

CHAMBER ACTION

1 The State Resources Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5
6 A bill to be entitled

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

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24 | of Agriculture and Consumer Services; specifying uses of
25 | the proceeds; transferring the balance of such proceeds
26 | from Keep Florida Beautiful, Inc., to the Department of
27 | Agriculture and Consumer Services; amending s. 403.703,
28 | F.S.; reordering definitions in alphabetical order;
29 | clarifying certain definitions and deleting definitions
30 | that are not used; amending ss. 316.003, 377.709, and
31 | 487.048, F.S.; conforming cross-references; amending s.
32 | 403.704, F.S.; deleting certain obsolete provisions
33 | relating to the state solid waste management program;
34 | amending s. 403.7043, F.S.; deleting certain obsolete and
35 | conflicting provisions relating to compost standards;
36 | amending s. 403.7045, F.S.; providing that industrial
37 | byproducts are not regulated under certain circumstances;
38 | conforming a cross-reference; clarifying certain
39 | provisions governing dredged material; amending s.
40 | 403.70611, F.S.; exempting certain Class I landfills from
41 | certain permit and regulation requirements; amending s.
42 | 403.707, F.S.; clarifying the Department of Environmental
43 | Preservation's permit authority; deleting certain obsolete
44 | provisions; creating s. 403.7071, F.S.; providing for the
45 | management and disposal of storm-generated debris;
46 | amending s. 403.708, F.S.; deleting obsolete provisions
47 | and clarifying certain provisions governing landfills;
48 | amending s. 403.709, F.S.; revising the provisions
49 | relating to the distribution of the waste tire fees;
50 | amending s. 403.7095, F.S., relating to the solid waste
51 | management grant program; conforming a cross-reference;

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52 | amending s. 403.7125, F.S.; deleting certain definitions
53 | that appear elsewhere in law and clarifying certain
54 | financial-disclosure provisions with respect to the
55 | closure of a landfill; amending s. 403.716, F.S.; deleting
56 | certain provisions relating to the training of certain
57 | facility operators; amending s. 403.717, F.S.; clarifying
58 | the provisions relating to waste tires and the processing
59 | of waste tires; transferring, renumbering, and amending s.
60 | 403.7221, F.S.; increasing the duration of certain
61 | research, development, and demonstration permits; amending
62 | s. 403.201, F.S.; conforming a cross-reference; amending
63 | s. 403.722, F.S.; clarifying provisions relating to who is
64 | required to obtain certain hazardous waste permits;
65 | amending s. 403.7226, F.S.; deleting a provision requiring
66 | a report that is duplicative of other reports; amending s.
67 | 403.724, F.S.; clarifying certain financial-responsibility
68 | provisions; amending s. 403.7255, F.S.; providing
69 | additional requirements regarding the public notification
70 | of certain contaminated sites; amending s. 403.726, F.S.;
71 | authorizing the Department of Environmental Protection to
72 | issue an order to abate certain hazards; amending s.
73 | 403.7265, F.S.; requiring a local government to provide
74 | matching funds for certain grants; providing that matching
75 | funds are not required under certain conditions; amending
76 | s. 403.885, F.S.; revising grant program eligibility
77 | requirements for certain water management and restoration
78 | projects; eliminating requirements for certain funding and
79 | legislative review of such projects; amending s. 373.1961,

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80 F.S.; conforming a cross-reference; repealing s. 403.7075,
 81 F.S., relating to the submission of certain plans for
 82 solid waste management facilities; repealing s. 403.756,
 83 F.S., relating to an annual used-oil report; repealing ss.
 84 403.78, 403.781, 403.782, 403.783, 403.784, 403.7841,
 85 403.7842, 403.785, 403.786, 403.787, 403.7871, 403.7872,
 86 403.7873, 403.788, 403.7881, 403.789, 403.7891, 403.7892,
 87 403.7893, and 403.7895, F.S., relating to the Statewide
 88 Multipurpose Hazardous Waste Facility Siting Act;
 89 requiring the Department of Environmental Protection to
 90 conduct a study of the sources of nitrogen input into the
 91 Wekiva River and associated springs; requiring the
 92 Department of Health to contract for an independent study
 93 of the sources of nitrogen input from onsite sewage
 94 treatment and disposal systems into the Wekiva River and
 95 associated springs; requiring reports on such studies;
 96 providing report requirements; suspending certain
 97 department rulemaking until study completion; requiring
 98 the Department of Environmental Protection and the
 99 Department of Health to submit copies of the reports to
 100 the Legislature by a certain date; requiring the
 101 Department of Health to develop rules for a model proposal
 102 for the operation and maintenance of onsite sewage
 103 treatment and disposal systems in certain areas;
 104 specifying a rule criterion; providing appropriations;
 105 providing an effective date.

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

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

403.413 Florida Litter Law.--

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

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

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

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

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

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

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136 ~~(1) It is the intent of the Legislature that a coordinated~~
137 ~~effort of interested businesses, environmental and civic~~
138 ~~organizations, and state and local agencies of government be~~
139 ~~developed to plan for and assist in implementing solutions to~~
140 ~~the litter and solid waste problems in this state and that the~~
141 ~~state provide financial assistance for the establishment of a~~
142 ~~nonprofit organization with the name of "Keep Florida Beautiful,~~
143 ~~Incorporated," which shall be registered, incorporated, and~~
144 ~~operated in compliance with chapter 617. This nonprofit~~
145 ~~organization shall coordinate the statewide campaign and operate~~
146 ~~as the grassroots arm of the state's effort and shall serve as~~
147 ~~an umbrella organization for volunteer-based community programs.~~
148 ~~The organization shall be dedicated to helping Florida and its~~
149 ~~local communities solve solid waste problems, to developing and~~
150 ~~implementing a sustained litter prevention campaign, and to act~~
151 ~~as a working public private partnership in helping to implement~~
152 ~~the state's Solid Waste Management Act. As part of this effort,~~
153 ~~Keep Florida Beautiful, Incorporated, in cooperation with the~~
154 ~~Environmental Education Foundation, shall strive to educate~~
155 ~~citizens, visitors, and businesses about the important~~
156 ~~relationship between the state's environment and economy. Keep~~
157 ~~Florida Beautiful, Incorporated, is encouraged to explore and~~
158 ~~identify economic incentives to improve environmental~~
159 ~~initiatives in the area of solid waste management. The~~
160 ~~membership of the board of directors of this nonprofit~~
161 ~~organization may include representatives of the following~~
162 ~~organizations: the Florida League of Cities, the Florida~~
163 ~~Association of Counties, the Governor's Office, the Florida~~

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164 ~~Chapter of the National Solid Waste Management Association, the~~
165 ~~Florida Recyclers Association, the Center for Marine~~
166 ~~Conservation, Chapter of the Sierra Club, the Associated~~
167 ~~Industries of Florida, the Florida Soft Drink Association, the~~
168 ~~Florida Petroleum Council, the Retail Grocers Association of~~
169 ~~Florida, the Florida Retail Federation, the Pulp and Paper~~
170 ~~Association, the Florida Automobile Dealers Association, the~~
171 ~~Beer Industries of Florida, the Florida Beer Wholesalers~~
172 ~~Association, and the Distilled Spirits Wholesalers.~~

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

178 ~~(a) Coordinating with the Center for Marine Conservation~~
179 ~~and the Center for Solid and Hazardous Waste Management to~~
180 ~~identify components of the marine debris and litter stream and~~
181 ~~groups that habitually litter.~~

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

185 ~~(c) Fostering public awareness and striving to build an~~
186 ~~environmental ethic in this state through the development of~~
187 ~~educational programs that result in an understanding and in~~
188 ~~action on the part of individuals and organizations about the~~
189 ~~role they must play in preventing litter and protecting~~
190 ~~Florida's environment.~~

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191 ~~(d) Developing educational programs and materials that~~
192 ~~promote the proper management of solid waste, including the~~
193 ~~proper disposal of litter.~~

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

197 (1)~~(3)~~ The Department of Transportation shall establish an
198 "adopt-a-highway" program to allow local organizations to be
199 identified with specific highway cleanup and highway
200 beautification projects authorized under s. 339.2405 ~~and shall~~
201 ~~coordinate such efforts with Keep Florida Beautiful, Inc.~~ The
202 department shall report to the Governor and the Legislature on
203 the progress achieved and the savings incurred by the "adopt-a-
204 highway" program. The department shall also monitor and report
205 on compliance with provisions of the adopt-a-highway program to
206 ensure that organizations that participate in the program comply
207 with the goals identified by the department.

208 (2)~~(4)~~ The Department of Transportation shall place signs
209 discouraging litter at all off-ramps of the interstate highway
210 system in the state. ~~The department shall place other highway~~
211 ~~signs as necessary to discourage littering through use of the~~
212 ~~antilitter program developed by Keep Florida Beautiful,~~
213 ~~Incorporated.~~

214 (3)~~(5)~~ Each county is encouraged to initiate a litter
215 control and prevention program or to expand upon its existing
216 program. The department shall establish a system of grants for
217 municipalities and counties to implement litter control and
218 prevention programs. In addition to the activities described in

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219 subsection (1), such grants shall at a minimum be used for
220 litter cleanup, grassroots educational programs involving litter
221 removal and prevention, and the placement of litter and
222 recycling receptacles. Counties are encouraged to form working
223 public private partnerships as authorized under this section to
224 implement litter control and prevention programs at the
225 community level. The grants authorized pursuant to this section
226 shall be incorporated as part of the recycling and education
227 grants. Counties that have a population under 100,000 ~~75,000~~ are
228 encouraged to develop a regional approach to administering and
229 coordinating their litter control and prevention programs.

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

234 ~~(7) In order to establish continuity for the statewide~~
235 ~~program, those local governments and community programs~~
236 ~~receiving grants for litter prevention and control must use the~~
237 ~~official State of Florida litter control or campaign symbol~~
238 ~~adopted by Keep Florida Beautiful, Incorporated, for use on~~
239 ~~various receptacles and program material.~~

240 ~~(8) The Legislature establishes a litter reduction goal of~~
241 ~~50 percent reduction from the period January 1, 1994, to January~~
242 ~~1, 1997. The method of determination used to measure the~~
243 ~~reduction in litter is the survey conducted by the Center for~~
244 ~~Solid and Hazardous Waste Management. The center shall consider~~
245 ~~existing litter survey methodologies.~~

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246 ~~(9) The Department of Environmental Protection shall~~
247 ~~contract with the Center for Solid and Hazardous Waste~~
248 ~~Management for an ongoing annual litter survey, the first of~~
249 ~~which is to be conducted by January 1, 1994. The center shall~~
250 ~~appoint a broad based work group not to exceed seven members to~~
251 ~~assist in the development and implementation of the survey.~~
252 ~~Representatives from the university system, business,~~
253 ~~government, and the environmental community shall be considered~~
254 ~~by the center to serve on the work group. Final authority on~~
255 ~~implementing and conducting the survey rests with the center.~~
256 ~~The first survey is to be designed to serve as a baseline by~~
257 ~~measuring the amount of current litter and marine debris, and is~~
258 ~~to include a methodology for measuring the reduction in the~~
259 ~~amount of litter and marine debris to determine the progress~~
260 ~~toward the litter reduction goal established in subsection (8).~~
261 ~~Annually thereafter, additional surveys are to be conducted and~~
262 ~~must also include a methodology for measuring the reduction in~~
263 ~~the amount of litter and for determining progress toward the~~
264 ~~litter reduction goal established in subsection (8).~~

265 (4)~~(10)~~(a) There is created within the Department of
266 Agriculture and Consumer Services ~~within Keep Florida Beautiful,~~
267 ~~Inc.,~~ the Wildflower Advisory Council, consisting of a maximum
268 of ten ~~nine~~ members to direct and oversee the expenditure of the
269 ~~Wildflower Account~~. The Wildflower Advisory Council shall
270 include a representative from the University of Florida
271 Institute of Food and Agricultural Sciences, the Florida
272 Department of Transportation, the Department of Agriculture and
273 Consumer Services, and the Florida Department of Environmental

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274 Protection, the Florida League of Cities, and the Florida
275 Association of Counties. Other members of the committee may
276 include representatives from the Florida Federation of Garden
277 Clubs, Inc., Think Beauty Foundation, the Florida Chapter of the
278 American Society of Landscape Architects, Inc., and a
279 representative of the Master Gardener's Program.

280 (b) The Wildflower Advisory Council shall advise the
281 Department of Agriculture and Consumer Services and develop
282 procedures of operation, research contracts, educational and
283 marketing programs, and wildflower planting grants for Florida
284 native wildflowers, plants, and grasses. The council shall also
285 make recommendations to the department concerning ~~the final~~
286 ~~determination of~~ what constitutes acceptable species of
287 wildflowers and other plantings supported by these programs.

288 Section 3. Section 403.41315, Florida Statutes, is amended
289 to read:

290 403.41315 Comprehensive illegal dumping, litter, and
291 marine debris control and prevention.--

292 (1) The Legislature finds that a comprehensive illegal
293 dumping, litter, and marine debris control and prevention
294 program is necessary to protect the beauty and the environment
295 of Florida. The Legislature also recognizes that a comprehensive
296 illegal dumping, litter, and marine debris control and
297 prevention program will have a positive effect on the state's
298 economy. The Legislature finds that the state's rapid population
299 growth, the ever-increasing mobility of its population, and the
300 large number of tourists contribute to the need for a
301 comprehensive illegal dumping, litter, and marine debris control

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302 and prevention program. The Legislature further finds that the
303 program must be coordinated and capable of having statewide
304 identity and grassroots community support.

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

308 (a) A local ~~statewide~~ public awareness and educational
309 campaign, ~~coordinated by Keep Florida Beautiful, Incorporated,~~
310 to educate individuals, government, businesses, and other
311 organizations concerning the role they must assume in preventing
312 and controlling litter.

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

314 (c) Enforcement officers whose responsibilities include
315 grassroots education along with enforcing litter and illegal
316 dumping violations.

317 (d) Local illegal dumping, litter, and marine debris
318 control and prevention programs operated at the county level
319 with emphasis placed on grassroots educational programs designed
320 to prevent and remove litter and marine debris.

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

323 (f) The highway beautification program authorized under s.
324 339.2405.

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

328 (h) The prohibition of balloon releases as authorized
329 under s. 372.995.

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330 (i) The placement of approved identifiable litter and
331 recycling receptacles.

332 (j) Other educational programs that are implemented at the
333 grassroots level ~~coordinated through Keep Florida Beautiful,~~
334 ~~Inc.~~, involving volunteers and community programs that clean up
335 and prevent litter, including Youth Conservation Corps
336 activities.

