

1
2 An act relating to environmental protection;
3 amending s. 320.08058, F.S.; requiring that the
4 proceeds of the fees paid for Wildflower
5 license plates be distributed to the Florida
6 Wildflower Foundation, Inc.; specifying uses of
7 the proceeds; requiring that such proceeds be
8 distributed to the Department of Agriculture
9 and Consumer Services under certain
10 circumstances; amending s. 403.413, F.S.;
11 clarifying who is liable for dumping under the
12 Florida Litter Law; amending s. 403.4131, F.S.;
13 deleting the provisions relating to Keep
14 Florida Beautiful, Inc.; encouraging additional
15 counties to develop a regional approach to
16 coordinating litter control and prevention
17 programs; deleting certain requirements for
18 litter reduction and a litter survey; deleting
19 the provisions relating to the Wildflower
20 Advisory Council; amending s. 403.41315, F.S.;
21 conforming provisions to changes made to the
22 Keep Florida Beautiful, Inc., program; amending
23 s. 403.4133, F.S.; placing the Adopt-a-Shore
24 Program within the Department of Environmental
25 Protection; amending s. 403.703, F.S.;
26 reordering definitions in alphabetical order;
27 clarifying certain definitions and deleting
28 definitions that are not used; amending s.
29 403.704, F.S.; deleting obsolete provisions
30 relating to the state solid waste management
31 program; amending s. 403.7043, F.S.; deleting

1 | obsolete and conflicting provisions relating to
2 | compost standards; amending s. 403.7045, F.S.;
3 | prohibiting the regulation of industrial
4 | byproducts under certain circumstances;
5 | conforming a cross-reference; clarifying
6 | provisions governing dredged material; amending
7 | s. 403.705, F.S., relating to the state solid
8 | waste management program; conforming a
9 | cross-reference; amending s. 403.7061, F.S.;
10 | authorizing the Department of Environmental
11 | Protection to initiate rulemaking regarding
12 | waste-to-energy facilities; deleting a
13 | requirement to initiate such rulemaking;
14 | amending s. 403.707, F.S.; authorizing the
15 | Department of Environmental Preservation to
16 | exempt certain facilities from the requirement
17 | for a permit; authorizing the department to
18 | include certain licenses in a permit; deleting
19 | certain obsolete provisions; removing a
20 | requirement concerning groundwater monitoring
21 | of certain facilities; extending the time
22 | period for a public hearing when a local
23 | government seeks to exempt certain material
24 | from the definition of construction and
25 | demolition debris; specifying conditions,
26 | following the transfer of ownership or control
27 | of a solid waste facility, which must be met
28 | before the transferee may operate the facility;
29 | specifying criteria concerning an application
30 | to the Department of Environmental Protection
31 | to transfer an operating permit for a solid

1 waste facility; specifying responsibilities for
2 complying with permit requirements, including
3 financial-assurance requirements, when
4 ownership or control of a solid waste facility
5 is transferred; authorizing rulemaking by the
6 department; creating s. 403.7071, F.S.;
7 providing for the management and disposal of
8 certain storm-generated debris; amending s.
9 403.708, F.S.; deleting obsolete provisions and
10 clarifying provisions governing landfills;
11 amending s. 403.709, F.S.; revising the
12 provisions relating to the distribution of the
13 waste tire fees for litter prevention and
14 control; providing for expiration and
15 enforcement of a lien on real property
16 concerning compliance with waste-tire
17 requirements; amending s. 403.7095, F.S.,
18 relating to the solid waste management grant
19 program; specifying what constitutes an
20 innovative grant; conforming a cross-reference;
21 amending s. 403.7125, F.S.; deleting certain
22 definitions that appear elsewhere in law;
23 clarifying requirements concerning financial
24 assurance for closure of a landfill; amending
25 s. 403.716, F.S.; deleting provisions relating
26 to the training and employment of certain
27 facility operators; amending s. 403.717, F.S.;
28 clarifying provisions relating to waste tires
29 and the processing of waste tires;
30 transferring, renumbering, and amending s.
31 403.7221, F.S.; increasing the duration of

1 certain research, development, and
2 demonstration permits; authorizing issuance of
3 such a permit to a hazardous waste management
4 facility; amending s. 403.722, F.S.; clarifying
5 provisions relating to who is required to
6 obtain certain hazardous waste permits;
7 providing for operation or closure of certain
8 existing facilities that must, due to a rule
9 change, be permitted as hazardous waste
10 facilities; amending s. 403.7226, F.S.;
11 deleting a requirement to submit an annual
12 state assessment concerning needs for hazardous
13 waste management; amending s. 403.724, F.S.;
14 clarifying certain financial-assurance
15 provisions; amending s. 403.7255, F.S.;
16 revising requirements regarding signs to notify
17 the public about hazardous waste contamination
18 of certain sites; amending s. 403.726, F.S.;
19 authorizing the Department of Environmental
20 Protection to issue an order to abate certain
21 hazards; amending s. 403.7265, F.S.; deleting
22 provisions requiring a statewide local
23 hazardous waste management plan; requiring a
24 local government to provide matching funds for
25 grants concerning conditionally exempt or
26 household hazardous waste under certain
27 conditions; repealing s. 403.7075, F.S.,
28 relating to the submission of a plan or
29 application for certain permits for a solid
30 waste management facility; repealing s.
31 403.756, F.S., relating to an annual used-oil

1 report; repealing s. 403.7895, F.S., relating
2 to permitting and a certification of need for a
3 commercial hazardous waste incinerator;
4 repealing ss. 403.78, 403.781, 403.782,
5 403.783, 403.784, 403.7841, 403.7842, 403.785,
6 403.786, 403.787, 403.7871, 403.7872, 403.7873,
7 403.788, 403.7881, 403.789, 403.7891, 403.7892,
8 and 403.7893, F.S., relating to the Statewide
9 Multipurpose Hazardous Waste Facility Siting
10 Act; providing an effective date.

11

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

13

14 Section 1. Subsection (28) of section 320.08058,
15 Florida Statutes, is amended to read:

16 320.08058 Specialty license plates.--

17 (28) FLORIDA WILDFLOWER LICENSE PLATES.--

18 (a) The department shall develop a Florida Wildflower
19 license plate as provided in this section. The word "Florida"
20 must appear at the top of the plate, and the words "State
21 Wildflower" and "coreopsis" must appear at the bottom of the
22 plate.23 (b) The annual use fees shall be distributed to the
24 Florida Wildflower Foundation, Inc., a nonprofit corporation
25 under s. 501(c)(3) of the Internal Revenue Code ~~Wildflower~~
26 ~~Account established by Keep Florida Beautiful, Inc., created~~
27 ~~by s. 403.4131.~~ The proceeds must be used to establish native
28 Florida wildflower research programs, wildflower educational
29 programs, and wildflower grant programs to municipal, county,
30 and community-based groups in this state.

31

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

5 2. A maximum of ~~15~~ 10 percent of the proceeds from the
6 sale of such plates may be used for administrative ~~and~~
7 marketing costs.

8 3. If the Florida Wildflower Foundation, Inc., ceases
9 to be an active nonprofit corporation under s. 501(c)(3) of
10 the Internal Revenue Code, the proceeds from the annual use
11 fee shall be deposited into the General Inspection Trust Fund
12 created within the Department of Agriculture and Consumer
13 Services. Any funds held by the Florida Wildflower Foundation,
14 Inc., must be promptly transferred to the General Inspection
15 Trust Fund. The Department of Agriculture and Consumer
16 Services shall use and administer the proceeds from the use
17 fee in the manner specified in this paragraph.

18 Section 2. Subsection (4) of section 403.413, Florida
19 Statutes, is amended to read:

20 403.413 Florida Litter Law.--

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

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

31

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

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

11 Section 3. Section 403.4131, Florida Statutes, is
12 amended to read:

13 403.4131 Litter control "~~Keep Florida Beautiful,~~
14 ~~Incorporated~~"; ~~placement of signs.--~~

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

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

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

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

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

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

10 ~~(d) Developing educational programs and materials that~~
11 ~~promote the proper management of solid waste, including the~~
12 ~~proper disposal of litter.~~

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

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

28 (2)(4) The Department of Transportation shall place
29 signs discouraging litter at all off-ramps of the interstate
30 highway system in the state. The department shall place other
31 highway signs as necessary to discourage littering ~~through use~~

1 ~~of the antilitter program developed by Keep Florida Beautiful,~~
2 ~~Incorporated.~~

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

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

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

30 ~~(8)~~ ~~The Legislature establishes a litter reduction~~
31 ~~goal of 50 percent reduction from the period January 1, 1994,~~

1 ~~to January 1, 1997. The method of determination used to~~
2 ~~measure the reduction in litter is the survey conducted by the~~
3 ~~Center for Solid and Hazardous Waste Management. The center~~
4 ~~shall consider existing litter survey methodologies.~~

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

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

1 ~~Department of Environmental Protection, the Florida League of~~
2 ~~Cities, and the Florida Association of Counties. Other members~~
3 ~~of the committee may include representatives from the Florida~~
4 ~~Federation of Garden Clubs, Inc., Think Beauty Foundation, the~~
5 ~~Florida Chapter of the American Society of Landscape~~
6 ~~Architects, Inc., and a representative of the Master~~
7 ~~Gardener's Program.~~

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

15 Section 4. Paragraphs (a) and (j) of subsection (2) of
16 section 403.41315, Florida Statutes, are amended to read:

17 403.41315 Comprehensive illegal dumping, litter, and
18 marine debris control and prevention.--

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

22 (a) A local ~~statewide~~ public awareness and educational
23 campaign, ~~coordinated by Keep Florida Beautiful, Incorporated,~~
24 to educate individuals, government, businesses, and other
25 organizations concerning the role they must assume in
26 preventing and controlling litter.

27 (j) Other educational programs that are implemented at
28 the grassroots level ~~coordinated through Keep Florida~~
29 ~~Beautiful, Inc.,~~ involving volunteers and community programs
30 that clean up and prevent litter, including Youth Conservation
31 Corps activities.

