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## CHAMBER ACTION

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1 The Agriculture & Environment Appropriations Committee  
2 recommends the following:

**Council/Committee Substitute**

5 Remove the entire bill and insert:

7 A bill to be entitled  
8 An act relating to environmental protection; amending s.  
9 403.413, F.S.; clarifying who is liable for dumping under  
10 the Florida Litter Law; amending s. 403.4131, F.S.;  
11 deleting the provisions relating to Keep Florida  
12 Beautiful, Inc.; providing that certain counties are  
13 encouraged to develop a regional approach to coordinating  
14 litter control and prevention programs; deleting certain  
15 requirements for a litter survey; placing the Wildflower  
16 Advisory Council under the control of the Department of  
17 Agriculture and Consumer Services; revising the duties of  
18 the council; amending s. 403.41315, F.S.; conforming  
19 provisions to changes made to the Keep Florida Beautiful,  
20 Inc., program; amending s. 403.4133, F.S.; placing the  
21 Adopt-a-Shore Program within the Department of  
22 Environmental Protection; amending s. 320.08058, F.S.;  
23 requiring that the proceeds of the fees paid for

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24 Wildflower license plates be distributed to the Department  
25 of Agriculture and Consumer Services; specifying uses of  
26 the proceeds; transferring the balance of such proceeds  
27 from Keep Florida Beautiful, Inc., to the Department of  
28 Agriculture and Consumer Services; amending s. 403.703,  
29 F.S.; reordering definitions in alphabetical order;  
30 clarifying certain definitions and deleting definitions  
31 that are not used; amending ss. 316.003, 377.709, and  
32 487.048, F.S.; conforming cross-references; amending s.  
33 403.704, F.S.; deleting certain obsolete provisions  
34 relating to the state solid waste management program;  
35 amending s. 403.7043, F.S.; deleting certain obsolete and  
36 conflicting provisions relating to compost standards;  
37 amending s. 403.7045, F.S.; providing that industrial  
38 byproducts are not regulated under certain circumstances;  
39 conforming a cross-reference; clarifying certain  
40 provisions governing dredged material; amending s.  
41 403.707, F.S.; clarifying the Department of Environmental  
42 Preservation's permit authority; deleting certain obsolete  
43 provisions; creating s. 403.7071, F.S.; providing for the  
44 management and disposal of storm-generated debris;  
45 amending s. 403.708, F.S.; deleting obsolete provisions  
46 and clarifying certain provisions governing landfills;  
47 amending s. 403.709, F.S.; revising the provisions  
48 relating to the distribution of the waste tire fees;  
49 amending s. 403.7095, F.S., relating to the solid waste  
50 management grant program; conforming a cross-reference;  
51 amending s. 403.7125, F.S.; deleting certain definitions

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52 | that appear elsewhere in law and clarifying certain  
53 | financial-disclosure provisions with respect to the  
54 | closure of a landfill; amending s. 403.716, F.S.; deleting  
55 | certain provisions relating to the training of certain  
56 | facility operators; amending s. 403.717, F.S.; clarifying  
57 | the provisions relating to waste tires and the processing  
58 | of waste tires; transferring, renumbering, and amending s.  
59 | 403.7221, F.S.; increasing the duration of certain  
60 | research, development, and demonstration permits; amending  
61 | s. 403.201, F.S.; conforming a cross-reference; amending  
62 | s. 403.722, F.S.; clarifying provisions relating to who is  
63 | required to obtain certain hazardous waste permits;  
64 | amending s. 403.7226, F.S.; deleting a provision requiring  
65 | a report that is duplicative of other reports; amending s.  
66 | 403.724, F.S.; clarifying certain financial-responsibility  
67 | provisions; amending s. 403.7255, F.S.; providing  
68 | additional requirements regarding the public notification  
69 | of certain contaminated sites; amending s. 403.726, F.S.;  
70 | authorizing the Department of Environmental Protection to  
71 | issue an order to abate certain hazards; amending s.  
72 | 403.7265, F.S.; requiring a local government to provide  
73 | matching funds for certain grants; providing that matching  
74 | funds are not required under certain conditions; amending  
75 | s. 403.885, F.S.; revising grant program eligibility  
76 | requirements for certain water management and restoration  
77 | projects; eliminating requirements for certain funding and  
78 | legislative review of such projects; amending s. 373.1961,  
79 | F.S.; conforming a cross-reference; repealing s. 403.7075,

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80 F.S., relating to the submission of certain plans for  
 81 solid waste management facilities; repealing s. 403.756,  
 82 F.S., relating to an annual used-oil report; repealing ss.  
 83 403.78, 403.781, 403.782, 403.783, 403.784, 403.7841,  
 84 403.7842, 403.785, 403.786, 403.787, 403.7871, 403.7872,  
 85 403.7873, 403.788, 403.7881, 403.789, 403.7891, 403.7892,  
 86 403.7893, and 403.7895, F.S., relating to the Statewide  
 87 Multipurpose Hazardous Waste Facility Siting Act;  
 88 providing an effective date.

89

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

91

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

94 403.413 Florida Litter Law.--

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

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

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

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108 owner of the boat, or both, shall be deemed in violation of this  
109 section; or

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

115 Section 2. Section 403.4131, Florida Statutes, is amended  
116 to read:

117 403.4131 Litter control; Wildflower Advisory Council "Keep  
118 Florida Beautiful, Incorporated"; ~~placement of signs.--~~

119 ~~(1) It is the intent of the Legislature that a coordinated~~  
120 ~~effort of interested businesses, environmental and civic~~  
121 ~~organizations, and state and local agencies of government be~~  
122 ~~developed to plan for and assist in implementing solutions to~~  
123 ~~the litter and solid waste problems in this state and that the~~  
124 ~~state provide financial assistance for the establishment of a~~  
125 ~~nonprofit organization with the name of "Keep Florida Beautiful,~~  
126 ~~Incorporated," which shall be registered, incorporated, and~~  
127 ~~operated in compliance with chapter 617. This nonprofit~~  
128 ~~organization shall coordinate the statewide campaign and operate~~  
129 ~~as the grassroots arm of the state's effort and shall serve as~~  
130 ~~an umbrella organization for volunteer based community programs.~~  
131 ~~The organization shall be dedicated to helping Florida and its~~  
132 ~~local communities solve solid waste problems, to developing and~~  
133 ~~implementing a sustained litter prevention campaign, and to act~~  
134 ~~as a working public private partnership in helping to implement~~  
135 ~~the state's Solid Waste Management Act. As part of this effort,~~

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136 ~~Keep Florida Beautiful, Incorporated, in cooperation with the~~  
 137 ~~Environmental Education Foundation, shall strive to educate~~  
 138 ~~citizens, visitors, and businesses about the important~~  
 139 ~~relationship between the state's environment and economy. Keep~~  
 140 ~~Florida Beautiful, Incorporated, is encouraged to explore and~~  
 141 ~~identify economic incentives to improve environmental~~  
 142 ~~initiatives in the area of solid waste management. The~~  
 143 ~~membership of the board of directors of this nonprofit~~  
 144 ~~organization may include representatives of the following~~  
 145 ~~organizations: the Florida League of Cities, the Florida~~  
 146 ~~Association of Counties, the Governor's Office, the Florida~~  
 147 ~~Chapter of the National Solid Waste Management Association, the~~  
 148 ~~Florida Recyclers Association, the Center for Marine~~  
 149 ~~Conservation, Chapter of the Sierra Club, the Associated~~  
 150 ~~Industries of Florida, the Florida Soft Drink Association, the~~  
 151 ~~Florida Petroleum Council, the Retail Grocers Association of~~  
 152 ~~Florida, the Florida Retail Federation, the Pulp and Paper~~  
 153 ~~Association, the Florida Automobile Dealers Association, the~~  
 154 ~~Beer Industries of Florida, the Florida Beer Wholesalers~~  
 155 ~~Association, and the Distilled Spirits Wholesalers.~~

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

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

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163 ~~identify components of the marine debris and litter stream and~~  
164 ~~groups that habitually litter.~~

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

168 ~~(c) Fostering public awareness and striving to build an~~  
169 ~~environmental ethic in this state through the development of~~  
170 ~~educational programs that result in an understanding and in~~  
171 ~~action on the part of individuals and organizations about the~~  
172 ~~role they must play in preventing litter and protecting~~  
173 ~~Florida's environment.~~

174 ~~(d) Developing educational programs and materials that~~  
175 ~~promote the proper management of solid waste, including the~~  
176 ~~proper disposal of litter.~~

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

180 (1)~~(3)~~ The Department of Transportation shall establish an  
181 "adopt-a-highway" program to allow local organizations to be  
182 identified with specific highway cleanup and highway  
183 beautification projects authorized under s. 339.2405 ~~and shall~~  
184 ~~coordinate such efforts with Keep Florida Beautiful, Inc.~~ The  
185 department shall report to the Governor and the Legislature on  
186 the progress achieved and the savings incurred by the "adopt-a-  
187 highway" program. The department shall also monitor and report  
188 on compliance with provisions of the adopt-a-highway program to  
189 ensure that organizations that participate in the program comply  
190 with the goals identified by the department.

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191        (2)~~(4)~~ The Department of Transportation shall place signs  
 192 discouraging litter at all off-ramps of the interstate highway  
 193 system in the state. ~~The department shall place other highway~~  
 194 ~~signs as necessary to discourage littering through use of the~~  
 195 ~~antilitter program developed by Keep Florida Beautiful,~~  
 196 ~~Incorporated.~~

197        (3)~~(5)~~ Each county is encouraged to initiate a litter  
 198 control and prevention program or to expand upon its existing  
 199 program. The department shall establish a system of grants for  
 200 municipalities and counties to implement litter control and  
 201 prevention programs. In addition to the activities described in  
 202 subsection (1), such grants shall at a minimum be used for  
 203 litter cleanup, grassroots educational programs involving litter  
 204 removal and prevention, and the placement of litter and  
 205 recycling receptacles. Counties are encouraged to form working  
 206 public private partnerships as authorized under this section to  
 207 implement litter control and prevention programs at the  
 208 community level. The grants authorized pursuant to this section  
 209 shall be incorporated as part of the recycling and education  
 210 grants. Counties that have a population under 100,000 ~~75,000~~ are  
 211 encouraged to develop a regional approach to administering and  
 212 coordinating their litter control and prevention programs.

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

217        ~~(7) In order to establish continuity for the statewide~~  
 218 ~~program, those local governments and community programs~~

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219 ~~receiving grants for litter prevention and control must use the~~  
220 ~~official State of Florida litter control or campaign symbol~~  
221 ~~adopted by Keep Florida Beautiful, Incorporated, for use on~~  
222 ~~various receptacles and program material.~~

223 ~~(8) The Legislature establishes a litter reduction goal of~~  
224 ~~50 percent reduction from the period January 1, 1994, to January~~  
225 ~~1, 1997. The method of determination used to measure the~~  
226 ~~reduction in litter is the survey conducted by the Center for~~  
227 ~~Solid and Hazardous Waste Management. The center shall consider~~  
228 ~~existing litter survey methodologies.~~

229 ~~(9) The Department of Environmental Protection shall~~  
230 ~~contract with the Center for Solid and Hazardous Waste~~  
231 ~~Management for an ongoing annual litter survey, the first of~~  
232 ~~which is to be conducted by January 1, 1994. The center shall~~  
233 ~~appoint a broad based work group not to exceed seven members to~~  
234 ~~assist in the development and implementation of the survey.~~  
235 ~~Representatives from the university system, business,~~  
236 ~~government, and the environmental community shall be considered~~  
237 ~~by the center to serve on the work group. Final authority on~~  
238 ~~implementing and conducting the survey rests with the center.~~  
239 ~~The first survey is to be designed to serve as a baseline by~~  
240 ~~measuring the amount of current litter and marine debris, and is~~  
241 ~~to include a methodology for measuring the reduction in the~~  
242 ~~amount of litter and marine debris to determine the progress~~  
243 ~~toward the litter reduction goal established in subsection (8).~~  
244 ~~Annually thereafter, additional surveys are to be conducted and~~  
245 ~~must also include a methodology for measuring the reduction in~~

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246 ~~the amount of litter and for determining progress toward the~~  
247 ~~litter reduction goal established in subsection (8).~~

248 (4)(10)(a) There is created within the Department of  
249 Agriculture and Consumer Services ~~within Keep Florida Beautiful,~~  
250 ~~Inc.,~~ the Wildflower Advisory Council, consisting of a maximum  
251 of ten ~~nine~~ members ~~to direct and oversee the expenditure of the~~  
252 ~~Wildflower Account~~. The Wildflower Advisory Council shall  
253 include a representative from the University of Florida  
254 Institute of Food and Agricultural Sciences, the Florida  
255 Department of Transportation, the Department of Agriculture and  
256 Consumer Services, ~~and~~ the Florida Department of Environmental  
257 Protection, the Florida League of Cities, and the Florida  
258 Association of Counties. Other members of the committee may  
259 include representatives from the Florida Federation of Garden  
260 Clubs, Inc., Think Beauty Foundation, the Florida Chapter of the  
261 American Society of Landscape Architects, Inc., and a  
262 representative of the Master Gardener's Program.

263 (b) The Wildflower Advisory Council shall advise the  
264 Department of Agriculture and Consumer Services and develop  
265 procedures of operation, research contracts, educational and  
266 marketing programs, and wildflower planting grants for Florida  
267 native wildflowers, plants, and grasses. The council shall also  
268 make recommendations to the department concerning the final  
269 ~~determination of~~ what constitutes acceptable species of  
270 wildflowers and other plantings supported by these programs.

271 Section 3. Section 403.41315, Florida Statutes, is amended  
272 to read:

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273 403.41315 Comprehensive illegal dumping, litter, and  
274 marine debris control and prevention.--

275 (1) The Legislature finds that a comprehensive illegal  
276 dumping, litter, and marine debris control and prevention  
277 program is necessary to protect the beauty and the environment  
278 of Florida. The Legislature also recognizes that a comprehensive  
279 illegal dumping, litter, and marine debris control and  
280 prevention program will have a positive effect on the state's  
281 economy. The Legislature finds that the state's rapid population  
282 growth, the ever-increasing mobility of its population, and the  
283 large number of tourists contribute to the need for a  
284 comprehensive illegal dumping, litter, and marine debris control  
285 and prevention program. The Legislature further finds that the  
286 program must be coordinated and capable of having statewide  
287 identity and grassroots community support.

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

291 (a) A local ~~statewide~~ public awareness and educational  
292 campaign, ~~coordinated by Keep Florida Beautiful, Incorporated,~~  
293 to educate individuals, government, businesses, and other  
294 organizations concerning the role they must assume in preventing  
295 and controlling litter.