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

339 403.4133 Adopt-a-Shore Program.--

340 (1) The Legislature finds that litter and illegal dumping
341 present a threat to the state's wildlife, environment, and
342 shorelines. The Legislature further finds that public awareness
343 and education will assist in preventing litter from being
344 illegally deposited along the state's shorelines.

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

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

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

357 320.08058 Specialty license plates.--

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358 (28) FLORIDA WILDFLOWER LICENSE PLATES.--

359 (a) The department shall develop a Florida Wildflower
360 license plate as provided in this section. The word "Florida"
361 must appear at the top of the plate, and the words "State
362 Wildflower" and "coreopsis" must appear at the bottom of the
363 plate.

364 (b) The annual use fees shall be distributed to the
365 Department of Agriculture and Consumer Services, to be used for
366 the purposes set forth in Wildflower Account established by Keep
367 Florida Beautiful, Inc., created by s. 403.4131. The proceeds
368 must be used to establish native Florida wildflower research
369 programs, wildflower educational programs, and wildflower grant
370 programs to municipal, county, and community-based groups in
371 this state. A maximum of 10 percent of the proceeds from the
372 sale of such plates may be used for administrative costs.

373 Section 6. All unexpended proceeds of fees paid for
374 Wildflower license plates which are held by Keep Florida
375 Beautiful, Inc., must be transferred to the Department of
376 Agriculture and Consumer Services promptly after the effective
377 date of this act.

378 Section 7. Section 403.703, Florida Statutes, is amended
379 to read:

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

382 403.703 Definitions.--As used in this part, the term:

383 (1) "Ash residue" has the same meaning as in the
384 department rule governing solid waste combustors which defines
385 the term.

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

392 (3) "Biomedical waste" means any solid waste or liquid
393 waste that may present a threat of infection to humans. The term
394 includes, but is not limited to, nonliquid human tissue and body
395 parts; laboratory and veterinary waste that contains human-
396 disease-causing agents; discarded disposable sharps; human blood
397 and human blood products and body fluids; and other materials
398 that in the opinion of the Department of Health represent a
399 significant risk of infection to persons outside the generating
400 facility. The term does not include human remains that are
401 disposed of by persons licensed under chapter 497.

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

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

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414 (6) "Construction and demolition debris" means discarded
415 materials generally considered to be not water-soluble and
416 nonhazardous in nature, including, but not limited to, steel,
417 glass, brick, concrete, asphalt roofing material, pipe, gypsum
418 wallboard, and lumber, from the construction or destruction of a
419 structure as part of a construction or demolition project or
420 from the renovation of a structure, and includes rocks, soils,
421 tree remains, trees, and other vegetative matter that normally
422 results from land clearing or land-development operations for a
423 construction project, including such debris from construction of
424 structures at a site remote from the construction or demolition
425 project site. Mixing of construction and demolition debris with
426 other types of solid waste will cause the resulting mixture to
427 be classified as other than construction and demolition debris.
428 The term also includes:

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

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

434 (c) Scrap from manufacturing facilities which is the type
435 of material generally used in construction projects and which
436 would meet the definition of construction and demolition debris
437 if it were generated as part of a construction or demolition
438 project. This includes debris from the construction of
439 manufactured homes and scrap shingles, wallboard, siding
440 concrete, and similar materials from industrial or commercial
441 facilities.

442 (d) De minimis amounts of other nonhazardous wastes that
 443 are generated at construction or destruction projects, provided
 444 such amounts are consistent with best management practices of
 445 the industry.

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

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

452 (9) "Disposal" means the discharge, deposit, injection,
 453 dumping, spilling, leaking, or placing of any solid waste or
 454 hazardous waste into or upon any land or water so that such
 455 solid waste or hazardous waste or any constituent thereof may
 456 enter other lands or be emitted into the air or discharged into
 457 any waters, including groundwaters, or otherwise enter the
 458 environment.

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

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

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

468 (13) "Hazardous waste" means solid waste, or a combination
 469 of solid wastes, which, because of its quantity, concentration,

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470 or physical, chemical, or infectious characteristics, may cause,
471 or significantly contribute to, an increase in mortality or an
472 increase in serious irreversible or incapacitating reversible
473 illness or may pose a substantial present or potential hazard to
474 human health or the environment when improperly transported,
475 disposed of, stored, treated, or otherwise managed. The term
476 does not include human remains that are disposed of by persons
477 licensed under chapter 497.

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

481 (15) "Hazardous waste management" means the systematic
482 control of the collection, source separation, storage,
483 transportation, processing, treatment, recovery, recycling, and
484 disposal of hazardous wastes.

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

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

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497 (18) "Manifest" means the recordkeeping system used for
498 identifying the concentration, quantity, composition, origin,
499 routing, and destination of hazardous waste during its
500 transportation from the point of generation to the point of
501 disposal, storage, or treatment.

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

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

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

514 (22) "Person" means any and all persons, natural or
515 artificial, including any individual, firm, or association; any
516 municipal or private corporation organized or existing under the
517 laws of this state or any other state; any county of this state;
518 and any governmental agency of this state or the Federal
519 Government.

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

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525 (24) "Recovered materials" means metal, paper, glass,
526 plastic, textile, or rubber materials that have known recycling
527 potential, can be feasibly recycled, and have been diverted and
528 source separated or have been removed from the solid waste
529 stream for sale, use, or reuse as raw materials, whether or not
530 the materials require subsequent processing or separation from
531 each other, but the term does not include materials destined for
532 any use that constitutes disposal. Recovered materials as
533 described in this subsection are not solid waste.

534 (25) "Recovered materials processing facility" means a
535 facility engaged solely in the storage, processing, resale, or
536 reuse of recovered materials. Such a facility is not a solid
537 waste management facility if it meets the conditions of s.
538 403.7045(1)(e).

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

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

546 (28) "Resource recovery" means the process of recovering
547 materials or energy from solid waste, excluding those materials
548 or solid waste under the control of the Nuclear Regulatory
549 Commission.

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

553 (30) "Sludge" includes the accumulated solids, residues,
554 and precipitates generated as a result of waste treatment or
555 processing, including wastewater treatment, water-supply
556 treatment, or operation of an air pollution control facility,
557 and mixed liquids and solids pumped from septic tanks, grease
558 traps, privies, or similar waste disposal appurtenances.

559 (31) "Solid waste" means sludge unregulated under the
560 federal Clean Water Act or Clean Air Act, sludge from a waste
561 treatment works, water supply treatment plant, or air pollution
562 control facility, or garbage, rubbish, refuse, special waste, or
563 other discarded material, including solid, liquid, semisolid, or
564 contained gaseous material resulting from domestic, industrial,
565 commercial, mining, agricultural, or governmental operations.
566 Recovered materials as defined in subsection (24) are not solid
567 waste.

568 (32) "Solid waste disposal facility" means any solid waste
569 management facility that is the final resting place for solid
570 waste, including landfills and incineration facilities that
571 produce ash from the process of incinerating municipal solid
572 waste.

573 (33) "Solid waste management" means the process by which
574 solid waste is collected, transported, stored, separated,
575 processed, or disposed of in any other way according to an
576 orderly, purposeful, and planned program, which includes
577 closure.

578 (34) "Solid waste management facility" means any solid
579 waste disposal area, volume-reduction plant, transfer station,
580 materials recovery facility, or other facility, the purpose of

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581 which is resource recovery or the disposal, recycling,
582 processing, or storage of solid waste. The term does not include
583 recovered materials processing facilities that meet the
584 requirements of s. 403.7046, except the portion of such
585 facilities, if any, which is used for the management of solid
586 waste.

587 (35) "Source separated" means that the recovered materials
588 are separated from solid waste at the location where the
589 recovered materials and solid waste are generated. The term does
590 not require that various types of recovered materials be
591 separated from each other, and recognizes de minimis solid
592 waste, in accordance with industry standards and practices, may
593 be included in the recovered materials. Materials are not
594 considered source-separated when two or more types of recovered
595 materials are deposited in combination with each other in a
596 commercial collection container located where the materials are
597 generated and when such materials contain more than 10 percent
598 solid waste by volume or weight. For purposes of this
599 subsection, the term "various types of recovered materials"
600 means metals, paper, glass, plastic, textiles, and rubber.

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

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

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608 | years, in such a manner as not to constitute disposal of such
609 | hazardous waste.

610 | (38) "Transfer station" means a site the primary purpose
611 | of which is to store or hold solid waste for transport to a
612 | processing or disposal facility.

613 | (39) "Transport" means the movement of hazardous waste
614 | from the point of generation or point of entry into the state to
615 | any offsite intermediate points and to the point of offsite
616 | ultimate disposal, storage, treatment, or exit from the state.

617 | (40) "Treatment," when used in connection with hazardous
618 | waste, means any method, technique, or process, including
619 | neutralization, which is designed to change the physical,
620 | chemical, or biological character or composition of any
621 | hazardous waste so as to neutralize it or render it
622 | nonhazardous, safe for transport, amenable to recovery, amenable
623 | to storage or disposal, or reduced in volume or concentration.
624 | The term includes any activity or processing that is designed to
625 | change the physical form or chemical composition of hazardous
626 | waste so as to render it nonhazardous.

627 | (41) "Volume reduction plant" includes incinerators,
628 | pulverizers, compactors, shredding and baling plants, composting
629 | plants, and other plants that accept and process solid waste for
630 | recycling or disposal.

631 | (42) "White goods" includes inoperative and discarded
632 | refrigerators, ranges, water heaters, freezers, and other
633 | similar domestic and commercial large appliances.

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634 (43) "Yard trash" means vegetative matter resulting from
 635 landscaping maintenance and land clearing operations and
 636 includes associated rocks and soils.

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

639 316.003 Definitions.--The following words and phrases,
 640 when used in this chapter, shall have the meanings respectively
 641 ascribed to them in this section, except where the context
 642 otherwise requires:

643 (69) HAZARDOUS MATERIAL.--Any substance or material which
 644 has been determined by the secretary of the United States
 645 Department of Transportation to be capable of imposing an
 646 unreasonable risk to health, safety, and property. This term
 647 includes hazardous waste as defined in s. 403.703(13) ~~s.~~
 648 ~~403.703(21)~~.

649 Section 9. Paragraph (f) of subsection (2) of section
 650 377.709, Florida Statutes, is amended to read:

651 377.709 Funding by electric utilities of local
 652 governmental solid waste facilities that generate electricity.--

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

654 (f) "Solid waste facility" means a facility owned or
 655 operated by, or on behalf of, a local government for the purpose
 656 of disposing of solid waste, as that term is defined in s.
 657 403.703(31) ~~s. 403.703(13)~~, by any process that produces heat
 658 and incorporates, as a part of the facility, the means of
 659 converting heat to electrical energy in amounts greater than
 660 actually required for the operation of the facility.

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

663 487.048 Dealer's license; records.--

664 (1) Each person holding or offering for sale, selling, or
665 distributing restricted-use pesticides shall obtain a dealer's
666 license from the department. Application for the license shall
667 be made on a form prescribed by the department. The license must
668 be obtained before entering into business or transferring
669 ownership of a business. The department may require examination
670 or other proof of competency of individuals to whom licenses are
671 issued or of individuals employed by persons to whom licenses
672 are issued. Demonstration of continued competency may be
673 required for license renewal, as set by rule. The license shall
674 be renewed annually as provided by rule. An annual license fee
675 not exceeding \$250 shall be established by rule. However, a user
676 of a restricted-use pesticide may distribute unopened containers
677 of a properly labeled pesticide to another user who is legally
678 entitled to use that restricted-use pesticide without obtaining
679 a pesticide dealer's license. The exclusive purpose of
680 distribution of the restricted-use pesticide is to keep it from
681 becoming a hazardous waste as defined in s. 403.703(13) ~~s.~~
682 ~~403.703(21)~~.

683 Section 11. Section 403.704, Florida Statutes, is amended
684 to read:

685 403.704 Powers and duties of the department.--The
686 department shall have responsibility for the implementation and
687 enforcement of the provisions of this act. In addition to other
688 powers and duties, the department shall:

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689 (1) Develop and implement, in consultation with local
690 governments, a state solid waste management program, as defined
691 in s. 403.705, ~~and update the program at least every 3 years. In~~
692 ~~developing rules to implement the state solid waste management~~
693 ~~program, the department shall hold public hearings around the~~
694 ~~state and shall give notice of such public hearings to all local~~
695 ~~governments and regional planning agencies.~~

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

700 (3) Promote the planning and application of recycling and
701 resource recovery systems which preserve and enhance the quality
702 of the air, water, and other natural resources of the state and
703 assist in and encourage, where appropriate, the development of
704 regional solid waste management facilities.

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

708 (5) Use private industry or the State University System
709 through contractual arrangements for implementation of some or
710 all of the requirements of the state solid waste management
711 program and for such other activities as may be considered
712 necessary, desirable, or convenient.

713 (6) Encourage recycling and resource recovery as a source
714 of energy and materials.

715 (7) Assist in and encourage, as much as possible, the
716 development within the state of industries and commercial

717 enterprises which are based upon resource recovery, recycling,
718 and reuse of solid waste.

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

723 ~~(9) Acquire, at its discretion, personal or real property~~
724 ~~or any interest therein by gift, lease, or purchase for the~~
725 ~~purpose of providing sites for solid waste management~~
726 ~~facilities.~~

727 ~~(10) Acquire, construct, reconstruct, improve, maintain,~~
728 ~~equip, furnish, and operate, at its discretion, such solid waste~~
729 ~~management facilities as are called for by the state solid waste~~
730 ~~management program.~~

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

736 (8)~~(12)~~ Determine by rule the facilities, equipment,
737 personnel, and number of monitoring wells to be provided at each
738 Class I solid waste disposal area.