1 Section 5. Subsection (2) of section 403.4133, Florida
2 Statutes, is amended to read:

3 403.4133 Adopt-a-Shore Program.--

4 (2) The Adopt-a-Shore Program shall be created within
5 the Department of Environmental Protection ~~nonprofit~~
6 ~~organization referred to in s. 403.4131(1), named Keep Florida~~
7 ~~Beautiful, Incorporated.~~ The program shall be designed to
8 educate the state's citizens and visitors about the importance
9 of litter prevention and shall include approaches and
10 techniques to remove litter from the state's shorelines.

11 Section 6. Section 403.703, Florida Statutes, is
12 amended to read:

13 (Substantial rewording of section. See

14 s. 403.703, F.S., for present text.)

15 403.703 Definitions.--As used in this part, the term:

16 (1) "Ash residue" has the same meaning as in the
17 department rule governing solid waste combustors which defines
18 the term.

19 (2) "Biomedical waste" means any solid waste or liquid
20 waste that may present a threat of infection to humans. The
21 term includes, but is not limited to, nonliquid human tissue
22 and body parts; laboratory and veterinary waste that contains
23 human-disease-causing agents; discarded disposable sharps;
24 human blood and human blood products and body fluids; and
25 other materials that in the opinion of the Department of
26 Health represent a significant risk of infection to persons
27 outside the generating facility. The term does not include
28 human remains that are disposed of by persons licensed under
29 chapter 497.

30 (3) "Biological waste" means solid waste that causes
31 or has the capability of causing disease or infection and

1 includes, but is not limited to, biomedical waste, diseased or
2 dead animals, and other wastes capable of transmitting
3 pathogens to humans or animals. The term does not include
4 human remains that are disposed of by persons licensed under
5 chapter 497.

6 (4) "Clean debris" means any solid waste that is
7 virtually inert, that is not a pollution threat to groundwater
8 or surface waters, that is not a fire hazard, and that is
9 likely to retain its physical and chemical structure under
10 expected conditions of disposal or use. The term includes
11 uncontaminated concrete, including embedded pipe or steel,
12 brick, glass, ceramics, and other wastes designated by the
13 department.

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

19 (6) "Construction and demolition debris" means
20 discarded materials generally considered to be not
21 water-soluble and nonhazardous in nature, including, but not
22 limited to, steel, glass, brick, concrete, asphalt roofing
23 material, pipe, gypsum wallboard, and lumber, from the
24 construction or destruction of a structure as part of a
25 construction or demolition project or from the renovation of a
26 structure, and includes rocks, soils, tree remains, trees, and
27 other vegetative matter that normally results from land
28 clearing or land-development operations for a construction
29 project, including such debris from construction of structures
30 at a site remote from the construction or demolition project
31 site. Mixing of construction and demolition debris with other

1 types of solid waste will cause the resulting mixture to be
2 classified as other than construction and demolition debris.

3 The term also includes:

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

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

9 (c) Scrap from manufacturing facilities which is the
10 type of material generally used in construction projects and
11 which would meet the definition of construction and demolition
12 debris if it were generated as part of a construction or
13 demolition project. This includes debris from the construction
14 of manufactured homes and scrap shingles, wallboard, siding
15 concrete, and similar materials from industrial or commercial
16 facilities; and

17 (d) De minimis amounts of other nonhazardous wastes
18 that are generated at construction or destruction projects,
19 provided such amounts are consistent with best management
20 practices of the industry.

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

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

27 (9) "Disposal" means the discharge, deposit,
28 injection, dumping, spilling, leaking, or placing of any solid
29 waste or hazardous waste into or upon any land or water so
30 that such solid waste or hazardous waste or any constituent
31 thereof may enter other lands or be emitted into the air or

1 discharged into any waters, including groundwaters, or
2 otherwise enter the environment.

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

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

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

12 (13) "Hazardous waste" means solid waste, or a
13 combination of solid wastes, which, because of its quantity,
14 concentration, or physical, chemical, or infectious
15 characteristics, may cause, or significantly contribute to, an
16 increase in mortality or an increase in serious irreversible
17 or incapacitating reversible illness or may pose a substantial
18 present or potential hazard to human health or the environment
19 when improperly transported, disposed of, stored, treated, or
20 otherwise managed. The term does not include human remains
21 that are disposed of by persons licensed under chapter 497.

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

25 (15) "Hazardous waste management" means the systematic
26 control of the collection, source separation, storage,
27 transportation, processing, treatment, recovery, recycling,
28 and disposal of hazardous waste.

29 (16) "Land disposal" means any placement of hazardous
30 waste in or on the land and includes, but is not limited to,
31 placement in a landfill, surface impoundment, waste pile,

1 injection well, land treatment facility, salt bed formation,
2 salt dome formation, or underground mine or cave, or placement
3 in a concrete vault or bunker intended for disposal purposes.

4 (17) "Landfill" means any solid waste land disposal
5 area for which a permit, other than a general permit, is
6 required by s. 403.707 and which receives solid waste for
7 disposal in or upon land. The term does not include a
8 land-spreading site, an injection well, a surface impoundment,
9 or a facility for the disposal of construction and demolition
10 debris.

11 (18) "Manifest" means the recordkeeping system used
12 for identifying the concentration, quantity, composition,
13 origin, routing, and destination of hazardous waste during its
14 transportation from the point of generation to the point of
15 disposal, storage, or treatment.

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

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

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

29 (22) "Person" means any and all persons, natural or
30 artificial, including any individual, firm, or association;
31 any municipal or private corporation organized or existing

1 under the laws of this state or any other state; any county of
2 this state; and any governmental agency of this state or the
3 Federal Government.

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

9 (24) "Recovered materials" means metal, paper, glass,
10 plastic, textile, or rubber materials that have known
11 recycling potential, can be feasibly recycled, and have been
12 diverted and source separated or have been removed from the
13 solid waste stream for sale, use, or reuse as raw materials,
14 whether or not the materials require subsequent processing or
15 separation from each other, but the term does not include
16 materials destined for any use that constitutes disposal.
17 Recovered materials as described in this subsection are not
18 solid waste.

19 (25) "Recovered materials processing facility" means a
20 facility engaged solely in the storage, processing, resale, or
21 reuse of recovered materials. Such a facility is not a solid
22 waste management facility if it meets the conditions of s.
23 403.7045(1)(e).

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

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

31

1 (28) "Resource recovery" means the process of
2 recovering materials or energy from solid waste, excluding
3 those materials or solid waste under the control of the
4 Nuclear Regulatory Commission.

5 (29) "Resource recovery equipment" means equipment or
6 machinery exclusively and integrally used in the actual
7 process of recovering material or energy resources from solid
8 waste.

9 (30) "Sludge" includes, the accumulated solids,
10 residues, and precipitates generated as a result of waste
11 treatment or processing, including wastewater treatment,
12 water-supply treatment, or operation of an air pollution
13 control facility, and mixed liquids and solids pumped from
14 septic tanks, grease traps, privies, or similar waste disposal
15 appurtenances.

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

21 (32) "Solid waste" means sludge unregulated under the
22 federal Clean Water Act or Clean Air Act, sludge from a waste
23 treatment works, water supply treatment plant, or air
24 pollution control facility, or garbage, rubbish, refuse,
25 special waste, or other discarded material, including solid,
26 liquid, semisolid, or contained gaseous material resulting
27 from domestic, industrial, commercial, mining, agricultural,
28 or governmental operations. Recovered materials as defined in
29 subsection (24) are not solid waste.

30 (33) "Solid waste disposal facility" means any solid
31 waste management facility that is the final resting place for

1 solid waste, including landfills and incineration facilities
2 that produce ash from the process of incinerating municipal
3 solid waste.

4 (34) "Solid waste management" means the process by
5 which solid waste is collected, transported, stored,
6 separated, processed, or disposed of in any other way
7 according to an orderly, purposeful, and planned program,
8 which includes closure.

9 (35) "Solid waste management facility" means any solid
10 waste disposal area, volume-reduction plant, transfer station,
11 materials-recovery facility, or other facility, the purpose of
12 which is resource recovery or the disposal, recycling,
13 processing, or storage of solid waste. The term does not
14 include recovered materials processing facilities that meet
15 the requirements of s. 403.7046, except the portion of such
16 facilities, if any, which is used for the management of solid
17 waste.

18 (36) "Source separated" means that the recovered
19 materials are separated from solid waste at the location where
20 the recovered materials and solid waste are generated. The
21 term does not require that various types of recovered
22 materials be separated from each other, and recognizes de
23 minimis solid waste, in accordance with industry standards and
24 practices, may be included in the recovered materials.
25 Materials are not considered source-separated when two or more
26 types of recovered materials are deposited in combination with
27 each other in a commercial collection container located where
28 the materials are generated and when such materials contain
29 more than 10 percent solid waste by volume or weight. For
30 purposes of this subsection, the term "various types of
31

1 recovered materials" means metals, paper, glass, plastic,
2 textiles, and rubber.

3 (37) "Storage" means the containment or holding of a
4 hazardous waste, either on a temporary basis or for a period
5 of years, in such a manner as not to constitute disposal of
6 such hazardous waste.

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

10 (39) "Transport" means the movement of hazardous waste
11 from the point of generation or point of entry into the state
12 to any offsite intermediate points and to the point of offsite
13 ultimate disposal, storage, treatment, or exit from the state.

14 (40) "Treatment," when used in connection with
15 hazardous waste, means any method, technique, or process,
16 including neutralization, which is designed to change the
17 physical, chemical, or biological character or composition of
18 any hazardous waste so as to neutralize it or render it
19 nonhazardous, safe for transport, amenable to recovery,
20 amenable to storage or disposal, or reduced in volume or
21 concentration. The term includes any activity or processing
22 that is designed to change the physical form or chemical
23 composition of hazardous waste so as to render it
24 nonhazardous.

25 (41) "Volume-reduction plant" includes incinerators,
26 pulverizers, compactors, shredding and baling plants,
27 composting plants, and other plants that accept and process
28 solid waste for recycling or disposal.

29 (42) "White goods" includes discarded air
30 conditioners, heaters, refrigerators, ranges, water heaters,
31

1 freezers, and other similar domestic and commercial large
2 appliances.