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

297 (c) Enforcement officers whose responsibilities include  
298 grassroots education along with enforcing litter and illegal  
299 dumping violations.

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300 (d) Local illegal dumping, litter, and marine debris  
301 control and prevention programs operated at the county level  
302 with emphasis placed on grassroots educational programs designed  
303 to prevent and remove litter and marine debris.

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

306 (f) The highway beautification program authorized under s.  
307 339.2405.

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

311 (h) The prohibition of balloon releases as authorized  
312 under s. 372.995.

313 (i) The placement of approved identifiable litter and  
314 recycling receptacles.

315 (j) Other educational programs that are implemented at the  
316 grassroots level ~~coordinated through Keep Florida Beautiful,~~  
317 ~~Inc.~~, involving volunteers and community programs that clean up  
318 and prevent litter, including Youth Conservation Corps  
319 activities.

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

322 403.4133 Adopt-a-Shore Program.--

323 (1) The Legislature finds that litter and illegal dumping  
324 present a threat to the state's wildlife, environment, and  
325 shorelines. The Legislature further finds that public awareness  
326 and education will assist in preventing litter from being  
327 illegally deposited along the state's shorelines.

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

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

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

340           320.08058 Specialty license plates.--

341           (28) FLORIDA WILDFLOWER LICENSE PLATES.--

342           (a) The department shall develop a Florida Wildflower  
343 license plate as provided in this section. The word "Florida"  
344 must appear at the top of the plate, and the words "State  
345 Wildflower" and "coreopsis" must appear at the bottom of the  
346 plate.

347           (b) The annual use fees shall be distributed to the  
348 Department of Agriculture and Consumer Services, to be used for  
349 the purposes set forth in ~~Wildflower Account established by Keep~~  
350 ~~Florida Beautiful, Inc., created by s. 403.4131.~~ The proceeds  
351 must be used to establish native Florida wildflower research  
352 programs, wildflower educational programs, and wildflower grant  
353 programs to municipal, county, and community-based groups in  
354 this state. A maximum of 10 percent of the proceeds from the  
355 sale of such plates may be used for administrative costs.

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356           Section 6. All unexpended proceeds of fees paid for  
357 Wildflower license plates which are held by Keep Florida  
358 Beautiful, Inc., must be transferred to the Department of  
359 Agriculture and Consumer Services promptly after the effective  
360 date of this act.

361           Section 7. Section 403.703, Florida Statutes, is amended  
362 to read:

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

365           403.703 Definitions.--As used in this part, the term:

366           (1) "Ash residue" has the same meaning as in the  
367 department rule governing solid waste combustors which defines  
368 the term.

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

375           (3) "Biomedical waste" means any solid waste or liquid  
376 waste that may present a threat of infection to humans. The term  
377 includes, but is not limited to, nonliquid human tissue and body  
378 parts; laboratory and veterinary waste that contains human-  
379 disease-causing agents; discarded disposable sharps; human blood  
380 and human blood products and body fluids; and other materials  
381 that in the opinion of the Department of Health represent a  
382 significant risk of infection to persons outside the generating

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383 facility. The term does not include human remains that are  
384 disposed of by persons licensed under chapter 497.

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

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

397 (6) "Construction and demolition debris" means discarded  
398 materials generally considered to be not water-soluble and  
399 nonhazardous in nature, including, but not limited to, steel,  
400 glass, brick, concrete, asphalt roofing material, pipe, gypsum  
401 wallboard, and lumber, from the construction or destruction of a  
402 structure as part of a construction or demolition project or  
403 from the renovation of a structure, and includes rocks, soils,  
404 tree remains, trees, and other vegetative matter that normally  
405 results from land clearing or land-development operations for a  
406 construction project, including such debris from construction of  
407 structures at a site remote from the construction or demolition  
408 project site. Mixing of construction and demolition debris with  
409 other types of solid waste will cause the resulting mixture to

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410 be classified as other than construction and demolition debris.

411 The term also includes:

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

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

417 (c) Scrap from manufacturing facilities which is the type  
418 of material generally used in construction projects and which  
419 would meet the definition of construction and demolition debris  
420 if it were generated as part of a construction or demolition  
421 project. This includes debris from the construction of  
422 manufactured homes and scrap shingles, wallboard, siding  
423 concrete, and similar materials from industrial or commercial  
424 facilities.

425 (d) De minimis amounts of other nonhazardous wastes that  
426 are generated at construction or destruction projects, provided  
427 such amounts are consistent with best management practices of  
428 the industry.

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

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

435 (9) "Disposal" means the discharge, deposit, injection,  
436 dumping, spilling, leaking, or placing of any solid waste or  
437 hazardous waste into or upon any land or water so that such

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438 solid waste or hazardous waste or any constituent thereof may  
439 enter other lands or be emitted into the air or discharged into  
440 any waters, including groundwaters, or otherwise enter the  
441 environment.

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

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

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

451 (13) "Hazardous waste" means solid waste, or a combination  
452 of solid wastes, which, because of its quantity, concentration,  
453 or physical, chemical, or infectious characteristics, may cause,  
454 or significantly contribute to, an increase in mortality or an  
455 increase in serious irreversible or incapacitating reversible  
456 illness or may pose a substantial present or potential hazard to  
457 human health or the environment when improperly transported,  
458 disposed of, stored, treated, or otherwise managed. The term  
459 does not include human remains that are disposed of by persons  
460 licensed under chapter 497.

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

464 (15) "Hazardous waste management" means the systematic  
465 control of the collection, source separation, storage,

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466 transportation, processing, treatment, recovery, recycling, and  
467 disposal of hazardous wastes.

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

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

480 (18) "Manifest" means the recordkeeping system used for  
481 identifying the concentration, quantity, composition, origin,  
482 routing, and destination of hazardous waste during its  
483 transportation from the point of generation to the point of  
484 disposal, storage, or treatment.

485 (19) "Materials recovery facility" means a solid waste  
486 management facility that provides for the extraction from solid  
487 waste of recyclable materials, materials suitable for use as a  
488 fuel or soil amendment, or any combination of such materials.

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

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

497       (22) "Person" means any and all persons, natural or  
498 artificial, including any individual, firm, or association; any  
499 municipal or private corporation organized or existing under the  
500 laws of this state or any other state; any county of this state;  
501 and any governmental agency of this state or the Federal  
502 Government.

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

508       (24) "Recovered materials" means metal, paper, glass,  
509 plastic, textile, or rubber materials that have known recycling  
510 potential, can be feasibly recycled, and have been diverted and  
511 source separated or have been removed from the solid waste  
512 stream for sale, use, or reuse as raw materials, whether or not  
513 the materials require subsequent processing or separation from  
514 each other, but the term does not include materials destined for  
515 any use that constitutes disposal. Recovered materials as  
516 described in this subsection are not solid waste.

517       (25) "Recovered materials processing facility" means a  
518 facility engaged solely in the storage, processing, resale, or  
519 reuse of recovered materials. Such a facility is not a solid  
520 waste management facility if it meets the conditions of s.  
521 403.7045(1)(e).

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

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

529        (28) "Resource recovery" means the process of recovering  
530 materials or energy from solid waste, excluding those materials  
531 or solid waste under the control of the Nuclear Regulatory  
532 Commission.

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

536        (30) "Sludge" includes the accumulated solids, residues,  
537 and precipitates generated as a result of waste treatment or  
538 processing, including wastewater treatment, water-supply  
539 treatment, or operation of an air pollution control facility,  
540 and mixed liquids and solids pumped from septic tanks, grease  
541 traps, privies, or similar waste disposal appurtenances.

542        (31) "Solid waste" means sludge unregulated under the  
543 federal Clean Water Act or Clean Air Act, sludge from a waste  
544 treatment works, water supply treatment plant, or air pollution  
545 control facility, or garbage, rubbish, refuse, special waste, or  
546 other discarded material, including solid, liquid, semisolid, or  
547 contained gaseous material resulting from domestic, industrial,  
548 commercial, mining, agricultural, or governmental operations.

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549 Recovered materials as defined in subsection (24) are not solid  
550 waste.

551 (32) "Solid waste disposal facility" means any solid waste  
552 management facility that is the final resting place for solid  
553 waste, including landfills and incineration facilities that  
554 produce ash from the process of incinerating municipal solid  
555 waste.

556 (33) "Solid waste management" means the process by which  
557 solid waste is collected, transported, stored, separated,  
558 processed, or disposed of in any other way according to an  
559 orderly, purposeful, and planned program, which includes  
560 closure.

561 (34) "Solid waste management facility" means any solid  
562 waste disposal area, volume-reduction plant, transfer station,  
563 materials recovery facility, or other facility, the purpose of  
564 which is resource recovery or the disposal, recycling,  
565 processing, or storage of solid waste. The term does not include  
566 recovered materials processing facilities that meet the  
567 requirements of s. 403.7046, except the portion of such  
568 facilities, if any, which is used for the management of solid  
569 waste.

570 (35) "Source separated" means that the recovered materials  
571 are separated from solid waste at the location where the  
572 recovered materials and solid waste are generated. The term does  
573 not require that various types of recovered materials be  
574 separated from each other, and recognizes de minimis solid  
575 waste, in accordance with industry standards and practices, may  
576 be included in the recovered materials. Materials are not

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577 considered source-separated when two or more types of recovered  
578 materials are deposited in combination with each other in a  
579 commercial collection container located where the materials are  
580 generated and when such materials contain more than 10 percent  
581 solid waste by volume or weight. For purposes of this  
582 subsection, the term "various types of recovered materials"  
583 means metals, paper, glass, plastic, textiles, and rubber.

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

589 (37) "Storage" means the containment or holding of a  
590 hazardous waste, either on a temporary basis or for a period of  
591 years, in such a manner as not to constitute disposal of such  
592 hazardous waste.

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

596 (39) "Transport" means the movement of hazardous waste  
597 from the point of generation or point of entry into the state to  
598 any offsite intermediate points and to the point of offsite  
599 ultimate disposal, storage, treatment, or exit from the state.

600 (40) "Treatment," when used in connection with hazardous  
601 waste, means any method, technique, or process, including  
602 neutralization, which is designed to change the physical,  
603 chemical, or biological character or composition of any  
604 hazardous waste so as to neutralize it or render it

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605 nonhazardous, safe for transport, amenable to recovery, amenable  
 606 to storage or disposal, or reduced in volume or concentration.  
 607 The term includes any activity or processing that is designed to  
 608 change the physical form or chemical composition of hazardous  
 609 waste so as to render it nonhazardous.

610 (41) "Volume reduction plant" includes incinerators,  
 611 pulverizers, compactors, shredding and baling plants, composting  
 612 plants, and other plants that accept and process solid waste for  
 613 recycling or disposal.

614 (42) "White goods" includes inoperative and discarded  
 615 refrigerators, ranges, water heaters, freezers, and other  
 616 similar domestic and commercial large appliances.

617 (43) "Yard trash" means vegetative matter resulting from  
 618 landscaping maintenance and land clearing operations and  
 619 includes associated rocks and soils.

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

622 316.003 Definitions.--The following words and phrases,  
 623 when used in this chapter, shall have the meanings respectively  
 624 ascribed to them in this section, except where the context  
 625 otherwise requires:

626 (69) HAZARDOUS MATERIAL.--Any substance or material which  
 627 has been determined by the secretary of the United States  
 628 Department of Transportation to be capable of imposing an  
 629 unreasonable risk to health, safety, and property. This term  
 630 includes hazardous waste as defined in s. 403.703(13) ~~s.~~  
 631 ~~403.703(21)~~.

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632 Section 9. Paragraph (f) of subsection (2) of section  
633 377.709, Florida Statutes, is amended to read:

634 377.709 Funding by electric utilities of local  
635 governmental solid waste facilities that generate electricity.--

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

637 (f) "Solid waste facility" means a facility owned or  
638 operated by, or on behalf of, a local government for the purpose  
639 of disposing of solid waste, as that term is defined in s.  
640 403.703(31) ~~s. 403.703(13)~~, by any process that produces heat  
641 and incorporates, as a part of the facility, the means of  
642 converting heat to electrical energy in amounts greater than  
643 actually required for the operation of the facility.

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

646 487.048 Dealer's license; records.--

647 (1) Each person holding or offering for sale, selling, or  
648 distributing restricted-use pesticides shall obtain a dealer's  
649 license from the department. Application for the license shall  
650 be made on a form prescribed by the department. The license must  
651 be obtained before entering into business or transferring  
652 ownership of a business. The department may require examination  
653 or other proof of competency of individuals to whom licenses are  
654 issued or of individuals employed by persons to whom licenses  
655 are issued. Demonstration of continued competency may be  
656 required for license renewal, as set by rule. The license shall  
657 be renewed annually as provided by rule. An annual license fee  
658 not exceeding \$250 shall be established by rule. However, a user  
659 of a restricted-use pesticide may distribute unopened containers

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660 of a properly labeled pesticide to another user who is legally  
 661 entitled to use that restricted-use pesticide without obtaining  
 662 a pesticide dealer's license. The exclusive purpose of  
 663 distribution of the restricted-use pesticide is to keep it from  
 664 becoming a hazardous waste as defined in s. 403.703(13) ~~s.~~  
 665 ~~403.703(21)~~.

666 Section 11. Section 403.704, Florida Statutes, is amended  
 667 to read:

668 403.704 Powers and duties of the department.--The  
 669 department shall have responsibility for the implementation and  
 670 enforcement of the provisions of this act. In addition to other  
 671 powers and duties, the department shall:

672 (1) Develop and implement, in consultation with local  
 673 governments, a state solid waste management program, as defined  
 674 in s. 403.705, ~~and update the program at least every 3 years. In~~  
 675 ~~developing rules to implement the state solid waste management~~  
 676 ~~program, the department shall hold public hearings around the~~  
 677 ~~state and shall give notice of such public hearings to all local~~  
 678 ~~governments and regional planning agencies.~~

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

683 (3) Promote the planning and application of recycling and  
 684 resource recovery systems which preserve and enhance the quality  
 685 of the air, water, and other natural resources of the state and  
 686 assist in and encourage, where appropriate, the development of  
 687 regional solid waste management facilities.

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

691 (5) Use private industry or the State University System  
692 through contractual arrangements for implementation of some or  
693 all of the requirements of the state solid waste management  
694 program and for such other activities as may be considered  
695 necessary, desirable, or convenient.

696 (6) Encourage recycling and resource recovery as a source  
697 of energy and materials.

698 (7) Assist in and encourage, as much as possible, the  
699 development within the state of industries and commercial  
700 enterprises which are based upon resource recovery, recycling,  
701 and reuse of solid waste.

