039 | facility or perform corrective actions at a facility in  
 2040 | contravention of the standards, requirements, or criteria for a  
 2041 | hazardous waste facility. Authorizations ~~Permits~~ issued under  
 2042 | this section may include any permit conditions necessary to  
 2043 | achieve compliance with applicable hazardous waste rules and  
 2044 | necessary to protect human health and the environment.

2045 (4) The department may require, in an ~~a permit~~  
 2046 application, submission of information concerning matters  
 2047 specified in s. 403.721(6) as well as information respecting:

2048 (a) Estimates of the composition, quantity, and  
 2049 concentration of any hazardous waste identified or listed under  
 2050 this act or combinations of any such waste and any other solid  
 2051 waste, proposed to be disposed of, treated, transported, or  
 2052 stored and the time, frequency, or rate at which such waste is  
 2053 proposed to be disposed of, treated, transported, or stored; and

2054 (b) The site to which such hazardous waste or the products  
 2055 of treatment of such hazardous waste will be transported and at  
 2056 which it will be disposed of, treated, or stored.

2057 (5) An authorization ~~A permit~~ issued pursuant to this  
 2058 section is not a vested right. The department may revoke or  
 2059 modify any such authorization ~~permit~~.

2060 (a) Authorizations ~~Permits~~ may be revoked for failure of  
 2061 the holder to comply with the provisions of this act, the terms  
 2062 of the authorization ~~permit~~, the standards, requirements, or  
 2063 criteria adopted pursuant to this act, or an order of the  
 2064 department; for refusal by the holder to allow lawful  
 2065 inspection; for submission by the holder of false or inaccurate  
 2066 information in the permit application; or if necessary to  
 2067 protect the public health or the environment.

2068 (b) Authorizations ~~Permits~~ may be modified, upon request  
 2069 of the holder ~~permittee~~, if such modification is not in  
 2070 violation of this act or department rules or if the department  
 2071 finds the modification necessary to enable the facility to  
 2072 remain in compliance with this act and department rules.

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2073 (c) An owner or operator of a hazardous waste facility in  
 2074 existence on the effective date of a department rule changing an  
 2075 exemption or listing and identifying the hazardous wastes that  
 2076 ~~which~~ require that facility to be permitted who notifies the  
 2077 department pursuant to s. 403.72, and who has applied for a  
 2078 permit pursuant to subsection (2), may continue to operate until  
 2079 be issued a temporary operation permit. If such owner or  
 2080 operator intends to or is required to discontinue operation, the  
 2081 temporary operation permit must include final closure  
 2082 conditions.

2083 (6) A hazardous waste facility permit issued pursuant to  
 2084 this section shall satisfy the permit requirements of s.  
 2085 403.707(1). The permit exemptions provided in s. 403.707(2)  
 2086 shall not apply to hazardous waste.

2087 (7) The department may establish ~~permit~~ application  
 2088 procedures for hazardous waste facilities, which procedures may  
 2089 vary based on differences in amounts, types, and concentrations  
 2090 of hazardous waste and on differences in the size and location  
 2091 of facilities and which procedures may take into account  
 2092 permitting procedures of other laws not in conflict with this  
 2093 act.

2094 (8) For authorizations ~~permits~~ required by this section,  
 2095 the department may require that a fee be paid and may establish,  
 2096 by rule, a fee schedule based on the degree of hazard and the  
 2097 amount and type of hazardous waste disposed of, stored, or  
 2098 treated at the facility.

2099 (9) It shall not be a requirement for the issuance of ~~such~~  
 2100 a hazardous waste authorization ~~permit~~ that the facility

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2101 | complies with an adopted local government comprehensive plan,  
 2102 | local land use ordinances, zoning ordinances or regulations, or  
 2103 | other local ordinances. However, such an authorization ~~a permit~~  
 2104 | issued by the department shall not override adopted local  
 2105 | government comprehensive plans, local land use ordinances,  
 2106 | zoning ordinances or regulations, or other local ordinances.