739 ~~(13) Encourage, but not require, as part of a Class II~~
740 ~~solid waste disposal area, a potable water supply; an employee~~
741 ~~shelter; handwashing and toilet facilities; equipment washout~~
742 ~~facilities; electric service for operations and repairs;~~
743 ~~equipment shelter for maintenance and storage of parts,~~
744 ~~equipment, and tools; scales for weighing solid waste received~~

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745 | ~~at the disposal area; a trained equipment operator in full-time~~
746 | ~~attendance during operating hours; and communication facilities~~
747 | ~~for use in emergencies. The department may require an attendant~~
748 | ~~at a Class II solid waste disposal area during the hours of~~
749 | ~~operation if the department affirmatively demonstrates that such~~
750 | ~~a requirement is necessary to prevent unlawful fires,~~
751 | ~~unauthorized dumping, or littering of nearby property.~~

752 | ~~(14) Require a Class II solid waste disposal area to have~~
753 | ~~at least one monitoring well which shall be placed adjacent to~~
754 | ~~the site in the direction of groundwater flow unless otherwise~~
755 | ~~exempted by the department. The department may require~~
756 | ~~additional monitoring wells not farther than 1 mile from the~~
757 | ~~site if it is affirmatively demonstrated by the department that~~
758 | ~~a significant change in the initial quality of the water has~~
759 | ~~occurred in the downstream monitoring well which adversely~~
760 | ~~affects the beneficial uses of the water. These wells may be~~
761 | ~~public or private water supply wells if they are suitable for~~
762 | ~~use in determining background water quality levels.~~

763 | (9)~~(15)~~ Adopt rules pursuant to ss. 120.536(1) and 120.54
764 | to implement and enforce the provisions of this act, including
765 | requirements for the classification, construction, operation,
766 | maintenance, and closure of solid waste management facilities
767 | and requirements for, and conditions on, solid waste disposal in
768 | this state, whether such solid waste is generated within this
769 | state or outside this state as long as such requirements and
770 | conditions are not based on the out-of-state origin of the waste
771 | and are consistent with applicable provisions of law. When
772 | classifying solid waste management facilities, the department

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773 shall consider the hydrogeology of the site for the facility,
774 the types of wastes to be handled by the facility, and methods
775 used to control the types of waste to be handled by the facility
776 and shall seek to minimize the adverse effects of solid waste
777 management on the environment. Whenever the department adopts
778 any rule stricter or more stringent than one which has been set
779 by the United States Environmental Protection Agency, the
780 procedures set forth in s. 403.804(2) shall be followed. The
781 department shall not, however, adopt hazardous waste rules for
782 solid waste for which special studies were required prior to
783 October 1, 1988, under s. 8002 of the Resource Conservation and
784 Recovery Act, 42 U.S.C. s. 6982, as amended, until the studies
785 are completed by the United States Environmental Protection
786 Agency and the information is available to the department for
787 consideration in adopting its own rule.

788 (10)~~(16)~~ Issue or modify permits on such conditions as are
789 necessary to effect the intent and purposes of this act, and may
790 deny or revoke permits.

791 ~~(17) Conduct research, using the State University System,
792 solid waste professionals from local governments, private
793 enterprise, and other organizations, on alternative,
794 economically feasible, cost effective, and environmentally safe
795 solid waste management and landfill closure methods which
796 protect the health, safety, and welfare of the public and the
797 environment and which may assist in developing markets and
798 provide economic benefits to local governments, the state, and
799 its citizens, and solicit public participation during the
800 research process. The department shall incorporate such cost-~~

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801 ~~effective landfill closure methods in the appropriate department~~
802 ~~rule as alternative closure requirements.~~

803 (11)~~(18)~~ Develop and implement or contract for services to
804 develop information on recovered materials markets and
805 strategies for market development and expansion for use of these
806 materials. Additionally, the department shall maintain a
807 directory of recycling businesses operating in the state and
808 shall serve as a coordinator to match recovered materials with
809 markets. Such directory shall be made available to the public
810 and to local governments to assist with their solid waste
811 management activities.

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

817 (12)~~(20)~~ Establish accounts and deposit to the Solid Waste
818 Management Trust Fund and control and administer moneys it may
819 withdraw from the fund.

820 (13)~~(21)~~ Manage a program of grants, using funds from the
821 Solid Waste Management Trust Fund and funds provided by the
822 Legislature for solid waste management, for programs for
823 recycling, composting, litter control, and special waste
824 management and for programs which provide for the safe and
825 proper management of solid waste.

826 (14)~~(22)~~ Budget and receive appropriated funds and accept,
827 receive, and administer grants or other funds or gifts from
828 public or private agencies, including the state and the Federal

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829 Government, for the purpose of carrying out the provisions of
830 this act.

831 ~~(15)-(23)~~ Delegate its powers, enter into contracts, or
832 take such other actions as may be necessary to implement this
833 act.

834 ~~(16)-(24)~~ Receive and administer funds appropriated for
835 county hazardous waste management assessments.

836 ~~(17)-(25)~~ Provide technical assistance to local governments
837 and regional agencies to ensure consistency between county
838 hazardous waste management assessments; coordinate the
839 development of such assessments with the assistance of the
840 appropriate regional planning councils; and review and make
841 recommendations to the Legislature relative to the sufficiency
842 of the assessments to meet state hazardous waste management
843 needs.

844 ~~(18)-(26)~~ Increase public education and public awareness of
845 solid and hazardous waste issues by developing and promoting
846 statewide programs of litter control, recycling, volume
847 reduction, and proper methods of solid waste and hazardous waste
848 management.

849 ~~(19)-(27)~~ Assist the hazardous waste storage, treatment, or
850 disposal industry by providing to the industry any data produced
851 on the types and quantities of hazardous waste generated.

852 ~~(20)-(28)~~ Institute a hazardous waste emergency response
853 program which would include emergency telecommunication
854 capabilities and coordination with appropriate agencies.

855 ~~(21)-(29)~~ Promulgate rules necessary to accept delegation
856 of the hazardous waste management program from the Environmental

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

859 ~~(22)~~(30) Adopt rules, if necessary, to address the
860 incineration and disposal of biomedical waste and the management
861 of biological waste within the state, whether such waste is
862 generated within this state or outside this state, as long as
863 such requirements and conditions are not based on the out-of-
864 state origin of the waste and are consistent with applicable
865 provisions of law.

866 Section 12. Section 403.7043, Florida Statutes, is amended
867 to read:

868 403.7043 Compost standards and applications.--

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

873 (2) The department shall ~~Within 6 months after October 1,~~
874 ~~1988, the department shall initiate rulemaking to establish and~~ and
875 maintain rules addressing standards for the production of
876 ~~compost and shall complete and promulgate those rules within 12~~
877 ~~months after initiating the process of rulemaking, including~~
878 rules establishing:

879 (a) Requirements necessary to produce hygienically safe
880 compost products for varying applications.

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

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

- 887 1. Methods for measurement of the compost maturity.
- 888 2. Particle sizes.
- 889 3. Moisture content.
- 890 4. Average levels of organic and inorganic constituents,
891 including heavy metals, for such classes of compost as the
892 department establishes, and the analytical methods to determine
893 those levels.

894 ~~(3) Within 6 months after October 1, 1988, the department~~
895 ~~shall initiate rulemaking to prescribe the allowable uses and~~
896 ~~application rates of compost and shall complete and promulgate~~
897 ~~those rules within 12 months after initiating the process of~~
898 ~~rulemaking, based on the following criteria:~~

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

902 ~~(b) The allowable uses of compost based on maturity and~~
903 ~~type of compost.~~

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

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

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913 Section 13. Subsections (1), (2), and (3) of section
914 403.7045, Florida Statutes, are amended to read:

915 403.7045 Application of act and integration with other
916 acts.--

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

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

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

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

932 (d) Drilling fluids, produced waters, and other wastes
933 associated with the exploration for, or development and
934 production of, crude oil or natural gas which are regulated
935 under chapter 377; or

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

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

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941 2. The recovered materials handled by the facility or the
942 products or byproducts of operations that process recovered
943 materials are not discharged, deposited, injected, dumped,
944 spilled, leaked, or placed into or upon any land or water by the
945 owner or operator of such facility so that such recovered
946 materials, products or byproducts, or any constituent thereof
947 may enter other lands or be emitted into the air or discharged
948 into any waters, including groundwaters, or otherwise enter the
949 environment such that a threat of contamination in excess of
950 applicable department standards and criteria is caused.

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

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

955 (f) Industrial byproducts, if:

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

958 2. The industrial byproducts are not discharged,
959 deposited, injected, dumped, spilled, leaked, or placed upon any
960 land or water so that such industrial byproducts, or any
961 constituent thereof, may enter other lands or be emitted into
962 the air or discharged into any waters, including groundwaters,
963 or otherwise enter the environment such that a threat of
964 contamination in excess of applicable department standards and
965 criteria or a significant threat to public health is caused.

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

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

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

974 (b) Agricultural and silvicultural byproduct material and
 975 agricultural and silvicultural process waste from normal farming
 976 or processing.

977 (c) Discarded material generated by the mining and
 978 beneficiation and chemical or thermal processing of phosphate
 979 rock, and precipitates resulting from neutralization of
 980 phosphate chemical plant process and nonprocess waters.

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

983 (a) Dredged material that is generated as part of a
 984 project permitted under part IV of chapter 373 or chapter 161,
 985 or that is authorized to be removed from sovereign submerged
 986 lands under chapter 253, ~~Dredge spoil or fill material~~ shall be
 987 managed in accordance with the conditions of that permit or
 988 authorization unless the dredged material is regulated as
 989 hazardous waste pursuant to this part ~~disposed of pursuant to a~~
 990 ~~dredge and fill permit, but whenever hazardous components are~~
 991 ~~disposed of within the dredge or fill material, the dredge and~~
 992 ~~fill permits shall specify the specific hazardous wastes~~
 993 ~~contained and the concentration of each such waste. If the~~
 994 dredged material contains hazardous substances, the department
 995 may further ~~then~~ limit or restrict the sale or use of the

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996 | dredged ~~dredge and fill~~ material and may specify such other
 997 | conditions relative to this material as are reasonably necessary
 998 | to protect the public from the potential hazards.

999 | (b) Hazardous wastes that ~~which~~ are contained in
 1000 | artificial recharge waters or other waters intentionally
 1001 | introduced into any underground formation and that ~~which~~ are
 1002 | permitted pursuant to s. 373.106 shall also be handled in
 1003 | compliance with the requirements and standards for disposal,
 1004 | storage, and treatment of hazardous waste under this act.

1005 | (c) Solid waste or hazardous waste facilities that ~~which~~
 1006 | are operated as a part of the normal operation of a power
 1007 | generating facility and which are licensed by certification
 1008 | pursuant to the Florida Electrical Power Plant Siting Act, ss.
 1009 | 403.501-403.518, shall undergo such certification subject to the
 1010 | substantive provisions of this act.

1011 | (d) Biomedical waste and biological waste shall be
 1012 | disposed of only as authorized by the department. However, any
 1013 | person who unknowingly disposes into a sanitary landfill or
 1014 | waste-to-energy facility any such waste that ~~which~~ has not been
 1015 | properly segregated or separated from other solid wastes by the
 1016 | generating facility is not guilty of a violation under this act.
 1017 | ~~Nothing in This paragraph does not shall be construed to~~
 1018 | prohibit the department from seeking injunctive relief pursuant
 1019 | to s. 403.131 to prohibit the unauthorized disposal of
 1020 | biomedical waste or biological waste.

1021 | Section 14. Section 403.70611, Florida Statutes, is
 1022 | amended to read:

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1023 403.70611 Requirements relating to solid waste disposal
1024 facility and Class I landfill permitting.--

1025 (1) Local government applicants for a permit to construct
1026 or expand a Class I landfill are encouraged to consider
1027 construction of a waste-to-energy facility as an alternative to
1028 additional landfill space.

1029 (2) A closed Class I landfill that is substantially
1030 rehabilitated or remediated in such a manner that at least 15
1031 percent of the residential units are affordable as defined in s.
1032 420.0004(3) is not subject to the requirements of any building
1033 permit allocation system or other rate of growth regulation
1034 adopted pursuant to chapter 380.

1035 Section 15. Section 403.707, Florida Statutes, is amended
1036 to read:

1037 403.707 Permits.--

1038 (1) A ~~No~~ solid waste management facility may not be
1039 operated, maintained, constructed, expanded, modified, or closed
1040 without an appropriate and currently valid permit issued by the
1041 department. The department may, by rule, exempt specified types
1042 of facilities from the requirement for a permit if it determines
1043 that construction for operation of the facility is not expected
1044 to create any significant threat to the environment or public
1045 health. For purposes of this part, and only when specified by
1046 department rule, a permit may include registrations as well as
1047 other forms of licenses as defined in s. 120.52. Solid waste
1048 construction permits issued under this section may include any
1049 permit conditions necessary to achieve compliance with the
1050 recycling requirements of this act. The department shall pursue

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1051 reasonable timeframes for closure and construction requirements,
1052 considering pending federal requirements and implementation
1053 costs to the permittee. The department shall adopt a rule
1054 establishing performance standards for construction and closure
1055 of solid waste management facilities. The standards shall allow
1056 flexibility in design and consideration for site-specific
1057 characteristics.

1058 (2) Except as provided in s. 403.722(6), no permit under
1059 this section is required for the following, provided that the
1060 activity shall not create a public nuisance or any condition
1061 adversely affecting the environment or public health and shall
1062 not violate other state or local laws, ordinances, rules,
1063 regulations, or orders:

1064 (a) Disposal by persons of solid waste resulting from
1065 their own activities on their own property, provided such waste
1066 is either ordinary household waste from their residential
1067 property or is rocks, soils, trees, tree remains, and other
1068 vegetative matter that ~~which~~ normally result from land
1069 development operations. Disposal of materials that ~~which~~ could
1070 create a public nuisance or adversely affect the environment or
1071 public health, such as: white goods; automotive materials, such
1072 as batteries and tires; petroleum products; pesticides;
1073 solvents; or hazardous substances, is not covered under this
1074 exemption.

1075 (b) Storage in containers by persons of solid waste
1076 resulting from their own activities on their property, leased or
1077 rented property, or property subject to a homeowners or
1078 maintenance association for which the person contributes

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1079 association assessments, if the solid waste in such containers
1080 is collected at least once a week.

1081 (c) Disposal by persons of solid waste resulting from
1082 their own activities on their property, provided the
1083 environmental effects of such disposal on groundwater and
1084 surface waters are:

1085 1. Addressed or authorized by a site certification order
1086 issued under part II or a permit issued by the department
1087 pursuant to this chapter or rules adopted pursuant thereto; or

1088 2. Addressed or authorized by, or exempted from the
1089 requirement to obtain, a groundwater monitoring plan approved by
1090 the department.

1091 (d) Disposal by persons of solid waste resulting from
1092 their own activities on their own property, provided that such
1093 disposal occurred prior to October 1, 1988.

1094 (e) Disposal of solid waste resulting from normal farming
1095 operations as defined by department rule. Polyethylene
1096 agricultural plastic, damaged, nonsalvageable, untreated wood
1097 pallets, and packing material that cannot be feasibly recycled,
1098 which are used in connection with agricultural operations
1099 related to the growing, harvesting, or maintenance of crops, may
1100 be disposed of by open burning, provided that no public nuisance
1101 or any condition adversely affecting the environment or the
1102 public health is created thereby and that state or federal
1103 ambient air quality standards are not violated.

1104 (f) The use of clean debris as fill material in any area.
1105 However, this paragraph does not exempt any person from
1106 obtaining any other required permits, nor does it affect a

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1107 person's responsibility to dispose of clean debris appropriately
1108 if it is not to be used as fill material.

1109 (g) Compost operations that produce less than 50 cubic
1110 yards of compost per year when the compost produced is used on
1111 the property where the compost operation is located.