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

706 ~~(9) Acquire, at its discretion, personal or real property~~  
707 ~~or any interest therein by gift, lease, or purchase for the~~  
708 ~~purpose of providing sites for solid waste management~~  
709 ~~facilities.~~

710 ~~(10) Acquire, construct, reconstruct, improve, maintain,~~  
711 ~~equip, furnish, and operate, at its discretion, such solid waste~~  
712 ~~management facilities as are called for by the state solid waste~~  
713 ~~management program.~~

714 ~~(11) Receive funds or revenues from the sale of products,~~  
715 ~~materials, fuels, or energy in any form derived from processing~~

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716 ~~of solid waste by state-owned or state-operated facilities,~~  
717 ~~which funds or revenues shall be deposited into the Solid Waste~~  
718 ~~Management Trust Fund.~~

719 (8) ~~(12)~~ Determine by rule the facilities, equipment,  
720 personnel, and number of monitoring wells to be provided at each  
721 ~~Class I~~ solid waste disposal area.

722 ~~(13) Encourage, but not require, as part of a Class II~~  
723 ~~solid waste disposal area, a potable water supply; an employee~~  
724 ~~shelter; handwashing and toilet facilities; equipment washout~~  
725 ~~facilities; electric service for operations and repairs;~~  
726 ~~equipment shelter for maintenance and storage of parts,~~  
727 ~~equipment, and tools; scales for weighing solid waste received~~  
728 ~~at the disposal area; a trained equipment operator in full-time~~  
729 ~~attendance during operating hours; and communication facilities~~  
730 ~~for use in emergencies. The department may require an attendant~~  
731 ~~at a Class II solid waste disposal area during the hours of~~  
732 ~~operation if the department affirmatively demonstrates that such~~  
733 ~~a requirement is necessary to prevent unlawful fires,~~  
734 ~~unauthorized dumping, or littering of nearby property.~~

735 ~~(14) Require a Class II solid waste disposal area to have~~  
736 ~~at least one monitoring well which shall be placed adjacent to~~  
737 ~~the site in the direction of groundwater flow unless otherwise~~  
738 ~~exempted by the department. The department may require~~  
739 ~~additional monitoring wells not farther than 1 mile from the~~  
740 ~~site if it is affirmatively demonstrated by the department that~~  
741 ~~a significant change in the initial quality of the water has~~  
742 ~~occurred in the downstream monitoring well which adversely~~  
743 ~~affects the beneficial uses of the water. These wells may be~~

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744 ~~public or private water supply wells if they are suitable for~~  
745 ~~use in determining background water quality levels.~~

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

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771        (10)~~(16)~~ Issue or modify permits on such conditions as are  
772 necessary to effect the intent and purposes of this act, and may  
773 deny or revoke permits.

774        ~~(17) Conduct research, using the State University System,  
775 solid waste professionals from local governments, private  
776 enterprise, and other organizations, on alternative,  
777 economically feasible, cost effective, and environmentally safe  
778 solid waste management and landfill closure methods which  
779 protect the health, safety, and welfare of the public and the  
780 environment and which may assist in developing markets and  
781 provide economic benefits to local governments, the state, and  
782 its citizens, and solicit public participation during the  
783 research process. The department shall incorporate such cost-  
784 effective landfill closure methods in the appropriate department  
785 rule as alternative closure requirements.~~

786        (11)~~(18)~~ Develop and implement or contract for services to  
787 develop information on recovered materials markets and  
788 strategies for market development and expansion for use of these  
789 materials. Additionally, the department shall maintain a  
790 directory of recycling businesses operating in the state and  
791 shall serve as a coordinator to match recovered materials with  
792 markets. Such directory shall be made available to the public  
793 and to local governments to assist with their solid waste  
794 management activities.

795        ~~(19) Authorize variances from solid waste closure rules  
796 adopted pursuant to this part, provided such variances are  
797 applied for and approved in accordance with s. 403.201 and will~~

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798 | ~~not result in significant threats to human health or the~~  
799 | ~~environment.~~

800 |     (12)~~(20)~~ Establish accounts and deposit to the Solid Waste  
801 | Management Trust Fund and control and administer moneys it may  
802 | withdraw from the fund.

803 |     (13)~~(21)~~ Manage a program of grants, using funds from the  
804 | Solid Waste Management Trust Fund and funds provided by the  
805 | Legislature for solid waste management, for programs for  
806 | recycling, composting, litter control, and special waste  
807 | management and for programs which provide for the safe and  
808 | proper management of solid waste.

809 |     (14)~~(22)~~ Budget and receive appropriated funds and accept,  
810 | receive, and administer grants or other funds or gifts from  
811 | public or private agencies, including the state and the Federal  
812 | Government, for the purpose of carrying out the provisions of  
813 | this act.

814 |     (15)~~(23)~~ Delegate its powers, enter into contracts, or  
815 | take such other actions as may be necessary to implement this  
816 | act.

817 |     (16)~~(24)~~ Receive and administer funds appropriated for  
818 | county hazardous waste management assessments.

819 |     (17)~~(25)~~ Provide technical assistance to local governments  
820 | and regional agencies to ensure consistency between county  
821 | hazardous waste management assessments; coordinate the  
822 | development of such assessments with the assistance of the  
823 | appropriate regional planning councils; and review and make  
824 | recommendations to the Legislature relative to the sufficiency

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825 | of the assessments to meet state hazardous waste management  
826 | needs.

827 |     ~~(18)-(26)~~ Increase public education and public awareness of  
828 | solid and hazardous waste issues by developing and promoting  
829 | statewide programs of litter control, recycling, volume  
830 | reduction, and proper methods of solid waste and hazardous waste  
831 | management.

832 |     ~~(19)-(27)~~ Assist the hazardous waste storage, treatment, or  
833 | disposal industry by providing to the industry any data produced  
834 | on the types and quantities of hazardous waste generated.

835 |     ~~(20)-(28)~~ Institute a hazardous waste emergency response  
836 | program which would include emergency telecommunication  
837 | capabilities and coordination with appropriate agencies.

838 |     ~~(21)-(29)~~ Promulgate rules necessary to accept delegation  
839 | of the hazardous waste management program from the Environmental  
840 | Protection Agency under the Hazardous and Solid Waste Amendments  
841 | of 1984, Pub. L. No. 98-616.

842 |     ~~(22)-(30)~~ Adopt rules, if necessary, to address the  
843 | incineration and disposal of biomedical waste and the management  
844 | of biological waste within the state, whether such waste is  
845 | generated within this state or outside this state, as long as  
846 | such requirements and conditions are not based on the out-of-  
847 | state origin of the waste and are consistent with applicable  
848 | provisions of law.

849 |     Section 12. Section 403.7043, Florida Statutes, is amended  
850 | to read:

851 |     403.7043 Compost standards and applications.--

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

856 (2) The department shall ~~Within 6 months after October 1,~~  
857 ~~1988, the department shall initiate rulemaking to~~ establish and  
858 maintain rules addressing standards for the production of  
859 compost ~~and shall complete and promulgate those rules within 12~~  
860 ~~months after initiating the process of rulemaking,~~ including  
861 rules establishing:

862 (a) Requirements necessary to produce hygienically safe  
863 compost products for varying applications.

864 (b) A classification scheme for compost based on~~+~~ the  
865 types of waste composted, ~~including at least one type containing~~  
866 ~~only yard trash;~~ the maturity of the compost, ~~including at least~~  
867 ~~three degrees of decomposition for fresh, semimature, and~~  
868 ~~mature;~~ and the levels of organic and inorganic constituents in  
869 the compost. This scheme shall address:

- 870 1. Methods for measurement of the compost maturity.
- 871 2. Particle sizes.
- 872 3. Moisture content.
- 873 4. Average levels of organic and inorganic constituents,  
874 including heavy metals, for such classes of compost as the  
875 department establishes, and the analytical methods to determine  
876 those levels.

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

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

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

885 ~~(b) The allowable uses of compost based on maturity and~~  
886 ~~type of compost.~~

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

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

896 Section 13. Subsections (1), (2), and (3) of section  
897 403.7045, Florida Statutes, are amended to read:

898 403.7045 Application of act and integration with other  
899 acts.--

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

902 (a) Byproduct material, source material, and special  
903 nuclear material, the generation, transportation, disposal,  
904 storage, or treatment of which is regulated under chapter 404 or  
905 under the federal Atomic Energy Act of 1954, ch. 1073, 68 Stat.  
906 923, as amended;

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

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

915 (d) Drilling fluids, produced waters, and other wastes  
 916 associated with the exploration for, or development and  
 917 production of, crude oil or natural gas which are regulated  
 918 under chapter 377; or

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

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

924 2. The recovered materials handled by the facility or the  
 925 products or byproducts of operations that process recovered  
 926 materials are not discharged, deposited, injected, dumped,  
 927 spilled, leaked, or placed into or upon any land or water by the  
 928 owner or operator of such facility so that such recovered  
 929 materials, products or byproducts, or any constituent thereof  
 930 may enter other lands or be emitted into the air or discharged  
 931 into any waters, including groundwaters, or otherwise enter the  
 932 environment such that a threat of contamination in excess of  
 933 applicable department standards and criteria is caused.

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

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

938 (f) Industrial byproducts, if:

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

941 2. The industrial byproducts are not discharged,  
942 deposited, injected, dumped, spilled, leaked, or placed upon any  
943 land or water so that such industrial byproducts, or any  
944 constituent thereof, may enter other lands or be emitted into  
945 the air or discharged into any waters, including groundwaters,  
946 or otherwise enter the environment such that a threat of  
947 contamination in excess of applicable department standards and  
948 criteria or a significant threat to public health is caused.

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

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

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

957 (b) Agricultural and silvicultural byproduct material and  
958 agricultural and silvicultural process waste from normal farming  
959 or processing.

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

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962 rock, and precipitates resulting from neutralization of  
963 phosphate chemical plant process and nonprocess waters.

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

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

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

988 (c) Solid waste or hazardous waste facilities that ~~which~~  
989 are operated as a part of the normal operation of a power

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990 generating facility and which are licensed by certification  
 991 pursuant to the Florida Electrical Power Plant Siting Act, ss.  
 992 403.501-403.518, shall undergo such certification subject to the  
 993 substantive provisions of this act.

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

1000 ~~Nothing in~~ This paragraph does not ~~shall be construed to~~  
 1001 prohibit the department from seeking injunctive relief pursuant  
 1002 to s. 403.131 to prohibit the unauthorized disposal of  
 1003 biomedical waste or biological waste.

1004 Section 14. Section 403.707, Florida Statutes, is amended  
 1005 to read:

1006 403.707 Permits.--

1007 (1) A ~~No~~ solid waste management facility may not be  
 1008 operated, maintained, constructed, expanded, modified, or closed  
 1009 without an appropriate and currently valid permit issued by the  
 1010 department. The department may, by rule, exempt specified types  
 1011 of facilities from the requirement for a permit if it determines  
 1012 that construction for operation of the facility is not expected  
 1013 to create any significant threat to the environment or public  
 1014 health. For purposes of this part, and only when specified by  
 1015 department rule, a permit may include registrations as well as  
 1016 other forms of licenses as defined in s. 120.52. Solid waste  
 1017 construction permits issued under this section may include any

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1018 permit conditions necessary to achieve compliance with the  
 1019 recycling requirements of this act. The department shall pursue  
 1020 reasonable timeframes for closure and construction requirements,  
 1021 considering pending federal requirements and implementation  
 1022 costs to the permittee. The department shall adopt a rule  
 1023 establishing performance standards for construction and closure  
 1024 of solid waste management facilities. The standards shall allow  
 1025 flexibility in design and consideration for site-specific  
 1026 characteristics.

1027 (2) Except as provided in s. 403.722(6), no permit under  
 1028 this section is required for the following, provided that the  
 1029 activity shall not create a public nuisance or any condition  
 1030 adversely affecting the environment or public health and shall  
 1031 not violate other state or local laws, ordinances, rules,  
 1032 regulations, or orders:

1033 (a) Disposal by persons of solid waste resulting from  
 1034 their own activities on their own property, provided such waste  
 1035 is either ordinary household waste from their residential  
 1036 property or is rocks, soils, trees, tree remains, and other  
 1037 vegetative matter that ~~which~~ normally result from land  
 1038 development operations. Disposal of materials that ~~which~~ could  
 1039 create a public nuisance or adversely affect the environment or  
 1040 public health, such as: white goods; automotive materials, such  
 1041 as batteries and tires; petroleum products; pesticides;  
 1042 solvents; or hazardous substances, is not covered under this  
 1043 exemption.

1044 (b) Storage in containers by persons of solid waste  
 1045 resulting from their own activities on their property, leased or

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1046 | rented property, or property subject to a homeowners or  
 1047 | maintenance association for which the person contributes  
 1048 | association assessments, if the solid waste in such containers  
 1049 | is collected at least once a week.

1050 |       (c) Disposal by persons of solid waste resulting from  
 1051 | their own activities on their property, provided the  
 1052 | environmental effects of such disposal on groundwater and  
 1053 | surface waters are:

1054 |           1. Addressed or authorized by a site certification order  
 1055 | issued under part II or a permit issued by the department  
 1056 | pursuant to this chapter or rules adopted pursuant thereto; or

1057 |           2. Addressed or authorized by, or exempted from the  
 1058 | requirement to obtain, a groundwater monitoring plan approved by  
 1059 | the department.

1060 |       (d) Disposal by persons of solid waste resulting from  
 1061 | their own activities on their own property, provided that such  
 1062 | disposal occurred prior to October 1, 1988.

1063 |       (e) Disposal of solid waste resulting from normal farming  
 1064 | operations as defined by department rule. Polyethylene  
 1065 | agricultural plastic, damaged, nonsalvageable, untreated wood  
 1066 | pallets, and packing material that cannot be feasibly recycled,  
 1067 | which are used in connection with agricultural operations  
 1068 | related to the growing, harvesting, or maintenance of crops, may  
 1069 | be disposed of by open burning, provided that no public nuisance  
 1070 | or any condition adversely affecting the environment or the  
 1071 | public health is created thereby and that state or federal  
 1072 | ambient air quality standards are not violated.

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1073 (f) The use of clean debris as fill material in any area.  
1074 However, this paragraph does not exempt any person from  
1075 obtaining any other required permits, nor does it affect a  
1076 person's responsibility to dispose of clean debris appropriately  
1077 if it is not to be used as fill material.

1078 (g) Compost operations that produce less than 50 cubic  
1079 yards of compost per year when the compost produced is used on  
1080 the property where the compost operation is located.

1081 (3) All applicable provisions of ss. 403.087 and 403.088,  
1082 relating to permits, apply to the control of solid waste  
1083 management facilities.