2107 | (10) Notwithstanding ss. 120.60(1) and 403.815:

2108 | (a) The time specified by law for permit review shall be  
 2109 | tolled by the request of the department for publication of  
 2110 | notice of proposed agency action to issue a permit for a  
 2111 | hazardous waste treatment, storage, or disposal facility and  
 2112 | shall resume 45 days after receipt by the department of proof of  
 2113 | publication. If, within 45 days after publication of the notice  
 2114 | of the proposed agency action, the department receives written  
 2115 | notice of opposition to the intention of the agency to issue  
 2116 | such permit and receives a request for a hearing, the department  
 2117 | shall provide for a hearing pursuant to ss. 120.569 and 120.57,  
 2118 | if requested by a substantially affected party, or an informal  
 2119 | public meeting, if requested by any other person. The failure to  
 2120 | request a hearing within 45 days after publication of the notice  
 2121 | of the proposed agency action constitutes a waiver of the right  
 2122 | to a hearing under ss. 120.569 and 120.57. The permit review  
 2123 | time period shall continue to be tolled until the completion of  
 2124 | such hearing or meeting and shall resume within 15 days after  
 2125 | conclusion of a public hearing held on the application or within  
 2126 | 45 days after the recommended order is submitted to the agency  
 2127 | and the parties, whichever is later.

2128 | (b) Within 60 days after receipt of an application for a

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2129 hazardous waste facility permit, the department shall examine  
 2130 the application, notify the applicant of any apparent errors or  
 2131 omissions, and request any additional information the department  
 2132 is permitted by law to require. The failure to correct an error  
 2133 or omission or to supply additional information shall not be  
 2134 grounds for denial of the permit unless the department timely  
 2135 notified the applicant within the 60-day period, except that  
 2136 this paragraph does not prevent the department from denying an  
 2137 application if the department does not possess sufficient  
 2138 information to ensure that the facility is in compliance with  
 2139 applicable statutes and rules.

2140 (c) The department shall approve or deny each hazardous  
 2141 waste facility permit within 135 days after receipt of the  
 2142 original application or after receipt of the requested  
 2143 additional information or correction of errors or omissions.  
 2144 However, the failure of the department to approve or deny within  
 2145 the 135-day time period does not result in the automatic  
 2146 approval or denial of the permit and does not prevent the  
 2147 inclusion of specific permit conditions which are necessary to  
 2148 ensure compliance with applicable statutes and rules. If the  
 2149 department fails to approve or deny the permit within the 135-  
 2150 day period, the applicant may petition for a writ of mandamus to  
 2151 compel the department to act consistently with applicable  
 2152 regulatory requirements.

2153 (11) Hazardous waste facility operation permits shall be  
 2154 issued for no more than 5 years.

2155 (12) On the same day of filing with the department of an  
 2156 application for a permit for the construction modification, or

2157 operation of a hazardous waste facility, the applicant shall  
 2158 notify each city and county within 1 mile of the facility of the  
 2159 filing of the application and shall publish notice of the filing  
 2160 of the application. The applicant shall publish a second notice  
 2161 of the filing within 14 days after the date of filing. Each  
 2162 notice shall be published in a newspaper of general circulation  
 2163 in the county in which the facility is located or is proposed to  
 2164 be located. Notwithstanding the provisions of chapter 50, for  
 2165 purposes of this section, a "newspaper of general circulation"  
 2166 shall be the newspaper within the county in which the  
 2167 installation or facility is proposed which has the largest daily  
 2168 circulation in that county and has its principal office in that  
 2169 county. If the newspaper with the largest daily circulation has  
 2170 its principal office outside the county, the notice shall appear  
 2171 in both the newspaper with the largest daily circulation in that  
 2172 county, and a newspaper authorized to publish legal notices in  
 2173 that county. The notice shall contain:

2174 (a) The name of the applicant and a brief description of  
 2175 the project and its location.

2176 (b) The location of the application file and when it is  
 2177 available for public inspection.