1112 (3) All applicable provisions of ss. 403.087 and 403.088,
1113 relating to permits, apply to the control of solid waste
1114 management facilities.

1115 (4) When application for a construction permit for a Class
1116 I ~~or Class II~~ solid waste disposal area is made, it is the duty
1117 of the department to provide a copy of the application, within 7
1118 days after filing, to the water management district having
1119 jurisdiction where the area is to be located. The water
1120 management district may prepare an advisory report as to the
1121 impact on water resources. This report shall contain the
1122 district's recommendations as to the disposition of the
1123 application and shall be submitted to the department no later
1124 than 30 days prior to the deadline for final agency action by
1125 the department. However, the failure of the department or the
1126 water management district to comply with the provisions of this
1127 subsection shall not be the basis for the denial, revocation, or
1128 remand of any permit or order issued by the department.

1129 (5) The department may not issue a construction permit
1130 pursuant to this part for a new solid waste landfill within
1131 3,000 feet of Class I surface waters.

1132 (6) The department may issue a construction permit
1133 pursuant to this part only to a solid waste management facility
1134 that provides the conditions necessary to control the safe

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1135 movement of wastes or waste constituents into surface or ground
 1136 waters or the atmosphere and that will be operated, maintained,
 1137 and closed by qualified and properly trained personnel. Such
 1138 facility must if necessary:

1139 (a) Use natural or artificial barriers which are capable
 1140 of controlling lateral or vertical movement of wastes or waste
 1141 constituents into surface or ground waters.

1142 (b) Have a foundation or base that is capable of providing
 1143 support for structures and waste deposits and capable of
 1144 preventing foundation or base failure due to settlement,
 1145 compression, or uplift.

1146 (c) Provide for the most economically feasible, cost-
 1147 effective, and environmentally safe control of leachate, gas,
 1148 stormwater, and disease vectors and prevent the endangerment of
 1149 public health and the environment.

1150
 1151 Open fires, air-curtain incinerators, or trench burning may not
 1152 be used as a means of disposal at a solid waste management
 1153 facility, unless permitted by the department under s. 403.087.

1154 (7) Prior to application for a construction permit, an
 1155 applicant shall designate to the department temporary backup
 1156 disposal areas or processes for the resource recovery facility.
 1157 Failure to designate temporary backup disposal areas or
 1158 processes shall result in a denial of the construction permit.

1159 (8) The department may refuse to issue a permit to an
 1160 applicant who by past conduct in this state has repeatedly
 1161 violated pertinent statutes, rules, or orders or permit terms or
 1162 conditions relating to any solid waste management facility and

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1163 | who is deemed to be irresponsible as defined by department rule.
1164 | For the purposes of this subsection, an applicant includes the
1165 | owner or operator of the facility, or if the owner or operator
1166 | is a business entity, a parent of a subsidiary corporation, a
1167 | partner, a corporate officer or director, or a stockholder
1168 | holding more than 50 percent of the stock of the corporation.

1169 | ~~(9) Before or on the same day of filing with the~~
1170 | ~~department of an application for any construction permit for the~~
1171 | ~~incineration of biomedical waste which the department may~~
1172 | ~~require by rule, the applicant shall notify each city and county~~
1173 | ~~within 1 mile of the facility of the filing of the application~~
1174 | ~~and shall publish notice of the filing of the application. The~~
1175 | ~~applicant shall publish a second notice of the filing within 14~~
1176 | ~~days after the date of filing. Each notice shall be published in~~
1177 | ~~a newspaper of general circulation in the county in which the~~
1178 | ~~facility is located or is proposed to be located.~~

1179 | ~~Notwithstanding the provisions of chapter 50, for purposes of~~
1180 | ~~this section, a "newspaper of general circulation" shall be the~~
1181 | ~~newspaper within the county in which the installation or~~
1182 | ~~facility is proposed which has the largest daily circulation in~~
1183 | ~~that county and has its principal office in that county. If the~~
1184 | ~~newspaper with the largest daily circulation has its principal~~
1185 | ~~office outside the county, the notice shall appear in both the~~
1186 | ~~newspaper with the largest daily circulation in that county, and~~
1187 | ~~a newspaper authorized to publish legal notices in that county.~~
1188 | ~~The notice shall contain:~~

1189 | ~~(a) The name of the applicant and a brief description of~~
1190 | ~~the facility and its location.~~

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1191 ~~(b) The location of the application file and when it is~~
1192 ~~available for public inspection.~~

1193
1194 ~~The notice shall be prepared by the applicant and shall comply~~
1195 ~~with the following format:~~

1196
1197 ~~Notice of Application~~

1198
1199 ~~The Department of Environmental Protection announces receipt of~~
1200 ~~an application for a permit from (name of applicant) to (brief~~
1201 ~~description of project). This proposed project will be located~~
1202 ~~at (location) in (county) (city).~~

1203
1204 ~~This application is being processed and is available for public~~
1205 ~~inspection during normal business hours, 8:00 a.m. to 5:00 p.m.,~~
1206 ~~Monday through Friday, except legal holidays, at (name and~~
1207 ~~address of office).~~

1208
1209 ~~(10) A permit, which the department may require by rule,~~
1210 ~~for the incineration of biomedical waste, may not be transferred~~
1211 ~~by the permittee to any other entity, except in conformity with~~
1212 ~~the requirements of this subsection.~~

1213 ~~(a) Within 30 days after the sale or legal transfer of a~~
1214 ~~permitted facility, the permittee shall file with the department~~
1215 ~~an application for transfer of the permits on such form as the~~
1216 ~~department shall establish by rule. The form must be completed~~
1217 ~~with the notarized signatures of both the transferring permittee~~
1218 ~~and the proposed permittee.~~

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1219 ~~(b) The department shall approve the transfer of a permit~~
1220 ~~unless it determines that the proposed permittee has not~~
1221 ~~provided reasonable assurances that the proposed permittee has~~
1222 ~~the administrative, technical, and financial capability to~~
1223 ~~properly satisfy the requirements and conditions of the permit,~~
1224 ~~as determined by department rule. The determination shall be~~
1225 ~~limited solely to the ability of the proposed permittee to~~
1226 ~~comply with the conditions of the existing permit, and it shall~~
1227 ~~not concern the adequacy of the permit conditions. If the~~
1228 ~~department proposes to deny the transfer, it shall provide both~~
1229 ~~the transferring permittee and the proposed permittee a written~~
1230 ~~objection to such transfer together with notice of a right to~~
1231 ~~request a proceeding on such determination under chapter 120.~~

1232 ~~(c) Within 90 days after receiving a properly completed~~
1233 ~~application for transfer of a permit, the department shall issue~~
1234 ~~a final determination. The department may toll the time for~~
1235 ~~making a determination on the transfer by notifying both the~~
1236 ~~transferring permittee and the proposed permittee that~~
1237 ~~additional information is required to adequately review the~~
1238 ~~transfer request. Such notification shall be provided within 30~~
1239 ~~days after receipt of an application for transfer of the permit,~~
1240 ~~completed pursuant to paragraph (a). If the department fails to~~
1241 ~~take action to approve or deny the transfer within 90 days after~~
1242 ~~receipt of the completed application or within 90 days after~~
1243 ~~receipt of the last item of timely requested additional~~
1244 ~~information, the transfer shall be deemed approved.~~

1245 ~~(d) The transferring permittee is encouraged to apply for~~
1246 ~~a permit transfer well in advance of the sale or legal transfer~~

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1247 ~~of a permitted facility. However, the transfer of the permit~~
 1248 ~~shall not be effective prior to the sale or legal transfer of~~
 1249 ~~the facility.~~

1250 ~~(e) Until the transfer of the permit is approved by the~~
 1251 ~~department, the transferring permittee and any other person~~
 1252 ~~constructing, operating, or maintaining the permitted facility~~
 1253 ~~shall be liable for compliance with the terms of the permit.~~
 1254 ~~Nothing in this section shall relieve the transferring permittee~~
 1255 ~~of liability for corrective actions that may be required as a~~
 1256 ~~result of any violations occurring prior to the legal transfer~~
 1257 ~~of the permit.~~

1258 ~~(11) The department shall review all permit applications~~
 1259 ~~for any designated Class I solid waste disposal facility. As~~
 1260 ~~used in this subsection, the term "designated Class I solid~~
 1261 ~~waste disposal facility" means any facility that is, as of May~~
 1262 ~~12, 1993, a solid waste disposal facility classified as an~~
 1263 ~~active Class I landfill by the department, that is located in~~
 1264 ~~whole or in part within 1,000 feet of the boundary of any~~
 1265 ~~municipality, but that is not located within any county with an~~
 1266 ~~approved charter or consolidated municipal government, is not~~
 1267 ~~located within any municipality, and is not operated by a~~
 1268 ~~municipality. The department shall not permit vertical expansion~~
 1269 ~~or horizontal expansion of any designated Class I solid waste~~
 1270 ~~disposal facility unless the application for such permit was~~
 1271 ~~filed before January 1, 1993, and no solid waste management~~
 1272 ~~facility may be operated which is a vertical expansion or~~
 1273 ~~horizontal expansion of a designated Class I solid waste~~
 1274 ~~disposal facility. As used in this subsection, the term~~

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1275 ~~"vertical expansion" means any activity that will result in an~~
 1276 ~~increase in the height of a designated Class I solid waste~~
 1277 ~~disposal facility above 100 feet National Geodetic Vertical~~
 1278 ~~Datum, except solely for closure, and the term "horizontal~~
 1279 ~~expansion" means any activity that will result in an increase in~~
 1280 ~~the ground area covered by a designated Class I solid waste~~
 1281 ~~disposal facility, or if within 1 mile of a designated Class I~~
 1282 ~~solid waste disposal facility, any new or expanded operation of~~
 1283 ~~any solid waste disposal facility or area, or of incineration of~~
 1284 ~~solid waste, or of storage of solid waste for more than 1 year,~~
 1285 ~~or of composting of solid waste other than yard trash.~~

1286 (9) ~~(12)~~ The department shall establish a separate category
 1287 for solid waste management facilities which accept only
 1288 construction and demolition debris for disposal or recycling.
 1289 The department shall establish a reasonable schedule for
 1290 existing facilities to comply with this section to avoid undue
 1291 hardship to such facilities. However, a permitted solid waste
 1292 disposal unit that ~~which~~ receives a significant amount of waste
 1293 prior to the compliance deadline established in this schedule
 1294 shall not be required to be retrofitted with liners or leachate
 1295 control systems. Facilities accepting materials defined in s.
 1296 403.703 (6) (b) ~~s. 403.703 (17) (b)~~ must implement a groundwater
 1297 monitoring system adequate to detect contaminants that may
 1298 reasonably be expected to result from such disposal prior to the
 1299 acceptance of those materials.

1300 (a) The department shall establish reasonable
 1301 construction, operation, monitoring, recordkeeping, financial
 1302 assurance, and closure requirements for such facilities. The

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1303 department shall take into account the nature of the waste
1304 accepted at various facilities when establishing these
1305 requirements, and may impose less stringent requirements,
1306 including a system of general permits or registration
1307 requirements, for facilities that accept only a segregated waste
1308 stream which is expected to pose a minimal risk to the
1309 environment and public health, such as clean debris. The
1310 Legislature recognizes that incidental amounts of other types of
1311 solid waste are commonly generated at construction or demolition
1312 projects. In any enforcement action taken pursuant to this
1313 section, the department shall consider the difficulty of
1314 removing these incidental amounts from the waste stream.

1315 (b) The department shall not require liners and leachate
1316 collection systems at individual facilities unless it
1317 demonstrates, based upon the types of waste received, the
1318 methods for controlling types of waste disposed of, the
1319 proximity of groundwater and surface water, and the results of
1320 the hydrogeological and geotechnical investigations, that the
1321 facility is reasonably expected to result in violations of
1322 groundwater standards and criteria otherwise.

1323 (c) The owner or operator shall provide financial
1324 assurance for closing of the facility in accordance with the
1325 requirements of s. 403.7125. The financial assurance shall cover
1326 the cost of closing the facility and 5 years of long-term care
1327 after closing, unless the department determines, based upon
1328 hydrogeologic conditions, the types of wastes received, or the
1329 groundwater monitoring results, that a different long-term care
1330 period is appropriate. However, unless the owner or operator of

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1331 the facility is a local government, the escrow account described
1332 in s. 403.7125(2) ~~s. 403.7125(3)~~ may not be used as a financial
1333 assurance mechanism.

1334 (d) The department shall establish training requirements
1335 for operators of facilities, and shall work with the State
1336 University System or other providers to assure that adequate
1337 training courses are available. The department shall also assist
1338 the Florida Home Builders Association in establishing a
1339 component of its continuing education program to address proper
1340 handling of construction and demolition debris, including best
1341 management practices for reducing contamination of the
1342 construction and demolition debris waste stream.

1343 (e) The issuance of a permit under this subsection does
1344 not obviate the need to comply with all applicable zoning and
1345 land use regulations.

1346 (f) A permit is not required under this section for the
1347 disposal of construction and demolition debris on the property
1348 where it is generated, but such property must be covered,
1349 graded, and vegetated as necessary when disposal is complete.

1350 (g) It is the policy of the Legislature to encourage
1351 facilities to recycle. The department shall establish criteria
1352 and guidelines that encourage recycling where practical and
1353 provide for the use of recycled materials in a manner that
1354 protects the public health and the environment. Facilities are
1355 authorized to recycle, provided such activities do not conflict
1356 with such criteria and guidelines.

1357 (h) The department shall ensure that the requirements of
1358 this section are applied and interpreted consistently throughout

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1359 | the state. In accordance with s. 20.255, the Division of Waste
1360 | Management shall direct the district offices and bureaus on
1361 | matters relating to the interpretation and applicability of this
1362 | section.

1363 | (i) The department shall provide notice of receipt of a
1364 | permit application for the initial construction of a
1365 | construction and demolition debris disposal facility to the
1366 | local governments having jurisdiction where the facility is to
1367 | be located.