1084 (4) When application for a construction permit for a Class  
1085 I ~~or Class II~~ solid waste disposal area is made, it is the duty  
1086 of the department to provide a copy of the application, within 7  
1087 days after filing, to the water management district having  
1088 jurisdiction where the area is to be located. The water  
1089 management district may prepare an advisory report as to the  
1090 impact on water resources. This report shall contain the  
1091 district's recommendations as to the disposition of the  
1092 application and shall be submitted to the department no later  
1093 than 30 days prior to the deadline for final agency action by  
1094 the department. However, the failure of the department or the  
1095 water management district to comply with the provisions of this  
1096 subsection shall not be the basis for the denial, revocation, or  
1097 remand of any permit or order issued by the department.

1098 (5) The department may not issue a construction permit  
1099 pursuant to this part for a new solid waste landfill within  
1100 3,000 feet of Class I surface waters.

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1101 (6) The department may issue a construction permit  
1102 pursuant to this part only to a solid waste management facility  
1103 that provides the conditions necessary to control the safe  
1104 movement of wastes or waste constituents into surface or ground  
1105 waters or the atmosphere and that will be operated, maintained,  
1106 and closed by qualified and properly trained personnel. Such  
1107 facility must if necessary:

1108 (a) Use natural or artificial barriers which are capable  
1109 of controlling lateral or vertical movement of wastes or waste  
1110 constituents into surface or ground waters.

1111 (b) Have a foundation or base that is capable of providing  
1112 support for structures and waste deposits and capable of  
1113 preventing foundation or base failure due to settlement,  
1114 compression, or uplift.

1115 (c) Provide for the most economically feasible, cost-  
1116 effective, and environmentally safe control of leachate, gas,  
1117 stormwater, and disease vectors and prevent the endangerment of  
1118 public health and the environment.

1119  
1120 Open fires, air-curtain incinerators, or trench burning may not  
1121 be used as a means of disposal at a solid waste management  
1122 facility, unless permitted by the department under s. 403.087.

1123 (7) Prior to application for a construction permit, an  
1124 applicant shall designate to the department temporary backup  
1125 disposal areas or processes for the resource recovery facility.  
1126 Failure to designate temporary backup disposal areas or  
1127 processes shall result in a denial of the construction permit.

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1128 (8) The department may refuse to issue a permit to an  
1129 applicant who by past conduct in this state has repeatedly  
1130 violated pertinent statutes, rules, or orders or permit terms or  
1131 conditions relating to any solid waste management facility and  
1132 who is deemed to be irresponsible as defined by department rule.  
1133 For the purposes of this subsection, an applicant includes the  
1134 owner or operator of the facility, or if the owner or operator  
1135 is a business entity, a parent of a subsidiary corporation, a  
1136 partner, a corporate officer or director, or a stockholder  
1137 holding more than 50 percent of the stock of the corporation.

1138 ~~(9) Before or on the same day of filing with the~~  
1139 ~~department of an application for any construction permit for the~~  
1140 ~~incineration of biomedical waste which the department may~~  
1141 ~~require by rule, the applicant shall notify each city and county~~  
1142 ~~within 1 mile of the facility of the filing of the application~~  
1143 ~~and shall publish notice of the filing of the application. The~~  
1144 ~~applicant shall publish a second notice of the filing within 14~~  
1145 ~~days after the date of filing. Each notice shall be published in~~  
1146 ~~a newspaper of general circulation in the county in which the~~  
1147 ~~facility is located or is proposed to be located.~~

1148 ~~Notwithstanding the provisions of chapter 50, for purposes of~~  
1149 ~~this section, a "newspaper of general circulation" shall be the~~  
1150 ~~newspaper within the county in which the installation or~~  
1151 ~~facility is proposed which has the largest daily circulation in~~  
1152 ~~that county and has its principal office in that county. If the~~  
1153 ~~newspaper with the largest daily circulation has its principal~~  
1154 ~~office outside the county, the notice shall appear in both the~~  
1155 ~~newspaper with the largest daily circulation in that county, and~~



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1184 ~~an application for transfer of the permits on such form as the~~  
1185 ~~department shall establish by rule. The form must be completed~~  
1186 ~~with the notarized signatures of both the transferring permittee~~  
1187 ~~and the proposed permittee.~~

1188 ~~(b) The department shall approve the transfer of a permit~~  
1189 ~~unless it determines that the proposed permittee has not~~  
1190 ~~provided reasonable assurances that the proposed permittee has~~  
1191 ~~the administrative, technical, and financial capability to~~  
1192 ~~properly satisfy the requirements and conditions of the permit,~~  
1193 ~~as determined by department rule. The determination shall be~~  
1194 ~~limited solely to the ability of the proposed permittee to~~  
1195 ~~comply with the conditions of the existing permit, and it shall~~  
1196 ~~not concern the adequacy of the permit conditions. If the~~  
1197 ~~department proposes to deny the transfer, it shall provide both~~  
1198 ~~the transferring permittee and the proposed permittee a written~~  
1199 ~~objection to such transfer together with notice of a right to~~  
1200 ~~request a proceeding on such determination under chapter 120.~~

1201 ~~(c) Within 90 days after receiving a properly completed~~  
1202 ~~application for transfer of a permit, the department shall issue~~  
1203 ~~a final determination. The department may toll the time for~~  
1204 ~~making a determination on the transfer by notifying both the~~  
1205 ~~transferring permittee and the proposed permittee that~~  
1206 ~~additional information is required to adequately review the~~  
1207 ~~transfer request. Such notification shall be provided within 30~~  
1208 ~~days after receipt of an application for transfer of the permit,~~  
1209 ~~completed pursuant to paragraph (a). If the department fails to~~  
1210 ~~take action to approve or deny the transfer within 90 days after~~  
1211 ~~receipt of the completed application or within 90 days after~~

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1212 ~~receipt of the last item of timely requested additional~~  
1213 ~~information, the transfer shall be deemed approved.~~

1214 ~~(d) The transferring permittee is encouraged to apply for~~  
1215 ~~a permit transfer well in advance of the sale or legal transfer~~  
1216 ~~of a permitted facility. However, the transfer of the permit~~  
1217 ~~shall not be effective prior to the sale or legal transfer of~~  
1218 ~~the facility.~~

1219 ~~(e) Until the transfer of the permit is approved by the~~  
1220 ~~department, the transferring permittee and any other person~~  
1221 ~~constructing, operating, or maintaining the permitted facility~~  
1222 ~~shall be liable for compliance with the terms of the permit.~~  
1223 ~~Nothing in this section shall relieve the transferring permittee~~  
1224 ~~of liability for corrective actions that may be required as a~~  
1225 ~~result of any violations occurring prior to the legal transfer~~  
1226 ~~of the permit.~~

1227 ~~(11) The department shall review all permit applications~~  
1228 ~~for any designated Class I solid waste disposal facility. As~~  
1229 ~~used in this subsection, the term "designated Class I solid~~  
1230 ~~waste disposal facility" means any facility that is, as of May~~  
1231 ~~12, 1993, a solid waste disposal facility classified as an~~  
1232 ~~active Class I landfill by the department, that is located in~~  
1233 ~~whole or in part within 1,000 feet of the boundary of any~~  
1234 ~~municipality, but that is not located within any county with an~~  
1235 ~~approved charter or consolidated municipal government, is not~~  
1236 ~~located within any municipality, and is not operated by a~~  
1237 ~~municipality. The department shall not permit vertical expansion~~  
1238 ~~or horizontal expansion of any designated Class I solid waste~~  
1239 ~~disposal facility unless the application for such permit was~~

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1240 ~~filed before January 1, 1993, and no solid waste management~~  
 1241 ~~facility may be operated which is a vertical expansion or~~  
 1242 ~~horizontal expansion of a designated Class I solid waste~~  
 1243 ~~disposal facility. As used in this subsection, the term~~  
 1244 ~~"vertical expansion" means any activity that will result in an~~  
 1245 ~~increase in the height of a designated Class I solid waste~~  
 1246 ~~disposal facility above 100 feet National Geodetic Vertical~~  
 1247 ~~Datum, except solely for closure, and the term "horizontal~~  
 1248 ~~expansion" means any activity that will result in an increase in~~  
 1249 ~~the ground area covered by a designated Class I solid waste~~  
 1250 ~~disposal facility, or if within 1 mile of a designated Class I~~  
 1251 ~~solid waste disposal facility, any new or expanded operation of~~  
 1252 ~~any solid waste disposal facility or area, or of incineration of~~  
 1253 ~~solid waste, or of storage of solid waste for more than 1 year,~~  
 1254 ~~or of composting of solid waste other than yard trash.~~

1255 (9)~~(12)~~ The department shall establish a separate category  
 1256 for solid waste management facilities which accept only  
 1257 construction and demolition debris for disposal or recycling.  
 1258 The department shall establish a reasonable schedule for  
 1259 existing facilities to comply with this section to avoid undue  
 1260 hardship to such facilities. However, a permitted solid waste  
 1261 disposal unit that ~~which~~ receives a significant amount of waste  
 1262 prior to the compliance deadline established in this schedule  
 1263 shall not be required to be retrofitted with liners or leachate  
 1264 control systems. Facilities accepting materials defined in s.  
 1265 403.703 (6) (b) ~~s. 403.703(17)(b)~~ must implement a groundwater  
 1266 monitoring system adequate to detect contaminants that may

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1267 reasonably be expected to result from such disposal prior to the  
1268 acceptance of those materials.

1269 (a) The department shall establish reasonable  
1270 construction, operation, monitoring, recordkeeping, financial  
1271 assurance, and closure requirements for such facilities. The  
1272 department shall take into account the nature of the waste  
1273 accepted at various facilities when establishing these  
1274 requirements, and may impose less stringent requirements,  
1275 including a system of general permits or registration  
1276 requirements, for facilities that accept only a segregated waste  
1277 stream which is expected to pose a minimal risk to the  
1278 environment and public health, such as clean debris. The  
1279 Legislature recognizes that incidental amounts of other types of  
1280 solid waste are commonly generated at construction or demolition  
1281 projects. In any enforcement action taken pursuant to this  
1282 section, the department shall consider the difficulty of  
1283 removing these incidental amounts from the waste stream.

1284 (b) The department shall not require liners and leachate  
1285 collection systems at individual facilities unless it  
1286 demonstrates, based upon the types of waste received, the  
1287 methods for controlling types of waste disposed of, the  
1288 proximity of groundwater and surface water, and the results of  
1289 the hydrogeological and geotechnical investigations, that the  
1290 facility is reasonably expected to result in violations of  
1291 groundwater standards and criteria otherwise.

1292 (c) The owner or operator shall provide financial  
1293 assurance for closing of the facility in accordance with the  
1294 requirements of s. 403.7125. The financial assurance shall cover

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1295 | the cost of closing the facility and 5 years of long-term care  
 1296 | after closing, unless the department determines, based upon  
 1297 | hydrogeologic conditions, the types of wastes received, or the  
 1298 | groundwater monitoring results, that a different long-term care  
 1299 | period is appropriate. However, unless the owner or operator of  
 1300 | the facility is a local government, the escrow account described  
 1301 | in s. 403.7125(2) ~~s. 403.7125(3)~~ may not be used as a financial  
 1302 | assurance mechanism.

1303 |         (d) The department shall establish training requirements  
 1304 | for operators of facilities, and shall work with the State  
 1305 | University System or other providers to assure that adequate  
 1306 | training courses are available. The department shall also assist  
 1307 | the Florida Home Builders Association in establishing a  
 1308 | component of its continuing education program to address proper  
 1309 | handling of construction and demolition debris, including best  
 1310 | management practices for reducing contamination of the  
 1311 | construction and demolition debris waste stream.

1312 |         (e) The issuance of a permit under this subsection does  
 1313 | not obviate the need to comply with all applicable zoning and  
 1314 | land use regulations.

1315 |         (f) A permit is not required under this section for the  
 1316 | disposal of construction and demolition debris on the property  
 1317 | where it is generated, but such property must be covered,  
 1318 | graded, and vegetated as necessary when disposal is complete.

1319 |         (g) It is the policy of the Legislature to encourage  
 1320 | facilities to recycle. The department shall establish criteria  
 1321 | and guidelines that encourage recycling where practical and  
 1322 | provide for the use of recycled materials in a manner that

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1323 protects the public health and the environment. Facilities are  
1324 authorized to recycle, provided such activities do not conflict  
1325 with such criteria and guidelines.

1326 (h) The department shall ensure that the requirements of  
1327 this section are applied and interpreted consistently throughout  
1328 the state. In accordance with s. 20.255, the Division of Waste  
1329 Management shall direct the district offices and bureaus on  
1330 matters relating to the interpretation and applicability of this  
1331 section.

1332 (i) The department shall provide notice of receipt of a  
1333 permit application for the initial construction of a  
1334 construction and demolition debris disposal facility to the  
1335 local governments having jurisdiction where the facility is to  
1336 be located.

1337 (j) The Legislature recognizes that recycling, waste  
1338 reduction, and resource recovery are important aspects of an  
1339 integrated solid waste management program and as such are  
1340 necessary to protect the public health and the environment. If  
1341 necessary to promote such an integrated program, the county may  
1342 determine, after providing notice and an opportunity for a  
1343 hearing prior to December 31, 2006 ~~1996~~, that some or all of the  
1344 wood material described in s. 403.703(6)(b) ~~s. 403.703(17)(b)~~  
1345 shall be excluded from the definition of "construction and  
1346 demolition debris" in s. 403.703(6) ~~s. 403.703(17)~~ within the  
1347 jurisdiction of such county. The county may make such a  
1348 determination only if it finds that, prior to June 1, 2006 ~~1996~~,  
1349 the county has established an adequate method for the use or  
1350 recycling of such wood material at an existing or proposed solid

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1351 waste management facility that is permitted or authorized by the  
1352 department on June 1, 2006 ~~1996~~. The county shall not be  
1353 required to hold a hearing if the county represents that it  
1354 previously has held a hearing for such purpose, nor shall the  
1355 county be required to hold a hearing if the county represents  
1356 that it previously has held a public meeting or hearing that  
1357 authorized such method for the use or recycling of trash or  
1358 other nonputrescible waste materials and if the county further  
1359 represents that such materials include those materials described  
1360 in s. 403.703(6)(b) ~~s. 403.703(17)(b)~~. The county shall provide  
1361 written notice of its determination to the department by no  
1362 later than December 31, 2006 ~~1996~~; thereafter, the wood  
1363 materials described in s. 403.703(6)(b) ~~s. 403.703(17)(b)~~ shall  
1364 be excluded from the definition of "construction and demolition  
1365 debris" in s. 403.703(6) ~~s. 403.703(17)~~ within the jurisdiction  
1366 of such county. The county may withdraw or revoke its  
1367 determination at any time by providing written notice to the  
1368 department.