3 (43) "Yard trash" means vegetative matter resulting
4 from landscaping maintenance and land clearing operations and
5 includes associated rocks and soils.

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

8 403.704 Powers and duties of the department.--The
9 department shall have responsibility for the implementation
10 and enforcement of ~~the provisions of~~ this act. In addition to
11 other powers and duties, the department shall:

12 (1) Develop and implement, in consultation with local
13 governments, a state solid waste management program, as
14 defined in s. 403.705, ~~and update the program at least every 3~~
15 ~~years. In developing rules to implement the state solid waste~~
16 ~~management program, the department shall hold public hearings~~
17 ~~around the state and shall give notice of such public hearings~~
18 ~~to all local governments and regional planning agencies.~~

19 (2) Provide technical assistance to counties,
20 municipalities, and other persons, and cooperate with
21 appropriate federal agencies and private organizations in
22 carrying out ~~the provisions of~~ this act.

23 (3) Promote the planning and application of recycling
24 and resource recovery systems which preserve and enhance the
25 quality of the air, water, and other natural resources of the
26 state and assist in and encourage, where appropriate, the
27 development of regional solid waste management facilities.

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

31

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

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

8 (7) Assist in and encourage, as much as possible, the
9 development within the state of industries and commercial
10 enterprises which are based upon resource recovery, recycling,
11 and reuse of solid waste.

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

16 ~~(9) Acquire, at its discretion, personal or real~~
17 ~~property or any interest therein by gift, lease, or purchase~~
18 ~~for the purpose of providing sites for solid waste management~~
19 ~~facilities.~~

20 ~~(10) Acquire, construct, reconstruct, improve,~~
21 ~~maintain, equip, furnish, and operate, at its discretion, such~~
22 ~~solid waste management facilities as are called for by the~~
23 ~~state solid waste management program.~~

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

29 ~~(8)(12)~~ Determine by rule the facilities, equipment,
30 personnel, and number of monitoring wells to be provided at
31 each ~~Class I~~ solid waste disposal facility area.

1 ~~(13) Encourage, but not require, as part of a Class II~~
2 ~~solid waste disposal area, a potable water supply; an employee~~
3 ~~shelter; handwashing and toilet facilities; equipment washout~~
4 ~~facilities; electric service for operations and repairs;~~
5 ~~equipment shelter for maintenance and storage of parts,~~
6 ~~equipment, and tools; scales for weighing solid waste received~~
7 ~~at the disposal area; a trained equipment operator in~~
8 ~~full time attendance during operating hours; and communication~~
9 ~~facilities for use in emergencies. The department may require~~
10 ~~an attendant at a Class II solid waste disposal area during~~
11 ~~the hours of operation if the department affirmatively~~
12 ~~demonstrates that such a requirement is necessary to prevent~~
13 ~~unlawful fires, unauthorized dumping, or littering of nearby~~
14 ~~property.~~

15 ~~(14) Require a Class II solid waste disposal area to~~
16 ~~have at least one monitoring well which shall be placed~~
17 ~~adjacent to the site in the direction of groundwater flow~~
18 ~~unless otherwise exempted by the department. The department~~
19 ~~may require additional monitoring wells not farther than 1~~
20 ~~mile from the site if it is affirmatively demonstrated by the~~
21 ~~department that a significant change in the initial quality of~~
22 ~~the water has occurred in the downstream monitoring well which~~
23 ~~adversely affects the beneficial uses of the water. These~~
24 ~~wells may be public or private water supply wells if they are~~
25 ~~suitable for use in determining background water quality~~
26 ~~levels.~~

27 (9)(15) Adopt rules pursuant to ss. 120.536(1) and
28 120.54 to implement and enforce ~~the provisions of this act,~~
29 including requirements for the classification, construction,
30 operation, maintenance, and closure of solid waste management
31 facilities and requirements for, and conditions on, solid

1 waste disposal in this state, whether such solid waste is
2 generated within this state or outside this state as long as
3 such requirements and conditions are not based on the
4 out-of-state origin of the waste and are consistent with
5 applicable ~~provisions of~~ law. When classifying solid waste
6 management facilities, the department shall consider the
7 hydrogeology of the site for the facility, the types of wastes
8 to be handled by the facility, and methods used to control the
9 types of waste to be handled by the facility and shall seek to
10 minimize the adverse effects of solid waste management on the
11 environment. Whenever the department adopts any rule stricter
12 or more stringent than one that ~~which~~ has been set by the
13 United States Environmental Protection Agency, the procedures
14 set forth in s. 403.804(2) shall be followed. The department
15 shall not, however, adopt hazardous waste rules for solid
16 waste for which special studies were required prior to October
17 1, 1988, under s. 8002 of the Resource Conservation and
18 Recovery Act, 42 U.S.C. s. 6982, as amended, until the studies
19 are completed by the United States Environmental Protection
20 Agency and the information is available to the department for
21 consideration in adopting its own rule.

22 (10)~~(16)~~ Issue or modify permits on such conditions as
23 are necessary to effect the intent and purposes of this act,
24 and may deny or revoke permits.

25 ~~(17) Conduct research, using the State University~~
26 ~~System, solid waste professionals from local governments,~~
27 ~~private enterprise, and other organizations, on alternative,~~
28 ~~economically feasible, cost effective, and environmentally~~
29 ~~safe solid waste management and landfill closure methods which~~
30 ~~protect the health, safety, and welfare of the public and the~~
31 ~~environment and which may assist in developing markets and~~

1 ~~provide economic benefits to local governments, the state, and~~
2 ~~its citizens, and solicit public participation during the~~
3 ~~research process. The department shall incorporate such~~
4 ~~cost effective landfill closure methods in the appropriate~~
5 ~~department rule as alternative closure requirements.~~

6 (11)~~(18)~~ Develop and implement or contract for
7 services to develop information on recovered materials markets
8 and strategies for market development and expansion for use of
9 these materials. Additionally, the department shall maintain a
10 directory of recycling businesses operating in the state and
11 shall serve as a coordinator to match recovered materials with
12 markets. Such directory shall be made available to the public
13 and to local governments to assist with their solid waste
14 management activities.

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

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

23 (13)~~(21)~~ Manage a program of grants, using funds from
24 the Solid Waste Management Trust Fund and funds provided by
25 the Legislature for solid waste management, for programs for
26 recycling, composting, litter control, and special waste
27 management and for programs that ~~which~~ provide for the safe
28 and proper management of solid waste.

29 (14)~~(22)~~ Budget and receive appropriated funds and
30 accept, receive, and administer grants or other funds or gifts
31 from public or private agencies, including the state and the

1 Federal Government, for the purpose of carrying out ~~the~~
2 ~~provisions of~~ this act.

3 (15)~~(23)~~ Delegate its powers, enter into contracts, or
4 take such other actions as may be necessary to implement this
5 act.

6 (16)~~(24)~~ Receive and administer funds appropriated for
7 county hazardous waste management assessments.

8 (17)~~(25)~~ Provide technical assistance to local
9 governments and regional agencies to ensure consistency
10 between county hazardous waste management assessments;
11 coordinate the development of such assessments with the
12 assistance of the appropriate regional planning councils; and
13 review and make recommendations to the Legislature relative to
14 the sufficiency of the assessments to meet state hazardous
15 waste management needs.

16 (18)~~(26)~~ Increase public education and public
17 awareness of solid and hazardous waste issues by developing
18 and promoting statewide programs of litter control, recycling,
19 volume reduction, and proper methods of solid waste and
20 hazardous waste management.

21 (19)~~(27)~~ Assist the hazardous waste storage,
22 treatment, or disposal industry by providing to the industry
23 any data produced on the types and quantities of hazardous
24 waste generated.

25 (20)~~(28)~~ Institute a hazardous waste emergency
26 response program which would include emergency
27 telecommunication capabilities and coordination with
28 appropriate agencies.

29 (21)~~(29)~~ Adopt ~~Promulgate~~ rules necessary to accept
30 delegation of the hazardous waste management program from the
31

1 Environmental Protection Agency under the Hazardous and Solid
2 Waste Amendments of 1984, Pub. L. No. 98-616.

3 ~~(22)(30)~~ Adopt rules, if necessary, to address the
4 incineration and disposal of biomedical waste and the
5 management of biological waste within the state, whether such
6 waste is generated within this state or outside this state, as
7 long as such requirements and conditions are not based on the
8 out-of-state origin of the waste and are consistent with
9 applicable provisions of law.

10 Section 8. Section 403.7043, Florida Statutes, is
11 amended to read:

12 403.7043 Compost standards and applications.--

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

17 (2) The department shall ~~Within 6 months after October~~
18 ~~1, 1988, the department shall initiate rulemaking to establish~~
19 and maintain rules addressing standards for the production of
20 compost ~~and shall complete and promulgate those rules within~~
21 ~~12 months after initiating the process of rulemaking,~~
22 including rules establishing:

23 (a) Requirements necessary to produce hygienically
24 safe compost products for varying applications.

25 (b) A classification scheme for compost based on+ the
26 types of waste composted, ~~including at least one type~~
27 ~~containing only yard trash;~~ the maturity of the compost,
28 ~~including at least three degrees of decomposition for fresh,~~
29 ~~semimature, and mature;~~ and the levels of organic and
30 inorganic constituents in the compost. This scheme shall
31 address:

- 1 1. Methods for measurement of the compost maturity.
2 2. Particle sizes.
3 3. Moisture content.
4 4. Average levels of organic and inorganic

5 constituents, including heavy metals, for such classes of
6 compost as the department establishes, and the analytical
7 methods to determine those levels.