2178  
 2179 The notice shall be prepared by the applicant and shall comply  
 2180 with the following format:

2181

2182 Notice of Application

2183

2184 The Department of Environmental Protection announces receipt of

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2185 an application for a permit from (name of applicant) to (brief  
2186 description of project). This proposed project will be located  
2187 at (location) in (county) (city).

2188  
2189 This application is being processed and is available for public  
2190 inspection during normal business hours, 8:00 a.m. to 5:00 p.m.,  
2191 Monday through Friday, except legal holidays, at (name and  
2192 address of office).

2193  
2194 (13) A permit for the construction, modification, or  
2195 operation of a hazardous waste facility which initially was  
2196 issued under authority of this section, may not be transferred  
2197 by the permittee to any other entity, except in conformity with  
2198 the requirements of this subsection.

2199 (a) At least 30 days prior to the sale or legal transfer  
2200 of a permitted facility, the permittee shall file with the  
2201 department an application for transfer of the permits on such  
2202 form as the department shall establish by rule. The form must be  
2203 completed with the notarized signatures of both the transferring  
2204 permittee and the proposed permittee.

2205 (b) The department shall approve the transfer of a permit  
2206 unless it determines that the proposed permittee has not  
2207 provided reasonable assurances that the proposed permittee has  
2208 the administrative, technical, and financial capability to  
2209 properly satisfy the requirements and conditions of the permit,  
2210 as determined by department rule. The determination shall be  
2211 limited solely to the ability of the proposed permittee to  
2212 comply with the conditions of the existing permit, and it shall

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2213 not concern the adequacy of the permit conditions. If the  
2214 department proposes to deny the transfer, it shall provide both  
2215 the transferring permittee and the proposed permittee a written  
2216 objection to such transfer together with notice of a right to  
2217 request a proceeding on such determination under chapter 120.

2218 (c) Within 90 days after receiving a properly completed  
2219 application for transfer of permit, the department shall issue a  
2220 final determination. The department may toll the time for making  
2221 a determination on the transfer by notifying both the  
2222 transferring permittee and the proposed permittee that  
2223 additional information is required to adequately review the  
2224 transfer request. Such notification shall be served within 30  
2225 days after receipt of an application for transfer of permit,  
2226 completed pursuant to paragraph (a). However, the failure of the  
2227 department to approve or deny within the 90-day time period does  
2228 not result in the automatic approval or denial of the transfer.  
2229 If the department fails to approve or deny the transfer within  
2230 the 90-day period, the applicant may petition for a writ of  
2231 mandamus to compel the department to act consistently with  
2232 applicable regulatory requirements.

2233 (d) The transferring permittee is encouraged to apply for  
2234 a permit transfer well in advance of the sale or legal transfer  
2235 of a permitted facility. However, the transfer or the permit  
2236 shall not be effective prior to the sale or legal transfer of  
2237 the facility.

2238 (e) Until the transfer of the permit is approved by the  
2239 department, the transferring permittee and any other person  
2240 constructing, operating, or maintaining the permitted facility



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2241 shall be liable for compliance with the terms of the permit.  
 2242 Nothing in this section shall relieve the transferring permittee  
 2243 of liability for corrective actions that may be required as a  
 2244 result of any violations occurring prior to the legal transfer  
 2245 of the permit.

2246 Section 25. Subsection (2) of section 403.7226, Florida  
 2247 Statutes, is amended to read:

2248 403.7226 Technical assistance by the department.--The  
 2249 department shall:

2250 (2) Identify short-term needs and long-term needs for  
 2251 hazardous waste management for the state on the basis of the  
 2252 information gathered through the local hazardous waste  
 2253 management assessments and other information from state and  
 2254 federal regulatory agencies and sources. The state needs  
 2255 assessment must be ongoing and must be updated when new data  
 2256 concerning waste generation and waste management technologies  
 2257 become available. ~~The department shall annually send a copy of~~  
 2258 ~~this assessment to the Governor and to the Legislature.~~