1369 (k) Brazilian pepper and other invasive exotic plant  
1370 species as designated by the department resulting from  
1371 eradication projects may be processed at permitted construction  
1372 and demolition debris recycling facilities or disposed of at  
1373 permitted construction and demolition debris disposal facilities  
1374 or Class III facilities. The department may adopt rules to  
1375 implement this paragraph.

1376 (10) ~~(13)~~ If the department and a local government  
1377 independently require financial assurance for the closure of a  
1378 privately owned solid waste management facility, the department

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1379 | and that local government shall enter into an interagency  
 1380 | agreement that will allow the owner or operator to provide a  
 1381 | single financial mechanism to cover the costs of closure ~~and any~~  
 1382 | ~~required long term care~~. The financial mechanism may provide for  
 1383 | the department and local government to be cobeneficiaries or  
 1384 | copayees, but shall not impose duplicative financial  
 1385 | requirements on the owner or operator. These closure costs must  
 1386 | include at least the minimum required by department rules and  
 1387 | must also include any additional costs required by local  
 1388 | ordinance or regulation.

1389 |       (11) ~~(14)~~ Before or on the same day of filing with the  
 1390 | department of an application for a permit to construct or  
 1391 | substantially modify a solid waste management facility, the  
 1392 | applicant shall notify the local government having jurisdiction  
 1393 | over the facility of the filing of the application. The  
 1394 | applicant also shall publish notice of the filing of the  
 1395 | application in a newspaper of general circulation in the area  
 1396 | where the facility will be located. Notice shall be given and  
 1397 | published in accordance with applicable department rules. The  
 1398 | department shall not issue the requested permit until the  
 1399 | applicant has provided the department with proof that the  
 1400 | notices required by this subsection have been given. Issuance of  
 1401 | a permit does not relieve an applicant from compliance with  
 1402 | local zoning or land use ordinances, or with any other law,  
 1403 | rules, or ordinances.

1404 |       (12) ~~(15)~~ Construction and demolition debris must be  
 1405 | separated from the solid waste stream and segregated in separate

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1406 | locations at a solid waste disposal facility or other permitted  
1407 | site.

1408 |        ~~(13)-(16)~~ No facility, solely by virtue of the fact that it  
1409 | uses processed yard trash or clean wood or paper waste as a fuel  
1410 | source, shall be considered to be a solid waste disposal  
1411 | facility.

1412 |        Section 15. Section 403.7071, Florida Statutes, is created  
1413 | to read:

1414 |        403.7071 Management of storm-generated debris.--Solid  
1415 | waste generated as a result of a storm event that is the subject  
1416 | of an emergency order issued by the department may be managed as  
1417 | follows:

1418 |        (1) The Department of Environmental Protection may issue  
1419 | field authorizations for staging areas in those counties  
1420 | affected by a storm event. Such staging areas may be used for  
1421 | the temporary storage and management of storm-generated debris,  
1422 | including the chipping, grinding, or burning of vegetative  
1423 | debris. Field authorizations may be requested by providing a  
1424 | notice to the local office of the department containing a  
1425 | description of the design and operation of the staging area; the  
1426 | location of the staging area; and the name, address, and  
1427 | telephone number of the site manager. Field authorizations also  
1428 | may be issued by the department staff without prior notice.  
1429 | Written records of all field authorizations shall be created and  
1430 | maintained by department staff. Field authorizations may include  
1431 | specific conditions for the operation and closure of the staging  
1432 | area and shall include a required closure date. A local  
1433 | government shall avoid locating a staging area in wetlands and

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1434 other surface waters to the greatest extent possible, and the  
1435 area that is used or affected by a staging area must be fully  
1436 restored upon cessation of use of the area.

1437 (2) Storm-generated vegetative debris managed at a staging  
1438 area may be disposed of in a permitted lined or unlined  
1439 landfill, a permitted land clearing debris facility, or a  
1440 permitted construction and demolition debris disposal facility.  
1441 Vegetative debris may also be managed at a permitted waste  
1442 processing facility or a registered yard trash processing  
1443 facility.

1444 (3) Construction and demolition debris that is mixed with  
1445 other storm-generated debris need not be segregated from other  
1446 solid waste prior to disposal in a lined landfill. Construction  
1447 and demolition debris that is source-separated or is separated  
1448 from other hurricane-generated debris at an authorized staging  
1449 area, or at another area specifically authorized by the  
1450 department, may be managed at a permitted construction and  
1451 demolition debris disposal or recycling facility upon approval  
1452 by the department of the methods and operational practices used  
1453 to inspect the waste during segregation.

1454 (4) Unsalvageable refrigerators and freezers containing  
1455 solid waste, such as rotting food, which may create a sanitary  
1456 nuisance may be disposed of in a permitted lined landfill;  
1457 however, chlorofluorocarbons and capacitors must be removed and  
1458 recycled to the greatest extent practicable using techniques and  
1459 personnel meeting relevant federal requirements.

1460 (5) Local governments may conduct the burning of storm-  
1461 generated yard trash and other vegetative debris in air-curtain

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1462 incinerators without prior notice to the department. Demolition  
1463 debris may also be burned in air-curtain incinerators if the  
1464 material is limited to untreated wood. Within 10 days after  
1465 commencing such burning, the local government shall notify the  
1466 department in writing describing the general nature of the  
1467 materials burned; the location and method of burning; and the  
1468 name, address, and telephone number of the representative of the  
1469 local government to contact concerning the work. The operator of  
1470 the air-curtain incinerator is subject to any requirement to  
1471 obtain an open-burning authorization from the Division of  
1472 Forestry or any other agency empowered to grant such  
1473 authorization.

1474 Section 16. Section 403.708, Florida Statutes, is amended  
1475 to read:

1476 403.708 Prohibition; penalty.--

1477 (1) No person shall:

1478 (a) Place or deposit any solid waste in or on the land or  
1479 waters located within the state except in a manner approved by  
1480 the department and consistent with applicable approved programs  
1481 of counties or municipalities. However, nothing in this act  
1482 shall be construed to prohibit the disposal of solid waste  
1483 without a permit as provided in s. 403.707(2).

1484 (b) Burn solid waste except in a manner prescribed by the  
1485 department and consistent with applicable approved programs of  
1486 counties or municipalities.

1487 (c) Construct, alter, modify, or operate a solid waste  
1488 management facility or site without first having obtained from  
1489 the department any permit required by s. 403.707.

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1490 (2) No beverage shall be sold or offered for sale within  
1491 the state in a beverage container designed and constructed so  
1492 that the container is opened by detaching a metal ring or tab.

1493 (3) For purposes of subsections (2), (9), and (10):

1494 ~~(a) "Degradable," with respect to any material, means that~~  
1495 ~~such material, after being discarded, is capable of decomposing~~  
1496 ~~to components other than heavy metals or other toxic substances,~~  
1497 ~~after exposure to bacteria, light, or outdoor elements.~~

1498 (a) ~~(b)~~ "Beverage" means soda water, carbonated natural or  
1499 mineral water, or other nonalcoholic carbonated drinks; soft  
1500 drinks, whether or not carbonated; beer, ale, or other malt  
1501 drink of whatever alcoholic content; or a mixed wine drink or a  
1502 mixed spirit drink.

1503 (b) ~~(e)~~ "Beverage container" means an airtight container  
1504 which at the time of sale contains 1 gallon or less of a  
1505 beverage, or the metric equivalent of 1 gallon or less, and  
1506 which is composed of metal, plastic, or glass or a combination  
1507 thereof.

1508 (4) The Division of Alcoholic Beverages and Tobacco of the  
1509 Department of Business and Professional Regulation may impose a  
1510 fine of not more than \$100 on any person currently licensed  
1511 pursuant to s. 561.14 for each violation of the provisions of  
1512 subsection (2). If the violation is of a continuing nature, each  
1513 day during which such violation occurs shall constitute a  
1514 separate and distinct offense and shall be subject to a separate  
1515 fine.

1516 (5) The Department of Agriculture and Consumer Services  
1517 may impose a fine of not more than \$100 on any person not

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1518 | currently licensed pursuant to s. 561.14 for each violation of  
 1519 | the provisions of subsection (2). If the violation is of a  
 1520 | continuing nature, each day during which such violation occurs  
 1521 | shall constitute a separate and distinct offense and shall be  
 1522 | subject to a separate fine.

1523 |         (6) Fifty percent of each fine collected pursuant to  
 1524 | subsections (4) and (5) shall be deposited into the Solid Waste  
 1525 | Management Trust Fund. The balance of fines collected pursuant  
 1526 | to subsection (4) shall be deposited into the Alcoholic Beverage  
 1527 | and Tobacco Trust Fund for the use of the division for  
 1528 | inspection and enforcement of the provisions of this section.  
 1529 | The balance of fines collected pursuant to subsection (5) shall  
 1530 | be deposited into the General Inspection Trust Fund for the use  
 1531 | of the Department of Agriculture and Consumer Services for  
 1532 | inspection and enforcement of the provisions of this section.

1533 |         (7) The Division of Alcoholic Beverages and Tobacco and  
 1534 | the Department of Agriculture and Consumer Services shall  
 1535 | coordinate their responsibilities under the provisions of this  
 1536 | section to ensure that inspections and enforcement are  
 1537 | accomplished in an efficient, cost-effective manner.

1538 |         (8) A person may not distribute, sell, or expose for sale  
 1539 | in this state any plastic bottle or rigid container intended for  
 1540 | single use unless such container has a molded label indicating  
 1541 | the plastic resin used to produce the plastic container. The  
 1542 | label must appear on or near the bottom of the plastic container  
 1543 | product and be clearly visible. This label must consist of a  
 1544 | number placed inside a triangle and letters placed below the  
 1545 | triangle. The triangle must be equilateral and must be formed by

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1546 | three arrows, and, in the middle of each arrow, there must be a  
 1547 | rounded bend that forms one apex of the triangle. The pointer,  
 1548 | or arrowhead, of each arrow must be at the midpoint of a side of  
 1549 | the triangle, and a short gap must separate each pointer from  
 1550 | the base of the adjacent arrow. The three curved arrows that  
 1551 | form the triangle must depict a clockwise path around the code  
 1552 | number. Plastic bottles of less than 16 ounces, rigid plastic  
 1553 | containers of less than 8 ounces, and plastic casings on lead-  
 1554 | acid storage batteries are not required to be labeled under this  
 1555 | section. The numbers and letters must be as follows:

1556 |       (a) For polyethylene terephthalate, the letters "PETE" and  
 1557 | the number 1.

1558 |       (b) For high-density polyethylene, the letters "HDPE" and  
 1559 | the number 2.

1560 |       (c) For vinyl, the letter "V" and the number 3.

1561 |       (d) For low-density polyethylene, the letters "LDPE" and  
 1562 | the number 4.

1563 |       (e) For polypropylene, the letters "PP" and the number 5.

1564 |       (f) For polystyrene, the letters "PS" and the number 6.

1565 |       (g) For any other, the letters "OTHER" and the number 7.

1566 |       (9) No person shall distribute, sell, or expose for sale  
 1567 | in this state any product packaged in a container or packing  
 1568 | material manufactured with fully halogenated chlorofluorocarbons  
 1569 | (CFC). Producers of containers or packing material manufactured  
 1570 | with chlorofluorocarbons (CFC) are urged to introduce  
 1571 | alternative packaging materials which are environmentally  
 1572 | compatible.

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1573 (10) The packaging of products manufactured or sold in the  
1574 state may not be controlled by governmental rule, regulation, or  
1575 ordinance adopted after March 1, 1974, other than as expressly  
1576 provided in this act.

1577 (11) Violations of this part or rules, regulations,  
1578 permits, or orders issued thereunder by the department and  
1579 violations of approved local programs of counties or  
1580 municipalities or rules, regulations, or orders issued  
1581 thereunder shall be punishable by a civil penalty as provided in  
1582 s. 403.141.

1583 (12) The department or any county or municipality may also  
1584 seek to enjoin the violation of, or enforce compliance with,  
1585 this part or any program adopted hereunder as provided in s.  
1586 403.131.

1587 (13) In accordance with the following schedule, no person  
1588 who knows or who should know of the nature of such solid waste  
1589 shall dispose of such solid waste in landfills:

1590 (a) Lead-acid batteries, ~~after January 1, 1989~~. Lead-acid  
1591 batteries also may ~~shall~~ not be disposed of in any waste-to-  
1592 energy facility ~~after January 1, 1989~~. To encourage proper  
1593 collection and recycling, all persons who sell lead-acid  
1594 batteries at retail shall accept used lead-acid batteries as  
1595 trade-ins for new lead-acid batteries.

1596 (b) Used oil, ~~after October 1, 1988~~.

1597 (c) Yard trash, ~~after January 1, 1992~~, except in lined  
1598 ~~unlined~~ landfills classified by department rule as Class I  
1599 landfills. Yard trash that is source separated from solid waste  
1600 may be accepted at a solid waste disposal area where the area

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1601 provides and maintains separate yard trash composting  
 1602 facilities. The department recognizes that incidental amounts of  
 1603 yard trash may be disposed of in Class I ~~lined~~ landfills. In any  
 1604 enforcement action taken pursuant to this paragraph, the  
 1605 department shall consider the difficulty of removing incidental  
 1606 amounts of yard trash from a mixed solid waste stream.

1607 (d) ~~White goods, after January 1, 1990.~~

1608  
 1609 ~~Prior to the effective dates specified in paragraphs (a) (d),~~  
 1610 ~~the department shall identify and assist in developing~~  
 1611 ~~alternative disposal, processing, or recycling options for the~~  
 1612 ~~solid wastes identified in paragraphs (a) (d).~~

1613 Section 17. Section 403.709, Florida Statutes, is amended  
 1614 to read:

1615 403.709 Solid Waste Management Trust Fund; use of waste  
 1616 tire fees.--There is created the Solid Waste Management Trust  
 1617 Fund, to be administered by the department.

1618 (1) ~~From~~ The annual revenues deposited in the trust fund,  
 1619 unless otherwise specified in the General Appropriations Act,  
 1620 shall be used for the following purposes:

1621 ~~(a) (1) Up to 40 percent shall be used for~~ Funding solid  
 1622 waste activities of the department and other state agencies,  
 1623 such as providing technical assistance to local governments and  
 1624 the private sector, performing solid waste regulatory and  
 1625 enforcement functions, preparing solid waste documents, and  
 1626 implementing solid waste education programs.

1627 ~~(b) (2) Up to 4.5 percent shall be used for~~ Funding  
 1628 research and training programs relating to solid waste

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1629 management through the Center for Solid and Hazardous Waste  
1630 Management and other organizations which can reasonably  
1631 demonstrate the capability to carry out such projects.