8 ~~(3) Within 6 months after October 1, 1988, the~~
9 ~~department shall initiate rulemaking to prescribe the~~
10 ~~allowable uses and application rates of compost and shall~~
11 ~~complete and promulgate those rules within 12 months after~~
12 ~~initiating the process of rulemaking, based on the following~~
13 ~~criteria:~~

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

17 ~~(b) The allowable uses of compost based on maturity~~
18 ~~and type of compost.~~

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

24 ~~(5) The provisions of s. 403.706 shall not prohibit~~
25 ~~any county or municipality which has in place a memorandum of~~
26 ~~understanding or other written agreement as of October 1,~~
27 ~~1988, from proceeding with plans to build a compost facility.~~

28 Section 9. Subsections (1), (2), and (3) of section
29 403.7045, Florida Statutes, are amended to read:

30 403.7045 Application of act and integration with other
31 acts.--

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

3 (a) Byproduct material, source material, and special
4 nuclear material, the generation, transportation, disposal,
5 storage, or treatment of which is regulated under chapter 404
6 or ~~under~~ the federal Atomic Energy Act of 1954, ch. 1073, 68
7 Stat. 923, as amended;

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

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

16 (d) Drilling fluids, produced waters, and other wastes
17 associated with the exploration for, or development and
18 production of, crude oil or natural gas which are regulated
19 under chapter 377; or

20 (e) Recovered materials or recovered materials
21 processing facilities ~~shall not be regulated pursuant to this~~
22 ~~act~~, except as provided in s. 403.7046, if:

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

26 2. The recovered materials handled by the facility or
27 the products or byproducts of operations that process
28 recovered materials are not discharged, deposited, injected,
29 dumped, spilled, leaked, or placed into or upon any land or
30 water by the owner or operator of such facility so that such
31 recovered materials, products or byproducts, or any

1 constituent thereof may enter other lands or be emitted into
2 the air or discharged into any waters, including groundwaters,
3 or otherwise enter the environment such that a threat of
4 contamination in excess of applicable department standards and
5 criteria is caused.

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

9 4. The facility is registered as required in s.
10 403.7046.

11 (f) Industrial byproducts, if:

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

14 2. The industrial byproducts are not discharged,
15 deposited, injected, dumped, spilled, leaked, or placed upon
16 any land or water so that such industrial byproducts, or any
17 constituent thereof, may enter other lands or be emitted into
18 the air or discharged into any waters, including groundwaters,
19 or otherwise enter the environment such that a threat of
20 contamination in excess of applicable department standards and
21 criteria or a significant threat to public health is caused.

22 3. The industrial byproducts are not hazardous wastes
23 as defined under s. 403.703 and rules adopted under this
24 section.

25 (2) Except as provided in s. 403.704(9) ~~s.~~
26 ~~403.704(15)~~, the following wastes shall not be regulated as a
27 hazardous waste pursuant to this act, except when determined
28 by the United States Environmental Protection Agency to be a
29 hazardous waste:

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

1 (b) Agricultural and silvicultural byproduct material
2 and agricultural and silvicultural process waste from normal
3 farming or processing.

4 (c) Discarded material generated by the mining and
5 beneficiation and chemical or thermal processing of phosphate
6 rock, and precipitates resulting from neutralization of
7 phosphate chemical plant process and nonprocess waters.

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

10 (a) Dredged material that is generated as part of a
11 project permitted under part IV of chapter 373 or chapter 161,
12 or that is authorized to be removed from sovereign submerged
13 lands under chapter 253, ~~Dredge spoil or fill material~~ shall
14 be managed in accordance with the conditions of that permit or
15 authorization unless the dredged material is regulated as
16 hazardous waste pursuant to this part ~~disposed of pursuant to~~
17 a dredge and fill permit, but whenever hazardous components
18 are disposed of within the dredge or fill material, the dredge
19 and fill permits shall specify the specific hazardous wastes
20 contained and the concentration of each such waste. If the
21 dredged material contains hazardous substances, the department
22 may further ~~then~~ limit or restrict the disposal, sale, or use
23 of the dredged ~~dredge and fill~~ material and may specify such
24 other conditions relative to this material as are reasonably
25 necessary to protect the public from the potential hazards.
26 However, this paragraph does not require the routine testing
27 of dredge material for hazardous substances unless there is a
28 reasonable expectation that such substances will be present.

29 (b) Hazardous wastes that ~~which~~ are contained in
30 artificial recharge waters or other waters intentionally
31 introduced into any underground formation and that ~~which~~ are

1 permitted pursuant to s. 373.106 shall also be handled in
2 compliance with the requirements and standards for disposal,
3 storage, and treatment of hazardous waste under this act.

4 (c) Solid waste or hazardous waste facilities that
5 ~~which~~ are operated as a part of the normal operation of a
6 power generating facility and which are licensed by
7 certification pursuant to the Florida Electrical Power Plant
8 Siting Act, ss. 403.501-403.518, shall undergo such
9 certification subject to the substantive provisions of this
10 act.

11 (d) Biomedical waste and biological waste shall be
12 disposed of only as authorized by the department. However,
13 any person who unknowingly disposes into a sanitary landfill
14 or waste-to-energy facility any such waste that ~~which~~ has not
15 been properly segregated or separated from other solid wastes
16 by the generating facility is not guilty of a violation under
17 this act. ~~Nothing in This paragraph does not shall be~~
18 ~~construed to~~ prohibit the department from seeking injunctive
19 relief pursuant to s. 403.131 to prohibit the unauthorized
20 disposal of biomedical waste or biological waste.

21 Section 10. Paragraph (f) of subsection (2) of section
22 403.705, Florida Statutes, is amended to read:

23 403.705 State solid waste management program.--

24 (2) The state solid waste management program shall
25 include, at a minimum:

26 (f) Planning guidelines and technical assistance to
27 counties and municipalities to develop and implement programs
28 for alternative disposal or processing or recycling of the
29 solid wastes prohibited from disposal in landfills under s.
30 403.708(12) ~~s. 403.708(13)~~ and for special wastes.

31

1 Section 11. Subsection (2) of section 403.7061,
2 Florida Statutes, is amended to read:

3 403.7061 Requirements for review of new
4 waste-to-energy facility capacity by the Department of
5 Environmental Protection.--

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

19 Section 12. Section 403.707, Florida Statutes, is
20 amended to read:

21 403.707 Permits.--
22 (1) A ~~No~~ solid waste management facility may not be
23 operated, maintained, constructed, expanded, modified, or
24 closed without an appropriate and currently valid permit
25 issued by the department. The department may by rule exempt
26 specified types of facilities from the requirement for a
27 permit under this part if it determines that construction or
28 operation of the facility is not expected to create any
29 significant threat to the environment or public health. For
30 purposes of this part, and only when specified by department
31 rule, a permit may include registrations as well as other

1 forms of licenses as defined in s. 120.52. Solid waste
2 construction permits issued under this section may include any
3 permit conditions necessary to achieve compliance with the
4 recycling requirements of this act. The department shall
5 pursue reasonable timeframes for closure and construction
6 requirements, considering pending federal requirements and
7 implementation costs to the permittee. The department shall
8 adopt a rule establishing performance standards for
9 construction and closure of solid waste management facilities.
10 The standards shall allow flexibility in design and
11 consideration for site-specific characteristics.

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

18 (a) Disposal by persons of solid waste resulting from
19 their own activities on their own property, if ~~provided~~ such
20 waste is ~~either~~ ordinary household waste from their
21 residential property or is rocks, soils, trees, tree remains,
22 and other vegetative matter that ~~which~~ normally result from
23 land development operations. Disposal of materials that ~~which~~
24 could create a public nuisance or adversely affect the
25 environment or public health, such as+ white goods; automotive
26 materials, such as batteries and tires; petroleum products;
27 pesticides; solvents; or hazardous substances, is not covered
28 under this exemption.

29 (b) Storage in containers by persons of solid waste
30 resulting from their own activities on their property, leased
31 or rented property, or property subject to a homeowners or

1 maintenance association for which the person contributes
2 association assessments, if the solid waste in such containers
3 is collected at least once a week.

4 (c) Disposal by persons of solid waste resulting from
5 their own activities on their property, if ~~provided~~ the
6 environmental effects of such disposal on groundwater and
7 surface waters are:

8 1. Addressed or authorized by a site certification
9 order issued under part II or a permit issued by the
10 department under ~~pursuant to~~ this chapter or rules adopted
11 pursuant to this chapter ~~thereto~~; or

12 2. Addressed or authorized by, or exempted from the
13 requirement to obtain, a groundwater monitoring plan approved
14 by the department.

15 (d) Disposal by persons of solid waste resulting from
16 their own activities on their own property, if ~~provided that~~
17 such disposal occurred prior to October 1, 1988.

18 (e) Disposal of solid waste resulting from normal
19 farming operations as defined by department rule.
20 Polyethylene agricultural plastic, damaged, nonsalvageable,
21 untreated wood pallets, and packing material that cannot be
22 feasibly recycled, which are used in connection with
23 agricultural operations related to the growing, harvesting, or
24 maintenance of crops, may be disposed of by open burning if a
25 ~~provided that no~~ public nuisance or any condition adversely
26 affecting the environment or the public health is not created
27 by the open burning thereby ~~and that~~ state or federal ambient
28 air quality standards are not violated.

29 (f) The use of clean debris as fill material in any
30 area. However, this paragraph does not exempt any person from
31 obtaining any other required permits, and ~~nor~~ does not ~~it~~

1 affect a person's responsibility to dispose of clean debris
2 appropriately if it is not to be used as fill material.

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

6 (3) All applicable provisions of ss. 403.087 and
7 403.088, relating to permits, apply to the control of solid
8 waste management facilities.

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

24 (5) The department may not issue a construction permit
25 pursuant to this part for a new solid waste landfill within
26 3,000 feet of Class I surface waters.

27 (6) The department may issue a construction permit
28 pursuant to this part only to a solid waste management
29 facility that provides the conditions necessary to control the
30 safe movement of wastes or waste constituents into surface or
31 ground waters or the atmosphere and that will be operated,

1 maintained, and closed by qualified and properly trained
2 personnel. Such facility must if necessary:

3 (a) Use natural or artificial barriers that which are
4 capable of controlling lateral or vertical movement of wastes
5 or waste constituents into surface or ground waters.

6 (b) Have a foundation or base that is capable of
7 providing support for structures and waste deposits and
8 capable of preventing foundation or base failure due to
9 settlement, compression, or uplift.

10 (c) Provide for the most economically feasible,
11 cost-effective, and environmentally safe control of leachate,
12 gas, stormwater, and disease vectors and prevent the
13 endangerment of public health and the environment.