1368 | (j) The Legislature recognizes that recycling, waste
1369 | reduction, and resource recovery are important aspects of an
1370 | integrated solid waste management program and as such are
1371 | necessary to protect the public health and the environment. If
1372 | necessary to promote such an integrated program, the county may
1373 | determine, after providing notice and an opportunity for a
1374 | hearing prior to December 31, 2006 ~~1996~~, that some or all of the
1375 | wood material described in s. 403.703(6)(b) ~~s. 403.703(17)(b)~~
1376 | shall be excluded from the definition of "construction and
1377 | demolition debris" in s. 403.703(6) ~~s. 403.703(17)~~ within the
1378 | jurisdiction of such county. The county may make such a
1379 | determination only if it finds that, prior to June 1, 2006 ~~1996~~,
1380 | the county has established an adequate method for the use or
1381 | recycling of such wood material at an existing or proposed solid
1382 | waste management facility that is permitted or authorized by the
1383 | department on June 1, 2006 ~~1996~~. The county shall not be
1384 | required to hold a hearing if the county represents that it
1385 | previously has held a hearing for such purpose, nor shall the
1386 | county be required to hold a hearing if the county represents

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1387 that it previously has held a public meeting or hearing that
1388 authorized such method for the use or recycling of trash or
1389 other nonputrescible waste materials and if the county further
1390 represents that such materials include those materials described
1391 in s. 403.703(6)(b) ~~s. 403.703(17)(b)~~. The county shall provide
1392 written notice of its determination to the department by no
1393 later than December 31, 2006 ~~1996~~; thereafter, the wood
1394 materials described in s. 403.703(6)(b) ~~s. 403.703(17)(b)~~ shall
1395 be excluded from the definition of "construction and demolition
1396 debris" in s. 403.703(6) ~~s. 403.703(17)~~ within the jurisdiction
1397 of such county. The county may withdraw or revoke its
1398 determination at any time by providing written notice to the
1399 department.

1400 (k) Brazilian pepper and other invasive exotic plant
1401 species as designated by the department resulting from
1402 eradication projects may be processed at permitted construction
1403 and demolition debris recycling facilities or disposed of at
1404 permitted construction and demolition debris disposal facilities
1405 or Class III facilities. The department may adopt rules to
1406 implement this paragraph.

1407 (10) ~~(13)~~ If the department and a local government
1408 independently require financial assurance for the closure of a
1409 privately owned solid waste management facility, the department
1410 and that local government shall enter into an interagency
1411 agreement that will allow the owner or operator to provide a
1412 single financial mechanism to cover the costs of closure ~~and any~~
1413 ~~required long-term care~~. The financial mechanism may provide for
1414 the department and local government to be cobeneficiaries or

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1415 copayees, but shall not impose duplicative financial
1416 requirements on the owner or operator. These closure costs must
1417 include at least the minimum required by department rules and
1418 must also include any additional costs required by local
1419 ordinance or regulation.

1420 (11)~~(14)~~ Before or on the same day of filing with the
1421 department of an application for a permit to construct or
1422 substantially modify a solid waste management facility, the
1423 applicant shall notify the local government having jurisdiction
1424 over the facility of the filing of the application. The
1425 applicant also shall publish notice of the filing of the
1426 application in a newspaper of general circulation in the area
1427 where the facility will be located. Notice shall be given and
1428 published in accordance with applicable department rules. The
1429 department shall not issue the requested permit until the
1430 applicant has provided the department with proof that the
1431 notices required by this subsection have been given. Issuance of
1432 a permit does not relieve an applicant from compliance with
1433 local zoning or land use ordinances, or with any other law,
1434 rules, or ordinances.

1435 (12)~~(15)~~ Construction and demolition debris must be
1436 separated from the solid waste stream and segregated in separate
1437 locations at a solid waste disposal facility or other permitted
1438 site.

1439 (13)~~(16)~~ No facility, solely by virtue of the fact that it
1440 uses processed yard trash or clean wood or paper waste as a fuel
1441 source, shall be considered to be a solid waste disposal
1442 facility.

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1443 Section 16. Section 403.7071, Florida Statutes, is created
1444 to read:

1445 403.7071 Management of storm-generated debris.--Solid
1446 waste generated as a result of a storm event that is the subject
1447 of an emergency order issued by the department may be managed as
1448 follows:

1449 (1) The Department of Environmental Protection may issue
1450 field authorizations for staging areas in those counties
1451 affected by a storm event. Such staging areas may be used for
1452 the temporary storage and management of storm-generated debris,
1453 including the chipping, grinding, or burning of vegetative
1454 debris. Field authorizations may be requested by providing a
1455 notice to the local office of the department containing a
1456 description of the design and operation of the staging area; the
1457 location of the staging area; and the name, address, and
1458 telephone number of the site manager. Field authorizations also
1459 may be issued by the department staff without prior notice.
1460 Written records of all field authorizations shall be created and
1461 maintained by department staff. Field authorizations may include
1462 specific conditions for the operation and closure of the staging
1463 area and shall include a required closure date. A local
1464 government shall avoid locating a staging area in wetlands and
1465 other surface waters to the greatest extent possible, and the
1466 area that is used or affected by a staging area must be fully
1467 restored upon cessation of use of the area.

1468 (2) Storm-generated vegetative debris managed at a staging
1469 area may be disposed of in a permitted lined or unlined
1470 landfill, a permitted land clearing debris facility, or a

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1471 permitted construction and demolition debris disposal facility.
1472 Vegetative debris may also be managed at a permitted waste
1473 processing facility or a registered yard trash processing
1474 facility.

1475 (3) Construction and demolition debris that is mixed with
1476 other storm-generated debris need not be segregated from other
1477 solid waste prior to disposal in a lined landfill. Construction
1478 and demolition debris that is source-separated or is separated
1479 from other hurricane-generated debris at an authorized staging
1480 area, or at another area specifically authorized by the
1481 department, may be managed at a permitted construction and
1482 demolition debris disposal or recycling facility upon approval
1483 by the department of the methods and operational practices used
1484 to inspect the waste during segregation.

1485 (4) Unsalvageable refrigerators and freezers containing
1486 solid waste, such as rotting food, which may create a sanitary
1487 nuisance may be disposed of in a permitted lined landfill;
1488 however, chlorofluorocarbons and capacitors must be removed and
1489 recycled to the greatest extent practicable using techniques and
1490 personnel meeting relevant federal requirements.

1491 (5) Local governments may conduct the burning of storm-
1492 generated yard trash and other vegetative debris in air-curtain
1493 incinerators without prior notice to the department. Demolition
1494 debris may also be burned in air-curtain incinerators if the
1495 material is limited to untreated wood. Within 10 days after
1496 commencing such burning, the local government shall notify the
1497 department in writing describing the general nature of the
1498 materials burned; the location and method of burning; and the

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1499 name, address, and telephone number of the representative of the
 1500 local government to contact concerning the work. The operator of
 1501 the air-curtain incinerator is subject to any requirement to
 1502 obtain an open-burning authorization from the Division of
 1503 Forestry or any other agency empowered to grant such
 1504 authorization.

1505 Section 17. Section 403.708, Florida Statutes, is amended
 1506 to read:

1507 403.708 Prohibition; penalty.--

1508 (1) No person shall:

1509 (a) Place or deposit any solid waste in or on the land or
 1510 waters located within the state except in a manner approved by
 1511 the department and consistent with applicable approved programs
 1512 of counties or municipalities. However, nothing in this act
 1513 shall be construed to prohibit the disposal of solid waste
 1514 without a permit as provided in s. 403.707(2).

1515 (b) Burn solid waste except in a manner prescribed by the
 1516 department and consistent with applicable approved programs of
 1517 counties or municipalities.

1518 (c) Construct, alter, modify, or operate a solid waste
 1519 management facility or site without first having obtained from
 1520 the department any permit required by s. 403.707.

1521 (2) No beverage shall be sold or offered for sale within
 1522 the state in a beverage container designed and constructed so
 1523 that the container is opened by detaching a metal ring or tab.

1524 (3) For purposes of subsections (2), (9), and (10):

1525 ~~(a) "Degradable," with respect to any material, means that~~
 1526 ~~such material, after being discarded, is capable of decomposing~~

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1527 ~~to components other than heavy metals or other toxic substances,~~
1528 ~~after exposure to bacteria, light, or outdoor elements.~~

1529 (a)~~(b)~~ "Beverage" means soda water, carbonated natural or
1530 mineral water, or other nonalcoholic carbonated drinks; soft
1531 drinks, whether or not carbonated; beer, ale, or other malt
1532 drink of whatever alcoholic content; or a mixed wine drink or a
1533 mixed spirit drink.

1534 (b)~~(c)~~ "Beverage container" means an airtight container
1535 which at the time of sale contains 1 gallon or less of a
1536 beverage, or the metric equivalent of 1 gallon or less, and
1537 which is composed of metal, plastic, or glass or a combination
1538 thereof.

1539 (4) The Division of Alcoholic Beverages and Tobacco of the
1540 Department of Business and Professional Regulation may impose a
1541 fine of not more than \$100 on any person currently licensed
1542 pursuant to s. 561.14 for each violation of the provisions of
1543 subsection (2). If the violation is of a continuing nature, each
1544 day during which such violation occurs shall constitute a
1545 separate and distinct offense and shall be subject to a separate
1546 fine.

1547 (5) The Department of Agriculture and Consumer Services
1548 may impose a fine of not more than \$100 on any person not
1549 currently licensed pursuant to s. 561.14 for each violation of
1550 the provisions of subsection (2). If the violation is of a
1551 continuing nature, each day during which such violation occurs
1552 shall constitute a separate and distinct offense and shall be
1553 subject to a separate fine.

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1554 (6) Fifty percent of each fine collected pursuant to
1555 subsections (4) and (5) shall be deposited into the Solid Waste
1556 Management Trust Fund. The balance of fines collected pursuant
1557 to subsection (4) shall be deposited into the Alcoholic Beverage
1558 and Tobacco Trust Fund for the use of the division for
1559 inspection and enforcement of the provisions of this section.
1560 The balance of fines collected pursuant to subsection (5) shall
1561 be deposited into the General Inspection Trust Fund for the use
1562 of the Department of Agriculture and Consumer Services for
1563 inspection and enforcement of the provisions of this section.

1564 (7) The Division of Alcoholic Beverages and Tobacco and
1565 the Department of Agriculture and Consumer Services shall
1566 coordinate their responsibilities under the provisions of this
1567 section to ensure that inspections and enforcement are
1568 accomplished in an efficient, cost-effective manner.

1569 (8) A person may not distribute, sell, or expose for sale
1570 in this state any plastic bottle or rigid container intended for
1571 single use unless such container has a molded label indicating
1572 the plastic resin used to produce the plastic container. The
1573 label must appear on or near the bottom of the plastic container
1574 product and be clearly visible. This label must consist of a
1575 number placed inside a triangle and letters placed below the
1576 triangle. The triangle must be equilateral and must be formed by
1577 three arrows, and, in the middle of each arrow, there must be a
1578 rounded bend that forms one apex of the triangle. The pointer,
1579 or arrowhead, of each arrow must be at the midpoint of a side of
1580 the triangle, and a short gap must separate each pointer from
1581 the base of the adjacent arrow. The three curved arrows that

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1582 form the triangle must depict a clockwise path around the code
1583 number. Plastic bottles of less than 16 ounces, rigid plastic
1584 containers of less than 8 ounces, and plastic casings on lead-
1585 acid storage batteries are not required to be labeled under this
1586 section. The numbers and letters must be as follows:

1587 (a) For polyethylene terephthalate, the letters "PETE" and
1588 the number 1.

1589 (b) For high-density polyethylene, the letters "HDPE" and
1590 the number 2.

1591 (c) For vinyl, the letter "V" and the number 3.

1592 (d) For low-density polyethylene, the letters "LDPE" and
1593 the number 4.

1594 (e) For polypropylene, the letters "PP" and the number 5.

1595 (f) For polystyrene, the letters "PS" and the number 6.

1596 (g) For any other, the letters "OTHER" and the number 7.

1597 (9) No person shall distribute, sell, or expose for sale
1598 in this state any product packaged in a container or packing
1599 material manufactured with fully halogenated chlorofluorocarbons
1600 (CFC). Producers of containers or packing material manufactured
1601 with chlorofluorocarbons (CFC) are urged to introduce
1602 alternative packaging materials which are environmentally
1603 compatible.

1604 (10) The packaging of products manufactured or sold in the
1605 state may not be controlled by governmental rule, regulation, or
1606 ordinance adopted after March 1, 1974, other than as expressly
1607 provided in this act.

1608 (11) Violations of this part or rules, regulations,
1609 permits, or orders issued thereunder by the department and

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1610 | violations of approved local programs of counties or
 1611 | municipalities or rules, regulations, or orders issued
 1612 | thereunder shall be punishable by a civil penalty as provided in
 1613 | s. 403.141.

1614 | (12) The department or any county or municipality may also
 1615 | seek to enjoin the violation of, or enforce compliance with,
 1616 | this part or any program adopted hereunder as provided in s.
 1617 | 403.131.

1618 | (13) In accordance with the following schedule, no person
 1619 | who knows or who should know of the nature of such solid waste
 1620 | shall dispose of such solid waste in landfills:

1621 | (a) Lead-acid batteries, ~~after January 1, 1989~~. Lead-acid
 1622 | batteries also may ~~shall~~ not be disposed of in any waste-to-
 1623 | energy facility ~~after January 1, 1989~~. To encourage proper
 1624 | collection and recycling, all persons who sell lead-acid
 1625 | batteries at retail shall accept used lead-acid batteries as
 1626 | trade-ins for new lead-acid batteries.

1627 | (b) Used oil, ~~after October 1, 1988~~.

1628 | (c) Yard trash, ~~after January 1, 1992~~, except in lined
 1629 | ~~unlined~~ landfills classified by department rule as Class I
 1630 | landfills. Yard trash that is source separated from solid waste
 1631 | may be accepted at a solid waste disposal area where the area
 1632 | provides and maintains separate yard trash composting
 1633 | facilities. The department recognizes that incidental amounts of
 1634 | yard trash may be disposed of in Class I lined landfills. In any
 1635 | enforcement action taken pursuant to this paragraph, the
 1636 | department shall consider the difficulty of removing incidental
 1637 | amounts of yard trash from a mixed solid waste stream.

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1638 (d) White goods, ~~after January 1, 1990.~~

1639
1640 ~~Prior to the effective dates specified in paragraphs (a) (d),~~
1641 ~~the department shall identify and assist in developing~~
1642 ~~alternative disposal, processing, or recycling options for the~~
1643 ~~solid wastes identified in paragraphs (a) (d).~~

1644 Section 18. Section 403.709, Florida Statutes, is amended
1645 to read:

1646 403.709 Solid Waste Management Trust Fund; use of waste
1647 tire fees.--There is created the Solid Waste Management Trust
1648 Fund, to be administered by the department.

1649 (1) ~~From~~ The annual revenues deposited in the trust fund,
1650 unless otherwise specified in the General Appropriations Act,
1651 shall be used for the following purposes:

1652 (a) ~~(1)~~ ~~Up to 40 percent shall be used for~~ Funding solid
1653 waste activities of the department and other state agencies,
1654 such as providing technical assistance to local governments and
1655 the private sector, performing solid waste regulatory and
1656 enforcement functions, preparing solid waste documents, and
1657 implementing solid waste education programs.

1658 (b) ~~(2)~~ ~~Up to 4.5 percent shall be used for~~ Funding
1659 research and training programs relating to solid waste
1660 management through the Center for Solid and Hazardous Waste
1661 Management and other organizations which can reasonably
1662 demonstrate the capability to carry out such projects.