1632 ~~(c)(3) Up to 11 percent shall be used for~~ Funding to  
1633 supplement any other funds provided to the Department of  
1634 Agriculture and Consumer Services for mosquito control. This  
1635 distribution shall be annually transferred to the General  
1636 Inspection Trust Fund in the Department of Agriculture and  
1637 Consumer Services to be used for mosquito control, especially  
1638 control of West Nile Virus.

1639 ~~(d)(4) Up to 4.5 percent shall be used for~~ Funding to the  
1640 Department of Transportation for litter prevention and control  
1641 programs ~~coordinated by Keep Florida Beautiful, Inc.~~

1642 ~~(e)(5) A minimum of 40 percent shall be used for~~ Funding a  
1643 competitive and innovative grant program pursuant to s. 403.7095  
1644 for activities relating to recycling and reducing the volume of  
1645 municipal solid waste, including waste tires requiring final  
1646 disposal.

1647 ~~(2)(6)~~ The department shall recover to the use of the fund  
1648 from the site owner or the person responsible for the  
1649 accumulation of tires at the site, jointly and severally, all  
1650 sums expended from the fund pursuant to this section to manage  
1651 tires at an illegal waste tire site, except that the department  
1652 may decline to pursue such recovery if it finds the amount  
1653 involved too small or the likelihood of recovery too uncertain.  
1654 If a court determines that the owner is unable or unwilling to  
1655 comply with the rules adopted pursuant to this section or s.  
1656 403.717, the court may authorize the department to take

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1657 possession and control of the waste tire site in order to  
1658 protect the health, safety, and welfare of the community and the  
1659 environment.

1660 ~~(3)-(7)~~ The department may impose a lien on the real  
1661 property on which the waste tire site is located and the waste  
1662 tires equal to the estimated cost to bring the tire site into  
1663 compliance, including attorney's fees and court costs. Any owner  
1664 whose property has such a lien imposed may release her or his  
1665 property from any lien claimed under this subsection by filing  
1666 with the clerk of the circuit court a cash or surety bond,  
1667 payable to the department in the amount of the estimated cost of  
1668 bringing the tire site into compliance with department rules,  
1669 including attorney's fees and court costs, or the value of the  
1670 property after the abatement action is complete, whichever is  
1671 less. No lien provided by this subsection shall continue for a  
1672 period longer than 4 years after the completion of the abatement  
1673 action unless within that time an action to enforce the lien is  
1674 commenced in a court of competent jurisdiction. The department  
1675 may take action to enforce the lien in the same manner used for  
1676 construction liens under part I of chapter 713.

1677 ~~(4)-(8)~~ This section does not limit the use of other  
1678 remedies available to the department.

1679 Section 18. Subsection (5) of section 403.7095, Florida  
1680 Statutes, is amended to read:

1681 403.7095 Solid waste management grant program.--

1682 (5) From the funds made available pursuant to s.  
1683 403.709(1)(e) ~~s. 403.709(5)~~ for the grant program created by  
1684 this section, the following distributions shall be made:

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1685 (a) Up to 15 percent for the program described in  
1686 subsection (1);

1687 (b) Up to 35 percent for the program described in  
1688 subsection (3); and

1689 (c) Up to 50 percent for the program described in  
1690 subsection (4).

1691 Section 19. Section 403.7125, Florida Statutes, is amended  
1692 to read:

1693 403.7125 Financial assurance for closure ~~Landfill~~  
1694 ~~management escrow account.~~---

1695 ~~(1) As used in this section:~~

1696 ~~(a) "Landfill" means any solid waste land disposal area~~  
1697 ~~for which a permit, other than a general permit, is required by~~  
1698 ~~s. 403.707 that receives solid waste for disposal in or upon~~  
1699 ~~land other than a land spreading site, injection well, or a~~  
1700 ~~surface impoundment.~~

1701 ~~(b) "Closure" means the ceasing operation of a landfill~~  
1702 ~~and securing such landfill so that it does not pose a~~  
1703 ~~significant threat to public health or the environment and~~  
1704 ~~includes long term monitoring and maintenance of a landfill.~~

1705 ~~(c) "Owner or operator" means, in addition to the usual~~  
1706 ~~meanings of the term, any owner of record of any interest in~~  
1707 ~~land whereon a landfill is or has been located and any person or~~  
1708 ~~corporation which owns a majority interest in any other~~  
1709 ~~corporation which is the owner or operator of a landfill.~~

1710 (1)~~(2)~~ Every owner or operator of a landfill is jointly  
1711 and severally liable for the improper operation and closure of  
1712 the landfill, as provided by law. As used in this section, the

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1713 term "owner or operator" means any owner of record of any  
1714 interest in land wherein a landfill is or has been located and  
1715 any person or corporation that owns a majority interest in any  
1716 other corporation that is the owner or operator of a landfill.

1717 (2)(3) The owner or operator of a landfill owned or  
1718 operated by a local or state government or the Federal  
1719 Government shall establish a fee, or a surcharge on existing  
1720 fees or other appropriate revenue-producing mechanism, to ensure  
1721 the availability of financial resources for the proper closure  
1722 of the landfill. However, the disposal of solid waste by persons  
1723 on their own property, as described in s. 403.707(2), is exempt  
1724 from the provisions of this section.

1725 (a) The revenue-producing mechanism must produce revenue  
1726 at a rate sufficient to generate funds to meet state and federal  
1727 landfill closure requirements.

1728 (b) The revenue shall be deposited in an interest-bearing  
1729 escrow account to be held and administered by the owner or  
1730 operator. The owner or operator shall file with the department  
1731 an annual audit of the account. The audit shall be conducted by  
1732 an independent certified public accountant. Failure to collect  
1733 or report such revenue, except as allowed in subsection (3) ~~(4)~~,  
1734 is a noncriminal violation punishable by a fine of not more than  
1735 \$5,000 for each offense. The owner or operator may make  
1736 expenditures from the account and its accumulated interest only  
1737 for the purpose of landfill closure and, if such expenditures do  
1738 not deplete the fund to the detriment of eventual closure, for  
1739 planning and construction of resource recovery or landfill  
1740 facilities. Any moneys remaining in the account after paying for

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1741 proper and complete closure, as determined by the department,  
 1742 shall, if the owner or operator does not operate a landfill, be  
 1743 deposited by the owner or operator into the general fund or the  
 1744 appropriate solid waste fund of the local government of  
 1745 jurisdiction.

1746 (c) The revenue generated under this subsection and any  
 1747 accumulated interest thereon may be applied to the payment of,  
 1748 or pledged as security for, the payment of revenue bonds issued  
 1749 in whole or in part for the purpose of complying with state and  
 1750 federal landfill closure requirements. Such application or  
 1751 pledge may be made directly in the proceedings authorizing such  
 1752 bonds or in an agreement with an insurer of bonds to assure such  
 1753 insurer of additional security therefor.

1754 (d) The provisions of s. 212.055 that relate to raising of  
 1755 revenues for landfill closure or long-term maintenance do not  
 1756 relieve a landfill owner or operator from the obligations of  
 1757 this section.

1758 (e) The owner or operator of any landfill that had  
 1759 established an escrow account in accordance with this section  
 1760 and the conditions of its permit prior to January 1, 2006, may  
 1761 continue to use that escrow account to provide financial  
 1762 assurance for closure of that landfill, even if that landfill is  
 1763 not owned or operated by a local or state government or the  
 1764 Federal Government.

1765 (3)-(4) An owner or operator of a landfill owned or  
 1766 operated by a local or state government or by the Federal  
 1767 Government may provide financial assurance to establish proof of  
 1768 financial responsibility with the department in lieu of the

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1769 requirements of subsection (2) ~~(3)~~. An owner or operator of any  
 1770 other landfill, or any other solid waste management facility  
 1771 designated by department rule, shall provide financial assurance  
 1772 to the department for the closure of the facility. Such  
 1773 financial assurance ~~proof~~ may include surety bonds, certificates  
 1774 of deposit, securities, letters of credit, or other documents  
 1775 showing that the owner or operator has sufficient financial  
 1776 resources to cover, at a minimum, the costs of complying with  
 1777 applicable landfill closure requirements. The owner or operator  
 1778 shall estimate such costs to the satisfaction of the department.

1779 ~~(4)(5)~~ This section does not repeal, limit, or abrogate  
 1780 any other law authorizing local governments to fix, levy, or  
 1781 charge rates, fees, or charges for the purpose of complying with  
 1782 state and federal landfill closure requirements.

1783 ~~(5)(6)~~ The department shall adopt rules to implement this  
 1784 section.

1785 Section 20. Section 403.716, Florida Statutes, is amended  
 1786 to read:

1787 403.716 Training of operators of solid waste management  
 1788 and other facilities.--

1789 (1) The department shall establish qualifications for, and  
 1790 encourage the development of training programs for, operators of  
 1791 landfills, coordinators of local recycling programs, ~~operators~~  
 1792 ~~of waste to energy facilities, biomedical waste incinerators,~~  
 1793 ~~and mobile soil thermal treatment units or facilities,~~ and  
 1794 operators of other solid waste management facilities.

1795 (2) The department shall work with accredited community  
 1796 colleges, career centers, state universities, and private

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1797 institutions in developing educational materials, courses of  
1798 study, and other such information to be made available for  
1799 persons seeking to be trained as operators of solid waste  
1800 management facilities.

1801 (3) A person may not perform the duties of an operator of  
1802 a landfill, ~~or perform the duties of an operator of a waste to~~  
1803 ~~energy facility, biomedical waste incinerator, or mobile soil~~  
1804 ~~thermal treatment unit or facility,~~ unless she or he has  
1805 completed an operator training course approved by the department  
1806 or she or he has qualified as an interim operator in compliance  
1807 with requirements established by the department by rule. An  
1808 owner of a landfill, ~~waste to energy facility, biomedical waste~~  
1809 ~~incinerator, or mobile soil thermal treatment unit or facility~~  
1810 may not employ any person to perform the duties of an operator  
1811 unless such person has completed an approved landfill, ~~waste to~~  
1812 ~~energy facility, biomedical waste incinerator, or mobile soil~~  
1813 ~~thermal treatment unit or facility~~ operator training course, as  
1814 appropriate, or has qualified as an interim operator in  
1815 compliance with requirements established by the department by  
1816 rule. The department may establish by rule operator training  
1817 requirements for other solid waste management facilities and  
1818 facility operators.

1819 (4) The department has authority to adopt minimum  
1820 standards and other rules pursuant to ss. 120.536(1) and 120.54  
1821 to implement the provisions of this section. The department  
1822 shall ensure the safe, healthy, and lawful operation of solid  
1823 waste management facilities in this state. The department may  
1824 establish by rule various classifications for operators to cover

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

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1825 | the need for differing levels of training required to operate  
1826 | various types of solid waste management facilities due to  
1827 | different operating requirements at such facilities.

1828 |         (5) For purposes of this section, the term "operator"  
1829 | means any person, including the owner, who is principally  
1830 | engaged in, and is in charge of, the actual operation,  
1831 | supervision, and maintenance of a solid waste management  
1832 | facility and includes the person in charge of a shift or period  
1833 | of operation during any part of the day.

1834 |         Section 21. Section 403.717, Florida Statutes, is amended  
1835 | to read:

1836 |             403.717 Waste tire and lead-acid battery requirements.--

1837 |         (1) For purposes of this section and ss. 403.718 and  
1838 | 403.7185:

1839 |             (a) "Department" means the Department of Environmental  
1840 | Protection.

1841 |             (b) "Motor vehicle" means an automobile, motorcycle,  
1842 | truck, trailer, semitrailer, truck tractor and semitrailer  
1843 | combination, or any other vehicle operated in this state, used  
1844 | to transport persons or property and propelled by power other  
1845 | than muscular power, but the term does not include traction  
1846 | engines, road rollers, such vehicles as run only upon a track,  
1847 | bicycles, mopeds, or farm tractors and trailers.

1848 |             (c) "Tire" means a continuous solid or pneumatic rubber  
1849 | covering encircling the wheel of a motor vehicle.

1850 |             (d) "Waste tire" means a tire that has been removed from a  
1851 | motor vehicle and has not been retreaded or regrooved. "Waste  
1852 | tire" includes, but is not limited to, used tires and processed

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1853 | tires. The term does not include solid rubber tires and tires  
 1854 | that are inseparable from the rim.

1855 | (e) "Waste tire collection center" means a site where  
 1856 | waste tires are collected from the public prior to being offered  
 1857 | for recycling and where fewer than 1,500 tires are kept on the  
 1858 | site on any given day.

1859 | (f) "Waste tire processing facility" means a site where  
 1860 | equipment is used to treat waste tires mechanically, chemically,  
 1861 | or thermally so that the resulting material is a marketable  
 1862 | product or is suitable for proper disposal ~~recapture reusable~~  
 1863 | ~~byproducts from waste tires or to cut, burn, or otherwise alter~~  
 1864 | ~~waste tires so that they are no longer whole.~~ The term includes  
 1865 | mobile waste tire processing equipment.

1866 | (g) "Waste tire site" means a site at which 1,500 or more  
 1867 | waste tires are accumulated.

1868 | (h) "Lead-acid battery" means a ~~those~~ lead-acid battery  
 1869 | ~~batteries~~ designed for use in motor vehicles, vessels, and  
 1870 | aircraft, and includes such batteries when sold new as a  
 1871 | component part of a motor vehicle, vessel, or aircraft, but not  
 1872 | when sold to recycle components.

1873 | (i) "Indoor" means within a structure that ~~which~~ excludes  
 1874 | rain and public access and would control air flows in the event  
 1875 | of a fire.

1876 | (j) "Processed tire" means a tire that has been treated  
 1877 | mechanically, chemically, or thermally so that the resulting  
 1878 | material is a marketable product or is suitable for proper  
 1879 | disposal.

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1880 (k) "Used tire" means a waste tire which has a minimum  
1881 tread depth of 3/32 inch or greater and is suitable for use on a  
1882 motor vehicle.

1883 (2) The owner or operator of any waste tire site shall  
1884 provide the department with information concerning the site's  
1885 location, size, and the approximate number of waste tires that  
1886 are accumulated at the site and shall initiate steps to comply  
1887 with subsection (3).

1888 (3)(a) A person may not maintain a waste tire site unless  
1889 such site is:

1890 1. An integral part of the person's permitted waste tire  
1891 processing facility; or

1892 2. Used for the storage of waste tires prior to processing  
1893 and is located at a permitted solid waste management facility.