14

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

18 (7) Prior to application for a construction permit, an
19 applicant shall designate to the department temporary backup
20 disposal areas or processes for the resource recovery
21 facility. Failure to designate temporary backup disposal areas
22 or processes shall result in a denial of the construction
23 permit.

24 (8) The department may refuse to issue a permit to an
25 applicant who by past conduct in this state has repeatedly
26 violated pertinent statutes, rules, or orders or permit terms
27 or conditions relating to any solid waste management facility
28 and who is deemed to be irresponsible as defined by department
29 rule. For the purposes of this subsection, an applicant
30 includes the owner or operator of the facility, or if the
31 owner or operator is a business entity, a parent of a

1 subsidiary corporation, a partner, a corporate officer or
2 director, or a stockholder holding more than 50 percent of the
3 stock of the corporation.

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

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

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

29
30 ~~The notice shall be prepared by the applicant and shall comply~~
31 ~~with the following format:~~

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~~Notice of Application~~

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

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

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

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

~~(b) The department shall approve the transfer of a permit unless it determines that the proposed permittee has not provided reasonable assurances that the proposed permittee has the administrative, technical, and financial capability to properly satisfy the requirements and conditions of the permit, as determined by department rule. The determination shall be limited solely to the ability of the proposed~~

1 ~~permittee to comply with the conditions of the existing~~
2 ~~permit, and it shall not concern the adequacy of the permit~~
3 ~~conditions. If the department proposes to deny the transfer,~~
4 ~~it shall provide both the transferring permittee and the~~
5 ~~proposed permittee a written objection to such transfer~~
6 ~~together with notice of a right to request a proceeding on~~
7 ~~such determination under chapter 120.~~

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

22 ~~(d) The transferring permittee is encouraged to apply~~
23 ~~for a permit transfer well in advance of the sale or legal~~
24 ~~transfer of a permitted facility. However, the transfer of~~
25 ~~the permit shall not be effective prior to the sale or legal~~
26 ~~transfer of the facility.~~

27 ~~(e) Until the transfer of the permit is approved by~~
28 ~~the department, the transferring permittee and any other~~
29 ~~person constructing, operating, or maintaining the permitted~~
30 ~~facility shall be liable for compliance with the terms of the~~
31 ~~permit. Nothing in this section shall relieve the transferring~~

1 ~~permittee of liability for corrective actions that may be~~
2 ~~required as a result of any violations occurring prior to the~~
3 ~~legal transfer of the permit.~~

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

1 ~~solid waste for more than 1 year, or of composting of solid~~
2 ~~waste other than yard trash.~~

3 (9)(12) The department shall establish a separate
4 category for solid waste management facilities that ~~which~~
5 accept only construction and demolition debris for disposal or
6 recycling. The department shall establish a reasonable
7 schedule for existing facilities to comply with this section
8 to avoid undue hardship to such facilities. However, a
9 permitted solid waste disposal unit that ~~which~~ receives a
10 significant amount of waste prior to the compliance deadline
11 established in this schedule shall not be required to be
12 retrofitted with liners or leachate control systems.

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

17 (a) The department shall establish reasonable
18 construction, operation, monitoring, recordkeeping, financial
19 assurance, and closure requirements for such facilities. The
20 department shall take into account the nature of the waste
21 accepted at various facilities when establishing these
22 requirements, and may impose less stringent requirements,
23 including a system of general permits or registration
24 requirements, for facilities that accept only a segregated
25 waste stream which is expected to pose a minimal risk to the
26 environment and public health, such as clean debris. The
27 Legislature recognizes that incidental amounts of other types
28 of solid waste are commonly generated at construction or
29 demolition projects. In any enforcement action taken pursuant
30 to this section, the department shall consider the difficulty
31 of removing these incidental amounts from the waste stream.

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

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

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

31

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

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

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

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

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

27 (j) The Legislature recognizes that recycling, waste
28 reduction, and resource recovery are important aspects of an
29 integrated solid waste management program and as such are
30 necessary to protect the public health and the environment. If
31 necessary to promote such an integrated program, the county

1 may determine, after providing notice and an opportunity for a
2 hearing prior to April 30, 2008 ~~December 31, 1996~~, that some
3 or all of the wood material described in s. 403.703(6)(b) ~~s.~~
4 ~~403.703(17)(b)~~ shall be excluded from the definition of
5 "construction and demolition debris" in s. 403.703(6) ~~s.~~
6 ~~403.703(17)~~ within the jurisdiction of such county. The county
7 may make such a determination only if it finds that, prior to
8 June 1, 2007 ~~1996~~, the county has established an adequate
9 method for the use or recycling of such wood material at an
10 existing or proposed solid waste management facility that is
11 permitted or authorized by the department on June 1, 2007
12 ~~1996~~. The county is ~~shall~~ not ~~be~~ required to hold a hearing if
13 the county represents that it previously has held a hearing
14 for such purpose, or ~~nor shall the county be required to hold~~
15 ~~a hearing~~ if the county represents that it previously has held
16 a public meeting or hearing that authorized such method for
17 the use or recycling of trash or other nonputrescible waste
18 materials and ~~if the county further represents~~ that such
19 materials include those materials described in s.
20 403.703(6)(b) ~~s. 403.703(17)(b)~~. The county shall provide
21 written notice of its determination to the department by no
22 later than April 30, 2008 ~~December 31, 1996~~; thereafter, the
23 ~~wood~~ materials described in s. 403.703(6) ~~s. 403.703(17)(b)~~
24 shall be excluded from the definition of "construction and
25 demolition debris" in s. 403.703(6) ~~s. 403.703(17)~~ within the
26 jurisdiction of such county. The county may withdraw or revoke
27 its determination at any time by providing written notice to
28 the department.

29 (k) Brazilian pepper and other invasive exotic plant
30 species as designated by the department resulting from
31 eradication projects may be processed at permitted

1 construction and demolition debris recycling facilities or
2 disposed of at permitted construction and demolition debris
3 disposal facilities or Class III facilities. The department
4 may adopt rules to implement this paragraph.

5 ~~(10)~~(13) If the department and a local government
6 independently require financial assurance for the closure of a
7 privately owned solid waste management facility, the
8 department and that local government shall enter into an
9 interagency agreement that will allow the owner or operator to
10 provide a single financial mechanism to cover the costs of
11 closure and any required long-term care. The financial
12 mechanism may provide for the department and local government
13 to be cobeneficiaries or copayees, but shall not impose
14 duplicative financial requirements on the owner or operator.
15 These closure costs must include at least the minimum required
16 by department rules and must also include any additional costs
17 required by local ordinance or regulation.

18 ~~(11)~~(14) Before or on the same day of filing with the
19 department of an application for a permit to construct or
20 substantially modify a solid waste management facility, the
21 applicant shall notify the local government having
22 jurisdiction over the facility of the filing of the
23 application. The applicant also shall publish notice of the
24 filing of the application in a newspaper of general
25 circulation in the area where the facility will be located.
26 Notice shall be given and published in accordance with
27 applicable department rules. The department shall not issue
28 the requested permit until the applicant has provided the
29 department with proof that the notices required by this
30 subsection have been given. Issuance of a permit does not
31

1 | relieve an applicant from compliance with local zoning or land
2 | use ordinances, or with any other law, rules, or ordinances.

3 | ~~(12)(15)~~ Construction and demolition debris must be
4 | separated from the solid waste stream and segregated in
5 | separate locations at a solid waste disposal facility or other
6 | permitted site.

7 | ~~(13)(16)~~ A ~~no~~ facility shall not be considered a solid
8 | waste disposal facility, solely by virtue of the fact that it
9 | uses processed yard trash or clean wood or paper waste as a
10 | fuel source, ~~shall be considered to be a solid waste disposal~~
11 | ~~facility.~~

12 | ~~(14)(a)~~ A permit to operate a solid waste management
13 | facility may not be transferred by the permittee to any other
14 | entity without the consent of the department. If the permitted
15 | facility is sold or transferred, or if control of the facility
16 | is transferred, the permittee must submit to the department an
17 | application for transfer of permit no later than 30 days after
18 | the transfer of ownership or control. The department shall
19 | approve the transfer of a permit unless it determines that the
20 | proposed new permittee has not provided reasonable assurance
21 | that the conditions of the permit will be met. A permit may
22 | not be transferred until any proof of financial assurance
23 | required by department rule is provided by the proposed new
24 | permittee. If the existing permittee is under a continuing
25 | obligation to perform corrective actions as a result of a
26 | department enforcement action or consent order, the permit may
27 | not be transferred until the proposed new permittee agrees in
28 | writing to accept responsibility for performing such
29 | corrective actions.

30 | ~~(b)~~ Until the transfer is approved by the department,
31 | the existing permittee is liable for compliance with the

1 permit, including the financial-assurance requirements. When
2 the transfer has been approved, the department shall return to
3 the transferring permittee any means of proof of financial
4 assurance which the permittee provided to the department and
5 the permittee is released from obligations to comply with the
6 transferred permit.

7 (c) An application for the transfer of a permit must
8 clearly state in bold letters that the permit may not be
9 transferred without proof of compliance with
10 financial-assurance requirements. Until the permit is
11 transferred, the new owner or operator may not operate the
12 facility without the express consent of the permittee.

13 (d) The department may adopt rules to administer this
14 subsection, including procedural rules and the permit-transfer
15 form.

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

18 403.7071 Management of storm-generated debris.--Solid
19 waste generated as a result of a storm event that is the
20 subject of an emergency order issued by the department may be
21 managed as follows:

22 (1) Recycling and reuse of storm-generated vegetative
23 debris is encouraged to the greatest extent practicable. Such
24 recycling and reuse must be conducted in accordance with
25 applicable department rules and may include, but is not
26 limited to, chipping and grinding of the vegetative debris to
27 be beneficially used as a ground cover or soil amendment,
28 compost, or as a combustible fuel for any applicable
29 commercial or industrial application.

30 (2) The department may issue field authorizations for
31 staging areas in those counties affected by a storm event.