1663 (c) ~~(3)~~ ~~Up to 11 percent shall be used for~~ Funding to
1664 supplement any other funds provided to the Department of
1665 Agriculture and Consumer Services for mosquito control. This

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1666 distribution shall be annually transferred to the General
 1667 Inspection Trust Fund in the Department of Agriculture and
 1668 Consumer Services to be used for mosquito control, especially
 1669 control of West Nile Virus.

1670 (d) ~~(4)~~ ~~Up to 4.5 percent shall be used for~~ Funding to the
 1671 Department of Transportation for litter prevention and control
 1672 programs ~~coordinated by Keep Florida Beautiful, Inc.~~

1673 (e) ~~(5)~~ ~~A minimum of 40 percent shall be used for~~ Funding a
 1674 competitive and innovative grant program pursuant to s. 403.7095
 1675 for activities relating to recycling and reducing the volume of
 1676 municipal solid waste, including waste tires requiring final
 1677 disposal.

1678 (2) ~~(6)~~ The department shall recover to the use of the fund
 1679 from the site owner or the person responsible for the
 1680 accumulation of tires at the site, jointly and severally, all
 1681 sums expended from the fund pursuant to this section to manage
 1682 tires at an illegal waste tire site, except that the department
 1683 may decline to pursue such recovery if it finds the amount
 1684 involved too small or the likelihood of recovery too uncertain.
 1685 If a court determines that the owner is unable or unwilling to
 1686 comply with the rules adopted pursuant to this section or s.
 1687 403.717, the court may authorize the department to take
 1688 possession and control of the waste tire site in order to
 1689 protect the health, safety, and welfare of the community and the
 1690 environment.

1691 (3) ~~(7)~~ The department may impose a lien on the real
 1692 property on which the waste tire site is located and the waste
 1693 tires equal to the estimated cost to bring the tire site into

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1694 compliance, including attorney's fees and court costs. Any owner
 1695 whose property has such a lien imposed may release her or his
 1696 property from any lien claimed under this subsection by filing
 1697 with the clerk of the circuit court a cash or surety bond,
 1698 payable to the department in the amount of the estimated cost of
 1699 bringing the tire site into compliance with department rules,
 1700 including attorney's fees and court costs, or the value of the
 1701 property after the abatement action is complete, whichever is
 1702 less. No lien provided by this subsection shall continue for a
 1703 period longer than 4 years after the completion of the abatement
 1704 action unless within that time an action to enforce the lien is
 1705 commenced in a court of competent jurisdiction. The department
 1706 may take action to enforce the lien in the same manner used for
 1707 construction liens under part I of chapter 713.

1708 (4)-(8) This section does not limit the use of other
 1709 remedies available to the department.

1710 Section 19. Subsection (5) of section 403.7095, Florida
 1711 Statutes, is amended to read:

1712 403.7095 Solid waste management grant program.--

1713 (5) From the funds made available pursuant to s.
 1714 403.709(1)(e) ~~s. 403.709(5)~~ for the grant program created by
 1715 this section, the following distributions shall be made:

1716 (a) Up to 15 percent for the program described in
 1717 subsection (1);

1718 (b) Up to 35 percent for the program described in
 1719 subsection (3); and

1720 (c) Up to 50 percent for the program described in
 1721 subsection (4).

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1722 Section 20. Section 403.7125, Florida Statutes, is amended
1723 to read:

1724 403.7125 Financial assurance for closure ~~Landfill~~
1725 ~~management escrow account.~~ --

1726 ~~(1) As used in this section:~~

1727 ~~(a) "Landfill" means any solid waste land disposal area~~
1728 ~~for which a permit, other than a general permit, is required by~~
1729 ~~s. 403.707 that receives solid waste for disposal in or upon~~
1730 ~~land other than a land-spreading site, injection well, or a~~
1731 ~~surface impoundment.~~

1732 ~~(b) "Closure" means the ceasing operation of a landfill~~
1733 ~~and securing such landfill so that it does not pose a~~
1734 ~~significant threat to public health or the environment and~~
1735 ~~includes long-term monitoring and maintenance of a landfill.~~

1736 ~~(c) "Owner or operator" means, in addition to the usual~~
1737 ~~meanings of the term, any owner of record of any interest in~~
1738 ~~land whereon a landfill is or has been located and any person or~~
1739 ~~corporation which owns a majority interest in any other~~
1740 ~~corporation which is the owner or operator of a landfill.~~

1741 (1)(2) Every owner or operator of a landfill is jointly
1742 and severally liable for the improper operation and closure of
1743 the landfill, as provided by law. As used in this section, the
1744 term "owner or operator" means any owner of record of any
1745 interest in land wherein a landfill is or has been located and
1746 any person or corporation that owns a majority interest in any
1747 other corporation that is the owner or operator of a landfill.

1748 (2)(3) The owner or operator of a landfill owned or
1749 operated by a local or state government or the Federal

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1750 Government shall establish a fee, or a surcharge on existing
 1751 fees or other appropriate revenue-producing mechanism, to ensure
 1752 the availability of financial resources for the proper closure
 1753 of the landfill. However, the disposal of solid waste by persons
 1754 on their own property, as described in s. 403.707(2), is exempt
 1755 from the provisions of this section.

1756 (a) The revenue-producing mechanism must produce revenue
 1757 at a rate sufficient to generate funds to meet state and federal
 1758 landfill closure requirements.

1759 (b) The revenue shall be deposited in an interest-bearing
 1760 escrow account to be held and administered by the owner or
 1761 operator. The owner or operator shall file with the department
 1762 an annual audit of the account. The audit shall be conducted by
 1763 an independent certified public accountant. Failure to collect
 1764 or report such revenue, except as allowed in subsection (3) ~~(4)~~,
 1765 is a noncriminal violation punishable by a fine of not more than
 1766 \$5,000 for each offense. The owner or operator may make
 1767 expenditures from the account and its accumulated interest only
 1768 for the purpose of landfill closure and, if such expenditures do
 1769 not deplete the fund to the detriment of eventual closure, for
 1770 planning and construction of resource recovery or landfill
 1771 facilities. Any moneys remaining in the account after paying for
 1772 proper and complete closure, as determined by the department,
 1773 shall, if the owner or operator does not operate a landfill, be
 1774 deposited by the owner or operator into the general fund or the
 1775 appropriate solid waste fund of the local government of
 1776 jurisdiction.

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1777 (c) The revenue generated under this subsection and any
1778 accumulated interest thereon may be applied to the payment of,
1779 or pledged as security for, the payment of revenue bonds issued
1780 in whole or in part for the purpose of complying with state and
1781 federal landfill closure requirements. Such application or
1782 pledge may be made directly in the proceedings authorizing such
1783 bonds or in an agreement with an insurer of bonds to assure such
1784 insurer of additional security therefor.

1785 (d) The provisions of s. 212.055 that relate to raising of
1786 revenues for landfill closure or long-term maintenance do not
1787 relieve a landfill owner or operator from the obligations of
1788 this section.

1789 (e) The owner or operator of any landfill that had
1790 established an escrow account in accordance with this section
1791 and the conditions of its permit prior to January 1, 2006, may
1792 continue to use that escrow account to provide financial
1793 assurance for closure of that landfill, even if that landfill is
1794 not owned or operated by a local or state government or the
1795 Federal Government.

1796 (3)(4) An owner or operator of a landfill owned or
1797 operated by a local or state government or by the Federal
1798 Government may provide financial assurance to establish proof of
1799 financial responsibility with the department in lieu of the
1800 requirements of subsection (2) (3). An owner or operator of any
1801 other landfill, or any other solid waste management facility
1802 designated by department rule, shall provide financial assurance
1803 to the department for the closure of the facility. Such
1804 financial assurance proof may include surety bonds, certificates

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

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1805 of deposit, securities, letters of credit, or other documents
 1806 showing that the owner or operator has sufficient financial
 1807 resources to cover, at a minimum, the costs of complying with
 1808 applicable landfill closure requirements. The owner or operator
 1809 shall estimate such costs to the satisfaction of the department.

1810 (4)~~(5)~~ This section does not repeal, limit, or abrogate
 1811 any other law authorizing local governments to fix, levy, or
 1812 charge rates, fees, or charges for the purpose of complying with
 1813 state and federal landfill closure requirements.

1814 (5)~~(6)~~ The department shall adopt rules to implement this
 1815 section.

1816 Section 21. Section 403.716, Florida Statutes, is amended
 1817 to read:

1818 403.716 Training of operators of solid waste management
 1819 and other facilities.--

1820 (1) The department shall establish qualifications for, and
 1821 encourage the development of training programs for, operators of
 1822 landfills, coordinators of local recycling programs, ~~operators~~
 1823 ~~of waste-to-energy facilities, biomedical waste incinerators,~~
 1824 ~~and mobile soil thermal treatment units or facilities,~~ and
 1825 operators of other solid waste management facilities.

1826 (2) The department shall work with accredited community
 1827 colleges, career centers, state universities, and private
 1828 institutions in developing educational materials, courses of
 1829 study, and other such information to be made available for
 1830 persons seeking to be trained as operators of solid waste
 1831 management facilities.

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1832 (3) A person may not perform the duties of an operator of
1833 a landfill, ~~or perform the duties of an operator of a waste to~~
1834 ~~energy facility, biomedical waste incinerator, or mobile soil~~
1835 ~~thermal treatment unit or facility,~~ unless she or he has
1836 completed an operator training course approved by the department
1837 or she or he has qualified as an interim operator in compliance
1838 with requirements established by the department by rule. An
1839 owner of a landfill, ~~waste to energy facility, biomedical waste~~
1840 ~~incinerator, or mobile soil thermal treatment unit or facility~~
1841 may not employ any person to perform the duties of an operator
1842 unless such person has completed an approved landfill, ~~waste to~~
1843 ~~energy facility, biomedical waste incinerator, or mobile soil~~
1844 ~~thermal treatment unit or facility~~ operator training course, as
1845 appropriate, or has qualified as an interim operator in
1846 compliance with requirements established by the department by
1847 rule. The department may establish by rule operator training
1848 requirements for other solid waste management facilities and
1849 facility operators.

1850 (4) The department has authority to adopt minimum
1851 standards and other rules pursuant to ss. 120.536(1) and 120.54
1852 to implement the provisions of this section. The department
1853 shall ensure the safe, healthy, and lawful operation of solid
1854 waste management facilities in this state. The department may
1855 establish by rule various classifications for operators to cover
1856 the need for differing levels of training required to operate
1857 various types of solid waste management facilities due to
1858 different operating requirements at such facilities.

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1859 (5) For purposes of this section, the term "operator"
1860 means any person, including the owner, who is principally
1861 engaged in, and is in charge of, the actual operation,
1862 supervision, and maintenance of a solid waste management
1863 facility and includes the person in charge of a shift or period
1864 of operation during any part of the day.

1865 Section 22. Section 403.717, Florida Statutes, is amended
1866 to read:

1867 403.717 Waste tire and lead-acid battery requirements.--

1868 (1) For purposes of this section and ss. 403.718 and
1869 403.7185:

1870 (a) "Department" means the Department of Environmental
1871 Protection.

1872 (b) "Motor vehicle" means an automobile, motorcycle,
1873 truck, trailer, semitrailer, truck tractor and semitrailer
1874 combination, or any other vehicle operated in this state, used
1875 to transport persons or property and propelled by power other
1876 than muscular power, but the term does not include traction
1877 engines, road rollers, such vehicles as run only upon a track,
1878 bicycles, mopeds, or farm tractors and trailers.

1879 (c) "Tire" means a continuous solid or pneumatic rubber
1880 covering encircling the wheel of a motor vehicle.

1881 (d) "Waste tire" means a tire that has been removed from a
1882 motor vehicle and has not been retreaded or regrooved. "Waste
1883 tire" includes, but is not limited to, used tires and processed
1884 tires. The term does not include solid rubber tires and tires
1885 that are inseparable from the rim.

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1886 (e) "Waste tire collection center" means a site where
1887 waste tires are collected from the public prior to being offered
1888 for recycling and where fewer than 1,500 tires are kept on the
1889 site on any given day.

1890 (f) "Waste tire processing facility" means a site where
1891 equipment is used to treat waste tires mechanically, chemically,
1892 or thermally so that the resulting material is a marketable
1893 product or is suitable for proper disposal ~~recapture reusable~~
1894 ~~byproducts from waste tires or to cut, burn, or otherwise alter~~
1895 ~~waste tires so that they are no longer whole.~~ The term includes
1896 mobile waste tire processing equipment.

1897 (g) "Waste tire site" means a site at which 1,500 or more
1898 waste tires are accumulated.

1899 (h) "Lead-acid battery" means a ~~these~~ lead-acid battery
1900 ~~batteries~~ designed for use in motor vehicles, vessels, and
1901 aircraft, and includes such batteries when sold new as a
1902 component part of a motor vehicle, vessel, or aircraft, but not
1903 when sold to recycle components.

1904 (i) "Indoor" means within a structure that ~~which~~ excludes
1905 rain and public access and would control air flows in the event
1906 of a fire.

1907 (j) "Processed tire" means a tire that has been treated
1908 mechanically, chemically, or thermally so that the resulting
1909 material is a marketable product or is suitable for proper
1910 disposal.

1911 (k) "Used tire" means a waste tire which has a minimum
1912 tread depth of 3/32 inch or greater and is suitable for use on a
1913 motor vehicle.

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1914 (2) The owner or operator of any waste tire site shall
 1915 provide the department with information concerning the site's
 1916 location, size, and the approximate number of waste tires that
 1917 are accumulated at the site and shall initiate steps to comply
 1918 with subsection (3).

1919 (3) (a) A person may not maintain a waste tire site unless
 1920 such site is:

1921 1. An integral part of the person's permitted waste tire
 1922 processing facility; or

1923 2. Used for the storage of waste tires prior to processing
 1924 and is located at a permitted solid waste management facility.

1925 (b) It is unlawful for any person to dispose of waste
 1926 tires or processed tires in the state except at a permitted
 1927 solid waste management facility. Collection or storage of waste
 1928 tires at a permitted waste tire processing facility or waste
 1929 tire collection center prior to processing or use does not
 1930 constitute disposal, provided that the collection and storage
 1931 complies with rules established by the department.

1932 (c) Whole waste tires may not be deposited in a landfill
 1933 as a method of ultimate disposal.

1934 (d) A person may not contract with a waste tire collector
 1935 for the transportation, disposal, or processing of waste tires
 1936 unless the collector is registered with the department or exempt
 1937 from requirements provided under this section. Any person who
 1938 contracts with a waste tire collector for the transportation of
 1939 more than 25 waste tires per month from a single business
 1940 location must maintain records for that location and make them
 1941 available for review by the department or by law enforcement

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1942 officers, which records must contain the date when the tires
1943 were transported, the quantity of tires, the registration number
1944 of the collector, and the name of the driver.