1894 (b) It is unlawful for any person to dispose of waste  
1895 tires or processed tires in the state except at a permitted  
1896 solid waste management facility. Collection or storage of waste  
1897 tires at a permitted waste tire processing facility or waste  
1898 tire collection center prior to processing or use does not  
1899 constitute disposal, provided that the collection and storage  
1900 complies with rules established by the department.

1901 (c) Whole waste tires may not be deposited in a landfill  
1902 as a method of ultimate disposal.

1903 (d) A person may not contract with a waste tire collector  
1904 for the transportation, disposal, or processing of waste tires  
1905 unless the collector is registered with the department or exempt  
1906 from requirements provided under this section. Any person who  
1907 contracts with a waste tire collector for the transportation of

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1908 | more than 25 waste tires per month from a single business  
 1909 | location must maintain records for that location and make them  
 1910 | available for review by the department or by law enforcement  
 1911 | officers, which records must contain the date when the tires  
 1912 | were transported, the quantity of tires, the registration number  
 1913 | of the collector, and the name of the driver.

1914 |         (4) The department shall adopt rules to carry out the  
 1915 | provisions of this section and s. 403.718. Such rules shall:

1916 |             (a) Provide for the administration or revocation of waste  
 1917 | tire processing facility permits, including mobile processor  
 1918 | permits;

1919 |             (b) Provide for the administration or revocation of waste  
 1920 | tire collector registrations, the fees for which may not exceed  
 1921 | \$50 per vehicle registered annually;

1922 |             (c) Provide for the administration or revocation of waste  
 1923 | tire collection center permits, the fee for which may not exceed  
 1924 | \$250 annually;

1925 |             (d) Set standards, including financial assurance  
 1926 | standards, for waste tire processing facilities and associated  
 1927 | waste tire sites, waste tire collection centers, waste tire  
 1928 | collectors, and for the storage of waste tires and processed  
 1929 | tires, including storage indoors;

1930 |             (e) The department may by rule exempt not-for-hire waste  
 1931 | tire collectors and processing facilities from financial  
 1932 | assurance requirements;

1933 |             (f) Authorize the final disposal of waste tires at a  
 1934 | permitted solid waste disposal facility provided the tires have

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1935 | been cut into sufficiently small parts to assure their proper  
1936 | disposal; and

1937 |       (g) Allow waste tire material which has been cut into  
1938 | sufficiently small parts to be used as daily cover material for  
1939 | a landfill.

1940 |       ~~(5) A permit is not required for tire storage at:~~

1941 |       ~~(a) A tire retreading business where fewer than 1,500~~  
1942 | ~~waste tires are kept on the business premises;~~

1943 |       ~~(b) A business that, in the ordinary course of business,~~  
1944 | ~~removes tires from motor vehicles if fewer than 1,500 of these~~  
1945 | ~~tires are kept on the business premises; or~~

1946 |       ~~(c) A retail tire selling business which is serving as a~~  
1947 | ~~waste tire collection center if fewer than 1,500 waste tires are~~  
1948 | ~~kept on the business premises.~~

1949 |       (5)~~(6)~~(a) The department shall encourage the voluntary  
1950 | establishment of waste tire collection centers at retail tire-  
1951 | selling businesses, waste tire processing facilities, and solid  
1952 | waste disposal facilities, to be open to the public for the  
1953 | deposit of waste tires.

1954 |       (b) The department is authorized to establish an  
1955 | incentives program for individuals to encourage them to return  
1956 | their waste tires to a waste tire collection center. The  
1957 | incentives used by the department may involve the use of  
1958 | discount or prize coupons, prize drawings, promotional  
1959 | giveaways, or other activities the department determines will  
1960 | promote collection, reuse, volume reduction, and proper disposal  
1961 | of waste tires.

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1962 (c) The department may contract with a promotion company  
1963 to administer the incentives program.

1964 Section 22. Section 403.7221, Florida Statutes, is  
1965 transferred, renumbered as section 403.70715, Florida Statutes,  
1966 and amended to read:

1967 403.70715 ~~403.7221~~ Research, development, and  
1968 demonstration permits.--

1969 (1) The department may issue a research, development, and  
1970 demonstration permit to the owner or operator of any solid waste  
1971 management facility, including any hazardous waste management  
1972 facility, who proposes to utilize an innovative and experimental  
1973 solid waste treatment technology or process for which permit  
1974 standards have not been promulgated. Permits shall:

1975 (a) Provide for construction and operation of the facility  
1976 for not longer than 3 years ~~1 year~~, renewable no more than 3  
1977 times.

1978 (b) Provide for the receipt and treatment by the facility  
1979 of only those types and quantities of solid waste which the  
1980 department deems necessary for purposes of determining the  
1981 performance capabilities of the technology or process and the  
1982 effects of such technology or process on human health and the  
1983 environment.

1984 (c) Include requirements the department deems necessary  
1985 which may include monitoring, operation, testing, financial  
1986 responsibility, closure, and remedial action.

1987 (2) The department may apply the criteria set forth in  
1988 this section in establishing the conditions of each permit

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1989 | without separate establishment of rules implementing such  
1990 | criteria.

1991 |       (3) For the purpose of expediting review and issuance of  
1992 | permits under this section, the department may, consistent with  
1993 | the protection of human health and the environment, modify or  
1994 | waive permit application and permit issuance requirements,  
1995 | except that there shall be no modification or waiver of  
1996 | regulations regarding financial responsibility or of procedures  
1997 | established regarding public participation.

1998 |       (4) The department may order an immediate termination of  
1999 | all operations at the facility at any time upon a determination  
2000 | that termination is necessary to protect human health and the  
2001 | environment.

2002 |       Section 23. Subsection (2) of section 403.201, Florida  
2003 | Statutes, is amended to read:

2004 |       403.201 Variances.--

2005 |       (2) No variance shall be granted from any provision or  
2006 | requirement concerning discharges of waste into waters of the  
2007 | state or hazardous waste management which would result in the  
2008 | provision or requirement being less stringent than a comparable  
2009 | federal provision or requirement, except as provided in s.  
2010 | 403.70715 ~~s. 403.7221~~.

2011 |       Section 24. Section 403.722, Florida Statutes, is amended  
2012 | to read:

2013 |       403.722 Permits; hazardous waste disposal, storage, and  
2014 | treatment facilities.--

2015 |       (1) Each person who intends to or is required to  
2016 | construct, modify, operate, or close a hazardous waste disposal,

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2017 storage, or treatment facility shall obtain a construction  
2018 permit, operation permit, postclosure permit, clean closure plan  
2019 approval, or corrective action permit from the department prior  
2020 to constructing, modifying, operating, or closing the facility.  
2021 By rule, the department may provide for the issuance of a single  
2022 permit instead of any two or more hazardous waste facility  
2023 permits.

2024 (2) Any owner or operator of a hazardous waste facility in  
2025 operation on the effective date of the department rule listing  
2026 and identifying hazardous wastes shall file an application for a  
2027 temporary operation permit within 6 months after the effective  
2028 date of such rule. The department, upon receipt of a properly  
2029 completed application, shall identify any department rules which  
2030 are being violated by the facility and shall establish a  
2031 compliance schedule. However, if the department determines that  
2032 an imminent hazard exists, the department may take any necessary  
2033 action pursuant to s. 403.726 to abate the hazard. The  
2034 department shall issue a temporary operation permit to such  
2035 facility within the time constraints of s. 120.60 upon  
2036 submission of a properly completed application which is in  
2037 conformance with this subsection. Temporary operation permits  
2038 for such facilities shall be issued for up to 3 years only. Upon  
2039 termination of the temporary operation permit and upon proper  
2040 application by the facility owner or operator, the department  
2041 shall issue an operation permit for such existing facilities if  
2042 the applicant has corrected all of the deficiencies identified  
2043 in the temporary operation permit and is in compliance with all  
2044 other rules adopted pursuant to this act.

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2045 (3) ~~Permit~~ Applicants shall provide any information that  
 2046 ~~which~~ will enable the department to determine that the proposed  
 2047 construction, modification, operation, ~~or~~ closure, or corrective  
 2048 action will comply with this act and any applicable rules. In no  
 2049 instance shall any person construct, modify, operate, or close a  
 2050 facility or perform corrective actions at a facility in  
 2051 contravention of the standards, requirements, or criteria for a  
 2052 hazardous waste facility. Authorizations ~~Permits~~ issued under  
 2053 this section may include any permit conditions necessary to  
 2054 achieve compliance with applicable hazardous waste rules and  
 2055 necessary to protect human health and the environment.

2056 (4) The department may require, in an ~~a permit~~  
 2057 application, submission of information concerning matters  
 2058 specified in s. 403.721(6) as well as information respecting:

2059 (a) Estimates of the composition, quantity, and  
 2060 concentration of any hazardous waste identified or listed under  
 2061 this act or combinations of any such waste and any other solid  
 2062 waste, ~~proposed to be disposed of, treated, transported, or~~  
 2063 stored and the time, frequency, or rate at which such waste is  
 2064 proposed to be disposed of, treated, transported, or stored; and

2065 (b) The site to which such hazardous waste or the products  
 2066 of treatment of such hazardous waste will be transported and at  
 2067 which it will be disposed of, treated, or stored.

2068 (5) An authorization ~~A permit~~ issued pursuant to this  
 2069 section is not a vested right. The department may revoke or  
 2070 modify any such authorization ~~permit~~.

2071 (a) Authorizations ~~Permits~~ may be revoked for failure of  
 2072 the holder to comply with the provisions of this act, the terms

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2073 of the authorization permit, the standards, requirements, or  
 2074 criteria adopted pursuant to this act, or an order of the  
 2075 department; for refusal by the holder to allow lawful  
 2076 inspection; for submission by the holder of false or inaccurate  
 2077 information in the permit application; or if necessary to  
 2078 protect the public health or the environment.

2079 (b) Authorizations Permits may be modified, upon request  
 2080 of the holder permittee, if such modification is not in  
 2081 violation of this act or department rules or if the department  
 2082 finds the modification necessary to enable the facility to  
 2083 remain in compliance with this act and department rules.

2084 (c) An owner or operator of a hazardous waste facility in  
 2085 existence on the effective date of a department rule changing an  
 2086 exemption or listing and identifying the hazardous wastes that  
 2087 ~~which~~ require that facility to be permitted who notifies the  
 2088 department pursuant to s. 403.72, and who has applied for a  
 2089 permit pursuant to subsection (2), may continue to operate until  
 2090 be issued a temporary operation permit. If such owner or  
 2091 operator intends to or is required to discontinue operation, the  
 2092 temporary operation permit must include final closure  
 2093 conditions.

2094 (6) A hazardous waste facility permit issued pursuant to  
 2095 this section shall satisfy the permit requirements of s.  
 2096 403.707(1). The permit exemptions provided in s. 403.707(2)  
 2097 shall not apply to hazardous waste.

2098 (7) The department may establish ~~permit~~ application  
 2099 procedures for hazardous waste facilities, which procedures may  
 2100 vary based on differences in amounts, types, and concentrations

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2101 | of hazardous waste and on differences in the size and location  
 2102 | of facilities and which procedures may take into account  
 2103 | permitting procedures of other laws not in conflict with this  
 2104 | act.

2105 |       (8) For authorizations ~~permits~~ required by this section,  
 2106 | the department may require that a fee be paid and may establish,  
 2107 | by rule, a fee schedule based on the degree of hazard and the  
 2108 | amount and type of hazardous waste disposed of, stored, or  
 2109 | treated at the facility.

2110 |       (9) It shall not be a requirement for the issuance of ~~such~~  
 2111 | a hazardous waste authorization ~~permit~~ that the facility  
 2112 | complies with an adopted local government comprehensive plan,  
 2113 | local land use ordinances, zoning ordinances or regulations, or  
 2114 | other local ordinances. However, such an authorization ~~a permit~~  
 2115 | issued by the department shall not override adopted local  
 2116 | government comprehensive plans, local land use ordinances,  
 2117 | zoning ordinances or regulations, or other local ordinances.

2118 |       (10) Notwithstanding ss. 120.60(1) and 403.815:

2119 |       (a) The time specified by law for permit review shall be  
 2120 | tolled by the request of the department for publication of  
 2121 | notice of proposed agency action to issue a permit for a  
 2122 | hazardous waste treatment, storage, or disposal facility and  
 2123 | shall resume 45 days after receipt by the department of proof of  
 2124 | publication. If, within 45 days after publication of the notice  
 2125 | of the proposed agency action, the department receives written  
 2126 | notice of opposition to the intention of the agency to issue  
 2127 | such permit and receives a request for a hearing, the department  
 2128 | shall provide for a hearing pursuant to ss. 120.569 and 120.57,

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2129 | if requested by a substantially affected party, or an informal  
2130 | public meeting, if requested by any other person. The failure to  
2131 | request a hearing within 45 days after publication of the notice  
2132 | of the proposed agency action constitutes a waiver of the right  
2133 | to a hearing under ss. 120.569 and 120.57. The permit review  
2134 | time period shall continue to be tolled until the completion of  
2135 | such hearing or meeting and shall resume within 15 days after  
2136 | conclusion of a public hearing held on the application or within  
2137 | 45 days after the recommended order is submitted to the agency  
2138 | and the parties, whichever is later.

2139 |       (b) Within 60 days after receipt of an application for a  
2140 | hazardous waste facility permit, the department shall examine  
2141 | the application, notify the applicant of any apparent errors or  
2142 | omissions, and request any additional information the department  
2143 | is permitted by law to require. The failure to correct an error  
2144 | or omission or to supply additional information shall not be  
2145 | grounds for denial of the permit unless the department timely  
2146 | notified the applicant within the 60-day period, except that  
2147 | this paragraph does not prevent the department from denying an  
2148 | application if the department does not possess sufficient  
2149 | information to ensure that the facility is in compliance with  
2150 | applicable statutes and rules.

2151 |       (c) The department shall approve or deny each hazardous  
2152 | waste facility permit within 135 days after receipt of the  
2153 | original application or after receipt of the requested  
2154 | additional information or correction of errors or omissions.  
2155 | However, the failure of the department to approve or deny within  
2156 | the 135-day time period does not result in the automatic

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2157 approval or denial of the permit and does not prevent the  
2158 inclusion of specific permit conditions which are necessary to  
2159 ensure compliance with applicable statutes and rules. If the  
2160 department fails to approve or deny the permit within the 135-  
2161 day period, the applicant may petition for a writ of mandamus to  
2162 compel the department to act consistently with applicable  
2163 regulatory requirements.

2164 (11) Hazardous waste facility operation permits shall be  
2165 issued for no more than 5 years.