1 Such staging areas may be used for the temporary storage and
2 management of storm-generated debris, including the chipping,
3 grinding, or burning of vegetative debris. Field
4 authorizations may include specific conditions for the
5 operation and closure of the staging area and must specify the
6 date that closure is required. To the greatest extent
7 possible, staging areas may not be located in wetlands or
8 other surface waters. The area that is used or affected by a
9 staging area must be fully restored upon cessation of the use
10 of the area.

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

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

30 (5) Unsalvageable refrigerators and freezers
31 containing solid waste, such as rotting food, which may create

1 a sanitary nuisance may be disposed of in a permitted lined
2 landfill; however, chlorofluorocarbons and capacitors must be
3 removed and recycled to the greatest extent practicable.

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

19 Section 14. Section 403.708, Florida Statutes, is
20 amended to read:

21 403.708 Prohibition; penalty.--

22 (1) ~~A No~~ person may not shall:

23 (a) Place or deposit any solid waste in or on the land
24 or waters located within the state except in a manner approved
25 by the department and consistent with applicable approved
26 programs of counties or municipalities. However, ~~nothing in~~
27 this act ~~does not shall be construed to~~ prohibit the disposal
28 of solid waste without a permit as provided in s. 403.707(2).

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

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

4 (2) ~~A~~ No beverage may not ~~shall~~ be sold or offered for
5 sale within the state in a beverage container designed and
6 constructed so that the container is opened by detaching a
7 metal ring or tab. As used in this subsection, the term

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

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

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

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

24 ~~(3)(4)~~ The Division of Alcoholic Beverages and Tobacco
25 of the Department of Business and Professional Regulation may
26 impose a fine of not more than \$100 on any person currently
27 licensed pursuant to s. 561.14 for each violation of ~~the~~
28 ~~provisions of~~ subsection (2). If the violation is of a
29 continuing nature, each day during which such violation occurs
30 constitutes ~~shall constitute~~ a separate ~~and distinct~~ offense
31 and is ~~shall be~~ subject to a separate fine.

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

9 ~~(5)(6)~~ Fifty percent of each fine collected pursuant
10 to subsections ~~(3)(4)~~ and ~~(4)(5)~~ shall be deposited into the
11 Solid Waste Management Trust Fund. The balance of fines
12 collected pursuant to subsection ~~(3)(4)~~ shall be deposited
13 into the Alcoholic Beverage and Tobacco Trust Fund for the use
14 of the division for inspection and enforcement of ~~the~~
15 ~~provisions of~~ this section. The balance of fines collected
16 pursuant to subsection ~~(4)(5)~~ shall be deposited into the
17 General Inspection Trust Fund for the use of the Department of
18 Agriculture and Consumer Services for inspection and
19 enforcement of ~~the provisions of~~ this section.

20 ~~(6)(7)~~ The Division of Alcoholic Beverages and Tobacco
21 and the Department of Agriculture and Consumer Services shall
22 coordinate their responsibilities under ~~the provisions of~~ this
23 section to ensure that inspections and enforcement are
24 accomplished in an efficient, cost-effective manner.

25 ~~(7)(8)~~ A person may not distribute, sell, or expose
26 for sale in this state any plastic bottle or rigid container
27 intended for single use unless such container has a molded
28 label indicating the plastic resin used to produce the plastic
29 container. The label must appear on or near the bottom of the
30 plastic container product and be clearly visible. This label
31 must consist of a number placed inside a triangle and letters

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

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

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

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

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

20 (e) For polypropylene, the letters "PP" and the number
21 5.

22 (f) For polystyrene, the letters "PS" and the number
23 6.

24 (g) For any other, the letters "OTHER" and the number
25 7.

26 ~~(8)(9)~~ A ~~No~~ person may not ~~shall~~ distribute, sell, or
27 expose for sale in this state any product packaged in a
28 container or packing material manufactured with fully
29 halogenated chlorofluorocarbons ~~(CFC)~~. Producers of containers
30 or packing material manufactured with chlorofluorocarbons
31

1 ~~(CFC)~~ are urged to introduce alternative packaging materials
2 that ~~which~~ are environmentally compatible.

3 ~~(9)(10)~~ The packaging of products manufactured or sold
4 in the state may not be controlled by governmental rule,
5 regulation, or ordinance adopted after March 1, 1974, other
6 than as expressly provided in this act.

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

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

17 ~~(12)(13)~~ A ~~In accordance with the following schedule,~~
18 ~~no~~ person who knows or ~~who~~ should know of the nature of the
19 following types of ~~such~~ solid waste may not ~~shall~~ dispose of
20 such solid waste in landfills:

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

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

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

1 ~~area provides and maintains~~ separate yard trash composting
2 facilities are provided and maintained. The department
3 recognizes that incidental amounts of yard trash may be
4 disposed of in Class I lined landfills. In any enforcement
5 action taken pursuant to this paragraph, the department shall
6 consider the difficulty of removing incidental amounts of yard
7 trash from a mixed solid waste stream.

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

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

14 Section 15. Section 403.709, Florida Statutes, is
15 amended to read:

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

19 (1) From the annual revenues deposited in the trust
20 fund, unless otherwise specified in the General Appropriations
21 Act:

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

28 (b)(2) Up to 4.5 percent shall be used for funding
29 research and training programs relating to solid waste
30 management through the Center for Solid and Hazardous Waste
31

1 Management and other organizations ~~that~~ which can reasonably
2 demonstrate the capability to carry out such projects.

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

10 ~~(d)(4)~~ Up to 4.5 percent shall be used for funding to
11 the Department of Transportation for litter prevention and
12 control programs through a certified Keep America Beautiful
13 Affiliate at the local level ~~coordinated by Keep Florida~~
14 ~~Beautiful, Inc.~~

15 ~~(e)(5)~~ A minimum of 40 percent shall be used for
16 funding a competitive and innovative grant program pursuant to
17 s. 403.7095 for activities relating to recycling and waste
18 reduction ~~reducing the volume of municipal solid waste,~~
19 including waste tires requiring final disposal.

20 ~~(2)(6)~~ The department shall recover to the use of the
21 fund from the site owner or the person responsible for the
22 accumulation of tires at the site, jointly and severally, all
23 sums expended from the fund pursuant to this section to manage
24 tires at an illegal waste tire site, except that the
25 department may decline to pursue such recovery if it finds the
26 amount involved too small or the likelihood of recovery too
27 uncertain. If a court determines that the owner is unable or
28 unwilling to comply with the rules adopted pursuant to this
29 section or s. 403.717, the court may authorize the department
30 to take possession and control of the waste tire site in order
31

1 to protect the health, safety, and welfare of the community
2 and the environment.

3 ~~(3)(7)~~ The department may impose a lien on the real
4 property on which the waste tire site is located and the waste
5 tires equal to the estimated cost to bring the tire site into
6 compliance, including attorney's fees and court costs. Any
7 owner whose property has such a lien imposed may release her
8 or his property from any lien claimed under this subsection by
9 filing with the clerk of the circuit court a cash or surety
10 bond, payable to the department in the amount of the estimated
11 cost of bringing the tire site into compliance with department
12 rules, including attorney's fees and court costs, or the value
13 of the property after the abatement action is complete,
14 whichever is less. A lien provided by this subsection may not
15 continue for a period longer than 4 years after the abatement
16 action is completed, unless within that period an action to
17 enforce the lien is commenced in a court of competent
18 jurisdiction. The department may take action to enforce the
19 lien in the same manner used for construction liens under part
20 I of chapter 713.

21 ~~(4)(8)~~ This section does not limit the use of other
22 remedies available to the department.

23 Section 16. Section 403.7095, Florida Statutes, is
24 amended to read:

25 403.7095 Solid waste management grant program.--

26 (1) The department shall develop a competitive and
27 innovative grant program for counties, municipalities, special
28 districts, and nonprofit organizations that have legal
29 responsibility for the provision of solid waste management
30 services. For purposes of this program, "innovative" means
31 that the process, technology, or activity for which funding is

1 sought has not previously been implemented within the
2 jurisdiction of the applicant. The applicant must ~~that~~:

3 (a) Demonstrate technologies or processes ~~that are not~~
4 ~~in common use in Florida,~~ that represent a novel application
5 of an existing technology or process to recycle or reduce
6 waste, or that overcome obstacles to recycling or ~~and~~ waste
7 reduction in new or innovative ways;

8 (b) Demonstrate innovative processes to collect and
9 recycle or reduce materials targeted by the department and the
10 recycling industry; or

11 (c) Demonstrate effective solutions to solving solid
12 waste problems resulting from waste tires, particularly in the
13 areas of enforcement and abatement of illegal tire dumping and
14 activities to promote market development of waste tire
15 products.

16
17 Because the Legislature recognizes that input from the
18 recycling industry is essential to the success of this grant
19 program, the department shall cooperate with private sector
20 entities to develop a process and define specific criteria for
21 allowing their participation with grant recipients.

22 (2) The department shall evaluate and prioritize the
23 annual grant proposals and present the annual prioritized list
24 of projects to be funded to the Governor and the Legislature
25 as part of its annual budget request submitted pursuant to
26 chapter 216, ~~beginning with fiscal year 2003-2004~~. Potential
27 grant recipients are encouraged to demonstrate local support
28 for grant proposals by the commitment of cash or in-kind
29 matching funds.

30 (3) The department shall develop a consolidated grant
31 program for small counties having populations fewer than

1 100,000, with grants to be distributed equally among eligible
2 counties. Programs to be supported with the small-county
3 consolidated grants include general solid waste management,
4 litter prevention and control, and recycling and education
5 programs.

6 (4) The department shall develop a waste tire grant
7 program making grants available to all counties. The
8 department shall ensure that at least 25 percent of the
9 funding available for waste tire grants is distributed equally
10 to each county having a population fewer than 100,000. Of the
11 remaining funds distributed to counties having a population of
12 100,000 or greater, the department shall distribute those
13 funds on the basis of population.

14 (5) From the funds made available pursuant to s.
15 403.709(1)(e) ~~s. 403.709(5)~~ for the grant program created by
16 this section, the following distributions shall be made:

17 (a) Up to 15 percent for the program described in
18 subsection (1);

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

21 (c) Up to 50 percent for the program described in
22 subsection (4).