1945 (4) The department shall adopt rules to carry out the
1946 provisions of this section and s. 403.718. Such rules shall:

1947 (a) Provide for the administration or revocation of waste
1948 tire processing facility permits, including mobile processor
1949 permits;

1950 (b) Provide for the administration or revocation of waste
1951 tire collector registrations, the fees for which may not exceed
1952 \$50 per vehicle registered annually;

1953 (c) Provide for the administration or revocation of waste
1954 tire collection center permits, the fee for which may not exceed
1955 \$250 annually;

1956 (d) Set standards, including financial assurance
1957 standards, for waste tire processing facilities and associated
1958 waste tire sites, waste tire collection centers, waste tire
1959 collectors, and for the storage of waste tires and processed
1960 tires, including storage indoors;

1961 (e) The department may by rule exempt not-for-hire waste
1962 tire collectors and processing facilities from financial
1963 assurance requirements;

1964 (f) Authorize the final disposal of waste tires at a
1965 permitted solid waste disposal facility provided the tires have
1966 been cut into sufficiently small parts to assure their proper
1967 disposal; and

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1968 (g) Allow waste tire material which has been cut into
1969 sufficiently small parts to be used as daily cover material for
1970 a landfill.

1971 ~~(5) A permit is not required for tire storage at:~~

1972 ~~(a) A tire retreading business where fewer than 1,500~~
1973 ~~waste tires are kept on the business premises;~~

1974 ~~(b) A business that, in the ordinary course of business,~~
1975 ~~removes tires from motor vehicles if fewer than 1,500 of these~~
1976 ~~tires are kept on the business premises; or~~

1977 ~~(c) A retail tire selling business which is serving as a~~
1978 ~~waste tire collection center if fewer than 1,500 waste tires are~~
1979 ~~kept on the business premises.~~

1980 (5)~~(6)~~(a) The department shall encourage the voluntary
1981 establishment of waste tire collection centers at retail tire-
1982 selling businesses, waste tire processing facilities, and solid
1983 waste disposal facilities, to be open to the public for the
1984 deposit of waste tires.

1985 (b) The department is authorized to establish an
1986 incentives program for individuals to encourage them to return
1987 their waste tires to a waste tire collection center. The
1988 incentives used by the department may involve the use of
1989 discount or prize coupons, prize drawings, promotional
1990 giveaways, or other activities the department determines will
1991 promote collection, reuse, volume reduction, and proper disposal
1992 of waste tires.

1993 (c) The department may contract with a promotion company
1994 to administer the incentives program.

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1995 Section 23. Section 403.7221, Florida Statutes, is
 1996 transferred, renumbered as section 403.70715, Florida Statutes,
 1997 and amended to read:

1998 403.70715 ~~403.7221~~ Research, development, and
 1999 demonstration permits.--

2000 (1) The department may issue a research, development, and
 2001 demonstration permit to the owner or operator of any solid waste
 2002 management facility, including any hazardous waste management
 2003 facility, who proposes to utilize an innovative and experimental
 2004 solid waste treatment technology or process for which permit
 2005 standards have not been promulgated. Permits shall:

2006 (a) Provide for construction and operation of the facility
 2007 for not longer than 3 years ~~1 year~~, renewable no more than 3
 2008 times.

2009 (b) Provide for the receipt and treatment by the facility
 2010 of only those types and quantities of solid waste which the
 2011 department deems necessary for purposes of determining the
 2012 performance capabilities of the technology or process and the
 2013 effects of such technology or process on human health and the
 2014 environment.

2015 (c) Include requirements the department deems necessary
 2016 which may include monitoring, operation, testing, financial
 2017 responsibility, closure, and remedial action.

2018 (2) The department may apply the criteria set forth in
 2019 this section in establishing the conditions of each permit
 2020 without separate establishment of rules implementing such
 2021 criteria.

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2022 (3) For the purpose of expediting review and issuance of
 2023 permits under this section, the department may, consistent with
 2024 the protection of human health and the environment, modify or
 2025 waive permit application and permit issuance requirements,
 2026 except that there shall be no modification or waiver of
 2027 regulations regarding financial responsibility or of procedures
 2028 established regarding public participation.

2029 (4) The department may order an immediate termination of
 2030 all operations at the facility at any time upon a determination
 2031 that termination is necessary to protect human health and the
 2032 environment.

2033 Section 24. Subsection (2) of section 403.201, Florida
 2034 Statutes, is amended to read:

2035 403.201 Variances.--

2036 (2) No variance shall be granted from any provision or
 2037 requirement concerning discharges of waste into waters of the
 2038 state or hazardous waste management which would result in the
 2039 provision or requirement being less stringent than a comparable
 2040 federal provision or requirement, except as provided in s.
 2041 403.70715 ~~s. 403.7221~~.

2042 Section 25. Section 403.722, Florida Statutes, is amended
 2043 to read:

2044 403.722 Permits; hazardous waste disposal, storage, and
 2045 treatment facilities.--

2046 (1) Each person who intends to or is required to
 2047 construct, modify, operate, or close a hazardous waste disposal,
 2048 storage, or treatment facility shall obtain a construction
 2049 permit, operation permit, postclosure permit, clean closure plan

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2050 approval, or corrective action permit from the department prior
2051 to constructing, modifying, operating, or closing the facility.
2052 By rule, the department may provide for the issuance of a single
2053 permit instead of any two or more hazardous waste facility
2054 permits.

2055 (2) Any owner or operator of a hazardous waste facility in
2056 operation on the effective date of the department rule listing
2057 and identifying hazardous wastes shall file an application for a
2058 temporary operation permit within 6 months after the effective
2059 date of such rule. The department, upon receipt of a properly
2060 completed application, shall identify any department rules which
2061 are being violated by the facility and shall establish a
2062 compliance schedule. However, if the department determines that
2063 an imminent hazard exists, the department may take any necessary
2064 action pursuant to s. 403.726 to abate the hazard. The
2065 department shall issue a temporary operation permit to such
2066 facility within the time constraints of s. 120.60 upon
2067 submission of a properly completed application which is in
2068 conformance with this subsection. Temporary operation permits
2069 for such facilities shall be issued for up to 3 years only. Upon
2070 termination of the temporary operation permit and upon proper
2071 application by the facility owner or operator, the department
2072 shall issue an operation permit for such existing facilities if
2073 the applicant has corrected all of the deficiencies identified
2074 in the temporary operation permit and is in compliance with all
2075 other rules adopted pursuant to this act.

2076 (3) ~~Permit~~ Applicants shall provide any information that
2077 ~~which~~ will enable the department to determine that the proposed

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2078 construction, modification, operation, ~~or~~ closure, or corrective
2079 action will comply with this act and any applicable rules. In no
2080 instance shall any person construct, modify, operate, or close a
2081 facility or perform corrective actions at a facility in
2082 contravention of the standards, requirements, or criteria for a
2083 hazardous waste facility. Authorizations ~~Permits~~ issued under
2084 this section may include any permit conditions necessary to
2085 achieve compliance with applicable hazardous waste rules and
2086 necessary to protect human health and the environment.

2087 (4) The department may require, in an ~~a~~ ~~permit~~
2088 application, submission of information concerning matters
2089 specified in s. 403.721(6) as well as information respecting:

2090 (a) Estimates of the composition, quantity, and
2091 concentration of any hazardous waste identified or listed under
2092 this act or combinations of any such waste and any other solid
2093 waste, ~~proposed to be disposed of, treated, transported, or~~
2094 stored and the time, frequency, or rate at which such waste is
2095 proposed to be disposed of, treated, transported, or stored; and

2096 (b) The site to which such hazardous waste or the products
2097 of treatment of such hazardous waste will be transported and at
2098 which it will be disposed of, treated, or stored.

2099 (5) An authorization ~~A permit~~ issued pursuant to this
2100 section is not a vested right. The department may revoke or
2101 modify any such authorization ~~permit~~.

2102 (a) Authorizations ~~Permits~~ may be revoked for failure of
2103 the holder to comply with the provisions of this act, the terms
2104 of the authorization ~~permit~~, the standards, requirements, or
2105 criteria adopted pursuant to this act, or an order of the

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2106 | department; for refusal by the holder to allow lawful
 2107 | inspection; for submission by the holder of false or inaccurate
 2108 | information in the permit application; or if necessary to
 2109 | protect the public health or the environment.

2110 | (b) Authorizations ~~Permits~~ may be modified, upon request
 2111 | of the holder ~~permittee~~, if such modification is not in
 2112 | violation of this act or department rules or if the department
 2113 | finds the modification necessary to enable the facility to
 2114 | remain in compliance with this act and department rules.

2115 | (c) An owner or operator of a hazardous waste facility in
 2116 | existence on the effective date of a department rule changing an
 2117 | exemption or listing and identifying the hazardous wastes that
 2118 | ~~which~~ require that facility to be permitted who notifies the
 2119 | department pursuant to s. 403.72, and who has applied for a
 2120 | permit pursuant to subsection (2), may continue to operate until
 2121 | ~~be~~ issued a temporary operation permit. If such owner or
 2122 | operator intends to or is required to discontinue operation, the
 2123 | temporary operation permit must include final closure
 2124 | conditions.

2125 | (6) A hazardous waste facility permit issued pursuant to
 2126 | this section shall satisfy the permit requirements of s.
 2127 | 403.707(1). The permit exemptions provided in s. 403.707(2)
 2128 | shall not apply to hazardous waste.

2129 | (7) The department may establish ~~permit~~ application
 2130 | procedures for hazardous waste facilities, which procedures may
 2131 | vary based on differences in amounts, types, and concentrations
 2132 | of hazardous waste and on differences in the size and location
 2133 | of facilities and which procedures may take into account

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2134 | permitting procedures of other laws not in conflict with this
2135 | act.

2136 | (8) For authorizations ~~permits~~ required by this section,
2137 | the department may require that a fee be paid and may establish,
2138 | by rule, a fee schedule based on the degree of hazard and the
2139 | amount and type of hazardous waste disposed of, stored, or
2140 | treated at the facility.

2141 | (9) It shall not be a requirement for the issuance of ~~such~~
2142 | a hazardous waste authorization ~~permit~~ that the facility
2143 | complies with an adopted local government comprehensive plan,
2144 | local land use ordinances, zoning ordinances or regulations, or
2145 | other local ordinances. However, such an authorization ~~a permit~~
2146 | issued by the department shall not override adopted local
2147 | government comprehensive plans, local land use ordinances,
2148 | zoning ordinances or regulations, or other local ordinances.

2149 | (10) Notwithstanding ss. 120.60(1) and 403.815:

2150 | (a) The time specified by law for permit review shall be
2151 | tolled by the request of the department for publication of
2152 | notice of proposed agency action to issue a permit for a
2153 | hazardous waste treatment, storage, or disposal facility and
2154 | shall resume 45 days after receipt by the department of proof of
2155 | publication. If, within 45 days after publication of the notice
2156 | of the proposed agency action, the department receives written
2157 | notice of opposition to the intention of the agency to issue
2158 | such permit and receives a request for a hearing, the department
2159 | shall provide for a hearing pursuant to ss. 120.569 and 120.57,
2160 | if requested by a substantially affected party, or an informal
2161 | public meeting, if requested by any other person. The failure to

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2162 request a hearing within 45 days after publication of the notice
2163 of the proposed agency action constitutes a waiver of the right
2164 to a hearing under ss. 120.569 and 120.57. The permit review
2165 time period shall continue to be tolled until the completion of
2166 such hearing or meeting and shall resume within 15 days after
2167 conclusion of a public hearing held on the application or within
2168 45 days after the recommended order is submitted to the agency
2169 and the parties, whichever is later.

2170 (b) Within 60 days after receipt of an application for a
2171 hazardous waste facility permit, the department shall examine
2172 the application, notify the applicant of any apparent errors or
2173 omissions, and request any additional information the department
2174 is permitted by law to require. The failure to correct an error
2175 or omission or to supply additional information shall not be
2176 grounds for denial of the permit unless the department timely
2177 notified the applicant within the 60-day period, except that
2178 this paragraph does not prevent the department from denying an
2179 application if the department does not possess sufficient
2180 information to ensure that the facility is in compliance with
2181 applicable statutes and rules.

2182 (c) The department shall approve or deny each hazardous
2183 waste facility permit within 135 days after receipt of the
2184 original application or after receipt of the requested
2185 additional information or correction of errors or omissions.
2186 However, the failure of the department to approve or deny within
2187 the 135-day time period does not result in the automatic
2188 approval or denial of the permit and does not prevent the
2189 inclusion of specific permit conditions which are necessary to

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

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2190 ensure compliance with applicable statutes and rules. If the
 2191 department fails to approve or deny the permit within the 135-
 2192 day period, the applicant may petition for a writ of mandamus to
 2193 compel the department to act consistently with applicable
 2194 regulatory requirements.

2195 (11) Hazardous waste facility operation permits shall be
 2196 issued for no more than 5 years.

2197 (12) On the same day of filing with the department of an
 2198 application for a permit for the construction modification, or
 2199 operation of a hazardous waste facility, the applicant shall
 2200 notify each city and county within 1 mile of the facility of the
 2201 filing of the application and shall publish notice of the filing
 2202 of the application. The applicant shall publish a second notice
 2203 of the filing within 14 days after the date of filing. Each
 2204 notice shall be published in a newspaper of general circulation
 2205 in the county in which the facility is located or is proposed to
 2206 be located. Notwithstanding the provisions of chapter 50, for
 2207 purposes of this section, a "newspaper of general circulation"
 2208 shall be the newspaper within the county in which the
 2209 installation or facility is proposed which has the largest daily
 2210 circulation in that county and has its principal office in that
 2211 county. If the newspaper with the largest daily circulation has
 2212 its principal office outside the county, the notice shall appear
 2213 in both the newspaper with the largest daily circulation in that
 2214 county, and a newspaper authorized to publish legal notices in
 2215 that county. The notice shall contain:

2216 (a) The name of the applicant and a brief description of
 2217 the project and its location.

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2218 (b) The location of the application file and when it is
2219 available for public inspection.

2220
2221 The notice shall be prepared by the applicant and shall comply
2222 with the following format:

2223
2224 Notice of Application

2225
2226 The Department of Environmental Protection announces receipt of
2227 an application for a permit from (name of applicant) to (brief
2228 description of project). This proposed project will be located
2229 at (location) in (county) (city).

2230
2231 This application is being processed and is available for public
2232 inspection during normal business hours, 8:00 a.m. to 5:00 p.m.,
2233 Monday through Friday, except legal holidays, at (name and
2234 address of office).