2166 (12) On the same day of filing with the department of an  
2167 application for a permit for the construction modification, or  
2168 operation of a hazardous waste facility, the applicant shall  
2169 notify each city and county within 1 mile of the facility of the  
2170 filing of the application and shall publish notice of the filing  
2171 of the application. The applicant shall publish a second notice  
2172 of the filing within 14 days after the date of filing. Each  
2173 notice shall be published in a newspaper of general circulation  
2174 in the county in which the facility is located or is proposed to  
2175 be located. Notwithstanding the provisions of chapter 50, for  
2176 purposes of this section, a "newspaper of general circulation"  
2177 shall be the newspaper within the county in which the  
2178 installation or facility is proposed which has the largest daily  
2179 circulation in that county and has its principal office in that  
2180 county. If the newspaper with the largest daily circulation has  
2181 its principal office outside the county, the notice shall appear  
2182 in both the newspaper with the largest daily circulation in that  
2183 county, and a newspaper authorized to publish legal notices in  
2184 that county. The notice shall contain:

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2185 (a) The name of the applicant and a brief description of  
2186 the project and its location.

2187 (b) The location of the application file and when it is  
2188 available for public inspection.

2189  
2190 The notice shall be prepared by the applicant and shall comply  
2191 with the following format:

2192  
2193 Notice of Application

2194  
2195 The Department of Environmental Protection announces receipt of  
2196 an application for a permit from (name of applicant) to (brief  
2197 description of project). This proposed project will be located  
2198 at (location) in (county) (city).

2199  
2200 This application is being processed and is available for public  
2201 inspection during normal business hours, 8:00 a.m. to 5:00 p.m.,  
2202 Monday through Friday, except legal holidays, at (name and  
2203 address of office).

2204  
2205 (13) A permit for the construction, modification, or  
2206 operation of a hazardous waste facility which initially was  
2207 issued under authority of this section, may not be transferred  
2208 by the permittee to any other entity, except in conformity with  
2209 the requirements of this subsection.

2210 (a) At least 30 days prior to the sale or legal transfer  
2211 of a permitted facility, the permittee shall file with the  
2212 department an application for transfer of the permits on such

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2213 form as the department shall establish by rule. The form must be  
2214 completed with the notarized signatures of both the transferring  
2215 permittee and the proposed permittee.

2216 (b) The department shall approve the transfer of a permit  
2217 unless it determines that the proposed permittee has not  
2218 provided reasonable assurances that the proposed permittee has  
2219 the administrative, technical, and financial capability to  
2220 properly satisfy the requirements and conditions of the permit,  
2221 as determined by department rule. The determination shall be  
2222 limited solely to the ability of the proposed permittee to  
2223 comply with the conditions of the existing permit, and it shall  
2224 not concern the adequacy of the permit conditions. If the  
2225 department proposes to deny the transfer, it shall provide both  
2226 the transferring permittee and the proposed permittee a written  
2227 objection to such transfer together with notice of a right to  
2228 request a proceeding on such determination under chapter 120.

2229 (c) Within 90 days after receiving a properly completed  
2230 application for transfer of permit, the department shall issue a  
2231 final determination. The department may toll the time for making  
2232 a determination on the transfer by notifying both the  
2233 transferring permittee and the proposed permittee that  
2234 additional information is required to adequately review the  
2235 transfer request. Such notification shall be served within 30  
2236 days after receipt of an application for transfer of permit,  
2237 completed pursuant to paragraph (a). However, the failure of the  
2238 department to approve or deny within the 90-day time period does  
2239 not result in the automatic approval or denial of the transfer.  
2240 If the department fails to approve or deny the transfer within

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2241 the 90-day period, the applicant may petition for a writ of  
2242 mandamus to compel the department to act consistently with  
2243 applicable regulatory requirements.

2244 (d) The transferring permittee is encouraged to apply for  
2245 a permit transfer well in advance of the sale or legal transfer  
2246 of a permitted facility. However, the transfer or the permit  
2247 shall not be effective prior to the sale or legal transfer of  
2248 the facility.

2249 (e) Until the transfer of the permit is approved by the  
2250 department, the transferring permittee and any other person  
2251 constructing, operating, or maintaining the permitted facility  
2252 shall be liable for compliance with the terms of the permit.  
2253 Nothing in this section shall relieve the transferring permittee  
2254 of liability for corrective actions that may be required as a  
2255 result of any violations occurring prior to the legal transfer  
2256 of the permit.

2257 Section 25. Subsection (2) of section 403.7226, Florida  
2258 Statutes, is amended to read:

2259 403.7226 Technical assistance by the department.--The  
2260 department shall:

2261 (2) Identify short-term needs and long-term needs for  
2262 hazardous waste management for the state on the basis of the  
2263 information gathered through the local hazardous waste  
2264 management assessments and other information from state and  
2265 federal regulatory agencies and sources. The state needs  
2266 assessment must be ongoing and must be updated when new data  
2267 concerning waste generation and waste management technologies

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2268 | become available. ~~The department shall annually send a copy of~~  
 2269 | ~~this assessment to the Governor and to the Legislature.~~

2270 | Section 26. Subsection (3) of section 403.724, Florida  
 2271 | Statutes, is amended to read:

2272 | 403.724 Financial responsibility.--

2273 | (3) The amount of financial responsibility required shall  
 2274 | be approved by the department upon each issuance, renewal, or  
 2275 | modification of a hazardous waste facility authorization ~~permit~~.  
 2276 | Such factors as inflation rates and changes in operation may be  
 2277 | considered when approving financial responsibility for the  
 2278 | duration of the authorization ~~permit~~. The Office of Insurance  
 2279 | Regulation of the Department of Financial Services ~~Commission~~  
 2280 | shall be available to assist the department in making this  
 2281 | determination. In approving or modifying the amount of financial  
 2282 | responsibility, the department shall consider:

2283 | (a) The amount and type of hazardous waste involved;

2284 | (b) The probable damage to human health and the  
 2285 | environment;

2286 | (c) The danger and probable damage to private and public  
 2287 | property near the facility;

2288 | (d) The probable time that the hazardous waste and  
 2289 | facility involved will endanger the public health, safety, and  
 2290 | welfare or the environment; and

2291 | (e) The probable costs of properly closing the facility  
 2292 | and performing corrective action.

2293 | Section 27. Section 403.7255, Florida Statutes, is amended  
 2294 | to read:

2295 | 403.7255 Placement of signs ~~Department to adopt rules~~.--

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2296 | (1) ~~The department shall adopt rules which establish~~  
 2297 | ~~requirements and procedures for the placement of Signs must be~~  
 2298 | placed by the owner or operator ~~at sites which may have been~~  
 2299 | ~~contaminated by hazardous wastes. Sites shall include any site~~  
 2300 | in the state which ~~that~~ is listed or proposed for listing on the  
 2301 | Superfund Site List of the United States Environmental  
 2302 | Protection Agency or any site identified by the department as a  
 2303 | ~~suspected or confirmed contaminated~~ site contaminated by  
 2304 | hazardous waste where there is ~~may be~~ a risk of exposure to the  
 2305 | public. The requirements of this section shall not apply to  
 2306 | sites reported under ss. 376.3071 and 376.3072. The department  
 2307 | shall establish requirements and procedures for the placement of  
 2308 | signs, and may do so in rules, permits, orders, or other  
 2309 | authorizations. The authorization ~~rules~~ shall establish the  
 2310 | appropriate size for such signs, which size shall be no smaller  
 2311 | than 2 feet by 2 feet, and shall provide in clearly legible  
 2312 | print appropriate warning language for the waste or other  
 2313 | materials at the site and a telephone number which may be called  
 2314 | for further information.

2315 | (2) Violations of this act are punishable as provided in  
 2316 | s. 403.161(4).

2317 | (3) The provisions of this act are independent of and  
 2318 | cumulative to any other requirements and remedies in this  
 2319 | chapter or chapter 376, or any rules promulgated thereunder.

2320 | Section 28. Subsection (5) of section 403.726, Florida  
 2321 | Statutes, is amended to read:

2322 | 403.726 Abatement of imminent hazard caused by hazardous  
 2323 | substance.--

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2324 (5) The department may issue a permit or order requiring  
2325 prompt abatement of an imminent hazard.

2326 Section 29. Subsection (8) of section 403.7265, Florida  
2327 Statutes, is amended to read:

2328 403.7265 Local hazardous waste collection program.--

2329 (8) The department has the authority to establish an  
2330 additional local project grant program enabling a local  
2331 hazardous waste collection center grantee to receive funding for  
2332 unique projects that improve the collection and lower the  
2333 incidence of improper management of conditionally exempt or  
2334 household hazardous waste. Eligible local governments may  
2335 receive up to \$50,000 in grant funds for these unique and  
2336 innovative projects, provided they match 25 percent of the grant  
2337 amount. If the department finds that the project has statewide  
2338 applicability and immediate benefits to other local hazardous  
2339 waste collection programs in the state, matching funds are not  
2340 required. This grant will not count toward the \$100,000 maximum  
2341 grant amount for development of a collection center.

2342 Section 30. Section 403.885, Florida Statutes, is amended  
2343 to read:

2344 403.885 Water Projects ~~Stormwater management; wastewater~~  
2345 ~~management; and Water Restoration~~ Grant Program.--

2346 (1) The Department of Environmental Protection shall  
2347 administer a grant program to use funds transferred pursuant to  
2348 s. 212.20 to the Ecosystem Management and Restoration Trust Fund  
2349 or other moneys as appropriated by the Legislature for  
2350 stormwater management, wastewater management, ~~and~~ water  
2351 restoration, and other water projects as specifically

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2352 appropriated by the Legislature ~~project grants~~. Eligible  
2353 recipients of such grants include counties, municipalities,  
2354 water management districts, and special districts that have  
2355 legal responsibilities for water quality improvement, water  
2356 management, storm water management, wastewater management, and  
2357 lake and river water restoration projects. ~~Drinking water~~  
2358 ~~projects are not eligible for funding pursuant to this section.~~

2359 (2) The grant program shall provide for the evaluation of  
2360 annual grant proposals. The department shall evaluate such  
2361 proposals to determine if they:

2362 (a) Protect public health and the environment.

2363 (b) Implement plans developed pursuant to the Surface  
2364 Water Improvement and Management Act created in part IV of  
2365 chapter 373, other water restoration plans required by law,  
2366 management plans prepared pursuant to s. 403.067, or other plans  
2367 adopted by local government for water quality improvement and  
2368 water restoration.

2369 ~~(3) In addition to meeting the criteria in subsection (2),~~  
2370 ~~annual grant proposals must also meet the following~~  
2371 ~~requirements:~~

2372 ~~(a) An application for a stormwater management project may~~  
2373 ~~be funded only if the application is approved by the water~~  
2374 ~~management district with jurisdiction in the project area.~~  
2375 ~~District approval must be based on a determination that the~~  
2376 ~~project provides a benefit to a priority water body.~~

2377 ~~(b) Except as provided in paragraph (c), an application~~  
2378 ~~for a wastewater management project may be funded only if:~~

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2379 | ~~1. The project has been funded previously through a line~~  
 2380 | ~~item in the General Appropriations Act; and~~

2381 | ~~2. The project is under construction.~~

2382 | ~~(c) An application for a wastewater management project~~  
 2383 | ~~that would qualify as a water pollution control project and~~  
 2384 | ~~activity in s. 403.1838 may be funded only if the project~~  
 2385 | ~~sponsor has submitted an application to the department for~~  
 2386 | ~~funding pursuant to that section.~~

2387 | ~~(4) All project applicants must provide local matching~~  
 2388 | ~~funds as follows:~~

2389 | ~~(a) An applicant for state funding of a stormwater~~  
 2390 | ~~management project shall provide local matching funds equal to~~  
 2391 | ~~at least 50 percent of the total cost of the project; and~~

2392 | ~~(b) An applicant for state funding of a wastewater~~  
 2393 | ~~management project shall provide matching funds equal to at~~  
 2394 | ~~least 25 percent of the total cost of the project.~~

2395 |  
 2396 | ~~The requirement for matching funds may be waived if the~~  
 2397 | ~~applicant is a financially disadvantaged small local government~~  
 2398 | ~~as defined in subsection (5).~~

2399 | ~~(5) Each fiscal year, at least 20 percent of the funds~~  
 2400 | ~~available pursuant to this section shall be used for projects to~~  
 2401 | ~~assist financially disadvantaged small local governments. For~~  
 2402 | ~~purposes of this section, the term "financially disadvantaged~~  
 2403 | ~~small local government" means a municipality having a population~~  
 2404 | ~~of 7,500 or less, a county having a population of 35,000 or~~  
 2405 | ~~less, according to the latest decennial census and a per capita~~  
 2406 | ~~annual income less than the state per capita annual income as~~

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2407 ~~determined by the United States Department of Commerce, or a~~  
 2408 ~~county in an area designated by the Governor as a rural area of~~  
 2409 ~~critical economic concern pursuant to s. 288.0656. Grants made~~  
 2410 ~~to these eligible local governments shall not require matching~~  
 2411 ~~local funds.~~

2412 ~~(6) Each year, stormwater management and wastewater~~  
 2413 ~~management projects submitted for funding through the~~  
 2414 ~~legislative process shall be submitted to the department by the~~  
 2415 ~~appropriate fiscal committees of the House of Representatives~~  
 2416 ~~and the Senate. The department shall review the projects and~~  
 2417 ~~must provide each fiscal committee with a list of projects that~~  
 2418 ~~appear to meet the eligibility requirements under this grant~~  
 2419 ~~program.~~

2420 Section 31. Paragraph (e) of subsection (3) of section  
 2421 373.1961, Florida Statutes, is amended to read:

2422 373.1961 Water production; general powers and duties;  
 2423 identification of needs; funding criteria; economic incentives;  
 2424 reuse funding.--

2425 (3) FUNDING.--

2426 (e) Applicants for projects that may receive funding  
 2427 assistance pursuant to the Water Protection and Sustainability  
 2428 Program shall, at a minimum, be required to pay 60 percent of  
 2429 the project's construction costs. The water management districts  
 2430 may, at their discretion, totally or partially waive this  
 2431 requirement for projects sponsored by financially disadvantaged  
 2432 small local governments ~~as defined in s. 403.885(4)~~. The water  
 2433 management districts or basin boards may, at their discretion,

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2434 use ad valorem or federal revenues to assist a project applicant  
2435 in meeting the requirements of this paragraph.

2436 Section 32. Sections 403.7075, 403.756, 403.78, 403.781,  
2437 403.782, 403.783, 403.784, 403.7841, 403.7842, 403.785, 403.786,  
2438 403.787, 403.7871, 403.7872, 403.7873, 403.788, 403.7881,  
2439 403.789, 403.7891, 403.7892, 403.7893, and 403.7895, Florida  
2440 Statutes, are repealed.

2441 Section 33. This act shall take effect July 1, 2006.