23 (6) The department may adopt rules necessary to
24 administer this section, including, but not limited to, rules
25 governing timeframes for submitting grant applications,
26 criteria for prioritizing, matching criteria, maximum grant
27 amounts, and allocation of appropriated funds based upon
28 project and applicant size.

29 Section 17. Section 403.7125, Florida Statutes, is
30 amended to read:

31

1 403.7125 Financial assurance for closure landfill
2 ~~management escrow account.--~~

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

4 ~~(a) "Landfill" means any solid waste land disposal~~
5 ~~area for which a permit, other than a general permit, is~~
6 ~~required by s. 403.707 that receives solid waste for disposal~~
7 ~~in or upon land other than a land spreading site, injection~~
8 ~~well, or a surface impoundment.~~

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

13 ~~(c) "Owner or operator" means, in addition to the~~
14 ~~usual meanings of the term, any owner of record of any~~
15 ~~interest in land whereon a landfill is or has been located and~~
16 ~~any person or corporation which owns a majority interest in~~
17 ~~any other corporation which is the owner or operator of a~~
18 ~~landfill.~~

19 ~~(1)(2)~~ Every owner or operator of a landfill is
20 jointly and severally liable for the improper operation and
21 closure of the landfill, as provided by law. As used in this
22 section, the term "owner or operator" means any owner of
23 record of any interest in land wherein a landfill is or has
24 been located and any person or corporation that owns a
25 majority interest in any other corporation that is the owner
26 or operator of a landfill.

27 ~~(2)(3)~~ The owner or operator of a landfill owned or
28 operated by a local or state government or the Federal
29 Government shall establish a fee, or a surcharge on existing
30 fees or other appropriate revenue-producing mechanism, to
31 ensure the availability of financial resources for the proper

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

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

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

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

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

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

7 (e) The owner or operator of any landfill that had
8 established an escrow account in accordance with this section
9 and the conditions of its permit prior to January 1, 2007, may
10 continue to use that escrow account to provide financial
11 assurance for closure of that landfill, even if that landfill
12 is not owned or operated by a local or state government or the
13 Federal Government.

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

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

1 complying with state and federal landfill closure
2 requirements.

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

5 Section 18. Subsections (1) and (3) of section
6 403.716, Florida Statutes, are amended to read:

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

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

16 (3) A person may not perform the duties of an operator
17 of a landfill without first completing, ~~or perform the duties~~
18 ~~of an operator of a waste to energy facility, biomedical waste~~
19 ~~incinerator, or mobile soil thermal treatment unit or~~
20 ~~facility, unless she or he has completed~~ an operator training
21 course approved by the department or qualifying ~~she or he has~~
22 ~~qualified~~ as an interim operator in compliance with
23 requirements established by the department by rule. An owner
24 of a landfill, ~~waste to energy facility, biomedical waste~~
25 ~~incinerator, or mobile soil thermal treatment unit or facility~~
26 may not employ any person to perform the duties of an operator
27 unless such person has completed an approved landfill,
28 ~~waste to energy facility, biomedical waste incinerator, or~~
29 ~~mobile soil thermal treatment unit or facility~~ operator
30 training course, ~~as appropriate,~~ or ~~has~~ qualified as an
31 interim operator in compliance with requirements established

1 by the department by rule. The department may establish by
2 rule operator training requirements for other solid waste
3 management facilities and facility operators.

4 Section 19. Section 403.717, Florida Statutes, is
5 amended to read:

6 403.717 Waste tire and lead-acid battery
7 requirements.--

8 (1) For purposes of this section and ss. 403.718 and
9 403.7185:

10 (a) "Department" means the Department of Environmental
11 Protection.

12 (b) "Motor vehicle" means an automobile, motorcycle,
13 truck, trailer, semitrailer, truck tractor and semitrailer
14 combination, or any other vehicle operated in this state, used
15 to transport persons or property and propelled by power other
16 than muscular power, ~~but~~ The term does not include traction
17 engines, road rollers, ~~such~~ vehicles that as run only upon a
18 track, bicycles, mopeds, or farm tractors and trailers.

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

21 (d) "Waste tire" means a tire that has been removed
22 from a motor vehicle and has not been retreaded or regrooved.
23 ~~The term "Waste tire"~~ includes, but is not limited to, used
24 tires and processed tires. The term does not include solid
25 rubber tires and tires that are inseparable from the rim.

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

30 (f) "Waste tire processing facility" means a site
31 where equipment is used to treat waste tires mechanically,

1 chemically, or thermally so that the resulting material is a
2 marketable product or is suitable for proper disposal
3 ~~recapture reusable byproducts from waste tires or to cut,~~
4 ~~burn, or otherwise alter waste tires so that they are no~~
5 ~~longer whole.~~ The term includes mobile waste tire processing
6 equipment.

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

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

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

17 (j) "Processed tire" means a tire that has been
18 treated mechanically, chemically, or thermally so that the
19 resulting material is a marketable product or is suitable for
20 proper disposal.

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

24 (2) The owner or operator of any waste tire site shall
25 provide the department with information concerning the site's
26 location, size, and the approximate number of waste tires that
27 are accumulated at the site and shall initiate steps to comply
28 with subsection (3).

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

31

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

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

6 (b) It is unlawful for any person to dispose of waste
7 tires or processed tires in the state except at a permitted
8 solid waste management facility. Collection or storage of
9 waste tires at a permitted waste tire processing facility or
10 waste tire collection center prior to processing or use does
11 not constitute disposal, provided that the collection and
12 storage complies with rules established by the department.

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

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

27 (4) The department shall adopt rules to administer
28 ~~carry out the provisions of~~ this section and s. 403.718. Such
29 rules ~~shall~~:

30
31

1 (a) Must provide for the administration or revocation
2 of waste tire processing facility permits, including mobile
3 processor permits;

4 (b) Must provide for the administration or revocation
5 of waste tire collector registrations, the ~~fee fees~~ for which
6 may not exceed \$50 per vehicle registered annually;

7 (c) Must provide for the administration or revocation
8 of waste tire collection center permits, the fee for which may
9 not exceed \$250 annually;

10 (d) Must set standards, including financial assurance
11 standards, for waste tire processing facilities and associated
12 waste tire sites, waste tire collection centers, waste tire
13 collectors, and for the storage of waste tires and processed
14 tires, including storage indoors;

15 (e) ~~The department~~ May ~~by rule~~ exempt not-for-hire
16 waste tire collectors and processing facilities from financial
17 assurance requirements;

18 (f) Must authorize the final disposal of waste tires
19 at a permitted solid waste disposal facility provided the
20 tires have been cut into sufficiently small parts to assure
21 their proper disposal; and

22 (g) Must allow waste tire material ~~that which~~ has been
23 cut into sufficiently small parts to be used as daily cover
24 material for a landfill.

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

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

28 ~~(b) A business that, in the ordinary course of~~
29 ~~business, removes tires from motor vehicles if fewer than~~
30 ~~1,500 of these tires are kept on the business premises; or~~

31

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

4 (5)(6)(a) The department shall encourage the voluntary
5 establishment of waste tire collection centers at retail
6 tire-selling businesses, waste tire processing facilities, and
7 solid waste disposal facilities, to be open to the public for
8 the deposit of waste tires.

9 (b) The department may ~~is authorized to~~ establish an
10 incentives program ~~for individuals~~ to encourage individuals
11 ~~them~~ to return their waste tires to a waste tire collection
12 center. The incentives ~~used by the department~~ may involve the
13 use of discount or prize coupons, prize drawings, promotional
14 giveaways, or other activities the department determines will
15 promote collection, reuse, volume reduction, and proper
16 disposal of waste tires.

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

19 Section 20. Section 403.7221, Florida Statutes, is
20 transferred, renumbered as section 403.70715, Florida
21 Statutes, and is amended to read:

22 403.70715 ~~403.7221~~ Research, development, and
23 demonstration permits.--

24 (1) The department may issue a research, development,
25 and demonstration permit to the owner or operator of any solid
26 waste management facility or hazardous waste management
27 facility who proposes to utilize an innovative and
28 experimental solid waste treatment technology or process for
29 which permit standards have not been promulgated. Permits
30 shall:

31

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

4 (b) Provide for the receipt and treatment by the
5 facility of only those types and quantities of solid waste
6 which the department deems necessary for purposes of
7 determining the performance capabilities of the technology or
8 process and the effects of such technology or process on human
9 health and the environment.

10 (c) Include requirements the department deems
11 necessary which may include monitoring, operation, testing,
12 financial responsibility, closure, and remedial action.

13 (2) The department may apply the criteria set forth in
14 this section in establishing the conditions of each permit
15 without separate establishment of rules implementing such
16 criteria.

17 (3) For the purpose of expediting review and issuance
18 of permits under this section, the department may, consistent
19 with the protection of human health and the environment,
20 modify or waive permit application and permit issuance
21 requirements, except that there shall be no modification or
22 waiver of regulations regarding financial responsibility or of
23 procedures established regarding public participation.

24 (4) The department may order an immediate termination
25 of all operations at the facility at any time upon a
26 determination that termination is necessary to protect human
27 health and the environment.

28 Section 21. Subsections (1), (2), (3), (4), (5), (6),
29 (7), (8), and (9) of section 403.722, Florida Statutes, are
30 amended to read:

31

1 403.722 Permits; hazardous waste disposal, storage,
2 and treatment facilities.--

3 (1) Each person who intends to or is required to
4 construct, modify, operate, or close a hazardous waste
5 disposal, storage, or treatment facility shall obtain a
6 construction permit, operation permit, postclosure permit,
7 clean closure plan approval, or corrective action permit from
8 the department prior to constructing, modifying, operating, or
9 closing the facility. By rule, the department may provide for
10 the issuance of a single permit instead of any two or more
11 hazardous waste facility permits.