2235
2236 (13) A permit for the construction, modification, or
2237 operation of a hazardous waste facility which initially was
2238 issued under authority of this section, may not be transferred
2239 by the permittee to any other entity, except in conformity with
2240 the requirements of this subsection.

2241 (a) At least 30 days prior to the sale or legal transfer
2242 of a permitted facility, the permittee shall file with the
2243 department an application for transfer of the permits on such
2244 form as the department shall establish by rule. The form must be

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2245 completed with the notarized signatures of both the transferring
2246 permittee and the proposed permittee.

2247 (b) The department shall approve the transfer of a permit
2248 unless it determines that the proposed permittee has not
2249 provided reasonable assurances that the proposed permittee has
2250 the administrative, technical, and financial capability to
2251 properly satisfy the requirements and conditions of the permit,
2252 as determined by department rule. The determination shall be
2253 limited solely to the ability of the proposed permittee to
2254 comply with the conditions of the existing permit, and it shall
2255 not concern the adequacy of the permit conditions. If the
2256 department proposes to deny the transfer, it shall provide both
2257 the transferring permittee and the proposed permittee a written
2258 objection to such transfer together with notice of a right to
2259 request a proceeding on such determination under chapter 120.

2260 (c) Within 90 days after receiving a properly completed
2261 application for transfer of permit, the department shall issue a
2262 final determination. The department may toll the time for making
2263 a determination on the transfer by notifying both the
2264 transferring permittee and the proposed permittee that
2265 additional information is required to adequately review the
2266 transfer request. Such notification shall be served within 30
2267 days after receipt of an application for transfer of permit,
2268 completed pursuant to paragraph (a). However, the failure of the
2269 department to approve or deny within the 90-day time period does
2270 not result in the automatic approval or denial of the transfer.
2271 If the department fails to approve or deny the transfer within
2272 the 90-day period, the applicant may petition for a writ of

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2273 mandamus to compel the department to act consistently with
2274 applicable regulatory requirements.

2275 (d) The transferring permittee is encouraged to apply for
2276 a permit transfer well in advance of the sale or legal transfer
2277 of a permitted facility. However, the transfer or the permit
2278 shall not be effective prior to the sale or legal transfer of
2279 the facility.

2280 (e) Until the transfer of the permit is approved by the
2281 department, the transferring permittee and any other person
2282 constructing, operating, or maintaining the permitted facility
2283 shall be liable for compliance with the terms of the permit.
2284 Nothing in this section shall relieve the transferring permittee
2285 of liability for corrective actions that may be required as a
2286 result of any violations occurring prior to the legal transfer
2287 of the permit.

2288 Section 26. Subsection (2) of section 403.7226, Florida
2289 Statutes, is amended to read:

2290 403.7226 Technical assistance by the department.--The
2291 department shall:

2292 (2) Identify short-term needs and long-term needs for
2293 hazardous waste management for the state on the basis of the
2294 information gathered through the local hazardous waste
2295 management assessments and other information from state and
2296 federal regulatory agencies and sources. The state needs
2297 assessment must be ongoing and must be updated when new data
2298 concerning waste generation and waste management technologies
2299 become available. ~~The department shall annually send a copy of
2300 this assessment to the Governor and to the Legislature.~~

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2301 Section 27. Subsection (3) of section 403.724, Florida
2302 Statutes, is amended to read:

2303 403.724 Financial responsibility.--

2304 (3) The amount of financial responsibility required shall
2305 be approved by the department upon each issuance, renewal, or
2306 modification of a hazardous waste facility authorization ~~permit~~.
2307 Such factors as inflation rates and changes in operation may be
2308 considered when approving financial responsibility for the
2309 duration of the authorization ~~permit~~. The Office of Insurance
2310 Regulation of the Department of Financial Services ~~Commission~~
2311 shall be available to assist the department in making this
2312 determination. In approving or modifying the amount of financial
2313 responsibility, the department shall consider:

2314 (a) The amount and type of hazardous waste involved;

2315 (b) The probable damage to human health and the
2316 environment;

2317 (c) The danger and probable damage to private and public
2318 property near the facility;

2319 (d) The probable time that the hazardous waste and
2320 facility involved will endanger the public health, safety, and
2321 welfare or the environment; and

2322 (e) The probable costs of properly closing the facility
2323 and performing corrective action.

2324 Section 28. Section 403.7255, Florida Statutes, is amended
2325 to read:

2326 403.7255 Placement of signs ~~Department to adopt rules~~.--

2327 (1) ~~The department shall adopt rules which establish~~
2328 ~~requirements and procedures for the placement of Signs~~ must be

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2329 | placed by the owner or operator at sites which may have been
 2330 | ~~contaminated by hazardous wastes. Sites shall include any site~~
 2331 | in the state which ~~that~~ is listed or proposed for listing on the
 2332 | Superfund Site List of the United States Environmental
 2333 | Protection Agency or any site identified by the department as a
 2334 | ~~suspected or confirmed contaminated~~ site contaminated by
 2335 | hazardous waste where there is ~~may be~~ a risk of exposure to the
 2336 | public. The requirements of this section shall not apply to
 2337 | sites reported under ss. 376.3071 and 376.3072. The department
 2338 | shall establish requirements and procedures for the placement of
 2339 | signs, and may do so in rules, permits, orders, or other
 2340 | authorizations. The authorization ~~rules~~ shall establish the
 2341 | appropriate size for such signs, which size shall be no smaller
 2342 | than 2 feet by 2 feet, and shall provide in clearly legible
 2343 | print appropriate warning language for the waste or other
 2344 | materials at the site and a telephone number which may be called
 2345 | for further information.

2346 | (2) Violations of this act are punishable as provided in
 2347 | s. 403.161(4).

2348 | (3) The provisions of this act are independent of and
 2349 | cumulative to any other requirements and remedies in this
 2350 | chapter or chapter 376, or any rules promulgated thereunder.

2351 | Section 29. Subsection (5) of section 403.726, Florida
 2352 | Statutes, is amended to read:

2353 | 403.726 Abatement of imminent hazard caused by hazardous
 2354 | substance.--

2355 | (5) The department may issue a permit or order requiring
 2356 | prompt abatement of an imminent hazard.

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2357 Section 30. Subsection (8) of section 403.7265, Florida
2358 Statutes, is amended to read:

2359 403.7265 Local hazardous waste collection program.--

2360 (8) The department has the authority to establish an
2361 additional local project grant program enabling a local
2362 hazardous waste collection center grantee to receive funding for
2363 unique projects that improve the collection and lower the
2364 incidence of improper management of conditionally exempt or
2365 household hazardous waste. Eligible local governments may
2366 receive up to \$50,000 in grant funds for these unique and
2367 innovative projects, provided they match 25 percent of the grant
2368 amount. If the department finds that the project has statewide
2369 applicability and immediate benefits to other local hazardous
2370 waste collection programs in the state, matching funds are not
2371 required. This grant will not count toward the \$100,000 maximum
2372 grant amount for development of a collection center.

2373 Section 31. Section 403.885, Florida Statutes, is amended
2374 to read:

2375 403.885 Water Projects ~~Stormwater management; wastewater~~
2376 ~~management; and Water Restoration~~ Grant Program.--

2377 (1) The Department of Environmental Protection shall
2378 administer a grant program to use funds transferred pursuant to
2379 s. 212.20 to the Ecosystem Management and Restoration Trust Fund
2380 or other moneys as appropriated by the Legislature for
2381 stormwater management, wastewater management, ~~and~~ water
2382 restoration, and other water projects as specifically
2383 appropriated by the Legislature ~~project grants.~~ Eligible
2384 recipients of such grants include counties, municipalities,

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2385 water management districts, and special districts that have
2386 legal responsibilities for water quality improvement, water
2387 management, storm water management, wastewater management, and
2388 lake and river water restoration projects. ~~Drinking water~~
2389 ~~projects are not eligible for funding pursuant to this section.~~

2390 (2) The grant program shall provide for the evaluation of
2391 annual grant proposals. The department shall evaluate such
2392 proposals to determine if they:

2393 (a) Protect public health and the environment.

2394 (b) Implement plans developed pursuant to the Surface
2395 Water Improvement and Management Act created in part IV of
2396 chapter 373, other water restoration plans required by law,
2397 management plans prepared pursuant to s. 403.067, or other plans
2398 adopted by local government for water quality improvement and
2399 water restoration.

2400 ~~(3) In addition to meeting the criteria in subsection (2),~~
2401 ~~annual grant proposals must also meet the following~~
2402 ~~requirements:~~

2403 ~~(a) An application for a stormwater management project may~~
2404 ~~be funded only if the application is approved by the water~~
2405 ~~management district with jurisdiction in the project area.~~
2406 ~~District approval must be based on a determination that the~~
2407 ~~project provides a benefit to a priority water body.~~

2408 ~~(b) Except as provided in paragraph (c), an application~~
2409 ~~for a wastewater management project may be funded only if:~~

2410 1. ~~The project has been funded previously through a line~~
2411 ~~item in the General Appropriations Act; and~~

2412 2. ~~The project is under construction.~~

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2413 ~~(c) An application for a wastewater management project~~
 2414 ~~that would qualify as a water pollution control project and~~
 2415 ~~activity in s. 403.1838 may be funded only if the project~~
 2416 ~~sponsor has submitted an application to the department for~~
 2417 ~~funding pursuant to that section.~~

2418 ~~(4) All project applicants must provide local matching~~
 2419 ~~funds as follows:~~

2420 ~~(a) An applicant for state funding of a stormwater~~
 2421 ~~management project shall provide local matching funds equal to~~
 2422 ~~at least 50 percent of the total cost of the project; and~~

2423 ~~(b) An applicant for state funding of a wastewater~~
 2424 ~~management project shall provide matching funds equal to at~~
 2425 ~~least 25 percent of the total cost of the project.~~

2426
 2427 ~~The requirement for matching funds may be waived if the~~
 2428 ~~applicant is a financially disadvantaged small local government~~
 2429 ~~as defined in subsection (5).~~

2430 ~~(5) Each fiscal year, at least 20 percent of the funds~~
 2431 ~~available pursuant to this section shall be used for projects to~~
 2432 ~~assist financially disadvantaged small local governments. For~~
 2433 ~~purposes of this section, the term "financially disadvantaged~~
 2434 ~~small local government" means a municipality having a population~~
 2435 ~~of 7,500 or less, a county having a population of 35,000 or~~
 2436 ~~less, according to the latest decennial census and a per capita~~
 2437 ~~annual income less than the state per capita annual income as~~
 2438 ~~determined by the United States Department of Commerce, or a~~
 2439 ~~county in an area designated by the Governor as a rural area of~~
 2440 ~~critical economic concern pursuant to s. 288.0656. Grants made~~

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2441 ~~to these eligible local governments shall not require matching~~
2442 ~~local funds.~~

2443 ~~(6) Each year, stormwater management and wastewater~~
2444 ~~management projects submitted for funding through the~~
2445 ~~legislative process shall be submitted to the department by the~~
2446 ~~appropriate fiscal committees of the House of Representatives~~
2447 ~~and the Senate. The department shall review the projects and~~
2448 ~~must provide each fiscal committee with a list of projects that~~
2449 ~~appear to meet the eligibility requirements under this grant~~
2450 ~~program.~~

2451 Section 32. Paragraph (e) of subsection (3) of section
2452 373.1961, Florida Statutes, is amended to read:

2453 373.1961 Water production; general powers and duties;
2454 identification of needs; funding criteria; economic incentives;
2455 reuse funding.--

2456 (3) FUNDING.--

2457 (e) Applicants for projects that may receive funding
2458 assistance pursuant to the Water Protection and Sustainability
2459 Program shall, at a minimum, be required to pay 60 percent of
2460 the project's construction costs. The water management districts
2461 may, at their discretion, totally or partially waive this
2462 requirement for projects sponsored by financially disadvantaged
2463 small local governments ~~as defined in s. 403.885(4)~~. The water
2464 management districts or basin boards may, at their discretion,
2465 use ad valorem or federal revenues to assist a project applicant
2466 in meeting the requirements of this paragraph.

2467 Section 33. Sections 403.7075, 403.756, 403.78, 403.781,
2468 403.782, 403.783, 403.784, 403.7841, 403.7842, 403.785, 403.786,

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2469 403.787, 403.7871, 403.7872, 403.7873, 403.788, 403.7881,
2470 403.789, 403.7891, 403.7892, 403.7893, and 403.7895, Florida
2471 Statutes, are repealed.

2472 Section 34. (1)(a) The Department of Environmental
2473 Protection shall conduct a study to determine the various
2474 sources of nitrogen input into the Wekiva River and associated
2475 springs contributing water to the river. The Department of
2476 Environmental Protection shall prepare a report recommending
2477 actions to be taken by the Department of Environmental
2478 Protection and the St. Johns Water Management District that will
2479 provide the best use of economic resources to reduce nitrogen
2480 input into the river and associated springs.

2481 (b) The Department of Health shall contract with an
2482 independent entity for a study to determine the sources of
2483 nitrogen input from onsite sewage treatment and disposal systems
2484 into the Wekiva River and associated springs. The study shall
2485 measure the concentration of nitrates in the soil 10 feet and 20
2486 feet below the drainfield of the onsite sewage treatment and
2487 disposal systems. The contract shall require the entity to
2488 submit a report to the Department of Health describing the
2489 locations of such sources and the nitrate amounts contributed by
2490 such sources and containing recommendations to reduce or
2491 eliminate nitrogen input from such sources. Rulemaking required
2492 by s. 369.318(2), Florida Statutes, shall be suspended until the
2493 completion of this study.

2494 (c) The Department of Environmental Protection and the
2495 Department of Health shall submit copies of the reports to the
2496 President of the Senate and the Speaker of the House of

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2497 Representatives before the 2007 Regular Session of the
2498 Legislature.

2499 (2) The Department of Health shall develop rules for a
2500 model proposal for the operation and maintenance of onsite
2501 sewage treatment and disposal systems within the Wekiva Study
2502 Area or the Wekiva River Protection Area. At a minimum, the
2503 rules shall require each property owner in the Wekiva Study Area
2504 or the Wekiva River Protection Area that has an onsite sewage
2505 treatment and disposal system to pump out the system at least
2506 once every 5 years.

2507 (3) The sum of \$250,000 is appropriated from the General
2508 Revenue Fund to the Department of Environmental Protection for
2509 the 2006-2007 fiscal year to be used by the department to
2510 conduct the study required under paragraph (1) (a).

2511 (4) The sum of \$250,000 is appropriated from the General
2512 Revenue Fund to the Department of Health for the 2006-2007
2513 fiscal year to be used by the department to contract for the
2514 independent study required under paragraph (1) (b).

2515 Section 35. This act shall take effect July 1, 2006.