2259 Section 26. Subsection (3) of section 403.724, Florida  
 2260 Statutes, is amended to read:

2261 403.724 Financial responsibility.--

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

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2269 shall be available to assist the department in making this  
 2270 determination. In approving or modifying the amount of financial  
 2271 responsibility, the department shall consider:

2272 (a) The amount and type of hazardous waste involved;

2273 (b) The probable damage to human health and the  
 2274 environment;

2275 (c) The danger and probable damage to private and public  
 2276 property near the facility;

2277 (d) The probable time that the hazardous waste and  
 2278 facility involved will endanger the public health, safety, and  
 2279 welfare or the environment; and

2280 (e) The probable costs of properly closing the facility  
 2281 and performing corrective action.

2282 Section 27. Section 403.7255, Florida Statutes, is amended  
 2283 to read:

2284 403.7255 Placement of signs ~~Department to adopt rules.--~~

2285 (1) ~~The department shall adopt rules which establish~~  
 2286 ~~requirements and procedures for the placement of Signs~~ must be  
 2287 placed by the owner or operator at sites which may have been  
 2288 ~~contaminated by hazardous wastes. Sites shall include any site~~  
 2289 ~~in the state which that~~ is listed or proposed for listing on the  
 2290 Superfund Site List of the United States Environmental  
 2291 Protection Agency or any site identified by the department as a  
 2292 ~~suspected or confirmed contaminated site~~ contaminated by  
 2293 hazardous waste where there is ~~may be~~ a risk of exposure to the  
 2294 public. The requirements of this section shall not apply to  
 2295 sites reported under ss. 376.3071 and 376.3072. The department  
 2296 shall establish requirements and procedures for the placement of

2297 signs, and may do so in rules, permits, orders, or other  
 2298 authorizations. The authorization ~~rules~~ shall establish the  
 2299 appropriate size for such signs, which size shall be no smaller  
 2300 than 2 feet by 2 feet, and shall provide in clearly legible  
 2301 print appropriate warning language for the waste or other  
 2302 materials at the site and a telephone number which may be called  
 2303 for further information.

2304 (2) Violations of this act are punishable as provided in  
 2305 s. 403.161(4).

2306 (3) The provisions of this act are independent of and  
 2307 cumulative to any other requirements and remedies in this  
 2308 chapter or chapter 376, or any rules promulgated thereunder.

2309 Section 28. Subsection (5) of section 403.726, Florida  
 2310 Statutes, is amended to read:

2311 403.726 Abatement of imminent hazard caused by hazardous  
 2312 substance.--

2313 (5) The department may issue a permit or order requiring  
 2314 prompt abatement of an imminent hazard.

2315 Section 29. Subsection (8) of section 403.7265, Florida  
 2316 Statutes, is amended to read:

2317 403.7265 Local hazardous waste collection program.--

2318 (8) The department has the authority to establish an  
 2319 additional local project grant program enabling a local  
 2320 hazardous waste collection center grantee to receive funding for  
 2321 unique projects that improve the collection and lower the  
 2322 incidence of improper management of conditionally exempt or  
 2323 household hazardous waste. Eligible local governments may  
 2324 receive up to \$50,000 in grant funds for these unique and

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2325 innovative projects, provided they match 25 percent of the grant  
2326 amount. If the department finds that the project has statewide  
2327 applicability and immediate benefits to other local hazardous  
2328 waste collection programs in the state, matching funds are not  
2329 required. This grant will not count toward the \$100,000 maximum  
2330 grant amount for development of a collection center.

2331 Section 30. Sections 403.7075, 403.756, 403.78, 403.781,  
2332 403.782, 403.783, 403.784, 403.7841, 403.7842, 403.785, 403.786,  
2333 403.787, 403.7871, 403.7872, 403.7873, 403.788, 403.7881,  
2334 403.789, 403.7891, 403.7892, 403.7893, and 403.7895, Florida  
2335 Statutes, are repealed.

2336 Section 31. This act shall take effect July 1, 2006.