12 (2) Any owner or operator of a hazardous waste
13 facility in operation on the effective date of the department
14 rule listing and identifying hazardous wastes shall file an
15 application for a temporary operation permit within 6 months
16 after the effective date of such rule. The department, upon
17 receipt of a properly completed application, shall identify
18 any department rules that which are being violated by the
19 facility and ~~shall~~ establish a compliance schedule. However,
20 if the department determines that an imminent hazard exists,
21 the department may take any necessary action pursuant to s.
22 403.726 to abate the hazard. The department shall issue a
23 temporary operation permit to such facility within the time
24 constraints of s. 120.60 upon submission of a properly
25 completed application that which is in conformance with this
26 subsection. Temporary operation permits for such facilities
27 shall be issued for up to 3 years only. Upon termination of
28 the temporary operation permit and upon proper application by
29 the facility owner or operator, the department shall issue an
30 operation permit for such existing facilities if the applicant
31 has corrected all of the deficiencies identified in the

1 temporary operation permit and is in compliance with all other
2 rules adopted pursuant to this act.

3 (3) ~~Permit~~ Applicants shall provide any information
4 that which will enable the department to determine that the
5 proposed construction, modification, operation, ~~or~~ closure, or
6 corrective action will comply with this act and any applicable
7 rules. In no instance shall any person construct, modify,
8 operate, or close a facility or perform corrective actions at
9 a facility in contravention of the standards, requirements, or
10 criteria for a hazardous waste facility. Authorizations
11 ~~Permits~~ issued under this section may include any permit
12 conditions necessary to achieve compliance with applicable
13 hazardous waste rules and necessary to protect human health
14 and the environment.

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

18 (a) Estimates of the composition, quantity, and
19 concentration of any hazardous waste identified or listed
20 under this act or combinations of any such waste and any other
21 solid waste, proposed to be disposed of, treated, transported,
22 or stored and the time, frequency, or rate at which such waste
23 is proposed to be disposed of, treated, transported, or
24 stored; and

25 (b) The site to which such hazardous waste or the
26 products of treatment of such hazardous waste will be
27 transported and at which it will be disposed of, treated, or
28 stored.

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

1 (a) ~~Authorizations Permits~~ may be revoked for failure
2 of the holder to comply with ~~the provisions of~~ this act, the
3 terms of the authorization permit, the standards,
4 requirements, or criteria adopted pursuant to this act, or an
5 order of the department; for refusal by the holder to allow
6 lawful inspection; for submission by the holder of false or
7 inaccurate information in the permit application; or if
8 necessary to protect the public health or the environment.

9 (b) ~~Authorizations Permits~~ may be modified, upon
10 request of the holder permittee, if such modification is not
11 in violation of this act or department rules or if the
12 department finds the modification necessary to enable the
13 facility to remain in compliance with this act and department
14 rules.

15 (c) An owner or operator of a hazardous waste facility
16 in existence on the effective date of a department rule
17 changing an exemption or listing and identifying the hazardous
18 wastes ~~that which~~ require that facility to be permitted who
19 notifies the department pursuant to s. 403.72, and who has
20 applied for a permit pursuant to subsection (2), may continue
21 to operate until ~~be~~ issued a temporary operation permit. If
22 such owner or operator intends to or is required to
23 discontinue operation, the temporary operation permit must
24 include final closure conditions.

25 (6) A hazardous waste facility permit issued pursuant
26 to this section shall satisfy the permit requirements of s.
27 403.707(1). The permit exemptions provided in s. 403.707(2)
28 ~~do shall~~ not apply to hazardous waste.

29 (7) The department may establish ~~permit~~ application
30 procedures for hazardous waste facilities, which procedures
31 may vary based on differences in amounts, types, and

1 concentrations of hazardous waste and on differences in the
2 size and location of facilities and which procedures may take
3 into account permitting procedures of other laws not in
4 conflict with this act.

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

10 (9) It shall not be a requirement for the issuance of
11 ~~such a~~ hazardous waste authorization ~~permit~~ that the facility
12 complies with an adopted local government comprehensive plan,
13 local land use ordinances, zoning ordinances or regulations,
14 or other local ordinances. However, the issuance of such an
15 authorization ~~a permit issued~~ by the department does ~~shall~~ not
16 override any adopted local plan, ordinance, or regulation
17 ~~government comprehensive plans, local land use ordinances,~~
18 ~~zoning ordinances or regulations, or other local ordinances.~~

19 Section 22. Subsection (2) of section 403.7226,
20 Florida Statutes, is amended to read:

21 403.7226 Technical assistance by the department.--The
22 department shall:

23 (2) Identify short-term needs and long-term needs for
24 hazardous waste management for the state on the basis of the
25 information gathered through the local hazardous waste
26 management assessments and other information from state and
27 federal regulatory agencies and sources. The state needs
28 assessment must be ongoing and must be updated when new data
29 concerning waste generation and waste management technologies
30 become available. ~~The department shall annually send a copy of~~
31 ~~this assessment to the Governor and to the Legislature.~~

1 Section 23. Subsection (3) of section 403.724, Florida
2 Statutes, is amended to read:

3 403.724 Financial responsibility.--

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

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

16 (b) The probable damage to human health and the
17 environment;

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

20 (d) The probable time that the hazardous waste and
21 facility involved will endanger the public health, safety, and
22 welfare or the environment; and

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

25 Section 24. Section 403.7255, Florida Statutes, is
26 amended to read:

27 403.7255 Placement of signs ~~Department to adopt~~
28 ~~rules~~--

29 (1) ~~The department shall adopt rules which establish~~
30 ~~requirements and procedures for the placement of Signs~~ must be
31 placed by the owner or operator at sites which may have been

1 ~~contaminated by hazardous wastes. Sites shall include~~ any site
2 in the state which ~~that~~ is listed or proposed for listing on
3 the Superfund Site List of the United States Environmental
4 Protection Agency or any site identified by the department as
5 a ~~suspected or confirmed contaminated~~ site contaminated by
6 hazardous waste where there ~~is~~ ~~may be~~ a risk of exposure to
7 the public. ~~The requirements of This section does shall~~ not
8 apply to sites reported under ss. 376.3071 and 376.3072. The
9 department shall establish requirements and procedures for the
10 placement of signs, and may do so in rules, permits, orders,
11 or other authorizations. The authorization ~~rules~~ shall
12 establish the appropriate size for such signs, which size
13 shall be no smaller than 2 feet by 2 feet, and shall provide
14 in clearly legible print appropriate warning language for the
15 waste or other materials at the site and a telephone number
16 that ~~which~~ may be called for further information.

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

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

22 Section 25. Subsection (5) of section 403.726, Florida
23 Statutes, is amended to read:

24 403.726 Abatement of imminent hazard caused by
25 hazardous substance.--

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

28 Section 26. Section 403.7265, Florida Statutes, is
29 amended to read:

30 403.7265 Local hazardous waste collection program.--

31

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

21 ~~(2) The department shall develop a statewide local~~
22 ~~hazardous waste management plan which will ensure~~
23 ~~comprehensive collection and proper management of hazardous~~
24 ~~waste from small quantity generators and household hazardous~~
25 ~~waste in Florida. The plan shall address, at a minimum, a~~
26 ~~network of local collection centers, transfer stations, and~~
27 ~~expanded hazardous waste collection route services. The plan~~
28 ~~shall assess the need for additional compliance verification~~
29 ~~inspections, enforcement, and penalties. The plan shall~~
30 ~~include a strategy, timetable, and budget for implementation.~~

31 (2)(3) For the purposes of this section, the phrase:

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

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

7 ~~(3)(4)~~ The department shall establish a grant program
8 for local governments that ~~which~~ desire to provide a local or
9 regional hazardous waste collection center. Grants shall be
10 authorized to cover collection center costs associated with
11 capital outlay for preparing a facility or site to safely
12 serve as a collection center and to cover costs of
13 administration, public awareness, and local amnesty days
14 programs. The total cost for administration and public
15 awareness ~~may shall~~ not exceed 10 percent of the grant award.
16 Grants shall be available on a competitive basis to local
17 governments which:

18 (a) Comply with ~~the provisions of~~ ss. 403.7225 and
19 403.7264;

20 (b) Design a collection center which is approved by
21 the department; and

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

24 ~~(4)(5)~~ The maximum amount of a grant for any local
25 government participating in the development of a collection
26 center ~~is shall be~~ \$100,000. If a regional collection
27 facility is designed, each participating county ~~is shall be~~
28 eligible for up to \$100,000. The department ~~may is authorized~~
29 ~~to~~ use up to 1 percent of the funds appropriated for the local
30 hazardous waste collection center grant program for
31

1 administrative costs and public education relating to proper
2 hazardous waste management.

3 ~~(5)(6)~~ The department shall establish a cooperative
4 collection center arrangement grant program enabling a local
5 hazardous waste collection center grantee to receive a
6 financial incentive for hosting an amnesty days program in a
7 neighboring county that is currently unable to establish a
8 permanent collection center, but desires a local hazardous
9 waste collection. The grant may reimburse up to 75 percent of
10 the neighboring county's amnesty days. Grants shall be
11 available, on a competitive basis, to local governments that
12 ~~which~~:

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

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

21 ~~(6)(7)~~ The maximum amount for the cooperative
22 collection center arrangement grant is \$35,000, with a maximum
23 amnesty days reimbursement of \$25,000, and a limit of \$10,000
24 for the host local government. The host local government may
25 receive up to \$10,000 per cooperative collection center
26 arrangement in addition to its maximum local hazardous waste
27 collection center grant.

28 ~~(7)(8)~~ The department may ~~has the authority to~~
29 establish an additional local project grant program enabling a
30 local hazardous waste collection center grantee to receive
31 funding for unique projects that improve the collection and

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

11 ~~(8)(9)~~ The department may ~~has the authority to~~ use
12 grant funds authorized under this section to assist local
13 governments in carrying out the responsibilities and programs
14 specified in ss. 403.7225, 403.7226, 403.7234, 403.7236, and
15 403.7238.

16 Section 27. Sections 403.7075, 403.756, and 403.7895,
17 Florida Statutes, are repealed.

18 Section 28. Sections 403.78, 403.781, 403.782,
19 403.783, 403.784, 403.7841, 403.7842, 403.785, 403.786,
20 403.787, 403.7871, 403.7872, 403.7873, 403.788, 403.7881,
21 403.789, 403.7891, 403.7892, and 403.7893, Florida Statutes,
22 are repealed.

23 Section 29. This act shall take effect July 1, 2007.
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